

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. MP/098/2014**

- Subject : Petition under section 79 (1) (c) read with Regulations 17,18 and 26 of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 and Regulation 5 of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 (and appropriate corresponding Regulations earlier).
- Date of hearing : 27.5.2014
- Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri M. Deena Dayalan, Member  
Shri A.K. Singhal, Member  
Ms Neerja Mathur, Member (EO)
- Petitioners : Shyam Century Ferrous and others
- Respondents : Meghalaya Energy Corporation Limited and others
- Parties present : Ms. Swapna Seshadri, Advocate for petitioners

**Record of Proceedings**

Learned counsel for the petitioners mentioned the matter and submitted as under:

(a) The petitioners are industrial consumers in the State of Meghalaya and are purchasing reliable power from the open market through Power Exchange.

(b) The nodal agency for collection of all charges including the charges for inter-State transmission system is the Power exchange. Since September, 2012, the petitioners have been purchasing power through Power Exchange and paying all charges to the Power Exchange. However, SLDC, Meghalaya has raised bills dated 5.5.2014 on the petitioners for the open access charges for collective transactions in advance for the month of May 2014.

(c) On 22.5.2013, SLDC, Meghalaya has issued a disconnection notice to the petitioners for disconnection of power supply for failure to pay the open access charges for the month of April and May 2014.

(d) As per Regulation 18 of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008

(Open Access Regulations), the open access charges for collective transactions shall be collected by the Power Exchange and disbursed to NLDC and SLDCs. Learned counsel referred to the Daily Obligation Summary Report generated by IEX (Page 64 of the petition) and submitted that STU transmission charges are already included in the charges to be paid to IEX. Learned counsel submitted that SLDC, Meghalaya has been demanding STU charges from the petitioners without any authority of law.

2. Learned counsel submitted that the petitioners have made the following interim prayers, which may kindly be granted:

"(i) Pass ex-parte, ad interim directions to the Respondent No. 1 to immediately issue the No-Objection for open access to the Petitioners for the month of June 2014 and all successive months till the disposal of the present petition;

(ii) Confirm the interim orders after notice to the Respondents;

(iii) Pass any such further orders(s) as deemed appropriate in the facts and circumstances of the case;

(iv) Stay the disconnection notice dated 22.5.2014 issued by the Respondent No.2 to all the Petitioners (Annexure E to the Petition)

(v) Direct the Respondents No. 1 and 2 to immediately issue the No-Objection for open access to the petitioners for the month of June 2014 and all successive months till the disposal of the present petition on the same billing basis as was prevailing prior to the issue of the bill dated 5.5.2014 (Annexure C to the petition)"

3. After hearing the learned counsel for the petitioners, the Commission directed to issue notices to the respondents.

4. As regards the prayer for interim relief, the Commission directed that till the next date of hearing, (a) the disconnection notice dated 22.5.2014 shall remain stayed; and (b) SLDC, Meghalaya shall maintain status quo with regard to processing the applications of the petitioners for grant of open access.

5. The Commission further directed the petitioner to serve copy of the petition on the respondents immediately. The respondents were directed to file their replies by 6.6.2014, with an advance copy to the petitioner who may file its rejoinder, if any, by 10.6.2014.

6. The petition shall be listed for hearing on 17.6.2014.

By order of the Commission

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