

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 73/MP/2016

Subject : Petition under Section 79 (1) (c) read with Regulations 8 and 26 of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008.

Date of hearing : 26.5.2016

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

Petitioner : Millenium Cement Co. Pvt. Ltd.

Respondents : WBSETCL & Others

Parties present : Shri Anand K. Ganesan, Advocate, MCCPL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed to set aside SLDC, West Bengal's letter dated 2.11.2015 claiming that no objection could not be granted to the petitioner due to constraint in the inter-State network. Learned counsel for the petitioner further submitted as under:

(a) The petitioner is a consumer of the West Bengal State Electricity Distribution Company Limited having a connected load of 1.22 MVA at 11 kV voltage.

(b) On 2.11.2015, the petitioner made an application to SLDC, West Bengal for grant of prior standing clearance for collective transactions through inter-state open access for the period from 1.12.2015 to 29.2.2016 in terms of the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2008. In response, SLDC, West Bengal vide its letter dated 28.12.2015 informed the petitioner that the open access cannot be granted due to limitation in transmission capability for inter-State import by STU (WBSETCL). The petitioner was denied no objection on the ground of congestion in the inter-State network.

(c) There was no constraint and short term open access has been wrongly denied to the petitioner in violation of the provisions of the Open Access Regulations.

3. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed to issue notice to the respondents.

4. The Commission directed the petitioner to serve copy of the petition on the respondents immediately. The respondents were directed to file their replies by 17.6.2016 with an advance copy to the petitioner who may file its rejoinder, if any by 30.6.2016. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

5. The petition shall be listed for hearing on 7.7.2016.

By order of the Commission

SD/-

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