Petition No. 310/MP/2014

Subject : Petition under section 79 (1) (c) read with Section 79 (1) (h) and Section 79 (1) (k) of the Electricity Act, 2003 read with para 6.5 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 read with Commission's order dated 11.1.2010 in Petition No. 134/2009 for regulation/ utilization of unrequisitioned power.

Date of hearing : 14.10.2014

Coram : Shri Gireesh B. Pradhan, Chairperson
         Shri M. Deena Dayalan, Member
         Shri A.K. Singhal, Member
         Shri A.S. Bakshi, Member

Petitioner : Sasan Power Limited

Respondents : Western Regional Load Distribution Centre and others

Parties present : Shri J.J. Bhatt, Senior Advocate, SPL
                  Shri Hasan Murtaza, Advocate, SPL
                  Shri A.K.Asthana, SPL
                  Ms Supriya Singh, NRLDC
                  MsYayantika Singh, NLDC
                  Shri Rajiv Porwal, NLDC
                  Ms. Usha, WRLDC
                  Shri Pragya Singh, POSOCO
                  Shri Alok Shankar, Advocate, TPDDL
                  Shri Rahul Dhawan, Advocate, BRPL/BYPL

Record of Proceedings

Learned senior counsel for the petitioner submitted that the present petition has been filed seeking direction to WRLDC to allow and treat the scheduling of Unrequisitioned Surplus (URS) quantum of power among the procurers of Sasan UMPP or to third parties as reallocation of power on temporary basis and not as open access transaction. Learned senior counsel submitted that WRLDC has refused to schedule URS on the ground that the provisions of scheduling URS as per the Grid Code, to other procurers without short term open access, is applicable only in case of NTPC as per the Commission’s order dated 11.1.2010 in Petition No. 134/2009. Learned senior
counsel submitted that since the petitioner is supplying power to distribution companies and its tariff has been adopted by this Commission under Section 63 of the Electricity Act, 2003, the said order dated 11.1.2010 would be applicable in case of the petitioner. Learned senior counsel submitted that if the URS is not scheduled to the other procurers without obtaining the STOA, this will render the provisions of Articles 4.4.2 and 4.4.3 of the PPA regarding supply of URS power to other procurers/third parties redundant. Learned senior counsel for the petitioner submitted that no reply has been filed by the respondents despite notice and requested to consider the petition for final disposal at an early date. He further requested that as an interim measure the petitioner should be given the liberty to supply the unrequisitioned power at least to the other beneficiaries.

2. The representative of WRLDC submitted as under:

(a) The Commission’s order dated 11.1.2010 in Petition No. 134/2009 is not applicable to UMPP since the petitioner is not governed by the tariff regulations.

(b) WRLDC is facing a lot of difficulties even in the case of NTPC due to the directions of CERC.

(c) If the prayer of the petitioner is permitted, other generator including IPP’s would subsequently come and seek similar prayers which will cause further problems. WRLDC under contingency provision may schedule power within one hour of request if sought for and hence the grievance of the petitioner that open access takes two days may be addressed.

(d) Every transaction should be accompanied by transmission access which is necessary in case of scheduling of URS by other beneficiaries.

3. Learned senior counsel for the petitioner opposed the submission made by WRLDC. He submitted that WRLDC despite the difficulties expressed has been scheduling power for NTPC. There is no reason why differential treatment may be given to SPL. Learned senior counsel for the petitioner prayed that the petitioner be permitted to supply electricity to other procurers without short-term open access. As far as the submission of WRLDC that power may be scheduled under the contingency provision, learned senior counsel submitted that difficulties will be faced if the original beneficiary asks for the unrequisitioned power back.

4. Learned counsel for BYPL, BRPL, TDDCL and Haryana supported the petition and requested the Commission to allow scheduling of URS without requiring to obtain open access.
5. After hearing the learned counsels and representatives of the parties, the Commission expressed the view that certain contentious issues are involved in the matter of scheduling of unrequisitioned surplus and directed to list the petition for hearing on 21.10.2014.

By order of the Commission
Sd/-

(T. Rout)
Chief (Law)