

**CENTRAL ELECTRICITY REGULATORY COMMISSION
New Delhi**

Petition No. 151/MP/2021

Subject	:	Petition under Section 79(1)(c) & 79(1)(f) of the Electricity Act, 2003 read with Regulation 32 and the detailed procedure as envisaged under the Central Electricity Regulatory Commission (Grant of Connectivity, Long Term, Medium Term Open Access in intra-State and related matters) Regulations, 2009.
Date of Hearing	:	27.9.2023
Coram	:	Shri Jishnu Barua, Chairperson Shri Arun Goyal, Member Shri P. K. Singh, Member
Petitioner	:	Jindal India Thermal Power Limited (JITPL)
Respondents	:	Northern Railway (NR) & Another
Parties Present	:	Shri Pradeep Dahiya, Advocate, JITPL Ms. Arti Roy Chowdhury, Advocate, JITPL Shri Ritwik Nandi, Advocate, JITPL Shri Pulak Srivastava, Advocate, JITPL Shri Pulkit Agarwal, Advocate, Northern Railway & REMCL Shri Pavan Revanhar, Northern Railway

Record of Proceedings

Learned counsel for the Petitioner submitted that the Commission, in its RoP dated 29.11.2022, directed SLDC, Delhi, to furnish information as to whether only an intra-State entity such as Railways can procure a NOC or whether the Generator that enters into an Agreement with an intra-State entity can apply for such a NOC. SLDC in its reply filed before the Commission, vide affidavit dated 14.9.2023, did not respond to this query.

2. Learned counsel for the Northern Railways (NR) submitted that it is the responsibility of the Generator to obtain the NOC as held by the Commission in the order dated 7.12.2022 in Petition No. 278/MP/2018, Petition No. 303/MP/2018, Petition No. 304/MP/2018 and Petition No. 339/MP/2018.

3. Learned counsel for the SLDC, Delhi, submitted that there is no provision for extension of MTOA for 9 months as per the Delhi Electricity Regulatory Commission (Terms and Conditions for Open Access) (First Amendment) Regulations, 2017. For an MTOA of 9 months, a fresh application has to be filed by the generator. Further, SLDC, Delhi, through an e-mail to Northern Railway, replied that, as per Regulation



7.5 of the Delhi Electricity Regulatory Commission (Terms and Conditions for Open Access) (First Amendment) Regulations, 2017, after the expiry of the term, Medium Term and Short Term Open Access customers may apply for fresh open access, and the same shall be treated as a new applicant.

4. The Commission directed the SLDC, Delhi, to clarify whether only an intra-State entity such as Railways can procure a NOC or whether the generator who enters into a PPA with an intra-State entity can apply for a NOC and Open Access for the intra-State System of Delhi State, for the supply of power at the delivery point to Northern Railways, as per its regulations, on an affidavit by 20.10.2023 with an advance copy to the Petitioner and the Petitioner to file its rejoinder, if any, by 31.10.2023.

5. The petition shall be listed for a final hearing on 20.12.2023.

By order of the Commission

sd/-
(V. Sreenivas)
Joint Chief (Law)

