

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 4/MP/2012

Sub: Petition under Sections 79 (1) (c), 79(1) (f) and 142 of the Electricity Act, 2003 read with Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008.

Date of hearing : 11.7.2013

Coram : Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner : Aarti Steels Limited, Cuttack

Respondents: Orissa State Load Despatch Centre, Bhubaneswar
GRIDCO Limited, Bhubaneswar
Indian Energy Exchange, New Delhi
National Load Despatch Centre, New Delhi

Parties present : Shri Rajiv Yadav, Advocate for the petitioner
Shri R.K.Mehta, Advocate for SLDC, Orissa
Shri R.B.Sharma, Advocate, GRIDCO

Record of Proceedings

Learned counsel for the petitioner submitted that the Commission vide its order dated 9.5.2013 observed that the petition to claim compensation filed under Section 79 (1) (f) (c) of the Electricity Act, 2003 and Regulation 26 of the Open Access Regulations is maintainable. Learned counsel for the petitioner submitted that the monetary compensation claimed in the petition needs to be substantiated by way of certain documents, and accordingly, sought four weeks time to file the relevant documents.

2. Learned counsel for GRIDCO vehemently argued that in view of the Orissa Electricity Regulatory Commission's order dated 16.4.2013 in Case Nos. 28, 29, 07 and 108 of 2010, the present petition has become infructuous. Relying on the said order dated 16.4.2013, learned counsel submitted that the petitioner's 50 MW generation unit has been held to be a CGP by the Orissa Commission and, therefore, the present petition cannot be allowed to continue.

3. Learned counsel for the petitioner submitted that aggrieved by the said order dated 16.4.2013, the petitioner has filed an appeal before Appellate Tribunal for Electricity which is pending to be listed for hearing.

4. The Commission observed that the petitioner's CGP/IPP status is not relevant for the purposes of open access and both generating company and captive generating plants have right to open access under the Act.
5. In response to the Commission query whether the Orissa Government has imposed any restriction on CGP to sell power outside the State, learned counsel for the GRIDCO replied in the negative. Learned counsel for the Orissa, SLDC submitted that the Orissa Government has not imposed any restriction in this regard.
6. Learned counsel for SLDC, Orissa sought 3 weeks time to examine the Commission's order of 9.5.2013 and make his submissions.
7. After hearing learned counsels for the parties, the Commission directed the petitioner to file additional documents it proposes to rely upon in support of its claim for compensation, on affidavit by 8.8.2013, with an advance to the respondents. The respondents were directed to file their response by 22.8.2013.
8. The Commission further directed the GRIDCO to file the relevant documents to substantiate its contention that the present petition has become infructuous in the light of said order dated 16.4.2013 in Case Nos. 28, 29, 07 and 108 of 2010 by 31.7.2013, with an advance copy to the petitioner.
9. Similarly, the Orissa SLDC, Orissa was directed to file its submissions by 31.7.2013 with an advance copy to the petitioner.
10. The petition shall be listed for hearing on 27.8.2013.

By order of the Commission

Sd/-

**(T. Rout)
Joint Chief (Law)**