

**JOINT ELECTRICITY REGULATORY COMMISSION FOR THE STATE OF
GOA AND UNION TERRITORIES, GURGAON**

Coram

**Dr. V. K. GARG, CHAIRPERSON
SHRI R. K. SHARMA, MEMBER**

Petition No. 8/2009-Misc

In the matter of

**Issuing No Objection Certificate (NOC)/permission for use of short term open access for
wheeling/purchase of power**

And in the matter of

Sterlite Industries (I) Ltd, Tuticorin

Petitioner

Vs

1. Electricity Department of Dadra & Nagar Haveli

2. Executive Engineer,
Electricity Department of Dadra & Nagar Haveli

Respondents

Present

For the petitioner

Sh. KK Bhatia Consultant
Sh. PR Mehta Consultant
Pradeep Nayar
Sameer Gupta

For the Respondent

HM Patil
Jayesh Chauhan

ORDER

(Date of Hearing:9.12.2009)

The petitioner, Sterlite Industries (India) Ltd has established one of their units for manufacturing copper rods at Silvasa in the Union Territory of Dadra and Nagar Haveli. It has proposed to import electricity from BALCO, stated to be the petitioner's sister concern, in the State of Chhatisgarh or from other sources including the IEX/PX situated outside the Union Territory of Dadra and Nagar Haveli, for consumption at the manufacturing unit by availing short-term open access as the respondents are unable to meet the demand of power for the petitioner's manufacturing unit. The petitioner is reported to have started the process for procurement of ABT compliant meters for installation at its premises, as required under the regulations specified by the Central Electricity Regulatory Commission (CERC). The petitioner, reportedly on 1.6.2009 made an application with the respondents for grant of No Objection Certificate (NOC) for availing of open access for import of electricity in the Union Territory of Dadra and Nagar Haveli. The petitioner is said to have followed up the issue with the respondents, but has failed to draw any positive response. Accordingly, this petition has been filed with a substantive prayer for direction to the respondents to grant NOC for open access. The petitioner further submitted that whatever charges/dues as may be legitimately payable may be recovered on adhoc basis from the petitioner.

3. The representative of petitioner explained at length the circumstances leading to filing of the present petition and urged that the directions be issued to the respondents for grant of NOC for short-term open access.

4. The representative of the respondents, opposing the petition submitted that –
- (a) The petitioner had applied for open access for the period 8.6.2009 to 7.9.2009 and the period is already over. He argued that in this view of the matter, the petition had become infructuous.
 - (b) There is no spare capacity on the existing transmission network to accommodate the request of the petitioner.
 - (c) The State Load Despatch Centre had not been established, in the absence of which there did not exist any institutional arrangement for scheduling of imported power.
 - (d) This Commission had not notified the regulations applicable for open access in Dadra and Nagar Haveli.
 - (e) The respondents had arranged for extra power to cater to the demands of the consumers and there was no load-shedding or staggering of load. Accordingly, the petitioner's demands of power were being met.

4. The representative of the petitioner pointed out that the relief available was seasonal and temporary and was not likely to last. He further pointed out that there is no transmission constraint as the quantum of power required to be wheeled/purchased is the same as it would have been supplied by the respondent but could not be supplied due to short fall in generation capacity. This has also been specifically averred by the petitioner in para 10(a) of the petition.

5. The respondents in their reply have not specifically adverted to or answered the petitioner's averment made in para 10 (a). The Commission directed the

respondents to file their reply, supported by affidavit, with copy to the petitioner on para 10 (a) of the petition.

6. The petition was directed to be listed on 5.1.2010 for further directions.

Sd/-

(R.K. SHARMA)

MEMBER

Gurgaon, dated the 14th day of December 2009

sd/-

(Dr. V.K. GARG)

CHAIRPERSON

Certified Copy

J.S.
14.12.2009
(J.S. Sehrawat)
Secretary