

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 228/MP/2016

Subject : Petition under Section 79 (1) (c) read with Regulations 8 and 26 of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008.

Date of hearing : 1.12.2016

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

Petitioner : OCL India Limited.

Respondents : WBSETCL & Others

Parties present : Shri Manu Seshadri, Advocate, OCL

Record of Proceedings

Learned counsel for the petitioner submitted that the present petition has been filed to set aside SLDC, West Bengal's letter dated 15.3.2016 claiming that no objection could not be granted to the petitioner due to non-availability of room in CTU-STU corridor and non-receipt of clearance from WBSEDCL. Learned counsel for the petitioner further submitted as under:

(a) The petitioner is a consumer of the West Bengal State Electricity Distribution Company Limited having a contract load of 14.5 MVA at 132 kV voltage.

(b) On 9.2.2016, the petitioner made an application to SLDC, West Bengal for grant of prior standing clearance for bilateral transactions through inter-state open access for the period from 1.3.2016 to 31.5.2016 in terms of the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2008. In response, SLDC, West Bengal vide its letter dated 15.3.2016 informed the petitioner that short term open access cannot be granted due to non-availability of room in CTU-STU corridor and non-receipt of clearance from WBSEDCL. The petitioner was denied no objection on the ground of congestion in the inter-State network.

(c) In the absence of STOA, the petitioner has not been able to wheel power from its captive power plant in Odisha to its cement plant in West Bengal.

(c) There was no congestion in the inter-State network in the Eastern Region and short term open access has been wrongly denied to the petitioner in violation of the provisions of the Open Access Regulations.

2. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed to issue notice to the respondents.

3. The Commission directed the petitioner to serve copy of the petition on the respondents by 16.12.2016. The respondents were directed to file their replies by 30.12.2016 with an advance copy to the petitioner who may file its rejoinder, if any by 10.1.2017. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

4. The petition shall be listed for hearing on 17.1.2017.

By order of the Commission

**Sd/-
(T. Rout)
Chief (Law)**