

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Record of Proceedings

PETITION NO. 60/2008

Subject: Petition for direction to RRVPNL to pass order on concurrence as per Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008.

Coram : Dr. Pramod Deo, Chairperson
Shri R.Krishnamoorthy, Member

Date of hearing : 7.10.2008

Petitioner : Gujarat Flurochemicals Limited, Dist. Panchmahal
(Gujarat)

Respondents : Supdt. Engineer, (SO & LD), Rajasthan Rajya Vidyut
Prasaran Nigam Ltd., Jaipur

Rajasthan Rajya Vidyut Prasaran Nigam Ltd., Jaipur

Parties present : Shri Sitesh Mukherjee, Advocate, GFL
Shri Vishal Anand, Advocate, GFL
Shri Deepak, GFL
Shri A.D.Mirajkar, GFL
Shri Aditya Madan, Advocate, RRVPNL
Shri Dinesh Khandelwal, SLDC
Shri M.K.Jain, SLDC
Shri V.K.Gupta, SLDC/RVPNL
Shri Sudhir Jain, RRVPNL

The learned counsel for the petitioner informed that the first respondent by its letter dated 6.10.2008 had granted concurrence for transactions from 10.10.2008 to 31.10.2008, with a condition for the injection of the power up to a maximum of 2 MW. Learned counsel stated that this type of condition could not be complied with even by thermal generating stations. He submitted that it was practically impossible to comply with this condition by the wind generating plant.

He pointed out that the Commission by its order dated 27.8.2008 had already analysed this aspect.

2. Shri M.K.Jain, SE, SLDC explained that this petitioner had made request for injection of 2 MW of power and concurrence was granted accordingly. However, he confirmed that SLDC, the first respondent, will enforce the condition only if system was constrained due to excess generation by the petitioner.

3. Learned counsel for the petitioner submitted that it was not pressing for action in respect of the show cause notices issued for non-compliance of clauses (3) and (4) of Regulation 8 of the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2008 and the Commission's directions contained in the order dated 27.8.2008, though he added that the copies of replies to the show cause notices by the Commission, were not received. Copies of the replies were handed to the learned counsel for the petitioner in the court. Learned counsel for the petitioner requested the Commission to monitor the situation for some time before issuing final order, in view of the past conduct of the respondents.

4. Learned Counsel for the petitioner brought to the Commission's notice that the direction of the Commission regarding payments by the distribution companies, for the energy injected into the grid had not been complied with. Shri M.K. Jain explained that the invoice of the petitioner had been sent for appropriate action. Shri Madan, learned counsel for the respondents sought to clarify that the matter could not be settled during the hearing as it is a part of the review petition which has been filed before the Commission. The Commission

observed that energy generated by the petitioner and consumed by the distribution companies in the State is to be paid for.

5. Learned counsel for the respondents submitted that the respondents were complying with the directions of the Commission in letter and spirit. It was further stated that the detailed reply to the show cause notices had been filed. He tendered an unqualified apology on behalf of the respondents, for the past conduct while at the same time contending that denial of open access in the past was not intentional, but was for bonafide reasons.

6. At the request of the learned counsel for the petitioner, the petitioner was granted one week's time to file his response to the replies filed by the respondents.

7. The matter will be re-notified for further directions on 6.11.2008.

Sd/-
(K.S.Dhingra)
Chief (Legal)