



ASSAM ELECTRICITY REGULATORY COMMISSION

ORDER SHEET

FILE NO. AERC 718/2019

PETITION NO: 05/2019

CORAM: HON'BLE SHRI S.C. DAS, CHAIRPERSON

In the matter of

Miscellaneous Petition No. 05 of 2019 for grant of Open Access during the Tea crop season (from April to November) with Contract Demand of more than 1 MW (from April to November) to Bateli Tea Company Limited (BTCL)

In the matter of

Bateli Tea Company Limited (BTCL)

---- Petitioner

Present

Petitioner: Shri P.M Baro, Director, Bateli Tea Company
APDCL: Shri Manoranjan Kalita, GM (Com-TRC)
Shri Bibhu Medhi, AGM
Shri Pradeep Kumar Baishya, AGM (TRC)
SLDC: Shri Dipesh Chandra Das
Shri Mriganka Bhuyan
Shri Anup Kumar Sinha
Shri Rachael H. Pakhumate

ORDER 15.10.2019

1. Bateli Tea Company Limited (BTCL) filed a Miscellaneous Petition on 02nd September 2019 and the same has been registered as Petition 05 of 2019 on 02.09.2019.
2. The Petitioner in their Petition submitted that their contract demand during the month of April to November is more than 1 MW, whereas during the off season the contract demand is less than 1 MW.
3. The Petitioner also submitted that for grant of short term open access for their tea factory they have filed an application before the SLDC but SLDC rejected their application stating that the contract demand of the Petitioner's Tea factory is lower than 1 MW during off season (December to March).
4. The Respondents submitted their comments on the petition.
5. The Petitioner and Respondents were heard on 15.10.2019.
6. The submission of the Petitioner and the Respondents during the hearing are as below-

Submission of Petitioner:

- a) Bateli Tea Company Limited has a tea plantation and manufacturing unit at Mazbat.
- b) The connected load is 1020 KM with contract demand of 1200 KVA (season) and 396 KVA (Off Season).
- c) To meet the seasonal contract demand they applied for open access which was denied by SLDC as their contract demand during off season is less than 1 MW.
- d) They have prayed before the Commission to direct APDCL and SLDC to allow short term open access during seasonal period.

Submission of Respondents APDCL and SLDC:

- a) Both the respondent submitted that the off season contract demand of the consumer is

below 1 MW (which is minimum load required for allowing open access).

- b) There is no provision to allow open access to seasonal consumers like the petitioner.
 - c) The Respondents further submitted that due to lack of proper infrastructure the provisions of the AERC (Terms and Conditions for Open Access) Regulations, 2018 couldn't be implemented as yet. So, they prayed for another six (06) months time upto April 2020 to fully implement the new regulation.
7. On hearing the parties the Commission noted the following:
- a) Section 42 (2) of Electricity Act 2003 provides that the state commission shall by regulations provide open access to consumers who requires a supply of power exceeding one mega watt at any time.
 - b) The related provisions in the AERC (Terms and Conditions of Open Access) Regulations 2018 are as follows-
Regulation 4.3: Open Access shall be permissible to all consumers having contract demand of 1 MW and above.
Regulation 4.4: Consumers who are connected with dedicated feeders shall be allowed open access if there is no operational constraint.
Regulation 4.6: The Open Access consumers shall have Special Energy Meters and Remote Terminal unit for energy accounting and to facilitate SLDC in real time monitoring.
 - c) Short term open access is defined in the AERC Regulations as open access for a period up to one (1) month at a time.
8. On consideration of the above provision it is clear that to avail open access under short term, the only criteria to fulfill is that the quantum of open access should be 1 MW or more and scheduling should be done accordingly. No request for scheduling less than 1 MW is to be entertained by SLDC. So, there is no bar to allow short term open access fulfilling the above criteria along with other condition like metering arrangement etc as per regulations.
9. Hence, the prayer of the petitioner is allowed.
10. SLDC is directed to accept their application for short term Open Access on compliance of all other terms and condition by the Petitioner as per the provision of the Regulations.
11. The submission of the Respondents regarding infrastructure, for facilitating energy accounting as per provisions of the AERC (Terms and Conditions of Open Access) Regulations 2018, the Commission observed that this is only an operational constraint and SLDC should take care to create the necessary infrastructure at the earliest for proper energy accounting etc.
12. With the above decision and direction of the Commission, the Miscellaneous Petition No. 05 of 2019 is disposed off.

s/d
(S.C.Das)
Chairperson, AERC