

WEST BENGAL ELECTRICITY REGULATORY COMMISSION

WEST BENGAL

Petition No. OA-333/19-20

Date of hearing: 23rd November, 2020

Time of hearing: 14.30 hours

Coram:

Shri Sutirtha Bhattacharya, Chairperson

Shri Durgadas Goswami, Member

Shri Pulak Kumar Tewari, Member

In the matter of

Petition under section 86(1)(e) and section 86(1)(f) of the Electricity Act 2003 seeking action against West Bengal State Electricity Transmission Company Limited for failure to comply with the relevant provisions of West Bengal Electricity Regulatory Commission (Open Access) Regulations 2007 and West Bengal Electricity Regulatory Commission (Phasing for Open Access in Distribution / Sale of Electricity) Regulations 2006 and to issue direction to West Bengal State Electricity Transmission Company Limited for compensating the petitioner towards unutilized banked energy.

And

**In the matter of
Section 86(1)(e), 86(1)(f) and 42 of the Electricity Act 2003**

And

In the matter of

**ITC Limited,
93/1 Karl Marx Sarani, Kidderpore, Kolkata-70043**

..... Petitioner

And

**West Bengal State Electricity Transmission Company Limited
Vidyut Bhawan, Block-DJ, Sector-II, Kolkata -700091..... Respondent (1)**



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And
CESC Limited,
CESC House, Chowringhee square, Kolkata-700001

..... Respondent (2)

Representatives attended:

ITC Limited [Petitioner]

1. Mr J P Khaitan, Ld. Sr Advocate
2. Mr Agnibesh Sengupta

West Bengal Sate Load Despatch Centre (in short 'SLDC') of West Bengal State
Electricity Transmission Company Limited (WBSETCL) [Respondent]

1. Mr Prabir Kumar Kundu, Chief Engineer, SLDC
2. Mr Dibyendu Bhattacharyya, SLDC

CESC Limited [Respondent]

1. Mr. Sakya Singha Chaudhuri, Advocate
2. Mr. Avijeet Lala, Advocate
3. Ms. Gargi Chatterjea, Executive Director, CESC Limited

ORDER

- 1.1. The matter was heard on 06th July, 2020 at 14.00 hours, 26th August, 2020 at 14.30 hrs. and also on the instant date of hearing, i.e., 23rd November, 2020 at 14.30 hrs.
- 1.2. On behalf of the petitioner it was stated that procurement of equipment and materials are likely to be completed by the third week of December 2020 and progress in respect of finalizing the STOA agreement is satisfactory. However, the validity period of permission granted by the SLDC for STOA has expired and confirmation is necessary from SLDC whether real-time data communication system will have to be set up. He added, both the issues require to be taken care of.
- 1.3. The respondent presented their views on the status of the case in regard to development of infrastructure at the point of petitioner's premises, installation of ABT meters, transformer, etc., preparation of agreement between the parties and submitted that they are hopeful of supplying all materials and equipment at the premises of the petitioner by the third week of December 2020 and will be in a position to effect STOA connection by January 2021 subject to availability of shut-down of the connection at petitioner's premises and statutory clearances.



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2.0 Upon hearing, the Commission directs that –

- a) Despite the fact that the system of granting open access came into effect in 2004, the very process followed in the instant case is procrastinating which shall be avoided at all costs in future. The process and the required documents including STOA agreement have to be standardized;
- b) SLDC is required to grant open access as per provisions of the Electricity Act, 2003 and in compliance with the provisions of the WBERC (Open Access) Regulations, 2007 and take a considered decision on real-time data communication system
- c) . All the parties shall take all possible measures so that the STOA connection is given by the first week of January 2021; and
- d) The case will be posted in the second week of January, 2021 for compliance of all parties and the hearing schedule will be communicated separately in due course of time.

sd/-

(PULAK KUMAR TEWARI)
MEMBER


sd/-

(DURGADAS GOSWAMI)
MEMBER

sd/-

(SUTIRTHA BHATTACHARYA)
CHAIRPERSON

Dated: 10.12.2020


(TK Mukherjee)
for Secretary



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