

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No.29/MP/2017
Alongwith I.A. No. 14/2017**

Subject :Petition under Section 79 (1) (c) read with Section 79 (1) (k) of the Electricity Act, 2003 and the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission), Regulations, 2008 for seeking appropriate directions upon State Load Despatch Centre, Odisha for grant of open access in collective transaction.

Date of hearing : 5.4.2017

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

Petitioner : Jindal Steel and Power Limited (JSPL)

Respondents : SLDC and Others

Parties present : Shri Sanjay Sen, Senior Advocate, JSPL
Shri Matrugupta Mishra, Advocate, JSPL
Shri Hemant Singh, Advocate, JSPL
Shri Piyush Singh, Advocate, JSPL
Shri Nishant Kumar, Advocate, JSPL
Shri Rajkumar Mehta, Advocate, SLDC
Ms. Himanshi Andley, Advocate, SLDC
Ms. Swapna Seshadri, Advocate, IEX
Ms. Indranil Chatterjee, IEX

Record of Proceedings

Learned counsels appearing on behalf of SLDC, Odisha and IEX submitted that the replies to the petition have already been filed.

2. Learned counsel for SLDC further submitted that GRIDCO is a necessary and proper party to the petition as the allegations have been made by the petitioner against the GRIDCO in various phases in the petition and therefore, the petitioner should be directed to implead it as party to the petition.

3. Learned senior counsel for the petitioner submitted that the prayers in the petition are qua SLD, Odisha as it has failed to discharge its statutory obligations under the Electricity Act, 2003, and since nothing has been prayed against GRIDCO, there is no requirement to implead GRIDCO as party to the petition. Learned senior counsel for the petitioner further submitted that SLDC, Odisha granted NOC to the petitioner for supply

of power for the period from 1.8.2016 to 31.1.2017. However, on 26.12.2016, the petitioner made an application to SLDC, Odisha for grant of NOC/concurrence for undertaking collective transactions through IEX for a period from 1.2.2017 to 28.2.2017 and 1.3.2017 to 31.3.2017 in response to which SLDC, Odisha directed the petitioner to given an undertaking that no power would be injected by the petitioner to the OPTCL's system over and above the open access schedule and in case, such power is injected to OPTCL's system inadvertently, the same would not be billed to GRIDCO. Learned senior counsel submitted that since the petitioner did not given the said undertaking, NOC has not been granted by SLDC, Odisha.

4. The Commission desired to know whether the undertaking sought by SLDC, Odisha is in conformity with any regulations of the State Commission or direction of the State Commission. Learned counsel for SLDC, Odisha replied in the negative.

5. After hearing the learned senior counsel for the petitioner and learned counsels for SLDC, Odisha and IEX, the Commission observed that open access should not be denied to the petitioner for not submitting the affidavit as required by SLDC, Odisha. The Commission directed that SLDC, Odisha should process the application of the petitioner to grant no objection strictly in accordance with the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008. If on the outcome of the proceedings in the present petition, it is found that OPTCL/GRIDCO has suffered any loss attributable to the open access availed by the petitioner, then the petitioner shall compensate OPTCL/GRIDCO for the same. Learned senior counsel expressed no objection to the observation of the Commission.

6. The Commission directed the petitioner to file rejoinders to the replies of SLDC, Odisha and IEX with an advance copy to the respondents on or before 28.4.2017.

7. The petition shall be listed for hearing on 9.5.2017.

By order of the Commission

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