

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 279/RC/2015**

Subject : Application/Petition for directions to State Load Despatch Centre to issue Exchange Neutral No Objection Certificate / Prior Standing Clearance in accordance with Regulations 8(2) of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, as amended from time to time, and Format-PX-I of the Detailed Procedure, in letter and spirit.

Date of hearing : 19.1.2016

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

Petitioner : Power Exchange India Limited

Respondents : Assam State Load Dispatch Centre and others

Parties present : Shri Kapil Dev, PXIL  
Ms. Shruti Bharti, IEX  
Shri Rahul Srivastava, Advocate, UPSLDC  
Shri Pradeep Mishra, Advocate, Rajasthan SLDC  
Shri Surendra Kumar, Rajasthan SLDC  
Shri Ravia Dubey, Advocate, CGSLDC  
Shri Ashok Kumar Yadav, Punjab SLDC  
Shri S. Vallinayagam, Advocate, TANTRANSCO  
Shri Anand K. Ganesh, Advocate, Gujarat SLDC

**Record of Proceedings**

The representative of the petitioner submitted that as under:

(a) Presently, 17 SLDCs are issuing exchange neutral NOC and certain SLDCs are either issuing Exchange Specific NOC or issuing Exchange Neutral NOC with a covering letter specifying the open access customer to trade power on a specific Exchange.

(b) SLDCs are issuing Exchange Neutral NOC to State Utility, whereas, some of them issue Exchange Specific NOC to intra-State entities/open access consumers. Such actions by SLDCs are in contravention to Regulation 8(2) of the Central Electricity

Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 (Open Access Regulations).

(c) There was consensus in the CAC meeting that the prior standing clearance obtained by an intra-State entity may be used both for day ahead or intraday/contingency transactions irrespective of any particular Power Exchange.

(d) Regulation 8 (2A) of the Open Access Regulations provides that while making application to SLDC for obtaining NOC, the intra-State or State utility applicant has to give an undertaking/declaration not to exceed the clearance limit as given by SLDC considering all collective transaction in day ahead in all Exchanges and intraday/contingency transactions at all times.

(e) SLDCs, Uttar Pradesh, Punjab, Chhattisgarh, Tamil Nadu and Uttarakhand have filed their replies to the petition.

(f) Even the provisions of Punjab Open Access Regulations provides for the inter-State open Access transactions. However, the provisions of the Open Access Regulations shall be applicable in the present case.

(g) The operational convenience cannot be achieved at the cost of non-compliance of the provisions of the Open Access Regulations.

2. Learned counsel for SLDC, Tamil Nadu submitted that as per explanatory memorandum to the Open Access Regulations, NLDC is required to modify the Detailed Procedure after approval of the Commission. However, SLDC, Tamil Nadu has not modified the Detailed Procedure so far. In the website of NLDC, only an affidavit form PX V has been added in the existing Detailed Procedure for collective transaction.

3. Learned counsels for SLDCs Gujarat and Chhattisgarh requested for time to file replies to the petition.

4. The representative of SLDC, Punjab submitted that SLDC, Punjab has filed petition before Punjab State Electricity Regulatory Commission seeking amendments in the Punjab State Electricity Regulatory Commission (Terms and Conditions for intra-State Open Access) Regulations, 2011 to check/avoid unauthorized purchase of power. SLDC, Punjab shall implement the Exchange neutral NOC after approval of amendment in the Regulations by PSERC.

5. Learned counsel for SLDC, Uttar Pradesh submitted that SLDC, UP is already issuing Exchange Neutral NOCs.

6. The representative of IEX submitted that SLDCs of North Eastern States are not granting Exchange Specific NOCs. She highlighted the problems being faced by the SLDCs on

account of reconciliation and accounting and requested the Commission to take cognizance on them.

7. The representative of NLDC clarified that PX V format has been approved by the Commission, which is part of the Detailed Procedure. Therefore, no further amendment to the Detailed Procedure is required.

8. The Commission directed SLDCs Gujarat and Chhattisgarh to submit their replies latest by 12.2.2016 with advance copy to the petitioner, who may file its rejoinder, if any, by 26.2.2016. The Commission directed that due date of filing the reply, rejoinder should be strictly complied with failing which the petition will be disposed on the basis of the documents already on record.

9. Subject to the above, order in the petition was reserved.

**By order of the Commission**

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