Chhattisgarh State Electricity Regulatory Commission
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Petition No. 83 of 2026

In the matter of

"In the matter of seeking exemption from having dedicated feeder and permission for availing open access to drawl/ purchase power from Inter-State/Intra State under the provisions of Clause 5(5) of CSERC (Connectivity and Intra-state Onen Access) Regulations' 2011 as amended by CSERC (Connectivity and Intra-state Onen Access) (first amendment) Regulations' 2012 and under section 86(1)(e) of the Electricity Act, 2003."

M/s Nav Durga Ispat Pvt. Ltd.
Plot No. 435 A, Sect.-C, Urla Industrial Area,
Raipur, Dist.- Raipur (C.G.) ... Petitioner

Versus

1. Chhattisgarh State Power Distribution Company Limited
   Vidhyut Seva Bhawan, Raipur (C.G.)

2. Chhattisgarh State Power Transmission Company Limited
   Vidhyut Seva Bhawan, Raipur (C.G.)

3. State Load Despatch Centre
   Chhattisgarh State Power Transmission Company Limited
   Vidhyut Seva Bhawan, Raipur (C.G.) ... Respondents

PRESENT : **Vivek Ganodwale, Member (Law)**
Ajay Kumar Singh, Member (Technical)

Appearance : Shri Shobhit Joseph, representative for petitioner.

Shri Abhinav Kardekar and Shri Ayush Solanki, counsels along with Shri Pravin Kumar Sharma, EE for Respondent CSPDCL.

Shri V.G. Ekka, EE for respondent CSPTCL.

Shri Shrijan Shukla, counsel along with Shri Abhishek Jain, SE for respondent SLDC.

O R D E R

(November 11, 2026)

The petitioner, M/s Nav Durga Ispat Pvt. Ltd., has filed the instant petition seeking exemption from the requirement of having a dedicated feeder for availing inter-State/intra-State open access for procurement of power from power exchanges, using its existing connectivity through 33 kV Bhawani multi-consumer feeder, emanating from the 132/33 kV Sec.-C Urla Substation.

2. The petitioner has impleaded Chhattisgarh State Power Distribution Company Limited (CSPDCL), State-owned Distribution Licensee, responsible for the distribution and retail supply of electricity in the State as Respondent No.1, Chhattisgarh State Power Transmission Company Limited (CSPTCL), is the State Transmission Utility responsible for transmission of electricity within the State as Respondent No. 2 and State Load Dispatch Center (SLDC) as respondent No.3.

Petitioner's submission:

3. The petitioner is having contract demand of 10500 kVA at 33 kV from CSPDCL. It's plant maintains a high load factor and power factor and that providing a separate dedicated feeder would involve avoidable expenditure.

3.1 The petitioner intends to procure a portion of it's power requirement from power exchange through open access from inter-state/Intra-State sources depending on the market conditions. The procurement of power will be only green powers.

3.2 Section 42 of the Act, specifies non-discriminatory open access and mandates the Commission to introduce open access subject to

certain conditions with payment of charges such as cross subsidy charges, open access charges, etc. Further, a provision related to exemption from having dedicated feeder to avail open access under Clause 5(5) of the CSERC (Connectivity and Intra-State Open Access) Regulations, 2011 and subsequent amendment Regulations, 2012 has been specified.

3.3 Availability of the corridor and several constraints related to space to construct feeder base and dedicated lines and RoW issues are exceptional circumstances for the petitioner to have dedicated feeder. Moreover, being a high load factor industry i.e., more than 80%, it demonstrates stable predictable grid friendly consumption without any network stress, the requirement of dedicated feeder may be exempted.

3.4 With the above submission, the petitioner has prayed to grant exemption from the requirement of a dedicated feeder for availing inter-State and intra-State open access, in the interest of justice equity, and efficient utilization of power system resources and permit the petitioner to draw external power through open access using existing connectivity/feeder arrangement, subject to applicable technical and commercial conditions.

Respondent No. 1 - CSPDCL's Reply

4 It is submitted that petitioner has failed to establish any exceptional circumstances warranting exercise of the extraordinary discretionary power under the proviso to Regulation 5(5) of the Open Access Regulations, 2011. Thus, the grant of the exemption from dedicated feeder as sought by petitioner would not only defeat the mandatory regulatory framework governing Open Access but would also impose substantial technical, operational and financial burdens upon the Respondent, result in loss of

business of the petitioner due to under usage of its assets and also put extra burden on it to carry out maintenance of its assets. All these will adversely affect the interests of similarly situated consumer and ultimately increase the tariff burden upon the remaining consumers of the State. The present petition therefore deserves to be dismissed. CSPDCL has also relied on the following grounds for dismissal of the petition:

4.1 CSPDCL stressed on the maintenance related issues such as planning of shut down and its restoration on multi-consumer feeders are within its control, which will be affected if the exemption is granted. CSPDCL would have to pay prior approval from the petitioner for any shut down for operation and maintenance. Further, load management in multi-consumer feeders with open access permission to the petitioner will lead to commercial disputes such as claims related to non-availability of power, scheduling deviations, compensation, etc. which will be burdened upon the respondent and finally be passed on the consumers.

4.2 Exposure of its employee for claims for compensation in case of delay in restoration of supply or any other operational issues as per provisions in para 5.4 of the CSERC (Standard of Performance in Distribution of Electricity) Regulations, 2020.

4.3 Exempting the petitioner from having dedicated feeder for open access will adversely affect the power sale and revenue realization and may lead to substantial financial loss.

4.4 Exemption would encourage the other similar consumer to procure electricity from the third-party generators / power exchanges instead of taking power from the CSPDCL.

Respondent No. 2 - CSPTCL's Reply

5 Respondent No. 2, CSPTCL, has expressed no objection to consideration of the prayer of the petitioner and to grant necessary exemption as per Open Access Regulations, 2011 and its amendments to allow long-term open access, if the petitioner fulfils the following conditions:

(i) Drawl entity shall draw power under open access from the existing supply arrangement only up to their contract demand.

(ii) Drawl entity shall pay all the open access charges, SLDC charges as per prevailing regulations / tariff order for transaction of power under open access.

(iii) Drawl entity shall make an arrangement for installation of ABT meter with AMR facility and RTU for online data communication etc. at the point of drawl of power as per prevailing regulations.

(iv) Drawl entity shall not be allowed to lodge any claim in case of failure/under scheduled maintenance/shut down / non operation or emergency grid security measures/ Force Majeure events of multi-consumer HV feeder supplying power to the petitioner, due to the reason whatsoever, also agree to load restrictions, if any, imposed by the licensee on the feeders serving them.

(v) Whether the power to be drawn through Open Access includes conventional power or Renewable power, the drawl entity shall strictly comply with all applicable Regulations, procedures, technical requirements, metering arrangements,

scheduling protocols, energy accounting norms/ deviation settlement mechanisms and payment obligations in respect of drawal of power through Open Access in different scenarios as per CSERC regulations and CSERC orders in different petitions or Suo-motu Petitions.

(vi) Drawl entity shall submit an undertaking to the respondents No. 1 & 2 i.e. CSPDCL and CSPTCL regarding condition specified from (i) to (v) above.

Respondent No. 3 - SLDC's Reply

6 Respondent No. 3, SLDC, in its reply, has submitted that the petitioner's application for SLDC registration had not been received and that telemetry of the petitioner's entity substation was not available with SLDC. It has accordingly sought directions to the petitioner to comply with the applicable rules and regulations.

Analysis and Decision

Heard the parties and gone through the submissions made by them.

7 The Commission has considered the petition, the replies filed by the respondents and the documents available on record. Clause 5(5) of the CSERC (Connectivity and Intra-State Open Access) Regulations, 2011, as amended, provides for exemption from the requirement of a dedicated feeder for bulk consumers, for reasons to be recorded in writing. Such exemption is subject to the Commission's satisfaction and compliance with the applicable regulatory and technical requirements.

8 The petitioner has agreed to fulfil the conditions placed by the respondents. The petitioner has submitted requisite undertaking in affidavit.

9 The petitioner is presently connected to the distribution system through 33 kV Bhawani multi-consumer feeders. The petitioner, during the hearings, brought the facts regarding non availability of right of way to develop separate 33 kV infrastructure specially in industrial areas. The same has been admitted by respondent CSPDCL. The request for exemption is intended to facilitate transactions of power through open access without needing a separate dedicated feeder. However, the exemption cannot be construed as dispensing with the applicable requirements relating to metering, telemetry, SLDC registration, scheduling, energy accounting, grid security or payment of prescribed charges.

10 In view of the above, the Commission considers it appropriate to examine the request for exemption subject to the following conditions:

(i) The petitioner shall draw power through open access using the existing supply arrangement only up to its sanctioned contract demand, subject to applicable regulations and the conditions of the HT agreement.

(ii) The petitioner shall complete the requisite SLDC registration formalities and ensure availability and integration of telemetry and online data communication facilities, including installation of ABT metering with AMR facility and RTU, as applicable, to the satisfaction of the competent authorities and in accordance with the prevailing regulations.

(iii) The petitioner shall pay all applicable open access charges, cross subsidy surcharge, SLDC charges and other charges in accordance with the prevailing regulations and tariff orders.

(iv) The petitioner shall comply with all applicable regulations, procedures, technical requirements, metering arrangements, scheduling protocols, energy accounting norms, deviation settlement mechanisms and payment obligations relating to open access, whether the power procured is conventional or renewable.

(v) The petitioner shall be subject to load restrictions, if required, by the concerned licensee or competent authority in accordance with the applicable regulations and grid security requirements. Also, any loss to the licensee, due to deviation from the schedule by the petitioner as per DSM Regulations shall be compensated by the petitioner to the licensee.

(vi) The petitioner shall not be entitled to raise any claim against the respondents merely on account of interruption or non-availability of supply arising from failure, scheduled maintenance, shutdown, non-operation of the multi-consumer feeder, emergency grid security measures or force majeure events, subject to applicable law and regulations.

(vii) The petitioner shall furnish or maintain the requisite undertakings before the concerned respondents, as applicable, regarding compliance with the aforesaid conditions and open access for green power only.

11 Accordingly, the petition is allowed in principle, and exemption from the requirement of a dedicated feeder under Clause 5(5) of the CSERC (Connectivity and Intra-State Open Access) Regulations, 2011, as amended, is granted subject to fulfilment of the mandatory conditions stipulated as above, specifically for power procurement from green energy sources only, through open

access. This exemption is granted keeping in mind exclusively the space constraints in construction of dedicated feeder in a particular area. However, if, it is observed in future that the applicant has procured conventional power under this mechanism, then the grant of permission shall stand withdrawn and appropriate penalty as per the Regulations may also be imposed against such gaming, if done by petitioner.

12 The exemption granted herein shall not, by itself, be treated as approval of open access or as a substitute for any separate registration, connectivity, scheduling or other approval required under the applicable regulations. The petitioner shall be entitled to avail open access only upon fulfilment of the applicable requirements and completion of the requisite formalities before the concerned authorities.

The petition stands disposed of accordingly.

Sd/-
(Ajay Kumar Singh)
Member (Tech.)

Sd/-
(Vivek Ganodwale)
Member (Law)