



**Chhattisgarh State Electricity Regulatory Commission**  
Civil Lines, G.E. Road, Raipur – 492001  
Tel: 0771-4073555, Fax-4073553

**Petition No. 14/2006(M)**

M/s Vandana Vidyut Ltd. .... Petitioner  
V/s  
Chhattisgarh State Electricity Board & Two Others ..... Respondent

**ORDER**  
**(Passed 26/10/2006)**

The Commission had passed orders in this case on 5/6/2006 and in the related case No. 20 of 2005(M) in which we had held that the PPA entered into by the petitioner M/s Vandana Vidyut Ltd with MPEB deemed to be with CSEB as successor to MPEB on 2<sup>nd</sup> Sept. 2000 as modified by supplementary PPA of 24<sup>th</sup> April 2003 did not authorize CSEB to approve change of third parties for sale of power by the petitioner and that the petitioner must apply for open access for wheeling of power as per the regulations notified by the Commission in this regard. In case No. 20 of 2005(M), exercising *suo motu* jurisdiction, the Commission had held that the permission granted by the CSEB to the petitioner for sale of power to third parties in terms of the agreement of 2<sup>nd</sup> Sept. 2000 was not valid. On appeal by the petitioner the Hon'ble Electricity Appellate Tribunal (Tribunal) vide judgement passed in Appeal No.210 of 2006, 112 of 2006 and IA 82 and 87 of 2006 on 16/10/2006 has set aside the orders passed by the Commission in this case and order dated 2<sup>nd</sup> August, 2005 passed in petition No. 20 of 2005(M). It has been held by the Tribunal that the agreement of 2<sup>nd</sup> Sept. 2000 entered into between the petitioner and the MPEB/CSEB, continues to be valid and as such in terms of this agreement the petitioner is (i) not required to seek permission for open access under the Open Access Regulations notified by the Commission as under the agreement the CSEB is obliged to wheel electricity from the petitioner's plant to third parties; and (ii) the petitioner is not required to pay cross-subsidy surcharge as per the Open Access Regulations.

The Tribunal has directed this Commission that the list of 13 consumers (third parties) to whom the petitioner wants to supply electricity, as per the petition

submitted to the Commission on 3/4/2006, be approved. Para 26 of the judgement passed by the Hon'ble Tribunal on 16<sup>th</sup> Sept. 2006 is reproduced below:-

“26) In the result the impugned orders passed by the Chhattisgarh State Electricity Regulatory Commission in both the appeals are set aside and the State Commission is directed to approve the list to whom the appellant proposes to supply energy from its generating plant from time to time without insisting for payment of surcharge under Proviso to Section 42(2) of the Electricity Act, 2003 during the currency of PPA dated 02.09.2000.”

2. Accordingly, the Commission approves the list of 13 consumers (third parties) as per the list furnished to the Commission by the petitioner in this case vide para 8 of his application dated 31/03/2006.

As a result the CSEB shall wheel electricity to the tune of 52.560 lakh units per month to these consumers from the generating plant of the petitioner without payment of cross-subsidy surcharge. The wheeling charges applicable shall be as per the PPA dated 02/09/2000 as modified by the supplementary PPA of 24/04/2003.

3. This order shall also be applicable to case No. 20 of 2006(M).

4. This case may now be filed.

Sd/-  
**Member**

Sd/-  
**Chairman**