

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 51/MP/2016

Subject : Petition under Sections 142 and 146 of the Electricity Act, 2003

Date of hearing : 15.11.2016

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

Petitioner : Bharat Aluminum Company.

Respondent : Chhattisgarh State Power Transmission Company Limited

Parties present : Shri Prashanto Chandra Sen, Advocate, BALCO
Shri Apoorv Kurup, Advocate, CSPTCL

Record of Proceedings

Learned counsel for the petitioner submitted that the Commission vide Record of Proceedings for the hearing dated 6.10.2016 directed CSPTCL to make payment towards UI charges for the period covered under the orders dated 30.10.2014 and 9.10.2015 in Petition Nos. 134/MP/2011 and 124/RC/2015 respectively within two weeks as a last opportunity. However, no payment has been made by CSPTCL despite direction. Learned counsel for the petitioner further submitted that the respondent is misleading the Commission regarding the listing of the appeal before the Appellate Tribunal for Electricity whereas no such appeal has been listed so far. Learned counsel requested the Commission to issue show cause notice against the respondent under Section 142 of the Electricity Act, 2003 for non-compliance of the Commission's directions dated 30.10.2014 and 9.10.2015.

2. Learned counsel for the respondent referred to the Chhattisgarh State Electricity Regulatory Commission (Connectivity and Intra-State Open Access) Regulations, 2011 and submitted that since the petitioner and the respondent are located in the State of Chhattisgarh, the present petition is not maintainable before this Commission. Learned counsel for the respondent further submitted that the petitioner is a captive power plant which is an embedded customer of the State and is regulated by the regulation of Chhattisgarh State Electricity Regulatory Commission. Therefore, the petitioner's case is not maintainable before this Commission.

3. After hearing the learned counsels for the petitioner and the respondent, the Commission observed that despite several opportunities, the respondent has failed to comply with the Commission's directions dated 30.10.2014 and 9.10.2015 and directed the staff of the Commission to process the case of initiation of proceedings under Section 142 of the Act against the respondent for non-compliance of the Commission's directions.

By order of the Commission

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