

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.10/MP/2014

Subject : Levy of back up supply charges in violation of Central Electricity Regulatory Commission's Regulations.

Date of hearing : 8.5.2014

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri M.Deena Dayalan, Member
Shri A.K. Singhal, Member

Petitioner : Shamanur Sugar Limited

Respondent : State Load Despatch Centre, Karnataka

Parties present : Shri Sarojanand Jha, Advocate for petitioner

Record of Proceedings

Learned counsel for the petitioner submitted as under:

- (a) The petitioner owns and operates a 20 MW bagasse based co-generation power plant in the State of Karnataka.
- (b) The petitioner has obtained all necessary technical approvals from the concerned authorities and has duly complied with all legal and technical requirements for the grant of inter-State open access.
- (c) The respondent, with every bill for the inter-State open access, has been levying Back Up Supply Charges and Fixed charges purportedly at the rate of ₹ 200/HP.
- (d) The petitioner made a number of representations to the respondent to refund the Backup Supply Charges but in vain.
- (e) The petitioner's case is directly covered by the Commission's orders dated 9.10.2012 and 19.11.2012 in Petition Nos. 124/MP/2011 and 1/MP/2012, respectively in which the Commission held that such illegal withholding of the UI charges, collection of the Backup Supply Charges and fixed charges thereon is illegal and *ultra vires* the Open Access Regulations.

(f) Learned counsel for the petitioner requested the Commission to admit the petition.

2. After hearing learned counsel of the petitioner, the Commission directed to admit the petition and issue notice to the respondent.

3. The Commission directed the petitioner to serve copy of the petition on the respondent by 16.5.2014. The respondent was directed to file its reply by 30.5.2014 with an advance copy to the petitioner, who may file its rejoinder, if any, on or before 13.6.2014.

4. The petition shall be listed for hearing on 19.6.2014.

By order of the Commission

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