

ORISSA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
UNIT – VIII, BHUBANESWAR – 751012

Present : Shi B K Das, Chairperson
Sri S K Jena, Member
Sri K C Badu, Member

Case No. 10 of 2007

Confederation of Captive Power Plants, Orissa

... Petitioner

- Vrs -

1. The State of Orissa, represented by the Secretary Energy Department, Secretariat Building, Bhubaneswar.
2. Orissa Power Transmission Corporation Ltd., (OPTCL)
Having its Regd. Office at Janpath, Bhubaneswar – 751022
Orissa.
3. The State Load Despatch Centre, Mancheswar Industrial Estate,
Bhubaneswar, Dist-Khurda.
4. Grid Corporation of Orissa Ltd having its Redg. Office at
Janpath, Bhubaneswar – 751022, Orissa.

... Respondents

Date of Hearings : 02.06.2007, 10.08.2007 & 23.10.2007
Date of Order : 29.10.2007

ORDER

- 1.0 Confederation of Captive Power Plants, Orissa (CCPPO), an Association Registered under the Societies Act, 1860 to serve as a common platform for the industries having Captive Generating Stations had filed an Application under Section 60 read with Section 86 of the Electricity Act, 2003 on 24.03.2007 with the following prayer:
 - 1.1 To direct SLDC to honour the Agreements signed by the captive generators with traders / licensees in accordance with Section 32.2(a) and function as an independent autonomous body as far as decision relating to matters of open access.

- 1.2 To direct OPTCL to provide and allow non-discriminatory open access to their transmission system to the Captive Generating Stations of the State, who intend to sell their surplus power by entering into agreements with trading licensees / distribution licensees/ Consumers.
- 1.3 To direct OPTCL/SLDC to accord consent for open access within such time limit as stipulated by the Inter-State/Intra-State Open Access Regulations.
- 1.4 To pass such other directions/issue such guidelines in the matter of Open Access in consonance with the Act, National Policy and Regulations as the Commission may deem fit and proper.
- 2.0 The Application was registered as Case No. 10/2007 and the date of hearing was fixed on 02.06.2007. Notice was issued vide Letter No. 746 Dtd. 24.05.2007 to the Respondents viz. Secretary to Govt. Energy Department, OPTCL, SLDC and GRIDCO. Subsequently, the Commission decided to implede the four nos. of DISTCOs viz. CESU, WESCO, NESCO and SOUTHCO as Respondents vide Notice No. 780 Dtd. 28.05.2007as they are important stakeholders for implementation of Intra-State Open Access as the distribution system of the DISTCOs may be used for the purpose of Open Access and the consumer of the licensees may seek Open Access.
- 3.0 The Case was first heard on 02.06.2007. Mr L Pangari, Advocate was present on behalf of the Applicant CCPPO during hearing. The following persons were present on behalf of the Respondents during hearing:
- Mr S N Mishra, SE (Electrical) on behalf of Govt., Mr S R Das CGM (O&M) on behalf of OPTCL, Mr A C Nath, Sr. GM (PP) and Mr G S Panigrahi, Manager (Law) on behalf of GRIDCO, Mr B N Mahapatra, GM on behalf of SLDC, Mr P C Panda, Sr GM (Commercial) on behalf of CESU, Mr P K Pradhan, GM (Commercial) on behalf of WESCO, Mr G B Swain, Manager on behalf of NESCO.
- None present on behalf of SOUTHCO during the hearing.

3.1 Mr Pangari, the learned counsel of the Petitioner submitted at length before the Commission the various provisions of the Electricity Act, 2003, the provision in National Electricity Policy, the provisions in Electricity Rule-2005, the CERC Order 07.03.2007 and many instances of delay to accord permission for Open Access by SLDC which inter alia are briefly stated as under:

3.1.1 The learned counsel of the Petitioner cited the Electricity Act, 2003 and its provisions which envisage harnessing of captive generation for meeting the requirements of power not only within the territorial boundaries of the State in which they are set up, but also to meet power requirements of other States of the country. He submitted that keeping this in view the Ministry of Power brought out the Regulations dtd. 8th June, 05 allowing 49% of the power generated by the captive generating plant to be sold beyond the requirement of the parent industry. Power generation is capital in nature and cost of power to the extent of 51% is borne by the parent industry where the balance 49% of the power need to be borne by the State sourcing this power or any consumer including the parent industry.

3.1.2 The learned counsel submitted that the National Electricity Policy published vide MOP Resolution dated 12th February, 2005 pursuant to the Electricity Act mandated to source surplus capacity from the captive and stand by generating stations and the captive generators would have access to licensee and thereby to consumers, who are allowed open access. He cited the Paras 5.2.24, 5.2.26 and 5.3.3 of National Electricity Policy to advance his argument:

3.1.3 The learned counsel submitted before the Commission the specific provisions of the Act relating to non-discriminatory Open Access which are stated as under:

- Section 39 (d) stipulates that the STU shall provide non-discriminatory open access to its transmission system for use by-

- (i) Any licensee or generating company on payment of the transmission charges; or
- (ii) Any consumer as and when such open access is provided by the State Commission under sub-section (2) of the Section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission:”
- Section 40(b) & (c) stipulate that the duty of a transmission licensee is to comply with the direction of the Regional Load Despatch Centre and State Load Despatch Centre as the case may be; to provide non-discriminatory open access to its transmission system for use by any licensee or generating company on payment of the transmission charges.

3.1.4 The learned counsel submitted that some of the constituent members of the petitioner Confederation have signed Agreements for sale of their surplus power to traders for transporting the same to other states by Intra-State/ Inter-State transmission lines. It is brought to the notice of the Confederation that the said companies are not being allowed open access and other logistic technical support for evacuation / transmission of power in pursuance of their respective agreements. While in the case of some of the CGP’s, in spite of their repeated representations, requests and discussion, OPTCL and GRIDCO maintain sphinx like silence, even in some cases they refuse consent for open access to the CGP’s and have attempted to frustrate their agreements for sale of power by circumventing the Law.

3.1.5 The learned counsel further submitted the following three specific cases of denial of Open Access by SLDC:

- (i) M/s Bhusan Steel and Strips Ltd (BSSL) have set up a captive generating station of 110 MW (33 MW + 77 MW) at Meramundali to meet the power requirement of it’s Steel plant. As the steel plant is under final commissioning stage, BSSL has surplus power of 12 MW which it intends to sell to Reliance Energy Trading Limited (RETL)

and has executed a Power Purchase Agreement on 18.04.2006 for sale of 12 MW surplus powers. He submitted that both BSSL and RETL requested GRIDCO/OPTCL of allowing Open Access but as GRIDCO and OPTCL have not given consent. WRLDC vide Letter No 90 dtd. 25.07.2007 intimated RETL, ERLDC and SLDC that WRLDC is not able to provide approval due to “No comment from GRIDCO” and hence the application of BSSL/RETL is refused.

- (ii) M/s Tata Sponge Iron Ltd. (TSIL) one of the constituent members of CCPPO and manufacturer of sponge iron produces power in its captive power plant through the waste heat generated from its sponge iron kilns and has 12 MW of surplus power. He submitted that TSIL has entered into an agreement with PTC India Ltd. for sale of 12 MW of surplus power for a period of 3 years w.e.f. 15.10.2006 but due to non-cooperation of GRIDCO/ OPTCL by not allowing open access facilities, TSIL could not implement the said agreement with PTC India Ltd.
- (iii) Similarly, MMTC had entered into an agreement with Nilachal Ispat Nigam Ltd (NINL) for sale of surplus power to Himachal Pradesh State Electricity Board (HPSEB) who was the drawee utility. He submitted that NRLDC vide Letter No. 2795 dtd. 27.11.2006 intimated MMTC that their application dated 16.11.2006 for Short-term Open Access transaction from NINL (ER) to HPSEB (NR) on ER-NR path is not granted due to non-consent by Orissa SLDC on account of non-availability of commercial clearance from GRIDCO.
- (iv) M/s Nava Bharat Ventures Ltd. (NBVL) have established a coal-based captive power plant with a capacity of 30 MW at Meramundali in the State of Orissa. He submitted that the Hon’ble Commission vide order dtd. 11.01.2005 in Case no. 133 of 2004 had permitted NBVL to trade surplus energy by way of sale either to GRIDCO or to some other party on mutually acceptable terms and conditions. Accordingly, one

MoU was drawn on 27.12.2005 between OPTCL and GRIDCO on one hand and NBVL on the other hand, for short-term Open Access to the transmission system of the OPTCL. Similarly, one “Short-term open access commercial agreement” was also signed between GRIDCO and NBVL. He submitted that even though the MoU and agreements with GRIDCO and OPTCL are in place, the Short-term Open Access was not allowed in case of NBVL, a constituent member of CCPO for sale of 27 MW of surplus power from its CGP to MPPTCL through M/s Tata Power Trading Company Ltd (TPTCL). NBVL, therefore, moved to Member Secretary, ERPC under Regulation 35 of the CERC (Open Access in Inter-State Transmission) Regulation, 2004 with a request to issue appropriate directions to OPTCL to grant Open Access.

- (v) He further submitted that GRIDCO Vide Letter No. 626 dtd 06.02.2007 intimated ERPC that the request of NBVL for grant of Open Access for inter-state trading of their surplus power has not been considered as NBVL has not provided necessary SCADA facility for real-time monitoring of the transaction and as such they do not meet the technical requirement as per clause 10.5 of Orissa Grid Code. SLDC has also intimated ERPC Vide Letter No. 291 dtd. 07.02.2007 that the Request For Consent (RFC) for sale of 27 MW power from NBVL received from WRLDC Vide Letter dtd 20.01.2007 was not considered for Consent as NBVL has not complied OGC provision under Chapter 4.11 (Data Communication Facilities) and under Chapter 10.5 (SCADA).

The learned counsel on behalf of CCPO submitted before the Commission that ERPC vide order dtd 05.03.2007 disposed of the application of NBVL with the following observation:

“We are of the opinion that contention of GRIDCO/ OPTCL for not providing STOA to NBVL/TPTCL is not in conformity with the spirit of the Electricity Act, 2003 and they should grant STOA to NBVL/TPTCL

immediately. Action plan & firm target for providing mandatory SCADA interface equipment & PLCC by the user (NBVL), as per OGC Regulation, 2005 for real time monitoring operation of power system parameters such as power flow, voltage etc., can be decided mutually between NBVL & OPTCL.”

The learned counsel further submitted that NBVL and TPTCL moved CERC in Petition No. 24 of 2007 against the refusal of SLDC and WRLDC to accord approval for Open Access and CERC Vide Order dtd. 07.03.2007 disposed the aforesaid petition with the following important observations vide Para-9 and Para-11(b) as stated hereunder:-

- **Para 9**

“xxxxxxx Member-Secretary, ERPC has not found the contentions of the third and fourth respondents (OPTCL & GRIDCO) worthy of acceptance to deny short-term open access to the petitioners as in the view of Member-secretary, ERPC their contentions are not in conformity with the spirit of the Electricity Act, 2003. Member-Secretary, ERPC has accordingly concluded that the third and fourth respondents should allow short-term open access to the petitioners on the transmission system owned by the third respondent immediately. We endorse the same.”

- **Para 11(b)**

“As per Section 32(1) of the Electricity Act, 2003, each State Load Despatch Centre (SLDC) has been assigned the status of the apex body to ensure integrated operation of the power system in the State. It implies jurisdictional independence and impartial functioning of the State Load Despatch Center. The SLDCs should not operate as subordinate offices of State Utility, even if they are a part of the SEB/State Transmission Utility.”

- 3.1.6 The learned counsel in view of aforesaid submissions as well as in view of the provision of Section 60 of the Act prayed before the Commission to initiate appropriate action against SLDC and OPTCL for abusing their dominant positions in disposal of Inter-State/Intra-State Open Access transactions within such time limitation as stipulated in the Regulations. The learned counsel also prayed before the Commission to direct SLDC to function as an independent autonomous body in accordance with Section 32 (2) of the Act as well as, as per CERC Order 07.03.2007 for disposal of Inter/Intra-State Open Access transactions.
- 3.2 Sri S N Mishra, SE on behalf of Govt. submitted before the Commission that since GRIDCO has filed a case in Orissa High Court (OHC), the proceeding in OERC may be kept pending. The Commission wanted to know from the Govt. if any interim stay has been granted by OHC. The Govt. representative submitted that even though OHC has not issued any interim stay in the writ petition filed by GRIDCO the Order of the Commission if any shall be subject to final order/outcome in this case in OHC.
- 3.3 Mr G S Panigrahi, Manager (Law) on behalf of GRIDCO submitted before the Commission that GRIDCO has filed a writ petition in OHC challenging CERC Order dtd. 07.03.2007 which has been admitted. As the matter is sub-judice, the proceeding in the Commission may be kept pending. The learned Counsel of the petitioner CCPPO submitted that the matter now before the Commission in Case No. 10 of 2007 which is totally different where it is prayed to give necessary direction to SLDC and OPTCL to accord consent for open access within the stipulated time period as provided in the Regulation as well as to direct SLDC to function as an Independent System Operator (ISO) as per the provision laid down in Section 32 (2) of the Act. The Commission after hearing both GRIDCO and the petitioner decided to hear the petition as per the schedule.
- 3.4 Mr B N Mahapatra, GM SLDC submitted before the Commission that normally only two days are available with SLDC to consider the Request For Consent (RFC) sent by the nodal RLDC. SLDC wants the commercial clearance from GRIDCO as GRIDCO is the “State Designated Entity” of Govt. of Orissa for execution of all the Bulk

Supply Agreements with the Generators and DISTCOs and Bulk Transmission Supply Agreement with the POWER GRID- the CTU. Similarly, SLDC needs technical clearance from OPTCL- the STU on status of Grid connectivity, installation of metering arrangement and the congestion /transmission constraints in the STU network. He submitted that the consent was denied by SLDC only in specific cases due to non-receipt of clearance either from GRIDCO or from OPTCL or from both.

3.5.1 Mr S R Das, CGM (O&M) on behalf of OPTCL submitted before the Commission that every effort has been made to dispose the open access cases as quickly as possible. He did not agree with the views of the learned counsel of the petitioner that the constituent members of CCPPO are being harassed by OPTCL and SLDC. He submitted that in case of sale of 12 MW of BSSL from its 33 MW Power Plant through RETL, the application was received from nodal WRLDC during July 2006 to give consent but the said 33 MW CGP of BSSL was yet to be synchronized to OPTCL network and hence the consent was not accorded for such open access transaction then.

3.5.2 He submitted another case of TSIL who has applied for sale of 12 MW of power from its CGP of 18.5 MW through PTC India during the period dtd. 01.01.2007 to 31.01.2007. In this connection, he submitted that the aforesaid 18.5 MW CGP was synchronized with OPTCL network only on 23.03.2007 for which the consent was not given during December, 2006 for the aforesaid open access transaction during January 2007.

3.5.3 He submitted that in the matter of open access transaction of 27 MW power from NBVL to MMPTCL through WRLDC, the consent could not be given as NBVL has not complied Orissa Grid Code provision under Chapter 4.11 (Data Communication Facilities) and under Chapter 10.5 (SCADA), which are essential for real time monitoring of such transaction. However, he submitted that TPTCL's application dtd. 15.03.2007 for open access transaction of 27 MW power from NBVL to MMPTCL for the period from 01.04.2007 to 30.06.2007 was considered in the light of ERPC's Order dtd. 05.03.2007 and

CERC's Order dtd. 07.03.2007 and the consent was sent to WRLDC allowing such open access transaction.

- 3.6 Mr P K Pradhan, GM (Commercial) on behalf of WESCO, Mr G B Swain on behalf of NESCO, Mr P C Panda, Sr. GM (Commercial) on behalf of CESU submitted before the Commission that they have received the Letter No.780 dtd. 28.05.2007 of the Commission on 31st May/1st June 2007 for which they could not get time to prepare and file the necessary submission in the matter. They requested the Commission to grant at least two weeks time for submission of their views/comments in the matter. SOUTHCO vide Fax Messages No 9655 dtd. 02.06.2007 requested the Commission to allow 30 days time for submission of the views/comments of SOUTHCO in the matter.
- 3.7 The Commission in keeping with the prayer/request of the DISTCOs granted 30 days time and directed DISTCOs to file their views/comments on the matter through affidavit by 2nd July 2007.
- 4.0 As none of DISTCOs had filed its views/ comments on the matter, the Commission issued a Notice vide letter No. 1241 dtd. 23.07.07 to the Petitioner as well as to all the Respondents to attend the hearing fixed on 10.08.2007.
- 5.0 Accordingly, the matter was taken up for hearing on 10.08.2007. Mr L Pangari, Advocate and Mr. Sanjeev Das, Secretary were present on behalf of the Petitioner CCPPO during the hearing.

The following persons were present on behalf of the Respondents in the hearing:

Mr K C Behera Sr. GM (R&T) on behalf of OPTCL, Mr N Dash, Sr. GM (PS) and Mr B N Mahapatra, GM on behalf of SLDC, Mr G S Panigrahi, Manager (Law) on behalf of GRIDCO, Mr Lingaraj Padhi, Manager (Commerce) on behalf of CESU, Mr G C Mohanty, DGM (Commercial) on behalf of WESCO, Mr S D Bhanj, AGM on behalf of NESCO and Mr B N Mallick, AGM (Commercial) on behalf of SOUTHCO.

No body was present on behalf of Govt. of Orissa during the hearing.

- 5.1 Mr Pangari, the learned counsel of the Petitioner submitted before the Commission that during the last hearing on 02.06.2007 he had elaborately dealt the various provisions of the Electricity Act, 2003, National Electricity Policy, Electricity Rule-2005, the CERC Order dtd. 07.03.2007 and many instances of delay to accord permission for Open Access by SLDC. The Members of the CCPPO were subject to untold misery / harassment due to such delays in grant of open access. He, therefore, prayed before the Commission to kindly intervene in the matter and direct SLDC and OPTCL – the STU as under:-
- (a) to direct SLDC to honor the Agreements signed by the captive generators with traders / licensee in accordance with Section 32.2(a) and function as an independent autonomous body as far as decision relating to matters of open access.
 - (b) to direct OPTCL to provide and allow non-discriminatory open access to its transmission system to the Captive Generating Stations of the State, who intend to sell their surplus power by entering into agreements with trading licensees / distribution licensees/ Consumers.
 - (c) to direct OPTCL/SLDC to accord consent for open access within such time limit as stipulated by the Inter-State/Intra-State Open Access Regulations.
- 5.2 Mr K C Behera Sr. GM (R&T) on behalf of OPTCL submitted that the views of OPTCL have been submitted before the Commission through affidavit dtd. 17.05.2007.
- 5.3 Mr G S Panigrahi, Manager (Law) on behalf of GRIDCO submitted that since the present case filed before the Commission is in analogous with WP (C) No. 3803 of 2007 filed by GRIDCO in the Hon'ble Orissa High Court, the present proceedings may be kept pending till the disposal of Writ Petition by the Hon'ble Orissa High Court.
- 5.4 Mr B N Mahapatra, GM SLDC submitted before the Commission that normally only two days were available with SLDC to consider the Request For Consent (RFC) sent by the nodal RLDC. Further, SLDC wanted commercial clearance from GRIDCO as

- the latter as designated agency of Govt. of Orissa had executed all the Bulk Supply Agreements with the Generators and DISTCOs and Bulk Transmission Supply Agreement with the POWER GRID- the CTU. He submitted that SLDC needed technical clearance as well from OPTCL- the STU on status of grid connectivity, installation of metering arrangement and the congestion /transmission constraints in the STU network. He submitted that the consent was denied by SLDC only in specific cases due to non-receipt of clearance either from GRIDCO or from OPTCL or from both.
- 5.5 Mr Lingaraj Padhi, Manager (Commerce) on behalf of CESU submitted that so far as the prayer of the petitioner was concerned, sufficient ground did not exist for the distribution licensee, CESU, to challenge the prayer of the petitioner. He further submitted that CESU being a distribution licensee might be affected, if any consumer/ industry in the area of operation of CESU was granted Open Access allowing purchase of power from sources other than CESU's network.
- 5.6 Mr G C Mohanty, DGM (Commercial) on behalf of WESCO, submitted that in the spirit of National Electricity Policy and Electricity Act 2003, there should be fair competition and in case of generating plants requesting for Non-Discriminatory Open Access to the transmission system, they should be allowed subject to the availability in the system and other formalities.
- 5.7 Mr S D Bhanj, AGM on behalf of NESCO submitted that M/s. Orissa Sponge Iron Ltd. one of the members of the Confederation of Captive Power Plants was having huge outstanding. He submitted that OPTCL had also been intimated not to allow open access to this consumer, unless and until the outstandings were cleared. He further submitted that keeping in view the interest of the DISTCOs, the clearance of the DISTCO must be obtained regarding the outstanding against the applicants, before allowing for open access.
- 5.8 Mr B N Mallick, AGM (Commercial) on behalf of SOUTHCO submitted similar views expressed by the representatives of WESCO and NESCO and requested the Commission to consider each case of Open Access on merit.

- 5.9 The Commission after hearing the views /comments /suggestions of the Petitioner as well as the Respondents informed that there would be another hearing for final disposal of the Case.
- 6.0 Accordingly, the matter was taken up for final hearing on 23.10.2007. Mr. L Pangari, Advocate and Mr. Sanjeev Das were present on behalf of the Petitioner CCPPO during hearing. Mr. K P Padhi, GM (System Operation) and Mr. B N Mahapatra, GM were present on behalf of OPTCL and SLDC respectively during the hearing. Mr. L D Mahapatra, AGM (Elect.) was present on behalf of GRIDCO during the hearing.
- 6.1 Mr. Pangari, the learned counsel of the Petitioner submitted before the Commission that he had submitted in details during the earlier two hearings on 02.06.2007 and on 10.08.2007 with reference to the prayers that SLDC should function as an independent autonomous body to discharge its statutory functions / obligations in accordance with the Act and subordinate Regulations framed there under and both OPTCL and SLDC should provide non-discriminatory Open Access within the time limit stipulated under Inter-State / Intra-State Open Access Regulation.
- 6.2 Mr. B N Mahapatra, GM on behalf of SLDC submitted that SLDC had nothing to add more to its earlier submissions before the Commission made on 02.06.2007 and 10.08.2007.
- 6.3 Mr. L D Mahapatra, AGM (Elect.) on behalf of GRIDCO submitted during hearing as under:
- 6.3.1 The hearing in Case No. 10/2007 may be stayed and the order reserved in view of the matter is pending in Hon'ble Orissa High Court for disposal.
- 6.3.2 As per final version (March, 2007) of 17th Electric Power Survey of CEA, Orissa may have to face power shortage from 2008-09 onwards due to non-addition of any generation capacity and may have to depend upon the surplus power injected to Grid from Captive Generation Plants of the State. He submitted that the industries have got the support of the Govt. as well as the support from the State GRID during their need / requirement for power and now the time has come that the industries should come forward voluntarily to

support the State injecting surplus power from their CGPs to tide over the power shortage the State is going to face in the days to come.

6.3.3 The Open Access applications may be disposed of in accordance with the provisions mentioned Clause 4.10 and 4.12 Indian Electricity Grid Code (IEGC) and Regulation 4.11, 4.13 and 10.5 of Orissa Grid Code (OGC) which specifically mention on data and communication facilities, tele metering, installation of SCADA and real time operation.

6.3.4 The Govt. of Orissa have taken steps to finalize the State policy relating to CGPs soon and Commission has also formulated and circulated a consultative paper inviting comments / opinions from all stakeholders on pricing of CGP surplus power under different scenarios of injection. He, therefore, requested the Commission to have further hearing in this case after the Commission finalized the Pricing of surplus power of CGP and the Govt. finalized the State Policy on CGP.

7.0 The Commission would like to observe that as required under Section 32 of the Electricity Act, 2003, SLDC as a apex body shall have to ensure integrated operation of the power system in the State. As envisaged under the said section, SLDC is responsible for optimum scheduling and despatch of the electricity within the state. For this purpose, they will have access to the contracts entered between licensees and generating companies operating in the state. They are responsible for carrying out real time operation, for grid control and dispatch of electricity within the state and have the authority to exercise supervision and control over the intra state transmission system. SLDC have to keep accounts of the quantity of electricity transmitted through the state grid.

8.0 In keeping with the letter and the spirit of the Act, 2003 while allowing open access, suitable procedures may be evolved for grant of permission/consent by SLDC within the stipulated time period as specified. SLDC should ensure that the provisions as set out in the grid standards and grid codes are strictly followed even if it may mean additional expenditure on the part of any user. It is equally applicable to all the users of the system.

9.0 Under Section 33, the SLDC may give such directions and exercise such supervision and control as may be required for ensuring the integrated grid operation. Any person connected with the operation of the power system shall comply with the directions issued by SLDC. In case any dispute is raised in relation to any direction given by SLDC, the matter is to be referred to GCC and if it is not resolved in GCC the matter may be referred to the Commission for a decision.

10.0 In Chapter 4 of the Indian Electricity Grid Code Connection Condition of any user to a power system has been defined. Clause 4.10 and 4.12 a (III) are intended to cover requirements of data communication, tele-metering and real time operation. An extract of the same are given here:

“Data and Communication Facilities

Reliable and efficient speech and data communication systems shall be provided to facilitate necessary communication and data exchange, and supervision/control of the grid by the RLDC, under normal and abnormal conditions. All agencies shall provide systems to telemeter power system parameter such as flow, voltage and status of switches/transformer taps etc. in line with interface requirements and other guideline made available to RLDC/ SLDC. The associated communication system to facilitate data flow up to RLDC/SLDC, as the case may be, shall also be established by the concerned agency as specified by CTU in connection agreement. All agencies in co-ordination with CTU shall provide the required facilities at their respective ends and RLDC/SLDC as specified in the connection agreement.”

“All agencies connected to or planning to connect to ISTS would ensure providing of RTU and other communication equipment, as specified by RLDC/SLDC, for sending real-time data to SLDC/RLDC at least before date of commercial operation of the generating stations or sub-station/line being connected to ISTS.”

11.0 The above provisions are also incorporated in Regulations 4.11 and 4.13 (1) (d) of the Orissa Grid Code. Irrespective of the fact whether somebody avails open access or not, these conditions of the Grid Code can not be violated until any amendment is made to the said code by order of the Commission.

12.0 The Commission directs that SLDC should function as an Independent System Operator (ISO), to discharge its statutory functions in accordance with the Act, subordinate Regulations and Grid Codes framed there under and provide non-discriminatory Open Access. Permission should be accorded within such time limit as stipulated in Inter-State and Intra-State Regulation. To comply to this, SLDC is directed to evolve a procedure/mechanism involving all the stakeholders i.e. OPTCL, GRIDCO and DISTCOs such that the time limit fixed in the Inter-State / Intra-State Open Access Regulation is scrupulously adhered to. This procedure / mechanism evolved shall be filed with the Commission by 30th November 2007 and shall be available in the websites of OPTCL / SLDC.

The Commission also directs that this Order of the Commission in Case No. 10 of 2007 shall be subject to the out come of judgment of Hon'ble Orissa High Court in WP(C) No. 3803 of 2007 filed by GRIDCO.

Sd/-
(K C Badu)
Member

Sd/-
(S K Jena)
Member

Sd/-
(B K Das)
Chairperson