

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 317/2009**

**Coram:**

1. Dr. Pramod Deo, Chairperson
2. Shri S. Jayaraman, Member
3. Shri V.S.Verma, Member

**Date of Hearing: 12.1.2010**

**date of order: 29.1.2010**

**In the matter of**

Petition under Sections 79 (1), (c)(f) & (k) of the Electricity Act, 2003 and regulation 26 of the CERC (Open Access in inter-State transmission) Regulations, 2009.

**And in the matter of**

Vandana Vidyut Limited

..... **Petitioner**

Vs

1. Chhattisgarh State Load Dispatch Centre, Raipur
2. Chhattisgarh State Power Distribution Company Ltd., Raipur

**Respondents**

**The following was present:**

Shri Sanjay Sen, Advocate for the petitioner

**ORDER**

This petition has been filed against the denial, by the first respondent, of open access sought by the petitioner.

2. The applicant which owns and operates 8 MW Bio mass power plant at Bilaspur had entered into an agreement dated 2.9.2000 with the erstwhile Madhya Pradesh Electricity Board (now Chhattisgarh State Electricity Board)

for sale of 6 MW power @ Rs.2.25 per unit. Subsequently, on 24.4.2003, the parties signed a supplemental agreement for sale of 8 MW.

3. The Petitioner has submitted that Chhattisgarh Power Distribution Company Ltd., successor to Chhattisgarh State Electricity Board by its conduct and the terms of the PPA had abandoned/waived its right under the PPA and allowed the petitioner to sell power to third party from the very inception. On 19.11.2009, the petitioner made an application to SLDC, Raipur (Respondent No. 1) for grant of open access for sale of its power to U.P. through Knowledge Infrastructure from 1.12.2009 to 31.12.2009. Respondent No. 1 vide its letter dated 25.11.2009 sought certain clarifications which were submitted by the petitioner on 30.11.2009. However, open access was not granted as asked for. The petitioner has submitted that there was no cause for SLDC to withhold concurrence for open access in the absence of any technical constraints as required under the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2009.

4. The petitioner has prayed for issue of directions to Respondent No.1 to accord concurrence for short term open access for export of power in terms of the open access application filed by it.

5. Heard learned counsel for the petitioner on admission.

6. Learned counsel has submitted that after filing of this petition, the first respondent has rejected the open access application vide letter dated 16.12.2009 on the following grounds:

- (i) The open access customer is not connected through dedicated feeder as on 9.12.2009; and
- (ii) ABT meter is not connected as on dated 9.12.2009.

7. Learned counsel also submitted a copy of this letter dated 16.12.2009 during hearing which has been taken on record. Learned counsel further submitted that the petitioner would comply with the aforesaid requirements of SLDC for grant of open access and sought to withdraw the petition.

8. Noting the submission of the learned counsel for the petitioner, the petition is disposed of as withdrawn.

Sd/-  
**(V.S.VERMA)**  
MEMBER

sd/-  
**(S.JAYARAMAN)**  
MEMBER

sd/-  
**(DR.PRAMOD DEO)**  
CHAIRPERSON