

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No.223/MP/2023 along with IA No.53/2023**

- Subject : Petition under Sections 79 (1)(f) and 79(1)(c) of the Electricity Act, 2003, read with Regulation 8 and Regulation 26 of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 and Detailed Procedure framed thereunder and approved by this Commission, in relation to arbitrary, unlawful and mala fide acts on part of Respondent No.1 SLDC in refusing to process Petitioner's Application for Standing Clearance for grant of Short Term Open Access (STOA) for August 2023 and grant the same within timelines stipulated in the Detailed Procedure.
- Petitioner : Tadas Wind Energy Private Limited (TWEPL)
- Respondents : Karnataka Power Transmission Co. Ltd. (KPTCL) and Anr.
- Date of Hearing : **13.12.2023**
- Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri P. K. Singh, Member
- Parties Present : Ms. Pratiksha Nagayach, Advocate, TWEPL  
Shri V. M. Kannan, Advocate, KPTCL  
Shri Khubaib, Advocate, KPTCL

**Record of Proceedings**

At the outset, the learned counsel for the Petitioner submitted that in October 2023, the Govt. of Karnataka issued a direction under Section 11 of the Electricity Act, 2003 to all the State embedded generating companies/generators to supply all the energy only to State grid/ESCOMs, and the generating station of the Petitioner is also covered under the said direction. Learned counsel further submitted that certain generators have challenged the said direction before the Hon'ble High Court, and since the outcome thereof is likely to have an impact on the present proceedings, the hearing of the matter may be deferred. Learned counsel submitted that in view of the above Section 11 direction, the Petitioner, as such, is not being granted 'No Objection Certificate' for selling the power outside the State. However, the Commission may continue its interim direction granted vide Record of Proceedings for the hearing dated 28.7.2023. Learned counsel for the Respondent, KPTCL, did not object to the request of the Petitioner for deferment of the matter.

2. Considering the submissions made by the learned counsel for the parties, the Commission adjourned the matter. The Commission directed the Respondents to file on an affidavit within two weeks their respective replies to the Petition and IA covering both the aspects i.e on jurisdiction as well as the merits in terms of ROP dated 28.7.2023 with a copy to the Petitioner who may file its rejoinder within two weeks thereafter.

3. The Commission further directed that the interim protection granted by the Commission vide its Record of Proceedings for the hearing dated 28.7.2023 will continue till the next date of hearing. The Commission, however, clarified that continuation of the above interim protection will not be construed as vesting any right in favour of the Petitioner to supply the power outside the State, and the same shall be subject to the Section 11 direction issued by the State Govt. and the pending challenge thereof as indicated by the Petitioner.

4. The Petition, along with IA, will be listed for hearing on **8.3.2024**.

**By order of the Commission**

**Sd/-  
(T.D. Pant)  
Joint Chief (Law)**