

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI  
Record of Proceedings**

**Petition No.147/2008 with I.A.No. 37/2008**

Subject: Violation of (i) Sections 39 and 40 of the Electricity Act, 2003 and regulation 8 of the CERC (Open access in inter-State Transmission) Regulations, 2008 in unlawful and without any reason delaying the grant of concurrence to the application filed. (ii) Law laid down by the in the matter of Gujarat Flurochemicals Ltd. Vs. Rajashthan Rajya Vidyut Prasaran Nigam Ltd. and order dated 3.12.2007 in Petition No. 108/2007

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

Date of Hearing : 11.12.2008

Petitioner : Reliance Energy Trading Limited, New Delhi

Respondents : 1. Karnataka Power Transmission Corporation Ltd.,  
Bangalore  
2. Karnataka State Load Despatch Centre, Bangalore  
3. Shree Renuka Sugars Ltd., Belgaum

Parties present : Shri Amit Kapoor, Advocate for the petitioner  
Shri Mansoor Ali, Advocate for the petitioner  
Shri Sanjay Sen, Advocate for the SRSL

The Commission heard learned counsel for the petitioner and the third respondent. None was present on behalf of other respondents.

Learned counsel for the petitioner informed that the first respondent by its letter dated 10.12.2008 (received by the petitioner after 10 P.M. on 10.12.2008) had granted concurrence from 11.12.2008 to 16.12.2008. Learned counsel for the third respondent stated that power was being injected into the State Grid, as the generation at its co-generation plant could not be stopped while the associated industry was in operation. Further, in the absence of concurrence by the first and second respondents, it could not be scheduled for delivery to any party within or outside the State of Karnataka, and was thus getting absorbed in the Karnataka system, without any commitment by Karnataka utilities to pay for it.

3. Based on the submissions made by learned counsel for the parties, the Commission directed that interim order passed on 28.11.2008 shall be continued till the next date of hearing. The petition will be listed on 23.12.2008 for further directions. Meanwhile, the respondents may file their replies to main petition as well as the IA filed by the third respondent.

4. The petition shall not be listed on 16.12.2008.

Sd/-  
**(T.ROUT)**  
**Joint Chief (Legal)**