

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No.29/MP/2017
along with I.A. No. 14/2017**

Subject :Petition under Section 79 (1) (c) read with Section 79 (1) (k) of the Electricity Act, 2003 and the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission), Regulations, 2008 for seeking appropriate directions upon State Load Despatch Centre, Odisha for grant of open access in collective transaction.

Date of hearing : 21.3.2017

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

Petitioner : Jindal Steel and Power Limited (JSPL)

Respondents :SLDC and Other

Parties present : Shri Sanjay Sen, Senior Advocate, JSPL
Shri Matrugupta Mishra, Advocate, JSPL
Shri Hemant Singh, Advocate, JSPL
Shri Piyush Singh, Advocate, JSPL

Record of Proceedings

Learned senior counsel for the petitioner submitted that the petitioner has filed W.P.(C) No. 4396 of 2017 along with Mis Case No. 3789 of 2017 seeking direction to State Load Despatch Centre, Odisha for grant of open access in collective transaction. The Hon'ble High Court vide its interim order dated 20.3.2017 observed that the Commission shall take up the matter for hearing on 21.3.2017 for appropriate order.

2. Learned senior counsel for the petitioner submitted that the petitioner is supplying surplus power to the State of Odisha through Grid Corporation of Odisha Limited after meeting its captive and open access requirements. Earlier, SLDC, Odisha granted NOC to the petitioner for supply of power for the period from 1.8.2016 to 31.1.2017. On 26.12.2016, the petitioner made an application to SLDC, Odisha for grant of NOC/ concurrence for undertaking collective transactions through IEX for a period from 1.2.2017 to 28.2.2017 and 1.3.2017 to 31.3.2017 which was rejected by it on the ground that the petitioner is required to undertake that no power would be injected by the petitioner to the OPTCL's system over and above the open access schedule and in case, such power is injected to OPTCL's system inadvertently, the same would not be billed to GRIDCO. Learned senior counsel submitted that by its actions, SLDC is acting in collusion with GRIDCO in order to

coerce the petitioner in giving up its commercial claims against the GRDICO which is beyond the mandate and scope of Regulation 8 of Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 for grant of NOC/concurrence.

3. Learned senior counsel for the petitioner requested the Commission to direct SLDC to schedule the power. The Commission declined to issue any direction without hearing the parties.

4. After hearing the learned senior counsel for the petitioner, the Commission directed to issue notice to the respondents.

5. The Commission permitted the *Dasti* of the notice by the learned counsel for the petitioner.

6. The Commission directed the petitioner to serve the copy of the petition on the respondents immediately, if not served. The respondents were directed to file their replies, on affidavit, by 24.3.2017 with an advance copy to the petitioner.

7. The Commission directed to list the petition for hearing on 27.3.2017.

By order of the Commission

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