

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 304/MP/2015

Subject : Petition under Sections 9 and 79 (1) of the Electricity Act, 2003 read with the Central Electricity Regulatory Commission (Open Access in Transmission) Regulations, 2008 towards refusal of Open Access by Damodar Valley Corporation.

Date of hearing : 4.2.2016

Coram : Shri A.K. Singhal, Member
Shri A.S. Bakshi, Member
Dr. M.K. Iyer, Member

Petitioner : M/s Super Smelters Limited

Respondents : Damodar Valley Corporation
Eastern Regional Load Despatch Centre

Parties present : Shri R.B.Sharma, Advocate for the petitioner
Ms. Anushree Bardhan, Advocate, DVC
Shri T.K. Das, DVC
Shri A. Patra, DVC
Ms. Jayantika Singh, ERLDC

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed seeking direction to Damodar Valley Corporation (DVC) to grant open access for supply of power from its captive generating stations at Jamuria, West Bengal to Koderma, Jharkhand. Learned counsel for the petitioner further submitted as under:

(a) The petitioner has set up a 53 MW captive power plant at Jamuria, West Bengal. At present, the petitioner is drawing electricity from DVC's sub-stations at various drawl points at 33 kV from Jamuria, West Bengal and Koderma, Jharkhand.

(b) On 11.10.2012, the petitioner made an application to DVC for grant of open access. However, DVC vide its letter dated 16.10.2012, expressed its inability to grant Open Access due to constraints in its 33 kV Voltage level.

(c) On 9.4.2014, the Central Load Despatch Centre (CLDC) of DVC advised the petitioner to apply for open access as per West Bengal Open Access Regulations. On 15.6.2015, the petitioner made an application to Central Load Despatch Centre of DVC for grant of NOC for wheeling of 15 MW power.

(d) Chief Engineer, CLD Mithon vide its letter dated 16.6.2015 directed the petitioner to take up the issue with the Commercial Department of DVC, Kolkata since Central Load Despatch Centre, Mithon do not have any clearance in this regard. Accordingly, the petitioner vide its letters dated 15.6.2015, 18.6.2015 and 25.6.2015 take up the matter with Commercial Department of DVC. However, no response was received from it.

(e) The petitioner also approached the Eastern Regional Load Despatch Centre (ERLDC) for grant of open access on the transmission network of DVC. In response, ERLDC stated that it is a nodal agency to facilitate inter-State short term open access and in this case both generating station of the petitioner, namely Jamuria and Koderma are connected through DVC transmission system.

(f) The petitioner is getting only the assurances but not the open access as the same is prevented by raising all kinds of conditions which all are illegitimate. DVC vide letter dated 26.5.2015 set out three alternatives as under:

(i) The first alternative put forth by DVC is that the petitioner can wheel power utilizing DVC's T&D network subject to availability of dedicated bay at Jamuria sub-station and in turn despatch the power beyond DVC periphery.

(ii) The said alternative is not only against the requirements of the petitioner for permission to carry the electricity from the petitioner's captive generating station at Jamuria, West Bengal to Koderma, Jharkhand but also same is contrary to the provisions of Section 9(2) of the Electricity Act, 2003.

(iii) The 2nd alternative is to separate infrastructure which too is subject to the availability at both ends i.e. Jamuria and Koderma ends incurring all applicable charges for infrastructure development and also in compliance of the Central Electricity Regulatory Commission (Open Access in inter-state Transmission) Regulations, 2008 (Open Access Regulations).

(iv) Since the petitioner is HT consumer of DVC and connected with the DVC network and therefore, the grant of open access on the existing network of DVC is sought and not by creating separate infrastructure. Thus, the said alternative is against the provisions of the Open Access Regulations.

(v) The third alternative put forth by DVC is that DVC is ready to examine the petitioner's proposal to reduce contract demand at Jamuria point so that it can utilize its surplus at the petitioner's generating station.

(vi) It can be noted from the alternative suggested by DVC, the same is coercive in nature which only suggests that the petitioner may opt for either of the two alternatives failing which request for reduction of contract demand will not be considered.

(g) DVC in its reply has raised the issue of energy accounting involving adjustment at Koderma and the issue of adjustment of transmission losses. In this regard, it is clarified that the problem of energy accounting can easily be taken care by the installation of ABT compliant meters for which provisions are already contained in the Open Access Regulations.

(h) The DVC nowhere in its reply has stated operational constraint in grant of open access to the petitioner.

2. Learned counsel for DVC submitted that DVC is ready to grant open access subject to availability in the system. She further submitted that the petitioner should make fresh application for grant of open access and DVC is ready to discuss the issues/problems in grant of open access with the petitioner.

3. The representative of ERLDC submitted that as per Regulation 1.2 of the Open Access Regulations, ERLDC is the nodal agency to facilitate inter-State short term open access. She further submitted that since both the generating stations of the petitioner are connected through DVC transmission system, the petitioner is under the control area of DVC system.

4. The Commission directed the petitioner to make fresh application to DVC for grant of open access immediately. The Commission directed DVC to sort out the issues within 15 days and file a status report in this regard within one week thereafter. The petition shall be listed for hearing, if required.

By order of the Commission

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