

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 156/2008

Coram:

Shri Gireesh B Pradhan, Chairperson

Shri A.K. Singhal, Member

Shri A.S. Bakshi, Member

Dr. M.K. Iyer, Member

Date of Order: 2.9.2015

In the matter of

Wilful disobedience of order dated 28.11.2008 in Petition No. 147/2008 by Karnataka Power Transmission Corporation Ltd./ Karnataka State Load Despatch Centre, (ii) Violation of regulation 8 (3) of the CERC (Open Access in inter-State Transmission) Regulations, 2008.

And in the matter of

Reliance Energy Trading Ltd., New Delhi

...Petitioner

Vs

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

...Respondents

ORDER

Petition No. 156/2008 was filed by Reliance Energy Trading Limited under Section 142, 146 and 149 of the Electricity Act, 2003 alleging wilful disobedience of the order of the Commission dated 28.11.2008 in Petition No. 147/2008 by Karnataka Power Transmission Corporation Limited and Karnataka State Load Despatch Centre. The Commission vide order dated 22.1.2009 issued fresh notice to KPTCL and Karnataka SLDC.



2. Aggrieved by the said order, Government of Karnataka filed Writ Petition No. 2703 & 2733 of 2009 (GM-RES) before the Hon'ble High Court of Karnataka. Hon'ble High Court by an interim order dated 28.1.2009 stayed the operation of the order of the Commission dated 22.1.2009. Taking note of the interim order of the Hon'ble High Court, the Commission vide RoP for the hearing dated 26.2.2009 decided to hold in abeyance the proceedings in Petition No. 156/2008 with further directions to review the decision in the light of further proceedings before the Hon'ble High Court.

3. Hon'ble High Court in its final judgment dated 26.3.2010 in Writ Petition No. 2703 & 2733 of 2009 quashed the order dated 22.1.2009 in Petition No. 156/2008 holding that the Central Commission cannot find fault with the order of State Load Despatch Centre not to grant concurrence for open access where the State Government passes order under Section 11 of the Act. Though the said judgment has been challenged before the Hon'ble Supreme Court, there is no stay on the operation of the judgment.

4. In view of the above, the Petition No. 156/2008 has become infructuous and is accordingly disposed of.

sd/-
(Dr. M.K. Iyer)
Member

sd/-
(A.S. Bakshi)
Member

sd/-
(A.K. Singhal)
Member

sd/-
(Gireesh B. Pradhan)
Chairperson

