

CENTRAL ELECTRICITY REGULATORY COMMISSION

PETITION No. 134/MP/2011

Sub: Petition for clarification on the interpretation of Regulation 5 of the CERC (Unscheduled Interchange Charges and related matters) (Amendment) Regulations, 2010.

Date of hearing : 8.12.2011

Coram : Dr. Pramod Deo, Chairperson
Shri S. Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner : Bharat Aluminium Company Ltd, Chhattisgarh

Respondents : Chattisgarh Power Transmission Company Ltd.,Raipur
Chattisgarh State Load Despatch Centre, Raipur

Parties present : Shri Prashanto Chandra Sen, Advocate for the petitioner
Miss Suparna Srivastava, Advocate for the Respondents

RECORD OF PROCEEDINGS

Learned counsel for the petitioner submitted that this petition has been filed for interpretation of Regulation 5 of Central Electricity Regulatory Commission (Unscheduled Interchange Charges and related matters) (Amendment) Regulations, 2010 (UI Regulations).

2. Referring to the Regulation 5 of the UI Regulations, the learned counsel for the petitioner submitted that the respondents in their reply have submitted that the petitioner is not a seller. He submitted that 'seller' has been defined as 'a person, other than a generating station, supplying electricity, through a transaction scheduled in accordance with the regulations applicable for short-term open access, medium term open access and long-term access'. The petitioner being a captive generating station with capacity of 810 MW at Korba, Chattisgarh is not a generating station covered under Section 2 (8) Electricity Act, 2003. In this case, the

transaction carried out is therefore, short term open access. The learned counsel also submitted that the computation of UI charges under Regulation 5 of UI Regulations as per the understanding of the petitioner is contained in para 8 of the petition. He further submitted that no cap rate should be applicable up to 120% of the scheduled generation.

3. Learned counsel for the respondents submitted that the issue of interpretation of UI Regulations arise only if the UI Regulations is applicable to the petitioner. The UI Regulations is not applicable to the petitioner for two reasons, first, the petitioner is an embedded customer and the Appropriate Commission in case of the petitioner is the State Commission and second, the State Commission has not specified UI Regulations. The respondent has adopted the rates specified in the UI Regulations in dealing with the cases of short term open access in the State and not the provisions of the UI Regulations.

4. In response to a query of the Commission as to whether the rates specified in the UI Regulations have been approved by Chhattisgarh State Electricity Regulatory Commission, the learned counsel replied in the negative. The Commission directed the respondent to file an affidavit as to how the respondents are charging the UI without the approval of Chhattisgarh State Electricity Regulatory Commission.

5. The Commission directed the respondent to file the necessary affidavit, latest by 30.12.2011, with an advance copy to the petitioner who may file its rejoinder, if any, by 13.1.2012.

6. Subject to above, the order was reserved.

SD/-
(T. Rout)
Joint Chief (Law)