

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 74/MP/2014**

Subject : Petition under Section 79 (1) (f) of the Electricity Act, 2003 read with Regulation 32 of the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term access and Medium Terms Open Access in inter-State Transmission and related matters) Regulations, 2009.

Date of hearing : 22.1.2015

Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member

Petitioner : Bhushan Power and Steel Limited

Respondents : West Bengal State Load Despatch Centre and others

Parties present : Shri Sanjay Sen, Senior Advocate for the petitioner  
Shri Rajiv Yadav, Advocate for the petitioner  
Shri Sakya Singha Chaudhuri, Advocate, WBSETCL and  
WBSEDCL

**Record of Proceeding**

Learned senior counsel for the petitioner submitted that the present petition has been filled seeking direction to SLDC, West Bengal and West Bengal State Electricity Transmission Corporation Limited to grant concurrence for the proposed Long Term Open Access in terms of the petitioner's application dated 30.4.2013. Learned senior counsel further submitted that the petitioner applied for grant of NOC as per Regulation 10 (1) of CERC (Grant of Connectivity, Long term access and medium term open access in inter-State Transmission and related matters) Regulations, 2009 (Connectivity Regulations) for grant of LTOA for 14.9 MVA power from its Captive Power Plant situated in Odisha. However, the petitioner has been denied open access for more than 11 months.

2. Learned counsel for WBSETCL and WBSEDCL submitted as under:

(a) The request for grant of open access for 15 MW cannot be allowed keeping in view the system constraints.

(b) The petitioner having a contract demand of 15 MW, is currently availing power at 33 kV from 132 kV grid sub-station located in Rishra and now intends to avail open access for equal quantum of power from its captive power plant situated in Odisha.

(c) Since Rishra sub-station is presently handling a load of 110 MW without meeting the n-1 contingency criteria, it is presently unable to handle a further load growth.

(d) The Respondent No. 2 is presently implementing a scheme for system augmentation for setting up an additional 50 MVA transformer at Rishra sub-station so that the sub-stations can operate at 200 MVA to handle a load of about 120 MW while meeting the N-1 criteria.

(e) As per Regulation 10 of Connectivity Regulations, if the required transmission capacity in the State network is available, the State Load Despatch Centre will convey its concurrence. Since this condition is not satisfied, SLDC is not in a position to convey its no objection (concurrence).

(f) The West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2007 provides that the flow of energy under open access arrangement would not commence unless the necessary arrangements have been executed with the concerned distribution licensee. .

3. Learned senior counsel for the petitioner submitted that no new capacity in the transformer is required for grant of open access as it will replace the load which is being drawn from WBSEDCL.

4. After hearing the learned senior counsel for the petitioner and learned counsel for the respondents, the Commission observed that since the petitioner is merely seeking replacement of 15 MW load, there should not be any difficulty to provide open access to the petitioner. The Commission directed the petitioner and the respondents to hold meeting within a period of 15 days to sort out the matter amicably and report the outcome of the meeting within one week thereafter.

5. The petition will be listed for hearing on 26.2.2015, if the dispute is not amicably resolved.

**By order of the Commission**

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