

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Record of Proceedings

Petition No.153/2008

Subject: Petition under Section 79 of the Electricity Act, 2003 read with CERC (Open access in inter-State in Transmission) Regulations, 2008.

Coram : Dr. Pramod Deo, Chairperson
Shri Bhanu Bhushan, Member
Shri R.Krishnamoorthy, Member
Shri S.Jayaraman, Member

Date of Hearing : 11.12.2008

Petitioner : Global Energy Limited, New Delhi

Respondents : 1. Karnataka State Load Despatch Centre, Bangalore
2. Karnataka Power Transmission Corporation Ltd., Bangalore
3. Western Regional Load Despatch Centre, Mumbai
4. Reliance Energy Ltd., Mumbai

Parties present : Shri Sanjay Sen, Advocate for the petitioner
Shri D.Nayak, Advocate for the petitioner

The Commission heard learned counsel for the petitioner. He informed that generation at the petitioner's generating station has been stopped in view of non-availability of open access. None was present on behalf of the respondents.

2. Learned counsel for the petitioner stated that it had entered into an agreement for sale of electricity to second respondent on 2.1.1997 and second respondent vide its letter dated 13.11.2003 terminated the above agreement and refused synchronization of the power plant. He further stated that second respondent had no PPA and issue of termination of PPA was pending before Arbitrator after termination of the agreement.

3. Learned counsel further stated that the generation station was synchronized with the grid on 17.2.2007 and since then it had been selling power after open access to the fourth respondent in accordance with the Central Electricity Regulatory Commission (Open access in inter-State Transmission) Regulations, 2008. It was stated that the fourth respondent entered into an agreement for purchase of power with the petitioner for 5 MW of power on a firm/day ahead basis for the period from 1.11.2008 to 30.11.2008. Thereafter, the fourth respondent vide its letter dated 20.11.2008 extended the said agreement up to 30.3.2009. Learned counsel stated that on 12.11.2008, a daily schedule was sent to the first respondent for concurrence. The first respondent, however, without any reason failed to convey its decision on the application. After enquiry, the first respondent conveyed its decision orally to deny concurrence for day-ahead scheduling until further notice. The petitioner vide its letter dated 17.11.2008 informed the Chief Engineer, Karnataka SLDC of the above decision. Chief Engineer informed that as a consequence of such inaction on the part of SLDC, power could not be scheduled to the fourth respondent. On 17.11.2008, the petitioner made an application to the first respondent for grant of same day open access for scheduling of power from its generating station. Learned counsel further submitted that on 18.11.2008 it had send a letter to the first respondent reiterating its earlier application.

4. The Commission directed to issue fresh notice to the respondents returnable on 23.12.2008. The respondents may in the meantime file their replies.

Sd/-
(K.S.Dhingra)
Chief (Legal)