

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

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**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

Petition No. 9/2009 - 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

Hindalco Industries (I) Ltd, Mumbai

Petitioner

Vs

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

Respondents

R. K. Sharma

Present

For Petitioners (Sterlite Industries)

1. Sh. PR Mehta
2. Sh. KK Bhatia

For Petitioners (Hindalco Industries)

1. Sh. PR Mehta
2. Sh. KK Bhatia
3. Sh. Rajeev Rao

For Respondents

4. Sh. Sakesh kumar
5. Sh. BN Mehta
6. Sh. PS Dave

ORDER

(Date of Hearing: 5.01.2010)

The two petitions raise similar issues, these are being disposed of through this common order. However, the background facts leading to filing of Petition No 8/2009 – Misc are being noted at some length,

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2. Sterlite Industries (India) Ltd, the petitioner herein, proposed to import electricity from BALCO, in the State of Chhatisgarh for consumption at its copper rods manufacturing unit set up at Silvasa in the Union Territory of Dadra and Nagar Haveli. According to the petitioner, because of inability of the respondents to meet its demand it became necessary to import power.

3. The petitioner made an application with the respondents on 1.6.2009 for grant of No Objection Certificate (NOC) for availing of open access for import of electricity as aforesaid. The petitioner has stated that it pursued the matter with the respondents, but they have not issued NOC. Accordingly, the petition has been filed

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before this Commission seeking, *inter alia*, a direction to the respondents to grant NOC.

4. In their reply filed at the hearing held on 9.12.2009 the respondents opposed the petition on various grounds. It was, *inter alia*, stated by the respondents that the spare capacity on the existing transmission network was not available to accommodate import of power by the petitioner. At the hearing it was pointed out by the petitioner that the existing transmission network was capable of carrying electricity it proposed to import as the quantum of power required is the same as it would have been supplied by the Utility but could not be supplied due to short fall in generation capacity and therefore urged that no extra transmission capacity was needed for the proposed import of power. An averment to this effect was made by the petitioner in the petition as well. Because the respondents in their reply had not specifically commented on this aspect, they were directed to file an affidavit on this issue.

5. The respondents have filed a fresh affidavit dated 18.12.2009, termed as rejoinder to the petition, wherein it has been stated that the respondents propose to permit consumers, having contract demand of 5 MW and above, to purchase power under open access to the extent they are not able to meet the demand for electricity during weekly/forced power staggering holidays, as stop gap arrangement till the Commission notify regulations on open access, subject to the following conditions and payment of charges, namely -

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Serial No.	Particulars	Remarks
1	Type of Transaction allowed	Inter-state/Intra Regional
2	Open Access Allowed to	Express feeder Consumers connected at Transmission Voltage level of 66 kV & above on temporary basis i.e only on the day of load shedding.
3	Transmission Charges	Rs.80/MWh
4	Transmission Losses	3% (upto 66 KV level)
5	Quantum of Power allowed for Open Access	5MW and above (Not below 5MW)
6	Cross subsidy surcharge	NIL
7	Additional Surcharge	NIL
8	SLDC Charges (Operating Charges)	Rs. 2000/- per day or part of the day
9	Application Fee	Rs. 5000/-per transaction
10	Infrastructure required at consumer end	ABT meter of 0.2 Class Accuracy with CTPT of 0.2 Class Accuracy.
11	In case of under-drawal of power by consumer	DNH will not pay anything to the consumer
12	In case of over-drawal of power by consumer	Excess power consumed will be charged at penal rates equivalent to per unit rates for over-drawal above contractual demand as per prevailing tariff of DNH

6. The petitioner at the outset stated that the respondents had agreed to the suggestions made by the petitioner and as such prayed the Commission to pass an appropriate order in terms of the affidavit filed by the respondents as the petitioner did not face any difficulty in complying with the conditions imposed by the respondents.

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7. The Commission has published the draft regulations on open access and proposes to notify the final regulations very soon. After finalisation of the regulations on open access, the terms and conditions so notified shall be applicable.

8. In view of the unanimity of the parties on the applicability of the terms and conditions for availing the open access, we dispose of the petition with the following directions, namely -

(a) The petitioner shall make fresh application for NOC for open access.

(b) Respondents shall issue NOC, subject to terms and conditions sought to be enforced by the respondents and extracted at paragraph 5 above. These terms and conditions shall be applicable till such time the regulations on intra-State open access are notified by the Commission and thereafter the Commission's regulations shall apply.

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9. The petitioner herein, Hindalco Industries Ltd has established a unit for manufacturing aluminium foils at Silvasa in the Union Territory of Dadra and Nagar Haveli. It has proposed to import electricity from its captive power plant located in the State of Gujarat for consumption at the manufacturing unit by availing short-term open access. The petitioner, on 10th January 2009 reportedly made an application with Electricity Department, Dadra and Nagar Haveli for grant of NOC for open access and followed it up with the concerned Department, but has failed to draw any material response. Accordingly, Hindalco has filed this petition with a substantive prayer for

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direction to Electricity Department, Dadra and Nagar Haveli to grant NOC for open access. Hindaico has proposed to pay the charges as proposed by Sterilite in Petition No. 8/2009 - Misc pending a decision by this Commission.

10. The respondents have filed an affidavit similar to that filed in Petition No. 8/2009 - Misc. For the reasons already discussed, this petition also stands disposed of in terms of paragraph 8 above.



(R.K. SHARMA)
MEMBER


(Dr. V.K. GARG)
CHAIRPERSON

Gurgaon, dated the 6th day of January 2010