

**BEFORE HON'BLE JOINT ELECTRICITY REGULATORY COMMISSION
FOR THE STATE OF GOA AND UNION TERRITORIES
PETITION NO. _____ OF 2021**

IN THE MATTER OF:

Amplus Energy Solutions Private Limited ... Petitioner

VERSUS

Electricity Department, Government of Goa ... Respondent

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PLACE: GURUGRAM

AUTHORISED OFFICER
OF THE PETITIONER
AMPLUS ENERGY SOLUTIONS PVT. LTD.

**BEFORE HON'BLE JOINT ELECTRICITY REGULATORY COMMISSION
FOR THE STATE OF GOA AND UNION TERRITORIES
PETITION NO. _____ OF 2021**

IN THE MATTER OF:

Petition under Section 9, 42, 86 & other applicable provisions of the Electricity Act, 2003 read with the provisions of the JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017.

AND IN THE MATTER OF:

Amplus Energy Solutions Private Limited

Registered office:

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Okhla Industrial Area Phase – II,
Delhi – 110020

Corporate office:

Level 6, Emaar MGF The Palm Square,
Golf Course Ext Rd, Sector 66,
Gurugram, Haryana 122102

... Petitioner

Versus

Electricity Department,
Government of Goa (EDG)
Vidyut Bhavan, Panaji, Goa

... Respondent

PETITION UNDER SECTION 9, 42, 86 & OTHER APPLICABLE PROVISIONS OF THE ELECTRICITY ACT, 2003 READ WITH THE PROVISIONS OF THE JERC (CONNECTIVITY AND OPEN ACCESS IN INTRA-STATE TRANSMISSION AND DISTRIBUTION) REGULATIONS, 2017.

MOST RESPECTFULLY SHOWETH:

1. The present petition has been preferred by the Petitioner under Sections 9, 42, 86 and other applicable provisions of the Electricity Act, 2003 read with the provisions of the JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017 seeking declaration and clarification from the Hon'ble Commission on the capacity for which Open Access can be granted and also on the levy of

imbalance charges on renewable energy plants – particularly solar plants.

2. The Petitioner (a group company of Amplus Group) is a member of PETRONAS (Petroleum Nasional Berhad) Group, Malaysia and is headquartered in Gurugram, India with regional offices in Bengaluru, Dubai, and Singapore. The Petitioner is Asia's leading distributed energy company providing low carbon energy solutions to industrial and commercial customers by setting up both on-site solar projects (rooftop and ground-mounted) and off-site solar farms. As on date, the Petitioner owns and manages a portfolio of 800+ MWp of operational and under construction distributed solar assets across India with its 400+ projects spread over more than 275+ locations.
3. The Respondent [Electricity Department, Government of Goa] is the sole distribution licensee in the State of Goa and is vested with the functions of transmission, distribution and retail supply of electricity in the entire State of Goa.
4. The Petitioner and its subsidiaries are desirous of establishing solar generating plants in the State of Goa to operate as captive power plants. Since establishing solar plants entails substantial investments, which is to be serviced over the life of the plant, it is essential that there is legal, regulatory and commercial certainty in relation to the applicability of the Regulations for the investors of the solar generating plants and also to the consumers in Goa. In the above circumstances, the Petitioner has preferred the present petition seeking interpretation and clarification on the Open Access Regulations of the Hon'ble Commission, as detailed hereinbelow.

RE: LEGAL PROVISION

5. It needs no reiteration that one of the primary objectives of the Electricity Act, 2003 is for the promotion of renewable sources of energy. This is expressly provided for in Section 61(h) and Section 86(1)(e) of the Electricity Act and also under the Policies and Regulations framed

thereunder. The promotion of renewable energy sources is not only in relation to sale of power to the distribution licensees, but also in relation to matters of open access supply by such Renewable Energy Generators.

6. Further, one of the primary features and provisions of the Electricity Act, 2003 is the concept of open access. Open access is the right available to the consumer to source electricity from third parties or from one's own captive source, apart from the distribution licensee which operates in the area of supply. The open access is the option to get electricity by use of the transmission and distribution system of the licensees and source electricity from third parties or from captive sources.
7. In addition to the above, the Electricity Act also has introduced and sought to promote the concept of captive generation and consumption of electricity. Under Section 9 of the Electricity Act, no license is required for any person to construct, maintain and operate a captive generating plant. Further, in terms of sub-Section (2) of Section 9, it is the statutory right of a person who has constructed a captive generating plant, to have the right to open access for the purposes of carrying electricity from his captive generating plant to the destination of his use. Section 9 of the Electricity Act, inter-alia, reads as under:

"9. Captive generation-

(1) Notwithstanding anything contained in this Act, a person may construct, maintain or operate a captive generating plant and dedicated transmission lines:

Provided that the supply of electricity from the captive generating plant through the grid shall be regulated in the same manner as the generating station of a generating company.

Provided further that no licence shall be required under this Act for supply of electricity generated from a captive generating plant to any licensee in accordance with the provisions of this Act and the rules and regulations made thereunder and to any consumer subject to the regulations made under sub-section (2) of section 42.

(2) Every person. who has constructed a captive aeneratingina

plant and maintains and operates such plant, shall have the right to open access for the purposes of carrying electricity from his captive generating plant to the destination of his use:

Provided that such open access shall be subject to availability of adequate transmission facility and such availability of transmission facility shall be determined by the Central Transmission Utility- or the State Transmission Utility, as the case may be:

Provided further that any dispute regarding the availability of transmission facility shall be adjudicated upon by the Appropriate Commission.”

8. In fact, while the owner of a captive generating plant is subject to the Regulations under Section 42 of the Electricity Act for open access for the purposes of supply of electricity to a licensee or any other consumer as provided in the 2nd proviso to Section 9(1), the right to open access under Section 9(2) for the purposes of captive consumption is an absolute right and is not qualified by any other requirement.
9. Pursuant to the above provisions of the Electricity Act and the Policies framed thereunder, this Hon'ble Commission has also framed and notified the JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017 (*hereinafter called the “Open Access Regulations”*) as amended from time to time. A copy of the said Regulations along with its First Amendment is attached hereto and marked as **Annexure A**.
10. The provisions of the Open Access Regulations as relevant to the present petition, inter-alia provide as under:

“Chapter 2: General Conditions for Open Access

2.1 Phasing of Open Access

1. Open Access shall be allowed to all Consumers where the maximum power to be made available at any time exceeds the threshold level of 1 MVA subject to the satisfaction of the conditions contained in these Regulations.

Provided that the Commission may allow Open Access to Consumers seeking Open Access for capacity less than 1 MVA through a separate Order at such time as it may consider feasible having regard to operational constraints and other factors.

2.2 Eligibility for Open Access and Conditions to be Satisfied

1. *Subject to the provisions of these Regulations,*
 - a) *any Licensee;*
 - b) *a generating company which owns and/or operates or intends to own and/or operate a Generating Station in the State, including a captive power plant; and*
 - c) *a Consumer other than the Distribution Licensee with a Contract Demand in accordance with Clause 2.1 of the Regulations*

shall be eligible for Open Access to the Intra-State Transmission System of the State Transmission Utility or any other Intra-State Transmission Licensee on payment of the transmission and other charges as may be determined by the Commission in accordance with Chapter 4 of these Regulations:

Provided that grant of Open Access in respect of the Intra-State Transmission System shall be subject to the grant of Connectivity under these Regulations.

2. *Subject to the provisions of these Regulations,*
 - a) *a Trading Licensee;*
 - b) *a generating company which owns or operates and/or intends to own and/or operate a Generating Station in the State, including a captive powerplant; and*
 - c) *a Consumer having a Contract Demand in accordance with Clause 2.1 of the Regulations and connected to the Distribution System of the Licensee, provided the Applicant is connected through an independent feeder emanating from a grid sub-station.*

shall be eligible for Open Access to the Distribution System of a Distribution Licensee on payment of the wheeling and other charges as may be determined by the Commission in accordance with Chapter 4 of the these Regulations:

Provided that when a person, who has established a captive power plant, opts for Open Access for carrying the electricity to the destination of his own use, the limitation of Contract Demand as specified in Clause 2.1 of Regulations shall not be applicable.

Provided that a Consumer located in the area of a Distribution Franchisee shall also be eligible for Open Access:

Provided further that a Distribution Franchisee shall not be eligible for Open Access, except in its capacity as a Consumer:

Provided further that grant of Open Access in respect of the Distribution System shall be subject to the grant of Connectivity under these Regulations.

3. *The Consumers with Contract Demand in accordance with Clause 2.1 of the Regulations who are not on independent feeders shall also be allowed Open Access subject to the condition that they agree to the system constraints as well as the power cut restrictions imposed on that feeder by the utility serving them. In such cases, the duty of the Distribution Licensee shall be of a common carrier providing non-discriminatory Open Access as per Section 42 (3) of the Act.*

Chapter 5: Scheduling and Imbalance Charges

5.1 Scheduling

1. *Scheduling of transactions pursuant to grant of Open Access shall be undertaken on day-ahead basis in accordance with the Grid Code in the case of Inter-State transactions, and in accordance with the State Grid Code or relevant Orders of the Commission in the case of Intra-State transactions.*
2. *Notwithstanding anything contained in these Regulations, scheduling of Inter-State Open Access transactions shall be as specified by the Central Commission.*
3. *Scheduling of Intra-State Open Access transactions of all Generating Stations and Consumers irrespective of the capacity shall be done by SLDC in accordance with the provisions of the State Grid Code, as amended from time to time.*
4. *A Short-term Open Access Consumer shall be required to maintain a uniform schedule for a period of at least eight (8) hours.*

5.2 Imbalance Charges

1. **Settlement of Energy at Drawal Point in Respect of Open Access Consumer, or Trading Licensee on Behalf of Open Access Consumer**

.....

b. Open Access Consumer, who is also a Consumer of the Distribution Licensee

In case of deviation between the schedule and the actual drawal in respect of an Open Access Consumer who is a Consumer of Distribution Licensee shall come under the purview of the Intra-State ABT, as notified by the Commission and shall be settled based on the composite accounts for imbalance transactions issued by SLDC on a weekly cycle in accordance with the Deviation Charges specified by the Commission. Billing, collection and disbursement of any amounts under the above transactions shall be in accordance with the Commission's Orders on Intra-State ABT, as may be applicable from time to time.

Till the implementation of Intra-State ABT, the charges shall be regulated as below:

The quantum of drawal of electricity by a partial Open Access Consumer from the Distribution Licensee during any Time Block of a Day should not exceed the "Admissible Drawal" of electricity by the Open Access Consumer which is the difference of Contract Demand and maximum quantum of Open Access for which approval has been granted by the Nodal Agency.

[Illustration: If an Open Access Consumer with a Contract Demand of 10 MW has been given an approval for a maximum Open Access quantum of 6MW for a period of 3 Months, the Admissible Drawal of electricity from the Distribution Licensee during any Time Block shall be 4 MW for any Day during a period of 3 Months.]

i. Overdrawal

The overdrawal by an Open Access Consumer who is a Consumer of the Distribution Licensee shall be settled as under:

- i. Fixed Charges on the Admissible Drawal of electricity by the Open Access Consumer from the Distribution Licensee, even if there is no drawal from the Distribution Licensee.*
- ii. Energy charges corresponding to drawal from a Distribution Licensee by the Open Access Consumer limited to Admissible Drawal of electricity by the Open Access Consumer, at the applicable energy charge rates of the Distribution Licensee.*

- iii. *Additional fixed charges at the rate of 125% of normal fixed charges, for demand above the Admissible Drawl of electricity by the Open Access Consumer.*
 - iv. *Energy charges on any drawal above the Admissible Drawal of electricity by the Open Access Consumer at the rate of charges for temporary connection for the same category.*
- ii. *Underdrawal*

In case of underdrawal with respect to scheduled energy, Open Access Consumer shall not be paid any charges by the Distribution Licensee.

.....

3. Settlement of Energy at the Injection Point in respect of a Generating Company or a Trading Licensee on Behalf of a Generating Company

Any under-injection or over-injection with respect to the schedule approved by the SLDC by a generating company or a Licensee shall be settled in accordance with the CERC Deviation Settlement Mechanism Regulations 2014 amended from time to time."

11. The present petition has been filed seeking interpretation and clarification on the above provisions of the Open Access Regulations, on the following issues:

(A) OPEN ACCESS CAPACITY VIS-À-VIS CONTRACT DEMAND

12. It is stated that the Open Access Regulations do not contain any provision to restrict the quantum of open access of a consumer to the extent of its contract demand maintained by the consumer with the distribution licensee.
13. While the technical feasibility and system requirements are required to be gone into at the time of grant of open access, there is no pre-condition that the open access cannot be applied for a quantum more than the contract demand with the distribution licensee.
14. This is in furtherance of the basic principle of the Electricity Act that competition is to be promoted and the consumer ought to have the

choice of procurement of electricity from sources other than the distribution licensee. In case the open access quantum is restricted to the quantum of contract demand maintained with the distribution licensee, it would result in an inherent restriction on the quantum of electricity that the consumer can procure from open access captive sources.

15. Further, in such cases, the consumer would also be burdened with the demand charges that would be payable to the distribution licensee for the entire contract demand irrespective of use of electricity, while also paying for the electricity to be procured from the third parties.
16. While such a condition for limiting the open access quantum to the extent of contract demand may be resorted to by certain consumers, particularly where there are limitations on the line capacity, no such condition can however be placed upon the consumers. It is always open to a consumer to procure a certain quantum of the electricity requirements from the distribution licensee, while choosing to procure the balance quantum from its own captive sources.
17. This underlying principle has also been captured in the Open Access Regulations, wherein there is no such restriction on the capacity for which open access can be applied for and granted. The Open Access Regulations in Regulation 2.1 only provide for the minimum quantum of consumption threshold, above which the open access can be applied for and granted.
18. In any event, even if the restriction on the open access quantum to be within the contract demand is read into Regulation 2.1 and 2.2 which deals with the eligibility for open access, in terms of the 1st proviso to Regulation 2.2(2) of the Open Access Regulations, the limitation of contract demand shall not be applicable to a person who has established a captive power plant and opts for open access for carrying the electricity to the destination of his own use.

19. The above provision in the 1st proviso to Regulation 2.2(2) of the Open Access Regulations is consistent with Section 9(2) of the Electricity Act which gives the absolute right to a person for open access to carry his own electricity from the captive generating plant to the place of consumption. Such statutory and absolute right to the consumer is not subject to restrictions to be placed on the quantum of open access that can be granted in relation to the contract demand or otherwise any minimum threshold for which open access has to be applied for. The only restriction in such a case shall be subject to the availability of adequate transmission facilities, which has to necessarily be examined on a case to case basis. There however is no absolute restriction on the quantum of open access based on the contract demand, neither can there be any such restriction, particularly for the captive generating plant.
20. The principle that the open access quantum cannot be limited to the extent of the contract demand that a consumer maintains with the distribution licensee has been settled by the Hon'ble Appellate Tribunal in the case of Maharashtra State Electricity Distribution Company Limited vs. Maharashtra Electricity Regulatory Commission & Ors., by judgment dated 01.08.2014 in Appeal Nos. 59 and 116 of 2013, as under:

"10. According to Ms. Deepa Chawan, the Learned Counsel for the Appellant, the provision regarding termination/reduction of contract demand of open access consumer in the commercial circular no. 155 dated 23.01.2012 has been made as per and in accordance with the Regulation 4.2.1. and 4.2.2 of the Open Access Regulations, 2005.

11. According to Mr. M G Ramachandran, a combined reading of the Open Access Regulations, 2005 and Supply Code Regulations, 2005 would show that it is the right of the consumer and not the Distribution Licensee, to require such reduction in contract demand and so long as the consumer is agreeing to pay the charges relating to the full contract demand, the Distribution Licensee has the universal service obligation to allow the contract demand to the extent desired by the consumer. Further, according to Mr. Ramachandran, these issues are covered by the earlier judgments of this Tribunal in their favour.

12. As rightly pointed out by Shri M G Ramachandran, Learned Counsel for Respondent no. 2 to 5, this issue has already been settled by this Tribunal in judgment dated 11.05.2006 in Appeal no. 34 of 2006 and dated 11.07.2006 in Appeal no. 1 of 2006. These have also been relied upon by the State Commission in the impugned order.

.....

In the above cases the Tribunal has held that a consumer who has sought open access can also maintain its full contract demand with the area Distribution Licensee as long as it agrees to pay full charges of the Distribution Licensee, consequent to open access being allowed in his favour.

15. The findings of the Tribunal in above judgments will squarely apply in the present cases too.

.....

18. The combined reading of the Open Access Regulations, 2005 and Supply Code Regulations, 2005 clearly shows that only the open access consumer has the option to reduce or terminate its contract demand with the Distribution Licensee. The Distribution Licensee on its own cannot terminate or reduce the contract demand to the extent of quantum of open access. There is also no deemed reduction of contract demand of a consumer which obtains open access.

.....

20. Ms. Deepa Chawan, Learned Counsel for the Appellant, has argued that the Distribution Licensee is not required to procure power for the consumers who have opted for open access and if the Distribution Licensee is made to make arrangements for full quantum of power for such consumer without any liability to pay stand by/temporary charges it would result in loading of additional cost on other consumers.

21. The open access consumer who maintains full contracted demand with the Distribution Licensee is liable to pay for demand charges which should cover the fixed cost of the Distribution Licensee. In case the Distribution Licensee is not able to recover full fixed cost for the power arranged for such consumer then the Distribution Licensee has liberty to put up a case with supporting documents for the recovery of same for consideration of the State

Commission to appropriately compensate the Distribution Licensee so that the burden is not passed on to other consumers.

22. Section 42 (2) of the Electricity Act provides for open access in the distribution system on payment of wheeling charges and surcharge as specified by the State Commission and the surcharge to be utilized to meet the requirement of cross subsidy within the area of supply of the Distribution Licensee. However, the surcharge shall not be levied in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use. According to Section 42(2) of the Act, the open access consumer is also liable to pay additional surcharge as may be specified by the State Commission to meet the fixed cost (stranded cost) of the Distribution Licensee arising out of his obligation to supply. Therefore, if there is a stranded cost which the Distribution Licensee has to bear out his obligation to supply to open access consumer, the Distribution Licensee can submit its claim for additional surcharge in its petition for ARR and tariff for consideration of the State Commission while deciding the wheeling charges, surcharge and additional surcharge for open access consumers. Thus, the law has provided a remedy for recovery of stranded cost of the Distribution Licensee out of its obligation to supply to an open access consumer. Therefore, if the Appellant Distribution Licensee finds that it has to bear some fixed cost (stranded cost) due to its obligation to supply to the open access consumer, it can always approach the State Commission with supporting data and claim additional surcharge in its ARR/tariff. Whenever such claim is raised by the Appellant, the State Commission shall consider the same and decide as per law."

21. The above principle applies in all force to the present case. So long the consumer pays the entire fixed/demand charges as per the tariff determined for the contract demand, there can be no reduction of the contract demand for open access consumers, or otherwise any restriction on the quantum of power to be drawn up to the contract demand. This has to be left to the choice of the consumers.
22. This is particularly when there is no provision in the Open Access Regulations providing for any reduction in the Contract Demand for Open Access Consumers.

23. Even otherwise, placing any such restriction would be contrary to the basic objective and purpose of the Electricity Act. The Electricity Act seeks to promote renewable sources of energy, captive generation & consumption of electricity and also the open access consumption of electricity by consumers. All of these aspects has been introduced in the Electricity Act as a promotional measure and to further competitive forces to apply.
24. All of the above 3 promotional aspects, namely promotion of renewable energy, captive generation & consumption of electricity and open access consumption apply to the present case, where the Petitioner and its subsidiaries intend to supply electricity as captive generation and consumption from solar power plants by means of open access.
25. In the circumstances, it is submitted that the Hon'ble Commission may clarify the Open Access Regulations to the extent that there is no restriction on the capacity for open access to a captive generating plant and captive consumer, qua the contract demand maintained by the consumer with the Respondent – licensee.

(B) IMBALANCE CHARGES

26. Regulation 5.2 of the Open Access Regulations deals with the applicability of imbalance charges. Regulation 5.2(1)(b) specifically deals with an open access consumer, who is also a consumer of the distribution licensee. While the imbalance charges are to be dealt with in terms of the ABT mechanism to be introduced and implemented by the Hon'ble Commission, the Hon'ble Commission has also given a transient provision for the levy of imbalance charges till the intra-state ABT is introduced.
27. The Hon'ble Commission has in the said provision limited the quantum of electricity that a partial open access consumer can draw from the distribution licensee – 'Admissible Drawal', which provision is applicable only to such cases where the open access quantum is limited

to the contract demand and the contract demand reduces to the extent of the open access quantum.

28. The illustration given by the Hon'ble Commission to the said provision also deals with a case where the open access quantum is limited to the contract demand that the open access consumer maintains with the distribution licensee. The provision and the illustration, *inter-alia*, reads as under:

"Till the implementation of Intra-State ABT, the charges shall be regulated as below:

The quantum of drawal of electricity by a partial Open Access Consumer from the Distribution Licensee during any Time Block of a Day should not exceed the "Admissible Drawal" of electricity by the Open Access Consumer which is the difference of Contract Demand and maximum quantum of Open Access for which approval has been granted by the Nodal Agency.

[Illustration: If an Open Access Consumer with a Contract Demand of 10 MW has been given an approval for a maximum Open Access quantum of 6MW for a period of 3 Months, the Admissible Drawal of electricity from the Distribution Licensee during any Time Block shall be 4 MW for any Day during a period of 3 Months.]"

29. It is stated that the provision by its very nature cannot be applied to renewable plants, particularly solar plants, where the generation is only for part of the day.
30. The above provision requires the Contract Demand to be reduced by the extent of the maximum open access quantum granted, to arrive at the "Admissible Drawal". This can be applied to a conventional generator, who can generate electricity for the entire 96 time blocks and on round the clock basis. In such circumstances, the consumer can possibly replace the contract demand quantum with the open access for the entire duration of the open access approval.
31. However, a solar generating plant, by its very nature can generate only during the day time and there would obviously be no generation at night. Similarly, a wind generating plant can also generate only during such periods when adequate wind velocity is available. Applying the above

quoted provision in the Open Access Regulations as such would mean that the consumer would be prevented from drawing electricity from the distribution licensee to the full extent of the contract demand, even during the time blocks when there is no solar or wind generation.

32. Since the open access approval is on capacity basis, the above quoted provision by its very nature cannot apply to a solar plant for the following primary reasons:

(a) A solar generating plant can generate electricity only for part of the day and not on round-the-clock basis. In such cases, for the time period when there is no solar generation, the consumer has no option but to draw electricity from the distribution licensee.

(b) A solar generating plant can on an average generate electricity at a Capacity Utilisation Factor (CUF) of about 18%. Therefore, even if the consumer has an open access capacity of, say, 4 MW, the quantum of power available from the open access source would be only about 18% of 4 MW. The consumer again has no option but to draw the balance capacity from the distribution license.

33. In the above circumstances, it is submitted that the above quoted provision in the Open Access Regulations, by its very nature cannot apply to a renewable energy source such as a solar generator. It would be an impossibility in law for a consumer procuring power from a solar plant to draw electricity to the full quantum of the open access capacity for the entire time period and substitute the contract demand to such extent.

34. Therefore, the above Regulation has to necessarily be read and interpreted to not apply to solar generating plants. Similar would be the case for a wind generator also. As stated above, any interpretation to the contrary would mean an impossibility to be performed. It is a well settled principle that law cannot require an impossible action to be performed.

35. The intention of the Hon'ble Commission is also not to apply such restrictions to renewable plants such as solar, where the power is infirm in nature. This is evident by the fact that the Hon'ble Commission has also exempted the solar plants from the scheduling for banked units, on the principle of intermittent nature of the generation. In this regard, the Statement of Reasons to the First Amendment to the Open Access Regulations, inter-alia, reads as under:

“Commission’s Proposal in Draft Open Access (First Amendment) Regulations, 2020

“7A.1 7 The Banking as well as withdrawal of banked energy shall be subject to Day Ahead Scheduling in accordance to the provisions of Chapter 5 of this Regulations. The power withdrawn by the Captive consumer/Third Party consumer, as ascertained by Special Energy Meter readings, which is not against the banked power, shall be considered as power purchased by the Captive Consumer/Third Party consumer.”

Stakeholders’ Comments/Suggestions:

9.1 Puducherry Electricity Department (PED) requested Commission to incorporate the suitable provisions on applicability of Imbalance Charges for Open Access Consumers from renewable sources as the Principal Regulations does not specify its applicability. Further, method of computation of Admissible drawal for partial open access consumers who are procuring power from RE sources may also be added in amendment.

9.2 Amplus Energy Solution Private Limited (AESPL) submitted that the concept of imbalance charges beyond admissible drawal as in Regulation 5.2.1 b, should not be applicable on Consumers sourcing power from infirm sources like Solar. Hence the banking as well as the withdrawal of Banked energy should not be subjected to the Clause 5.2 of the existing Regulations.

Analysis & Commission Decision:

9.3 It is imperative to note that the Commission has extended the banking facility to renewable energy generators eligible under this Regulations considering its intermittent nature. Accordingly, subjecting the banking of power to day ahead scheduling may hamper these eligible generators from taking advantage of the banking facility at its fullest. Therefore, the Commission has decided to exempt Banking of energy and withdrawal of banked energy from Day Ahead Scheduling.”

36. It is submitted that the above principle would apply on all fours to the present issue. The solar generators, who cannot generate on 24 hours basis and have to also operate at a much lower CUF than conventional generators, cannot be applied the imbalance charges on the assumption that the open access capacity granted would substitute the contract demand of the consumers.
37. Without prejudice to the above contention, it is further stated that the provision requiring the reduction of Contract Demand to 'Admissible Drawal' presupposes the open access quantum to be within the contract demand. It cannot by its very nature apply to a situation wherein the open access quantum is over and above the contract demand. There could be cases where the consumer voluntarily limits the open access quantum to the extent of the contract demand, particularly in cases where there is a transmission constraint in the line to the consumer. The consumer in such a case, requiring the augmentation of the line capacity, voluntarily limits his open access quantum to the extent of the contract demand with the condition that at no point of time would the total drawl from the distribution licensee as well as the open access sources would exceed the quantum of contract demand.
38. In such an event, there is no requirement to examine the line capacity, as the existing line is presumed to have enough capacity to the extent of contract demand. The very grant of a contract demand with the distribution licensee establishes the fact that the existing line is sufficient to carry electricity to the full extent of the contract demand.
39. However, the above provision in Regulation 5.2(1)(b) cannot be applied to a case where the restriction on the open access quantum up to the contract demand does not apply. In such an event, it is the right of the consumer to draw electricity to the full quantum of the contract demand and also draw electricity from open access sources.
40. In case the consumer overdraws the electricity over and above the contract demand, the consumer would be governed by the penal charges as regulated by the Hon'ble Commission in the retail supply tariff orders

of the Respondent-licensee. However, there is no provision for reduction in the drawl that the consumer has to necessarily be forced into from the distribution licensee qua the contract demand that such consumer maintains with the distribution licensee.

41. Therefore, the provision for restricting the Contract Demand to the Admissible Drawal and the consequent levy of Imbalance Charges cannot also be applied to cases where the Open Access quantum is not restricted by the Contract Demand. The natural consequence of there being no restriction on the open access quantum to the extent of the contract demand would be that the imbalance charges as provided Regulation 5.2(1)(b) would not apply in such cases.
42. It is also relevant to mention that in terms of Regulation 5.2(3), the generator is subject to the Deviation Settlement Mechanism Regulations of the CERC for any under-injection or over-injection of electricity. Further, considering the nature of solar and wind generating plants, Proviso (v) to Regulation 5(1) of the Deviation Settlement Mechanism Regulations, 2014 provides for the generators to be paid as per the Schedule given, and the deviation charges to be applied on the generator as per the provisions contained in the said Regulations. The said provision, inter-alia, reads as under:

"...(v) The wind or solar generators which are regional entities shall be paid as per schedule. In the event of actual generation being less than the scheduled generation, the deviation charges for shortfall in generation shall be payable by such wind or solar generator to the Regional DSM Pool as given in Table-1 below:"

43. The same principle also ought to apply in the State, namely, that the entire schedule is deemed as supply and the implication of imbalance charges is on the generator as per the DSM Regulations of the CERC. The imbalance charges specified in Regulation 5.2(1)(b) ought not apply to the consumer procuring power from wind and solar generators.

(C) NON-APPLICABILITY OF ADDITIONAL SURCHARGE UNDER SECTION 42(4) OF THE ELECTRICITY ACT, 2003

44. It is submitted that captive generators are exempt from the levy of cross-subsidy surcharge under Section 42(2) – 4th Proviso and also Additional Surcharge under Section 42(4) of the Electricity Act.
45. While Section 42(2) – 4th Proviso explicitly provides that the surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his use, in regard to the Additional Surcharge to be levied under Section 42(4), the very terms of the said provision does not apply to a captive generating plant. In this regard, Section 42(4) of the Electricity Act reads as under:

“Section 42. (Duties of distribution licensee and open access):

.....

(4) Where the State Commission permits a consumer or class of consumers to receive supply of electricity from a person other than the distribution licensee of his area of supply, such consumer shall be liable to pay an Additional Surcharge on the charges of wheeling, as may be specified by the State Commission, to meet the fixed cost of such distribution licensee arising out of his obligation to supply.”

46. The said section refers to “receive supply of electricity from a person other than the distribution licensee”. Further, the term “supply” is defined in Section 2(70) of the Electricity Act as under:

“(70) “supply”, in relation to electricity, means the sale of electricity to a licensee or consumer;”

47. Accordingly, one of the essential conditions to be satisfied under Section 42(4) of the Electricity Act is that there is a supply of electricity from a person to a consumer. The supply is sale of electricity to a consumer as defined in the Act. Accordingly, there has to be sale of electricity by the Seller to the Purchaser.
48. In regard to the above, the definition of the ‘Captive Generation Plant’ under Section 2(8) provides as under:

“Section 2. Definitions.- In this Act, unless the context otherwise requires,-

.....

(8) “Captive generating plant” means a power plant set up by any person to generate electricity primarily for his own use and includes a power plant set up by any co-operative society or association of persons for generating electricity primarily for use of members of such cooperative society or association;”

49. In terms of the above definition, the electricity generated by the Captive Power Plant is for his own use.
50. Accordingly, there is an essential distinction between sale of electricity by a person to another person which constitute supply within the scope of Section 42(4) and generation of electricity for his own use.
51. Therefore, in terms of the provisions of Section 42(4) itself, the Additional Surcharge is not payable in respect of the quantum of electricity generated by the Captive Power Plant or a Group Captive Power Plant, and consumed by a captive user when such generating plant and captive user fulfils the conditions mentioned in Section 2(8) of the Act and Rule 3 of the Electricity Rules, 2005.
52. It is in the above context that Section 9 of the Electricity Act dealing with captive generation provides as under:

“9. Captive generation.-

(1) Notwithstanding anything contained in this Act, a person may construct, maintain or operate a captive generating plant and dedicated transmission lines:

.....

(2) Every person, who has constructed a captive generating plant and maintains and operates such plant, shall have the right to open access for the purposes of carrying electricity from his captive generating plant to the destination of his use:”

53. Sub-section (2) of Section 9 only deals with conveyance of electricity by open access to the destination of use. The provision does not deal with

supply at all, as the consumption for own use by captive consumers do not involve supply as provided for in the Electricity Act.

54. This is in line with the National Electricity Policy, 2005 which provides for removing all controls over captive generators and also enable the captive generators to supply available surplus capacity to licensees and consumers.
55. The above has also been settled by the Hon'ble Appellate Tribunal in its judgment and order dated 27.03.2019 in Appeals No. 311 & 315 of 2018, wherein the Hon'ble Tribunal has held that Additional Surcharge cannot be levied on captive consumption of electricity. The Hon'ble Tribunal, has *inter-alia*, held as under:

"... 67. Therefore it is clear that the word 'supply' has to be understood in the context it is used with reference to Section 42 (4) of the Act. It does not at any stretch of imagination mean to include utilization of power by a captive user from a generating plant in which he or it has ownership i.e., equity interest. Therefore, the words 'consume' and 'receive supply' used in Section 42(4) have to be carefully understood and interpreted. The words 'consume' and 'receive supply' used in the context of captive user, which is recognized in Section 9(2) and fourth proviso to Section 42(2) would clearly mean a captive generator carrying electricity to the destination of his own use. Therefore, if the transaction is between the captive generating plant and its shareholders/users, it cannot be equated with the case of supply of power (in the context of definition of Section 2(70) of the Act). In other words, the relevance is with regard to carrying power to the destination of use rather than supply to a consumer. Sub-section (2) of Section 42 does not deal with supply. It only refers to open access and sub-section (4) of Section 42 is conditional on there being supply of electricity as defined in the Act, which does not occur in the case of captive consumption. In other words, if the captive consumers, who get 51% of aggregate power generated, use the electricity generated from a captive generating plant, it is not supply of electricity as defined in the Act. From the very same generating plant, the surplus power i.e., beyond 51% of self consumption by the members is supplied to a consumer there is supply of electricity as defined. In that situation, payment of surcharge, additional surcharge arises, therefore, we are of the opinion that no separate exemption is provided under Section 42(4) of the Act exempting captive users to pay additional surcharge on wheeling charges which is payable by consumer in general if he were to charge his supply from a third

party i.e., other than the licensee of that area. Therefore, like exemption being provided to cross subsidy surcharge was not necessarily to be provided in so far as additional surcharge to Sub-Section 42(4). If cross subsidy surcharge is exempted for captive generation and use, there was no reason why legislature intended to impose additional surcharge on captive users. In terms of National Electricity Policy of 2005 it aims at creation of employment opportunities through speedy and efficient growth of industries. Captive power plants by group of consumers were promoted with an objective to enable small and medium industries being set up which may not be possible and easy individually to set up a plant of optimal size in cost effective manner. Therefore, with certain riders like 26% share holding and minimum 51% of annual consumption of electricity generated in the captive plants setting up of captive or group captive plants were encouraged. If these members or captive users contribute some money towards consumption of electricity, it cannot be equated with 'supply' of electricity in normal parlance. Therefore, we are of the opinion that captive consumers are not liable to pay additional surcharge. If it is understood as contended by the Respondent Commission, the entire policy which formulated into law to promote captive generation and its users (captive users) would be a futile exercise and the purpose of the entire law will be defeated as argued by the Appellants."

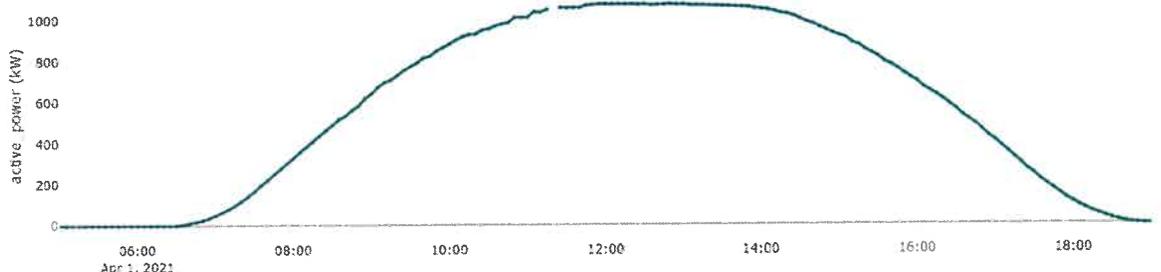
56. It is therefore submitted that the Hon'ble Commission may also clarify the said issue, namely, that Additional Surcharge is not applicable on captive generation and consumption of electricity.

(D) WHEELING & TRANSMISSION CHARGES

57. At the outset, it is stated that reasonable determination and applicability of transmission and wheeling charges is a pre-requisite for development of renewable energy capacity in the State.
58. Presently, the State of Goa is receiving 392 MW from the Western Region (WR) and 100 MW from the Southern Region (SR). The total allocation from the Ministry of Power as on today is 492 MW. The present Power requirement of Goa is around 572-610 MW as per the White Paper issued by the Electricity Department, Government of Goa.
59. Considering the above, the challenge before the State Government is not

progressively increase the share of Renewable Sources in the energy - mix so as to achieve overall energy security. This is also the mandate of the Electricity Act, 2003.

60. While traditionally the procurement of renewable power was more expensive, recent improvements in technology and also scale have now made generation of solar energy economically viable and would lead to reduction in expenditure of the State and consumers for purchase of Conventional Power from the Grid. This is also recognised in the Solar Policy of the State Government
61. New energy generation represented by solar and wind is safe and clean, which can save the problems of energy shortage and environmental pollution. One of the primary reasons for promotion of renewable energy under the Electricity Act is to capture the benefits of renewable power in terms of environment costs, which are also real costs though not fully appreciated at present. While the real time cost of renewable energy itself is now lower than conventional coal based or gas based power plants, the environmental benefits are much larger.
62. In terms of the above, for promotion of Renewable industry in state, long-term clarity as regards the concessional Transmission Charges for long-term open access consumer's procuring power from Solar Plant is must. Solar power projects operate at lower CUF (16% to 19%) and generate lower energy due to its intermittent nature. Solar Plants generate the electricity from 6 AM to 6 PM (*refer Graph below representing the solar generation curve from one of our solar plant installed in IFB Goa*).



63. In evening peak load, Solar Plant do not utilise the allocated Open Access grid capacity and such capacity can be utilised by the other sources and licensee to supply power. In the interest of promotion of renewable energy and considering the non-utilisation of grid by Solar Plants during evening-peak load, several states have provided exemption and concessional transmission charges. Please refer to table below:

State	STU Charges
Uttar Pradesh	50% for Solar
Chhattisgarh	100% waiver for Solar
Karnataka	50% exemption is proposed as per KERC discussion paper on wheeling charges and banking facility for RE based plants dated 24.08.2020
Bihar	100% waiver for Solar

64. The CERC has also provided exemptions in the inter-state transmission charges to renewable energy projects in certain cases.
65. The Hon'ble Commission, in the tariff order dated 19.05.2020 for the Respondent-licensee has determined the wheeling charges at 23 paise/unit for the HT/EHT consumers. The charges have been determined by the State Commission on per unit basis. However, Regulation 4.1 of Open Access Regulations states that the Transmission charges for Long-Term Open Access consumers shall be determined on capacity basis.

"4.1 An Open Access Consumer using the Intra-State Transmission System, shall pay transmission charges to the State Transmission Utility or the Intra-State Transmission Licensee other than the State Transmission Utility for usage of their system as determined by the Commission in the Tariff Order from time to time:

*Provided that transmission charges shall be payable on the basis of **contracted capacity** in case of Long-term and Medium-term Open Access Consumers and on the basis of scheduled load in case of Short-term Open Access Consumers"*

66. The Commission has neither determined the transmission charges on capacity basis nor provided any methodology for the determination of same.
67. Since the only determination by the State Commission is on per unit basis, the Hon'ble Commission may clarify that the said charges would be applicable to all the open access consumers in the State. The only reason such clarification is sought for is that there should not be any ambiguity or hindrance at any stage on the open access being granted, for the reason of the charges to be collected by the licensee. The Petitioner is neither seeking any amendment of the tariff order or is otherwise seeking separate charges to be determined, but only seeking a clarification that the charges as determined should be made applicable and there ought not to be any issue of the open access to be granted on this count.
68. As stated above, the above issues raised in the present petition need to be clarified by the Hon'ble Commission to provide regulatory certainty to the solar generators, including the Petitioner and its subsidiaries. In the above circumstances, the Petitioner has preferred the present Petition before this Hon'ble Commission seeking interpretation and clarification on the provisions of the Open Access Regulations, as detailed hereinabove.
69. The present petition is not barred by limitation.
70. The present Petition is within the jurisdiction of this Hon'ble Commission. The issues involved are on the interpretation of the Regulations of the Hon'ble Commission, which is within the jurisdiction of the Hon'ble Commission.
71. The Petitioner has paid the requisite court fee for filing of the present Petition.
72. In the facts and circumstances mentioned above, it is respectfully prayed that this Hon'ble Commission may be pleased to:

- (a) Clarify and declare that there is no restriction on the quantum of open access that can be granted to the captive consumer in relation to the contract demand that such consumer maintains with the distribution licensee;
- (b) Clarify and declare that imbalance charges under Regulation 5.2(1)(b) would not be applicable to a consumer who avails of open access from the solar and wind energy sources;
- (c) Clarify and declare that Additional Surcharge under Section 42(4) of the Electricity Act is not applicable on captive generation and captive consumption of electricity;
- (d) Clarify that the wheeling charges of 23 paise/kwh determined by the Hon'ble Commission would be applicable to the long-term open access granted to the companies of the Petitioner's Group; and
- (e) Pass such other further order as this Hon'ble Commission may deem just in the facts of the present case.



DATE: 27.04.2021
PLACE: GURUGRAM

PETITIONER
AMPLUS ENERGY SOLUTIONS PVT. LTD.



ATTESTED
RAM NIWAS MALIK, ADVOCATE
NOTARY, GURUGRAM (HR.) INDIA

**BEFORE HON'BLE JOINT ELECTRICITY REGULATORY COMMISSION
FOR THE STATE OF GOA AND UNION TERRITORIES
PETITION NO. _____ OF 2021**

IN THE MATTER OF:

Amplus Energy Solutions Private Limited ... Petitioner
Versus
Electricity Department, Government of Goa ... Respondent

AFFIDAVIT

I, Guru Inder Mohan Singh, son of Shri Man Mohan Singh aged 40 years, residing at B-43, Sector 54, Golf Course Road, Gurugram, Haryana – 122002, do hereby solemnly affirm and state as follows:

1. I say that I am the Director of the Petitioner company and am competent and duly authorised as per the Board Resolution dated 02.08.2016 by the Petitioner company to swear the present affidavit.
2. I say that the contents of the paras 1 to 4 and 58 to 63 of the accompanying Petition are true to my personal knowledge, based on perusal of records and information received, and those of paras 5 to 57 and 64 to 72 are based on legal advice, which I believe to be true.



DEPONENT

VERIFICATION

I, the deponent above-named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Gurugram on this the 27th day of April, 2021.



ATTESTED

RAM NIWAS MALIK, ADVOCATE
NOTARY, GURUGRAM (HR.) INDIA



DEPONENT

ANNEXURE - A**JOINT ELECTRICITY REGULATORY COMMISSION**

(For State of Goa and UTs)

NOTIFICATION

Gurugram, the 14th March, 2018

Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Connectivity and open Access in Intra-State Transmission and Distribution) Regulations, 2017

No. JERC-21/2017.—In exercise of the powers conferred on it by Section 181 of the Electricity Act, 2003 (36 of 2003) and all the powers enabling it in this behalf, the Joint Electricity Regulatory Commission for the State of Goa and Union Territories, after previous publication, hereby makes the following Regulations, namely:-

Preliminary**1) Short Title, Commencement and Extent**

- a) These Regulations may be called the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017.
- b) These Regulations shall come into force from the date of their publication in the Official Gazette.
- c) These Regulations extend to the whole of the State of Goa and the Union Territories of Andaman and Nicobar Islands, Lakshadweep, Dadra & Nagar Haveli, Daman & Diu, Puducherry and Chandigarh.

2) Definitions

1. In these Regulations, unless the context otherwise requires:
 - a) **“Act”** means the Electricity Act, 2003 (36 of 2003);
 - b) **“Allotted Capacity”** means the power transfer in MW between the specified point of injection and point of drawal allowed to a Long-term or a Medium-term Open Access Consumer or a Generating Station on the Intra-State Transmission System or the Distribution System and the expression "Allotment of Capacity" shall be construed accordingly;
 - c) **“Applicant”** means a Consumer, Trading Licensee, Distribution Licensee or a generating company, including captive power plant, who has applied for seeking Connectivity or Open Access, as the case may be;
 - d) **“Bank Rate”** means the base rate of interest as specified by the State Bank of India from time to time or any replacement thereof for the time being in effect plus 350 basis points;
 - e) **“Bilateral Transaction”** means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through Trading Licensee or discovered at Power Exchange through anonymous bidding, from a specified point of injection to a specified point of drawal for a fixed or varying quantum of power (MW) for any time period during a Month;
 - f) **“Central Commission”** means the Central Electricity Regulatory Commission referred to in of Section 76 of the Act;
 - g) **“Collective Transaction”** means a set of transactions discovered in Power Exchange through anonymous, simultaneous competitive bidding by buyers and sellers;
 - h) **“Commission”** means the Joint Electricity Regulatory Commission for the State of Goa and Union Territories referred to in Section 83 of the Act;
 - i) **“Congestion”** means a situation where the demand for transmission or distribution capacity exceeds the available transfer capacity;
 - j) **“Connectivity”** for a Generating Station, including a captive power plant, or a Licensee means the state of getting connected to the Intra-State Transmission System or Distribution System;
 - k) **“Consumer”** shall carry the same meaning as in the Act, but shall be restricted to such Consumers within the State;
 - l) **“Contract Demand”** means the demand in Kilovolt Ampere (‘KVA’) or Megavolt Ampere (‘MVA’), as mutually agreed between the Distribution Licensee and the Consumer -
 - (i) in the agreement for supply of electricity; or
 - (ii) through other written communication:

Provided that unity power factor shall be considered for the purpose of unit conversion from MVA/kVA to MW/kW;

- m) **“Coordination Committee”** means the committee constituted under the Clause 3.4 of these Regulations;
- n) **“Day”** means a day starting at 00.00 hours and ending at 24.00 hours;
- o) **“Detailed Procedure”** means the procedure for Connectivity and Open Access to be issued by the Coordination Committee as per the Clause 3.4 of these Regulations;
- p) **“Distribution Franchisee”** means a person authorized by a Distribution Licensee to distribute electricity on its behalf in a particular area within his area of supply;
- q) **“Distribution Licensee”** means a Licensee authorized to operate and maintain a Distribution System for supplying electricity to the Consumers in its area of supply;
- r) **“Electricity Supply Code”** means the Regulations specified by the Commission under Clause (u), Clause (v), Clause (w), Clause (x) and Clause (zp) of sub-section (2) of Section 181 read with Section 50 of the Act;
- s) **“Full Open Access Consumer”** means an Open Access Consumer who maintains zero demand with the Distribution Licensee in whose area of supply it is located in order to cater to his load requirement;
- t) **“Generating Station”** means any station for generating electricity, and shall also include power plants generating from renewable sources;
- u) **“Grid Code”** means Grid Code specified by Central Electricity Regulatory Commission under Clause (h) of sub-section (1) of Section 79 of the Act;
- v) **“Long-term Open Access”** or **“LTOA”** means the right to use the Intra-State Transmission System and /or Distribution System for a period exceeding seven (7) years;
- w) **“Medium-term Open Access”** or **“MTOA”** means the right to use the Intra -State Transmission System and /or Distribution System for a period equal to or exceeding three (3) Months but not exceeding five (5) years;
- x) **“Month”** means a calendar month as per the Gregorian calendar;
- y) **“Nodal Agency”** means the Nodal Agency defined in Clause 3.2 of these Regulations;
- z) **“Open Access Consumer”** means a person permitted to use Intra-State Transmission System and/or Distribution System to receive supply of electricity from a person other than the Distribution Licensee of his area of supply, and the expression includes a generating company and a Licensee, who has availed of or intends to avail of Open Access;
- aa) **“Partial Open Access Consumer”** means an Open Access Consumer who maintains some demand with the Distribution Licensee in whose area of supply it is located in order to cater to his load requirement;
- bb) **“Renewable Energy”** means electricity generated from Renewable Energy Sources as defined in the Joint Electricity Regulatory Commission for state of Goa & Union Territories (Procurement of Renewable energy) Regulations, 2010, as amended from time to time;
- cc) **“State Load Despatch Centre”** or **“SLDC”** means the State Load Despatch Centre established in the State under sub-section (1) of Section 31 of the Act and includes the sub-SLDC in the State;
- dd) **“Short-term Open Access”** or **“STOA”** means the right to use the Intra-State Transmission System and/or Distribution System for a period not exceeding one (1) Month at a time;
- ee) **“Special Energy Meter”** or **“SEM”** means meters installed in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time;
- ff) **“State”** means the State of Goa, and includes the Union Territories, except Delhi;
- gg) **“State Grid Code”** means the State Grid Code specified by the Commission under Clause (h) of sub-section (1) of Section 86 of the Act;
- hh) **“State Transmission Utility (STU)”** means a Government company specified as such by the Government under sub-section (1) of Section 39 of the Act;
- ii) **“Time Block”** means a period of fifteen minutes for which Special Energy Meters record specified electrical parameters and quantities, with the first such period starting at 00:00 hours;
- jj) **“Transmission Licensee”** means a Licensee authorized to establish or operate transmission lines;
- kk) **“Working Day”** means a Day on which banks are open for business.

2. Words and expressions occurring in these Regulations and not defined herein but defined in the Act or Grid Code or State Grid Code shall bear the same meanings as respectively assigned to them in the Act or Grid Code or State Grid Code and the words and expressions used herein but not specifically defined herein or in the Act or Grid Code or State Grid Code shall have the meanings generally assigned to them in the electricity industry.
3. In the interpretation of these Regulations, unless the context otherwise requires:
 - a) Words in the singular or plural term, as the case may be, shall also be deemed to include the plural or the singular term, respectively;
 - b) The terms “include” or “including” shall be deemed to be followed by “without limitation” or “but not limited to” regardless of whether such terms are followed by such phrases or words of like import;
 - c) References herein to the “Regulations” shall be construed as a reference to these Regulations or as may be amended or modified by the Commission from time to time in accordance with the applicable laws in force;
 - d) The headings within the Regulations are inserted for convenience and be read together with the text below for the purpose of interpretation of these Regulations;
 - e) References to the Statutes, Regulations or guidelines shall be construed as including all statutory provisions consolidating, amending or replacing such Statutes, Regulations or guidelines, as the case may be, referred to;
 - f) In case of inconsistency between any Clauses of these Regulations and any other Regulations or Orders passed by the Commission, the provisions of these Regulations shall prevail.

Chapter 1: Connectivity

1.1 Connectivity

1. A Consumer having a load of 4 MW and above or a Generating Station having a capacity of 4 MW and above shall be eligible to obtain Connectivity to the Intra-State Transmission System, unless already connected, and shall apply for Connectivity, in accordance with the provisions in this Chapter:

Provided that a Generating Station with an installed capacity below 4 MW may also obtain Connectivity to the Intra-State Transmission System, if it is found to be technically feasible by the State Transmission Utility.

2. A Generating Station, including a captive power plant having installed capacity less than 4 MW shall be eligible to obtain Connectivity to the Distribution system, unless already connected, in accordance with the provisions of these Regulations:

Provided that a Generating Station having installed capacity of more than 4 MW may be provided Connectivity to the Distribution System if such Connectivity is found to be technically feasible by the Distribution Licensee:

Provided further that a Distribution Licensee shall be eligible to seek Connectivity to the Intra-State Transmission System and/or the Distribution System of any other Distribution Licensee.

1.2 Application Process for Connectivity to Intra-State Transmission System

1. An Applicant shall apply to the STU for Connectivity in the form prescribed in the Detailed Procedure:

Provided that the STU shall inform the Applicant of any errors or missing information within two (2) Working Days of the receipt of the application.

2. The application shall be accompanied by a non-refundable fee in the shape of demand draft or any form of electronic payment in favour of the entity as mentioned in the Detailed Procedure. The amount of fee is stated in the table below:

Table 1: Application Fee for Connectivity to Intra-State Transmission System

S.No.	Quantum of power to be injected/off take into/from Intra-State Transmission	Application Fee (Rupees (₹))
1	Upto 10 MW	100,000
2	More than 10 MW and upto to 50 MW	200,000
3	More than 50 MW and up to 100 MW	300,000
4	More than 100 MW	400,000

Provided that the application fee for Connectivity for Renewable Energy based generators shall be 50% of the above fee.

3. The application for Connectivity shall contain details such as proposed geographical location of the Applicant, quantum of power to be interchanged that is the quantum of power to be injected in the case of a Generating Station including a captive powerplant and quantum of power to be drawn in the case of Consumer, with the Intra-State Transmission System and such other details as may be laid down in the Detailed Procedure:

Provided that in cases where after the application has been filed, there has been any change in the location of the Applicant, or change in the quantum of power to be interchanged with the Intra-State Transmission System by more than 10 percent, the Applicant shall make a fresh application, which shall be considered in accordance with these Regulations.

4. On receipt of the application, the STU shall, in consultation and through coordination with other agencies involved in the Intra-State Transmission, process the application and carry out the necessary inter-connection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 and Grid Code/State Grid Code.
5. While granting Connectivity, the STU shall specify the name of the sub-station or pooling station or switchyard where Connectivity is to be granted. In case Connectivity is to be granted by looping-in and looping-out of an existing or proposed line, the STU shall specify the point of connection and name of the line at which Connectivity is to be granted. The STU shall indicate the broad design features of the dedicated transmission line and the timeframe for completion of the dedicated transmission line, if applicable.
6. The Applicant shall sign a "Connection Agreement" with the State Transmission Utility or Intra-State Transmission Licensee owning the sub-station or pooling station or switchyard or the transmission line as identified by the STU where Connectivity is being granted:

Provided that in case Connectivity of a Generating Station, including captive power plant or Consumer is granted to the Intra-State Transmission System of an Intra-State Transmission Licensee other than the State Transmission Utility, a tripartite agreement as provided in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 shall be signed between the Applicant, the State Transmission Utility and such Intra-State Transmission Licensee.

7. The grant of Connectivity shall not entitle an Applicant to interchange any power with the grid unless it obtains Long-term Open Access, Medium-term Open Access or Short-term Open Access in accordance with the provisions of these Regulations:

Provided that any interchange of power with the grid without any type of Open Access shall be violation of these Regulations and shall be dealt with in accordance with Section 142 of the Electricity Act, 2003:

Provided further that provisions of these Regulations shall not be applicable to exchange of energy taking place under Clauses 1.2(8) and 1.2(9) below.

8. A Generating Station, including captive powerplant which has been granted Connectivity to the grid shall be allowed to undertake testing including full load testing by injecting its infirm power into the grid before being put into commercial operation, even before availing any type of Open Access. This shall be for a maximum period of six (6) Months, after obtaining permission of the State Load Despatch Centre, which shall keep grid security in view while granting such permission:

Provided that, for the purpose of these Regulations, in exceptional circumstances the STU in consultation with the SLDC may allow extension of the period for testing, including full load test, and consequent injection of infirm power by the Generating Station, beyond six (6) Months on an application made by the generating company at least one (1) Month before the initial period of six (6) Months gets over.

9. The commercial treatment of such infirm power from a Generating Station, shall be as specified in the Regulations of the Commission governing multi-year tariff determination:

Provided that the power injected into the grid on account of such testing from a Generating Station for which the tariff has not been determined by the Commission, shall be the average variable cost of long-term power purchase as approved by the Commission in the prevailing Tariff Order in respect of the Distribution Licensee to whom the Generating Station intends to sell the power.

10. An Applicant may be required by the State Transmission Utility to construct a dedicated line to the point of connection to enable Connectivity to the grid unless exempted by the Commission for reasons to be recorded in writing:

Provided that the construction of such dedicated line may be taken up by the STU or the Intra-State Transmission Licensee upon payment by the Applicant.

11. The State Transmission Utility shall convey its decision on grant of Connectivity or otherwise within a period of sixty (60)Days from the date of receipt of application complete in all aspects:
Provided that the STU may reject an application, stating the reasons for such rejection, aftergiving the Applicant an opportunity to represent against the proposed rejection.
12. A Consumer or Generating Station already connected to the Intra-State Transmission System for which Connectivity has been granted under an existing arrangement shall not be required to apply for Connectivity for the same capacity. However, in case of enhancement of capacity of the Generating Station, a fresh application shall be made for the grant of Connectivity in accordance with these Regulations.

1.3 Application Process for Connectivity to Distribution System by a Generating Station

1. All eligible Generating Stations including a captive powerplant, seeking Connectivity to a Distribution System, shall apply to the Distribution Licensee for Connectivity in the form prescribed in the Detailed Procedure:
Provided that the Distribution Licensee shall inform the Applicant of any errors or missing information within two (2) Working Days of the receipt of the application.
2. The application shall be accompanied by a non-refundable fee of Rupees one lakh (₹ 100,000) in the shape of demand draft or any form of electronic payment in favour of the entity as specified in the Detailed Procedure:
Provided that the application fee for Connectivity for Renewable Energy based generators shall be 50% of the above fee.
3. The application for Connectivity shall contain details such as,proposed geographical location of the Generating Station, quantum of power to be injected and such other details as may be laid down in the Detailed Procedure.
4. On receipt of the application, the Distribution Licensee shall, in consultation and through coordination with State Transmission Utility, process the application and carry out the necessary inter-connection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 and Grid Code/State Grid Code.
5. While granting Connectivity, the Distribution Licensee shall specify the name of the sub-station or pooling station or switchyard where Connectivity is to be granted.
6. The Distribution Licensee shall indicate the broad design features such as switchyard and interconnection facility upto the point of injection into the substation of the Distribution Licensee and the timeframe for completion of the same. The cost of creation of these facilities shall be borne by the generating company. In cases where augmentation of the Distribution Licensee's substation is involved, the generating company shall also bear the cost of the bay, the breaker in the Distribution Licensee's substation and the equipment for inter-connection of real time data to SLDC.
7. The Applicant and the Distribution Licensee shall comply with the provisions of the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.
8. The Applicant shall sign a“Connection Agreement” with the Distribution Licensee where Connectivity is being granted in the format provided in the Detailed Procedure.
9. The grant of Connectivity shall not by itself entitle an Applicant to interchange any power with the grid unless it obtains Long-term Open Access, Medium-term Open Access or Short-term Open Access in accordance with the provisions of these Regulations:
Provided that any inter-change of power with the grid without any type of Open Access shall be violation of these Regulations and shall be dealt with in accordance with Section 142 of the Electricity Act, 2003:
Provided further that provisions of theseRegulations shall not be applicable to exchange of energy taking place under Clauses 1.3(10) and 1.3(11) below.
10. A Generating Station, including captive powerplant which has been granted Connectivity to the Distribution System shall be allowed to undertake testing including full-load testing by injecting its infirm power into the grid before being put into commercial operation, even before availing any type of Open Access. This shall be for a maximum period of six (6) Months, after obtaining permission of the State Load Despatch Centre and the Distribution Licensee, who shall keep grid security in view while granting such permission:
Provided that, for the purpose of these Regulations, in exceptional circumstances, the Distribution Licensee in consultation with the SLDC may allow extension of the period for testing, including full load test, and consequent injection of infirm power by the Generating Station, beyond six (6)Months on an application made by the generating company at least one (1) Month before the initial period of six (6)Months gets over.

11. The commercial treatment of such infirm power from a Generating Station, shall be as specified in the Regulations of the Commission governing multi-year tariff determination:
Provided that the power injected into the grid on account of such testing from a Generating Station for which the tariff has not been determined by the Commission, shall be the average variable cost of long-term power purchase as approved by the Commission in the prevailing Tariff Order in respect of the Distribution Licensee to whom the Generating Station intends to sell the power.
12. The Distribution Licensee shall convey its decision on grant of Connectivity within thirty (30) Days from the receipt of an application complete in all respects:
Provided that the Distribution Licensee may reject an application, stating the reasons for such rejection, after giving the Applicant an opportunity to represent against the proposed rejection.
13. A Generating Station already connected to the Distribution System or to whom Connectivity is already granted under an existing arrangement shall not be required to apply for Connectivity for the same capacity. However, in case of augmentation of capacity of the Generating Station, a fresh application for modification to the Connectivity provisions shall be required in accordance with the provisions of these Regulations.

Chapter 2: General Conditions for Open Access

2.1 Phasing of Open Access

1. Open Access shall be allowed to all Consumers where the maximum power to be made available at any time exceeds the threshold level of 1 MVA subject to the satisfaction of the conditions contained in these Regulations:
Provided that the Commission may allow Open Access to Consumers seeking Open Access for capacity less than 1 MVA through a separate Order at such time as it may consider feasible having regard to operational constraints and other factors.

2.2 Eligibility for Open Access and Conditions to be Satisfied

1. Subject to the provisions of these Regulations,
 - a) any Licensee;
 - b) a generating company which owns and/or operates or intends to own and/or operate a Generating Station in the State, including a captive power plant; and
 - c) a Consumer other than the Distribution Licensee with a Contract Demand in accordance with Clause 2.1 of the Regulations
 shall be eligible for Open Access to the Intra-State Transmission System of the State Transmission Utility or any other Intra-State Transmission Licensee on payment of the transmission and other charges as may be determined by the Commission in accordance with Chapter 4 of these Regulations:
Provided that grant of Open Access in respect of the Intra-State Transmission System shall be subject to the grant of Connectivity under these Regulations.
2. Subject to the provisions of these Regulations,
 - a) a Trading Licensee;
 - b) a generating company which owns or operates and/or intends to own and/or operate a Generating Station in the State, including a captive powerplant; and
 - c) a Consumer having a Contract Demand in accordance with Clause 2.1 of the Regulations and connected to the Distribution System of the Licensee, provided the Applicant is connected through an independent feeder emanating from a grid sub-station.
 shall be eligible for Open Access to the Distribution System of a Distribution Licensee on payment of the wheeling and other charges as may be determined by the Commission in accordance with Chapter 4 of these Regulations:
Provided that when a person, who has established a captive power plant, opts for Open Access for carrying the electricity to the destination of his own use, the limitation of Contract Demand as specified in Clause 2.1 of Regulations shall not be applicable:
Provided that a Consumer located in the area of a Distribution Franchisee shall also be eligible for Open Access:
Provided further that a Distribution Franchisee shall not be eligible for Open Access, except in its capacity as a Consumer:
Provided further that grant of Open Access in respect of the Distribution System shall be subject to the grant of Connectivity under these Regulations.

3. The Consumers with Contract Demand in accordance with Clause 2.1 of the Regulations who are not on independent feeders shall also be allowed Open Access subject to the condition that they agree to the system constraints as well as the power cut restrictions imposed on that feeder by the utility serving them. In such cases, the duty of the Distribution Licensee shall be of a common carrier providing non-discriminatory Open Access as per Section 42 (3) of the Act.
4. A person having been declared insolvent or bankrupt or having outstanding dues against him for more than two (2) Months billing of Distribution/Transmission Licensee at the time of application shall not be eligible for Open Access:
Provided that, if the dispute regarding outstanding dues is pending with any forum or court and a stay is granted by the competent authority, the person shall be eligible for seeking Open Access.

2.3 Provisions for Existing Distribution Licensees

1. The Distribution Licensee/(s) using the Intra-State Transmission System and/or the Distribution System in the State on the date of coming into force of these Regulations under an existing arrangement shall be entitled to continue to avail Open Access on such Transmission and/or Distribution System on the existing terms and conditions on payment of transmission charges and/or wheeling charges and other applicable charges as may be determined by the Commission from time to time in accordance with these Regulations.
2. The existing Distribution Licensee/(s) shall, within sixty (60) Days of coming into force of these Regulations, furnish to the State Transmission Utility and the SLDC, details of their use of Transmission System and/or the Distribution System and the existing terms and conditions for such use.

2.4 Provisions for Existing Consumers and Generating Company Availing Open Access

1. The existing Consumer or a generating company including captive power plants availing Open Access under agreements or Government policies on the date of coming into force of these Regulations may continue to avail Open Access on the terms and conditions of the agreement or policy of the State till the current validity of the agreement/policy on payment of transmission charges and/or wheeling charges and other applicable charges as may be determined by the Commission from time to time in accordance with these Regulations.
2. The existing Consumer other than the Distribution Licensees or a generating company including captive power plants under Clause 2.4 (1), shall submit to the State Transmission Utility and the SLDC details of capacity utilized, point of injection, point of drawal, duration of availing Open Access, peak load, average load and such other information as the State Transmission Utility or the SLDC may require, within sixty (60) Days of coming into force of these Regulations.

2.5 Settlement of Dues

A Consumer applying for Open Access to the Distribution System shall settle all dues of the Distribution Licensee prior to applying for Open Access:

Provided that, where there is a dispute between the Distribution Licensee and the Consumer relating to payment of any charges for electricity, such a Consumer shall be allowed Open Access pending resolution of such dispute upon deposit of the disputed amount with the Distribution Licensee, in accordance with Section 56 of the Act:

Provided further that the Distribution Licensee shall pay interest at a rate equivalent to the Bank Rate for the amount of deposit of the disputed amount that may be returned to the Consumer upon resolution of the dispute in its favour.

2.6 Final Meter Reading

The final meter reading of the Consumer shall be taken by the Distribution Licensee on the date of commencement of Open Access:

Provided that the final meter reading shall be taken in the presence of the Consumer or his representative, and the generating company or Licensee from whom the Consumer intends to obtain supply of electricity, after written intimation to them:

Provided that, if any of these entities are not present as scheduled, the Distribution Licensee may take the final reading and inform them accordingly.

2.7 Criteria for Granting Open Access

1. The Long-term Open Access shall be allowed in accordance with the Transmission System planning criteria and the Distribution System planning criteria stipulated in the State Grid Code, or as specified by the Commission from time to time:

Provided that the Applicant shall bear the cost of any augmentation of the Transmission and/or Distribution System that may be required.

2. Medium-term Open Access shall be granted if the resultant power flow can be accommodated in the existing Transmission System and the Distribution System:
 Provided that normally no augmentation shall be carried out to the Transmission System/Distribution System for the sole purpose of granting Medium-term Open Access:
 However, if the augmentation is required and if the Applicant is ready to bear the cost of such system augmentation then the Applicant may be granted Medium-term Open Access, as the case may be, in accordance with the procedure as is applicable for grant of Long-term Open Access.
3. A Consumer shall be eligible for Short-term Open Access over the surplus capacity on the Intra-State Transmission System/Distribution System available after use by the Long-term Open Access Consumers and the Medium-term Open Access Consumers, by virtue of
 - a) Inherent design margins;
 - b) Margins available due to variation in power flows; and
 - c) Margins available due to in-built spare transmission / distribution capacity created to cater to future load growth:
 Provided that no augmentation shall be carried out to the Transmission System for the sole purpose of granting Short-term Open Access.
4. The construction of a dedicated Transmission Line/Distribution System shall not be construed as augmentation of the Transmission System/Distribution System for the purpose of these Regulations.

Chapter 3: Application Procedure and Approval

3.1 Categories of Open Access Consumers

The application procedure, application fee and the time frame of processing requests by eligible Consumers seeking Open Access shall be based on the following criteria:-

- a. System to which connected:
 - i. Intra-State Transmission System
 - ii. Distribution System
- b. Inter-se location of drawal and injection points:
 - i. Distribution System
 - ii. Intra-State Transmission System
 - iii. In different States
- c. Duration of Open Access:
 - i. Long-term Open Access
 - ii. Medium-term Open Access
 - iii. Short-term Open Access
- d. Type of transaction:
 - i. Collective Transactions through Power Exchange(s)
 - ii. Bilateral Transactions as per mutual negotiation

3.2 Nodal Agency and fee for Open Access

1. An application for Open Access shall be made in the prescribed form and submitted to the Nodal Agency in accordance with these Regulations. The application fee is inclusive of the charges for any load flow or system studies to be conducted by the Nodal Agency.
2. The Nodal Agency shall, within one-eighty (180) Days of notification of these Regulations provide a facility to submit the applications for Open Access through its website and/or other electronic media including mobile based application.
3. Subject to the provisions of these Regulations, the Nodal Agency, application fee, time frame for disposal of application and documents to accompany the application shall be as per the tables below :

Provided that the application fee for Open Access transactions involving Renewable Energy shall be 50% of the applicable fee.

Table 2: Short-term Open Access (Nodal Agency, Fee, Time period and Documents)

S.No.	Inter-se location of injection & drawal point	Nodal Agency	Application Fee (₹)	Time for disposal of the application (Days from the receipt of application)	Documents required with the application
Applicant is connected to the distribution network					
1	Both within the same Distribution Licensee	SLDC	2,000	As provided in Clause 3.7	<ul style="list-style-type: none"> • Proof of payment of Application fee • PPA or Sale-purchase agreement of power • Proof of installation of SEM
2	Both within the same State but in areas of different Distribution Licensees	SLDC	5,000	Same as above	Same as above. Additionally consent from all Distribution Licensees
3	Injection point in the Intra-State Transmission System within the State	SLDC	5,000	Same as above	Same as above
4	Consumer opting to avail power supply from Power Exchange	NLDC	As per Central Commission's Regulations		
5	In different States	RLDC	As per Central Commission's Regulations		
Applicant is connected to the Intra-State transmission network					
1	Both within the same State (in Intra-State Transmission Network)	SLDC	5,000	As provided in Clause 3.7	<ul style="list-style-type: none"> • Proof of payment of Application fee • PPA or Sale-purchase agreement of power • Proof of installation of SEM
2	Injection Point in the Distribution Network within State	SLDC	5,000	Same as above	Same as above.
3	Consumer opting to avail power supply from Power Exchange	NLDC	As per Central Commission's Regulations		
4	In different States	RLDC	As per Central Commission's Regulations		

Table 3: Medium-term Open Access (Nodal Agency, Fee, Time period and Documents)

S.No.	Inter-se location of injection & drawal point	Nodal Agency	Application Fee (₹)	Time for disposal of the application (Days from the receipt of application)	Documents required with the application
Applicant is connected to the distribution network					
1	Both within the same Distribution Licensee	SLDC	25,000	20	<ul style="list-style-type: none"> • Proof of payment of Application fee • Bank Guarantee • PPA or Sale-purchase

S.No.	Inter-se location of injection & drawal point	Nodal Agency	Application Fee (₹)	Time for disposal of the application (Days from the receipt of application)	Documents required with the application
					agreement of power <ul style="list-style-type: none"> • In case of Generating Station or Consumer not already connected to the grid, documentary evidence for completion of the Connectivity showing that the same shall be completed before the intended date of Open Access. • Proof of installation of SEM
2	Both within the same State but in areas of different Distribution Licensees	SLDC	50,000	30	Same as above. Additionally consent from all Distribution Licensees
3	Injection point in the Intra-State Transmission System within the State	SLDC	50,000	30	Same as above
4	In different States	CTU	As per Central Commission's Regulations		
Applicant is connected to the Intra-State transmission network					
1	Both within the same State (in Intra-State transmission network)	SLDC	50,000	30	<ul style="list-style-type: none"> • Proof of payment of Application fee • Bank Guarantee • PPA or Sale-purchase agreement of power • PPA or Sale-purchase agreement of power • In case of Generating Station or Consumer not already connected to the grid, documentary evidence for completion of the Connectivity showing that the same shall be completed before the intended date of Open Access. • Proof of installation of SEM
2	Injection Point in the Distribution Network within State	SLDC	50,000	30	Same as above.
3	In different States	CTU	As per Central Commission's Regulations		

Table 4: Long-term Open Access (Nodal Agency, Fee, Time period and Documents)

S.No.	Inter-se location of injection & drawal point	Nodal Agency	Application Fee (₹)	Time for disposal of the application (Days from the receipt of application)	Documents required with the application
Applicant is connected to the distribution network					
1	Both within the same Distribution Licensee	SLDC	100,000	30	<ul style="list-style-type: none"> • Proof of payment of Application fee • Bank Guarantee • PPA or Sale-purchase agreement of power • In case of Generating Station or Consumer not already connected to the grid, documentary evidence for completion of the Connectivity showing that the same shall be completed before the intended date of Open Access. • Proof of installation of SEM
2	Both within the same State but in areas of different Distribution Licensees	SLDC	200,000	<ul style="list-style-type: none"> • 120 Days where augmentation of Transmission / Distribution System is not required • 150 Days, otherwise 	Same as above. Additionally consent from all Distribution Licensees
3	Injection point in the Intra-State Transmission System within the State	STU	200,000	Same as above	Same as above
4	In different States	CTU	As per Central Commission's Regulations		
Applicant is connected to the Intra-State transmission network					
1	Both within the same State (in Intra-State transmission network)	STU	200,000	<ul style="list-style-type: none"> • 120 Days where augmentation of Transmission/ Distribution System is not required • 150 Days, otherwise 	<ul style="list-style-type: none"> • Proof of payment of Application fee • Bank Guarantee • PPA or Sale-purchase agreement of power • In case of Generating Station or Consumer not already connected to the grid, documentary evidence for completion of the Connectivity showing that the same shall be completed before the intended date of Open Access. • Proof of installation of SEM

S.No.	Inter-se location of injection & drawal point	Nodal Agency	Application Fee (₹)	Time for disposal of the application (Days from the receipt of application)	Documents required with the application
2	Injection Point in the Distribution Network within State	STU	200,000	Same as above	Same as above.
3	In different States	CTU	As per Central Commission's Regulations		

3.3 Procedure for Grant of Open Access Involving Inter-State Transmission System

1. The procedure for grant of Long-term Open Access or Medium-term Open Access involving Inter-State Transmission System shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in Inter-State Transmission and related matters) Regulations, 2009 as amended from time to time. The procedure for grant of Short-term Open Access shall be as per the Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2008 as amended from time to time.
2. The STU shall convey its consent in the case of application for grant of Long-term Open Access or Medium-term Open Access or otherwise as per the provisions of Central Electricity Regulatory Commission Regulations, 2009 as amended from time to time. In case of Short-term Open Access, STU shall convey its consent or otherwise as per the provision of Central Electricity Regulatory Commission Regulations, 2008, as amended from time to time:

Provided that in respect of a Consumer connected to a Distribution System seeking Inter-State Long-term or Medium-term or Short-term Open Access, the SLDC, before giving its consent shall obtain the consent of the Distribution Licensee concerned in accordance with Clause 3.8 of the Regulations.

3.4 Creation of Coordination Committee and Detailed Procedure for Grant of Open Access

1. The STU shall constitute a Coordination Committee within ten (10) Days from the date of notification of these Regulations. The Coordination Committee shall have a nominee each of the Distribution Licensees, Transmission Licensees and the SLDC. The nominee of the STU shall be the Chairperson of the Coordination Committee.
2. Subject to provisions of these Regulations, the Coordination Committee shall prepare the Detailed Procedure for Connectivity and grant of Open Access including requisite formats and submit to the Commission for approval within sixty (60) Days of publication of these Regulations in the Official Gazette. The Detailed Procedure shall be issued after the approval of the Commission.
3. The Detailed Procedure shall, in particular, include:-
 - a) Format for application of Connectivity;
 - b) Format for application of Long-term Open Access;
 - c) Format for application of Medium-term Open Access;
 - d) Format for application of Short-term Open Access;
 - e) Proforma for No Objection Certificate from the Distribution Licensee;
 - f) Standard formats for Connectivity Agreements;
 - g) Standard formats for Open Access Agreements;
 - h) Proforma of Undertaking;
 - i) Commercial terms and conditions as per Clause 7.3 (2);
 - j) Guidelines for curtailment of Open Access;
 - k) Application format for drawal of standby power from the Distribution Licensee;
 - l) Illustrative example for computation of charges, including imbalance charges for an Open Access Consumer; and
 - m) General instructions

3.5 Procedure for Grant of Long-term Open Access Involving Intra-State Transmission and/or Distribution System

1. The application for grant of Long-term Open Access shall be submitted to the Nodal Agency along with payment of non-refundable application fee as specified in the Clause 3.2 of the Regulations and shall contain details such as the name of the entity or entities from whom the power is proposed to be procured along with the quantum of power, point of injection into the grid and point of drawal from the grid and such other details as may be laid down in the Detailed Procedure under Clause 3.4 of the Regulations:

Provided that the Nodal Agency shall inform the Applicant of any errors or missing information within two (2) Working Days of the receipt of the application:

Provided that in cases where there is any material change in the location of the Applicant or a change by more than ten (10) percent in the quantum of power to be interchanged using the Intra-State Transmission System and/or Distribution System, a fresh application shall be made, which shall be considered in accordance with the provisions of these Regulations.

2. The application shall be accompanied by a bank guarantee of Rupees ten thousand (₹ 10,000) per MW or part thereof for the total power to be transmitted. The bank guarantee shall be in favour of the Nodal Agency in the format as per the Detailed Procedure.
3. The bank guarantee shall be kept valid till the execution of the Long-term Open Access agreement, when augmentation of Transmission System or Distribution System is required, and till the operationalization of the Long-term Open Access, when augmentation of Transmission System or Distribution System is not required.
4. On receipt of the application for Open Access, the Nodal Agency shall obtain all the permissions and clearances from the Distribution Licensees, SLDC, STU and other agencies, as may be required, for the Open Access transaction.
5. The Applicant shall submit any other information sought by the Nodal Agency including the basis for assessment of the power to be interchanged using the Intra-State Transmission System or Distribution System and the power to be transmitted to or from various entities or regions to enable the Nodal Agency to plan the Intra-State Transmission System and Distribution System in a comprehensive manner.
6. The bank guarantee shall be returned to the Applicant within fifteen (15) Days of signing of the Long-term Open Access agreement or operationalization of the Long-term Open Access, as applicable or rejection of such application.
7. The bank guarantee may be encashed by the Nodal Agency, if the application is withdrawn by the Applicant or the Long-term Open Access rights are relinquished prior to the start of such rights when augmentation of Transmission System or Distribution System is not required.
8. The Nodal Agency shall, in consultation and through coordination with other agencies involved in Intra-State Transmission System and /or Distribution System to be used, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant Long-term access is arrived at within the timeframe specified in Clause 3.2 of the Regulations:

Provided that no application shall be rejected by the Nodal Agency without communicating the reasons in writing:

Provided further that in absence of any communication related to grant of or rejection of Open Access within the time frame as stipulated in Clause 3.2 of the Regulations, the Open Access shall be deemed to have been granted, subject to system availability.

9. Based on the system studies, the Nodal Agency shall specify the Intra-State Transmission System or Distribution System that would be required to provide Long-term Open Access:

Provided that where the Long-term Open Access can be allowed without augmentation, this shall be allowed immediately after entering into commercial agreements.

10. In case augmentation to the existing Intra-State Transmission System and/or Distribution System is required, the same shall be intimated to the Applicant. Upon receipt of such information, the Applicant may request the Nodal Agency to carry out further system studies and preliminary investigation for the purpose of estimating the cost and the time that would be required for system strengthening:

Provided that the Nodal Agency shall intimate the cost estimates, likely completion schedule and estimated date from which Open Access shall be allowed after system strengthening within thirty (30) Days confirmation from the Applicant:

Provided that in case the Applicant does not agree to avail Open Access with system strengthening, his application shall be rejected and the bank guarantee shall be released.

11. The Applicant shall accordingly deposit the estimated amount for augmentation to the Nodal Agency.
12. While granting Long-term Open Access, the Nodal Agency shall communicate to the Applicant, the date from which Long-term Open Access shall be granted and an estimate of the transmission charges likely to be payable based on the prevailing costs, prices and methodology of sharing of transmission charges specified by the Commission.
13. Immediately after grant of Long-term Open Access, the Nodal Agency shall inform the SLDC so that the same is kept in view while considering requests for grant of Medium-term and Short-term Open Access, received by SLDC under these Regulations.
14. The Applicant shall sign an agreement for Long-term Open Access with the concerned Licensees in accordance with the provisions in the Detailed Procedure as under:
 - a) with the STU in case Long-term Open Access is granted only on the Transmission System of STU
 - b) with the STU and all those Licensees on whose Transmission / Distribution System Long-term Open Access has been granted. Such agreement may be among three (3) or more parties.
15. The Long-term Open Access agreement shall be on the agreement format provided in the Detailed Procedure and shall contain the date of commencement of Long-term Open Access, the point of injection of power into the grid, the point of drawal from the grid and the details of dedicated transmission line (s), if any. In case augmentation of Transmission System or Distribution System is required, the Long-term Open Access agreement shall contain the time line for construction of the same, the bank guarantee required to be provided by the Applicant and other Details as specified in the Detailed Procedure.
16. On receipt of a subsequent application for Long-term Open Access, where the dedicated system created at the expense of the previous Applicant can be used, the users of the said Transmission System shall pay the charges in proportion of their use of the system. However, this arrangement shall be subject to mutual consent of the parties involved.
17. On the expiry of the period of Long-term Open Access, the same may be extended by the Nodal Agency on receipt of a written request from such Consumer. The request shall be accompanied by the application fee in accordance with these Regulations:

Provided that such request is submitted at least six (6) Months prior to the date on which the existing Long-term Open Access ends. The Long-term Open Access Consumer shall clearly mention in the request the period for which extension is required:

Provided further that in case no written request is received from the Open Access Consumer within the specified time, the said Long-term Open Access shall stand terminated automatically at 2400 hours on the date up to which it was initially granted.
18. After expiry of the period of the Long-term Open Access, the Open Access Consumer shall not be entitled to any overriding preference for renewal of the term.
19. A Long-term Open Access Consumer may relinquish the Long-term Open Access rights fully or partly before the expiry of the full term of the Long-term Open Access by making payment of compensation as provided in Clause 9.1 these Regulations.

3.6 Procedure for Grant of Medium-term Open Access Involving Intra-State Transmission and Distribution System

1. The application for grant of Medium-term Open Access shall be made to the Nodal Agency along with payment of non-refundable application fee as specified in Clause 3.2 and shall contain such details as may be laid down in the Detailed Procedure, including the point of injection into the grid, the point of drawal from the grid and the quantum of power for which Medium-term Open Access has been applied for.

Provided that in cases where there is any material change in the location of the Applicant or a change by more than ten (10) percent in the quantum of power to be interchanged using the Intra-State Transmission System and/or Distribution System, a fresh application shall be made, which shall be considered in accordance with the provisions of these Regulations.
2. The Application for grant of Medium-term Open Access shall be made to the Nodal Agency between three (3) Months to twelve (12) Months prior to the intended commencement of Open Access:

For Example: Application for grant of Medium-term Open Access commencing 1st August, 2016 shall be made between 1st August, 2015 and the last Day of April, 2016:

Provided that the Nodal Agency shall inform the Applicant of any errors or missing information within two (2) Working Days of the receipt of the application.

3. The application shall be accompanied by a bank guarantee of Rupees two thousand (₹ 2000) per MW or part thereof for the total power to be transmitted. The bank guarantee shall be in favour of the Nodal Agency, in the manner laid down under the Detailed Procedure.
4. The bank guarantee shall be kept valid till operationalization of Medium-term Open Access.
5. The bank guarantee may be encashed by the Nodal Agency, if the application is withdrawn by the Applicant or the Medium-term Open Access rights are relinquished prior to the operationalisation of such rights.
6. On receipt of the application for Medium-term Open Access, the Nodal Agency shall obtain all the permissions and clearances from the Distribution Licensees, SLDC, STU and other agencies, as may be required, for the Open Access transaction.
7. The Nodal Agency shall, in consultation and coordination with other agencies involved in Intra-State Transmission and or Distribution System, process the application and carry out necessary system studies as expeditiously as possible so as to ensure that the decision to grant or refuse Medium-term Open Access is made within the specified timeframe in Clause 3.2 of the Regulations:

Provided that no application shall be rejected by the Nodal Agency without communicating the reasons in writing:

Provided further that in absence of any communication related to grant of or rejection of Open Access within the time frame as stipulated in Clause 3.2 of the Regulations, the Open Access shall be deemed to have been granted, subject to system availability.
8. On being satisfied that the specified requirements, with respect to criteria for granting Medium-term Open Access are met, the Nodal Agency shall convey its decision for grant Medium-term Open Access for the period stated in the application:

Provided that for reasons to be recorded in writing, and with the consent of the Applicant, the Nodal Agency may grant Medium-term Open Access for a period less than that sought for by the Applicant:

Provided further that in case the Open Access capacity available is less than the capacity sought and there are two (2) or more applications for the same period, then the available capacity shall be proportionally allotted to each Applicant if they so consent.
9. The Applicant shall sign an agreement for Medium-term Open Access with the concerned Licensees in accordance with the provisions in the Detailed Procedure as under:
 - a) with the STU in case Medium-term Open Access is granted only on the Transmission System of STU
 - b) with the STU and all those Licensees on whose Transmission/Distribution System Medium-term Open Access has been granted. Such agreement may be among three (3) or more parties.
10. The Medium-Term Open Access agreement shall be on the agreement format provided in the Detailed Procedure and shall contain the date of commencement and end of Medium-term Open Access, the point of injection of power into the grid and the point of drawal from the grid, the details of dedicated transmission lines, if any, bank guarantee required to be provided by the Applicant and such other details as specified in the Detailed Procedure.
11. Immediately after grant of Medium-term Open Access, the Nodal Agency shall inform the SLDC, so that the SLDC can keep the same in view while processing requests for Short-term Open Access received under these Regulations.
12. Before the expiry of the period of Medium-term Open Access, the same may be extended by the Nodal Agency on receipt of a written request from such Consumer accompanied by the non-refundable application fee for Medium-term Open Access as prescribed in the Regulations:

Provided that such request is submitted at least one (1) Month prior to the date on which the existing Medium-term Open Access ends. The Consumer shall clearly mention in the request the period for which extension is required.
13. After expiry of the period of the Medium-term Open Access, the Open Access Consumer shall not be entitled to any overriding preference for renewal of the term.
14. A Medium-term Open Access Consumer may relinquish the MTOA rights, fully or partly, by giving notice and paying the compensation amount to the Nodal Agency as provided in Clause 9.1 of these Regulations.

3.7 Procedure for Grant of Short-term Open Access involving Intra-State Transmission and Distribution System

1. Open Access in Advance:

- (i) The application for seeking Intra-State Short-term Open Access shall be submitted to the Nodal Agency in the format prescribed in the Detailed Procedure which shall contain details such as capacity required, generation planned or power purchase contracted, the point of injection, the point of drawal, the duration of availing Open Access, the peak load, the average load and such other additional information as may be required by the Nodal Agency. The application shall be accompanied by non-refundable application fee in accordance with Clause 3.2:

Provided that a separate application shall be made for each Month and for each transaction in a Month, if the injection and drawal points are different:

Provided that a captive power company may make a single application with single injection and multiple drawal points.

- (ii) The application may be submitted upto four (4) Months in advance considering the Month in which application is made to be the first Month, but not later than the fifteenth (15th) Day of the preceding Month

For example: Application for Short-term Open Access in the Month of August shall be submitted between 1st April and 15th July:

Provided that the Nodal Agency shall inform the Applicant of any errors or missing information within one (1) Day of receipt of the application.

- (iii) All applications received up to the fifteenth (15th) Day of the Month shall be treated as having been received at the same time.
- (iv) On receipt of the application for Open Access, the Nodal Agency shall obtain all the permissions and clearances from the Distribution Licensees, SLDC, STU and other agencies, as may be required, for the Open Access transaction.
- (v) Based on the nature of transactions, the Nodal Agency shall take a decision on the applications for Intra-State Short-term Open Access in the manner provided below:
- a) All applications received up to the fifteenth (15th) Day of the preceding Month shall be taken up for consideration together and processed as per allotment priority criteria specified in these Regulations.
 - b) The Nodal Agency before granting Intra-State Open Access shall take into consideration the resultant Congestion of any element, line or transformer, of the Transmission and Distribution System involved in the proposed Short-term transaction.
 - c) The Nodal Agency shall, after satisfying itself that the application is complete in all respects and the Applicant has complied with all other technical / metering requirements convey grant of Open Access or otherwise in the prescribed format along with the schedule of payments latest by the nineteenth (19th) Day of such preceding Month in which the application was received.
 - d) The Nodal Agency shall record the reasons in writing in case Open Access is denied to any eligible Applicant:
 Provided that in absence of any communication related to grant of or rejection of Open Access within the time frame as stipulated above in the Clause 3.7(1)(v)(b), the Open Access shall be deemed to have been granted, subject to system availability.
- (vi) In case the Nodal Agency anticipates Congestion, it may invite electronic bids as per the Bidding Procedure as specified in the Clause 3.7(1)(vii) of the Regulations for advance scheduling after the last date for submission of applications.
- (vii) **Bidding Procedure**
- a) The decision of the Nodal Agency in respect of an expected Congestion shall be final and binding on all the parties.
 - b) The Nodal Agency shall convey to the Applicants, the information of Congestion and decision for invitation of bids indicating the floor price, in the format prescribed in the Detailed Procedure.
 - c) The Nodal Agency shall also display the bidding information on its website.

- d) The floor price of the transmission and wheeling charges determined on the basis of the relevant the Order of the Commission shall be indicated in the format prescribed in the Detailed Procedure.
 - e) The bids shall be accepted in the format prescribed in the Detailed Procedure up to the “bid closing time” as indicated in bid invitation notice.
 - f) Once submitted, no modification to a bid, shall be entertained.
 - g) If any Applicant does not participate in the bidding process, his application shall be deemed to have been withdrawn and shall not be processed.
 - h) The Nodal Agency shall not entertain any request for extension of time / date for submission of bids.
 - i) The bidders shall quote the price, rounded-off to a whole number, in the denomination in which the floor price has been determined.
 - j) The quoted price shall be stacked in a descending order and allocation of available capacities shall be accorded in such a descending order until the available capacity is fully exhausted.
 - k) In case of a tie in the bid price of two (2) or more Applicants, the allocation from the residual available capacity as at sub-clause (j) above, shall be made in proportion to the capacity being sought by such Applicants.
 - l) All Open Access Consumers, in favour of whom full capacities have been allotted, shall pay the highest price discovered through the bidding process.
 - m) The Open Access Consumers, who are allotted less capacity than sought for, shall pay the price as quoted by them which shall in no case be less than the floor price.
 - n) The Nodal Agency shall reject bids which are incomplete, vague in any manner or not found in conformity with the bidding procedure / guidelines.
2. Open Access on ‘first come first served’ Basis:
- (i) Applications for Open Access received after the date specified in Clause 3.7(1)(ii) and the applications received during the Month in which the Open Access is sought shall be considered on first come first served basis:
 Provided that such applications shall reach the Nodal Agency at least four (4) Days in advance of the date of the Open Access transaction. All these applications shall be processed and decided within three (3) Days of their receipt
For example: The application for Open Access commencing from 10th July shall be submitted by 5th July by 5 PM and the decision for grant of Open Access shall be conveyed by 8th July by 5 PM.
3. Day-ahead Open Access:
- (i) An application for grant of ‘Day ahead’ Open Access may be submitted to the Nodal Agency within three (3) Days prior to the date of scheduling but not later than 1200 hours of the Day immediately preceding the Day of scheduling for the Day-ahead transaction
For example: application for Day-ahead transaction on 25th Day of July shall be received from 22nd Day of July up to 1200 hours on 24th Day of July:
 Provided that all the application received upto the cut-off time as specified above, shall be treated as having been received at the same time:
 Provided further that any application received after the cut-off time of the Day immediately preceding the date of scheduling or on the Day of scheduling shall be considered in case of contingency of the Applicant, and the fee for such contingency applications shall be five (5) times the otherwise applicable application fees.
 - (ii) The Nodal Agency shall check for resultant Congestion due to the proposed ‘Day ahead’ Open Access transaction and convey approval or otherwise in the format prescribed in the Detailed Procedure by 1400 Hours of the Day preceding the Day of scheduling. All other provisions for Intra-State Short-term Open Access shall apply for Day ahead Open Access.
4. The reserved capacity by a Short-term Open Access Consumer is not transferable to others.
5. The capacity available as a result of surrender or reduction or cancellation of the reserved capacity by the SLDC, may be reserved for any other Short-term Open Access Consumer in accordance with these Regulations.

6. Upon expiry of the period of Short-term Open Access, the Consumer, Generating Station or Licensee, as the case may be, shall not be entitled to any priority for renewal of the term.

3.8 Consent by STU, SLDC or Distribution Licensee

1. Inter-State Open Access

The respective Nodal Agency for Long-term, Medium-term and Short-term Open Access shall convey its consent or otherwise as per the provisions of the Central Electricity Regulatory Commission's Regulations or Orders in force:

Provided that in case the Applicant is a Consumer of a Distribution Licensee, that Distribution Licensee shall convey its consent or rejection within two (2) Working Days of receipt of the request in case of Short-term Open Access and ten (10) Working Days, in case of Medium-term and Long-term Open Access.

2. Intra-State Open Access

- (i) While processing the application from an Applicant seeking Intra-State Open Access, the respective Licensee shall verify the following, namely-
- Existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code in force;
 - Availability of capacity in the Transmission and Distribution network; and
 - Availability of Remote Terminal Unit (RTU) and communication facility to transmit real-time data to the SLDC or Distribution Control Centre (DCC), if applicable;
- (ii) Where existence of necessary infrastructure and availability of capacity in the Transmission and/or Distribution Network has been established, the Transmission and/or Distribution Licensee shall convey its consent to the Nodal Agency by e-mail or fax or by any other usually recognized mode of communication, within three (3) Working Days of receipt of the application;
- (iii) In case the Transmission and/or Distribution Licensee finds that the application for Open Access is incomplete or defective in any respect, it shall communicate the deficiency or defect to the Nodal Agency by e-mail or fax or by any other usually recognized mode of communication, within two (2) Working Days of receipt of the application;
- (iv) In case the application has been found to be in order but the Transmission and/or Distribution Licensee refuses to give consent on the grounds of non-existence of necessary infrastructure or unavailability of surplus capacity in the Transmission and/or Distribution network, such refusal shall be communicated to the Nodal Agency by e-mail or fax or by any other usually recognized mode of communication, within the period of three (3) Working Days from the date of receipt of the application, along with reasons for such refusal;
- (v) Where the Transmission and/or Distribution Licensee has not communicated any deficiency or defect in the application within two (2) Working Days from the date of receipt of the application, or refusal or consent within the specified period of three (3) Working Days from the date of receipt of the application as the case may be, consent shall be deemed to have been granted.

3.9 Allotment Priority

- Except in case of Short-term Open Access applied for in advance as per Clause 3.7(1), the Nodal Agency shall consider applications on a 'first come, first served' basis.
- When two (2) or more applications are received on the same Day, the priority shall be defined in the order of priority from highest to lowest as listed below:

Table 5: Order of priority for grant of Open Access

Order of priority for grant of Open Access	Allotment
Priority 1	Distribution Licensee (irrespective of whether Open Access sought is for Long-term, Medium-term or Short-term)
Priority 2	Other Long-term Open Access Applicants
Priority 3	Other Medium-term Open Access Applicants
Priority 4	Other Short-term Open Access Applicants

Provided that two (2) or more applications for the same duration of Open Access received on the same Day shall be treated paripassu for allotment, and if the available capacity is insufficient to accommodate all applications, the Applicants shall be allotted share in the available capacity proportionate to the capacities applied for:

Provided further that if an Applicant is not able to limit its requirement to the available capacity, the request of the Applicant having next lower priority may be taken up for consideration.

3. An existing Open Access Consumer shall have priority higher than new Open Access Applicants under the respective category provided the existing Open Access Consumer applies for renewal within the timelines as specified in the respective procedures for Open Access prior to the expiry of the existing term of Open Access.

3.10 Applications from Defaulters

Notwithstanding anything contained in these Regulations, the Nodal Agency shall be at liberty to summarily reject an application for Open Access on the ground of non compliance of the provisions of these Regulations, more specifically the provisions relating to timely payment of the charges leviable in these Regulations.

Chapter 4: Open Access Charges

4.1 Transmission Charges

1. An Open Access Consumer using the Intra-State Transmission System, shall pay transmission charges to the State Transmission Utility or the Intra-State Transmission Licensee other than the State Transmission Utility for usage of their system as determined by the Commission in the Tariff Order from time to time:

Provided that transmission charges shall be payable on the basis of contracted capacity in case of Long-term and Medium-term Open Access Consumers and on the basis of scheduled load in case of Short-term Open Access Consumers. For Open Access for a part of a Day, the transmission charges shall be payable as under:

- a. Up to six (6) hours in a Day in one (1) block: 1/4th of the charges for Long-term and Medium-term users;
- b. More than six (6) hours and up to twelve (12) hours in a Day in one (1) block: ½ of the charges for Long-term and Medium term users; and
- c. More than twelve (12) hours and upto twenty-four (24) hours in a Day in one (1) block: equal to Long-term and Medium-term users

Provided further that where a dedicated Transmission System has been constructed for the exclusive use of or is being used exclusively by an Open Access Consumer, the transmission charges for such dedicated system shall be worked out by Intra-State Transmission Licensee and got approved by the Commission. These charges shall be borne entirely by such Open Access Consumer till such time the surplus capacity is allotted and used for by other Open Access Consumers or other purposes, after which these transmission charges for such dedicated system shall be shared in the ratio of allotted capacities.

2. When capacity has been reserved consequent to bidding, the transmission charges will be taken as determined through bidding in accordance with Clause 3.7(1) (vii).
3. 75% of charges collected from the Short-term Open Access Consumers shall be adjusted towards reduction in the charges payable by the Long-term and Medium-term Open Access Consumers. The remaining 25% of the charges collected from Short-term Open Access users shall be retained by the respective Licensee:

Provided that in case of any conflict between this provision and a similar provision in the Multi-year Tariff Regulations, the provision contained in the Multi-year Tariff Regulations shall prevail.

4.2 Wheeling Charges

1. An Open Access Consumer using a Distribution System shall pay to the Distribution Licensee such wheeling charges, on the basis of actual energy drawal at the consumption end, as may be determined by the Commission in the Tariff Order from time to time:

Provided that for Open Access for a part of a Day, the wheeling charges shall be payable as under:

- a. Up to six (6) hours in a Day in one (1) block: 1/4th of the charges for Long-term and Medium-term users;
- b. More than six (6) hours and up to twelve (12) hours in a Day in one (1) block: ½ of the charges for Long-term and Medium term users; and
- c. More than twelve (12) hours and upto twenty-four (24) hours in a Day in one (1) block: equal to Long-term and Medium-term users

Provided further that where a dedicated Distribution System has been constructed for exclusive use of an Open Access Consumer, the wheeling charges for such a dedicated system shall be worked out by the Distribution Licensee and got approved from the Commission. These charges shall be borne entirely by the Open Access Consumer till such time the surplus capacity is allotted and used for by other persons or purposes after which these wheeling charges for such dedicated system shall be shared in the ratio of the allotted capacities.

2. Wheeling Charges shall not be applicable in case a Consumer or Generating Station or Licensee is not utilizing the distribution network for the purpose of receiving power through Open Access.
3. When capacity has been reserved consequent to bidding, the wheeling charges shall be taken as determined through bidding in accordance with Clause 3.7(1) (vii).
4. 75% of charges collected from the Short-term Open Access Consumers shall be adjusted towards reduction in the charges payable by the Long-term and Medium-term Open Access Consumers. The remaining 25% of the charges collected from Short-term Open Access users shall be retained by the respective Licensee:

Provided that in case of any conflict between this provision and a similar provision in the Multi-year Tariff Regulations, the provision contained in the Multi-year Tariff Regulations shall prevail.

4.3 Scheduling and System Operation Charges

Scheduling and system operation charges shall be payable by the Open Access Consumers at the following rates:

1. For Inter-State Open Access:
 - a. **Long-term Open Access and Medium-term Open Access**
 - i. Regional Load Despatch Centre fees and charges including charges for the Unified Load Despatch and Communication Scheme as specified by the Central Commission under Section 28(4) of the Act.
 - ii. SLDC fees and charges as specified by the Commission under sub-section (3) of Section 32 of the Act.
 - b. **Short-term Open Access**
 - i. Regional Load Despatch Centre and SLDC fees and charges as specified by the Central Commission.
2. For Intra-State Open Access
 - i. The scheduling and system operation charges payable to the SLDC by Long-term and Medium-term Open Access users shall be same as determined by Commission the Commission under sub-section (3) of Section 32 of the Act.
 - ii. The scheduling and system operation charges of Rupees two thousand (₹ 2000) per Day or part of the Day or as determined by the Commission from time to time shall be paid by a Short-term Open Access user to SLDC.
 - iii. The scheduling and system operation charges collected by the SLDC in accordance with Clause (ii) above shall be in addition to charges determined by the Commission under Section 32 of the Act. These will be however adjusted in the subsequent ARR of SLDC.
 - iv. The scheduling and system operation charges shall be payable even when the Open Access Consumer happens to be a generating company or Trading Licensee, availing Open Access under these Regulations.

4.4 Cross Subsidy Surcharge

1. A Consumer of a Distribution Licensee who has been granted Open Access, or a Consumer situated within the area of supply of a Distribution Licensee and/or receiving supply from a generating company using a dedicated transmission line shall pay Cross Subsidy Surcharge determined on per unit basis for the actual energy drawn at the consumption end through Open Access during a Month.
2. The amount of surcharge shall be paid to the Distribution Licensee of the area of supply in which such Consumer is located. In case of more than one (1) Licensee supplying in the same area, the Licensee from whom the Consumer was availing supply shall be paid the amount of surcharge:

Provided that no surcharge shall be levied on a person who has established a captive generation plant and carries the electricity to the destination of his own use:

Provided further that no surcharge shall be levied in respect of Open Access power purchase during the period when full power cut restrictions are imposed by the Distribution Licensee.

3. The Consumers located in the area of supply of a Distribution Licensee but availing Open Access exclusively on Inter-State Transmission System, shall also pay the surcharge as determined under these Regulations.
4. The cross subsidy surcharge on purchase of power from a renewable source shall be governed by the relevant Orders of the Commission.

4.5 Additional Surcharge

1. An Open Access Consumer, receiving supply of electricity from a person other than the Distribution Licensee of his area of supply, shall pay to the Distribution Licensee an additional surcharge in addition to wheeling charges and cross-subsidy surcharge, to meet the fixed cost of such Distribution Licensee arising out of his obligation to supply as provided under sub-section (4) of Section 42 of the Act:
2. This additional surcharge shall become applicable only if the obligation of the Licensee in terms of power purchase commitments has been and continues to be stranded or there is an unavoidable obligation and incidence to bear fixed costs by the Licensee consequent to such a contract. However, the fixed costs related to network assets would be recovered through wheeling charges.
3. With its tariff petition, the Distribution Licensee shall submit to the Commission, detailed computations of the fixed cost which it is incurring towards its obligation to supply, and the actual expenses incurred vis-à-vis those approved by the Commission.
4. The Commission shall determine the category-wise additional surcharge to be recovered by the Distribution Licensee from an Open Access Consumer, based on the following principles:
 - (i) The cost must have been incurred or is expected to be incurred, with reasonable certainty, by the Distribution Licensee on account of such Consumer; and
 - (ii) The cost has not been or cannot be recovered from such Consumer, or from other Consumers who have been given supply from the same assets or facilities, through wheeling charges, stand-by charges or other charges approved by the Commission.
5. Additional Surcharge may have following two(2) components to cover for:
 - a. stranded power under long-terms PPAs; and
 - b. stranded physical assets;
6. Additional surcharge determined on per unit basis shall be payable on Monthly basis by all Open Access Consumers who had maintained some demand with the Distribution Licensee in past or continues to do so, based on the actual energy drawn during the Month through Open Access.
7. The Additional Surcharge shall not be payable by a Generating Station, Trading Licensee or Power Exchange.

4.6 Standby Power and Standby Charges for Drawal of Power by Open Access Consumer from Distribution Licensee

1. If a Full Open Access Consumer requires power from the Distribution Licensee in case of out age of the generator or the source supplying power to such Open Access Consumer, or a generator connected to the Distribution System injecting power through Open Access, requires start up power from the Distribution Licensee, then such Open Access Consumer or generator may make an application to the Distribution Licensee seeking standby power for a maximum period of forty-two (42) Days. The application shall be made on the format and in the manner as may be prescribed in the Detailed Procedure.
2. The Distribution Licensee shall provide standby power to such Open Access Consumer subject to availability of requisite quantum of power and subject to the technical constraints in the concerned area of supply.
3. For providing standby power to the Open Access Consumer, the Distribution Licensee shall be entitled to charge applicable temporary supply tariff for that category of Consumer in the prevailing rate schedule:

Provided that in cases where temporary rate of charge is not available for that Consumer category, the standby arrangements shall be provided by the Distribution Licensee on payment of fixed charges for forty-two (42) Days and energy charges at the rate of 125% of the energy charges for that category of Consumer in the prevailing rate schedule.
4. The Open Access Consumers would have the option to arrange standby power from any other source subject to the conditions that such power shall be drawn through the same system for which Open Access has been granted.

4.7 Reactive Energy Charges

The payment for the reactive energy charges for the Open Access user shall be calculated in accordance with the scheme applicable as below:

1. The Open Access Consumer will pay to the Distribution Licensee for VAR drawal (measured by interface meter) when voltage at the interface metering point is below 97%;
2. The Open Access Consumer will be paid by the Distribution Licensee for VAR injection (measured by interface meter) when voltage at the interface metering point is below 97%;
3. The Open Access Consumer will be paid by the Distribution Licensee for VAR drawal (measured by interface meter) when voltage at the interface metering point is above 103%; and
4. The Open Access Consumer will pay to the Distribution Licensee for VAR injection (measured by interface meter) when voltage at the interface metering point is above 103%.

4.8 Other Charges

In addition to the charges specified under Clauses 4.1 to 4.7, any other charges as may be specified by the Commission from time to time shall be payable by the Open Access Consumer.

4.9 Applicability of Open Access charges

Table 6: Applicability of charges for Short-term Open Access Consumers

S.No.	Inter-se location of injection & drawal point	Applicable charges	Applicable losses
Applicant is connected to the distribution network			
1	Both within the same Distribution Licensee	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge • Additional surcharge, if any • Stand-by charges, if any • Reactive Energy Charges, as applicable • Scheduling and system operation charges • Imbalance charges, if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level
2	Both within the same State but in areas of different Distribution Licensees	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge • Additional surcharge, if any • Stand-by charges, if any • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges, as applicable • Intra-State Transmission Charges, if applicable • Imbalance charges, if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level in respect of both the Distribution Licensee • Intra-State Transmission Loss in kind, if applicable
3	Injection point in the Intra-State Transmission System within the State	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge • Additional surcharge, if any • Stand-by charges, if any • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable • Intra-State Transmission Charges • Imbalance charges, if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level • Intra-State Transmission Loss in kind
4	Consumer opting to avail power supply from Power Exchange	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge • Additional surcharge, if any • Stand-by charges, if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level • Intra-State

S.No.	Inter-se location of injection & drawal point	Applicable charges	Applicable losses
		<ul style="list-style-type: none"> Reactive Energy Charges, as applicable Scheduling and system Operating Charges as applicable (Inter-State and Intra-State) Intra-State Transmission Charges Inter-State Transmission Charges Power Exchange Charges Imbalance charges, if any 	<ul style="list-style-type: none"> Transmission Loss Inter-State Transmission Loss in kind
5	In different States	<ul style="list-style-type: none"> Wheeling Charge Cross Subsidy surcharge Additional surcharge, if any Stand-by charges, if any Reactive Energy Charges, as applicable Scheduling and system Operating Charges as applicable (Inter-State and Intra-State) Intra-State Transmission Charges Inter-State Transmission Charges Imbalance charges, if any 	<ul style="list-style-type: none"> Distribution loss in kind at relevant voltage level Intra-State Transmission Loss Inter-State Transmission Loss in kind
Applicant is connected to the Intra-State transmission network			
1	Both within the same State (in Intra-State Transmission Network)	<ul style="list-style-type: none"> Intra-State Transmission Charges Cross Subsidy surcharge Reactive Energy Charges, as applicable Scheduling and system Operating Charges as applicable Imbalance charges, if any 	<ul style="list-style-type: none"> Intra-State Transmission Loss in kind
2	Injection Point in the distribution network within State	<ul style="list-style-type: none"> Intra-State Transmission Charges Wheeling Charges Cross Subsidy surcharge Reactive Energy Charges, as applicable Scheduling and system Operating Charges as applicable Imbalance charges, if any 	<ul style="list-style-type: none"> Distribution loss in kind at relevant voltage level Intra-State Transmission Loss in kind
3	Consumer opting to avail power supply from Power Exchange	<ul style="list-style-type: none"> Cross Subsidy surcharge Additional surcharge, if any Stand-by charges, if any Reactive Energy Charges, as applicable Scheduling and system Operating Charges as applicable (Inter-State and Intra-State) Intra-State Transmission Charges Inter-State Transmission Charges Power Exchange Charges Imbalance charges, if any 	<ul style="list-style-type: none"> Intra-State Transmission Loss in kind Inter-State Transmission Loss in kind
4	In different States	<ul style="list-style-type: none"> Intra-State Transmission Charges Inter-State Transmission Charges Cross Subsidy surcharge Reactive Energy Charges, as applicable Scheduling and system Operating Charges as applicable (Inter-State and Intra-State) Imbalance charges, if any 	<ul style="list-style-type: none"> Intra-State Transmission Loss in kind Inter-State Transmission Loss in kind

Table 7: Applicability of charges for Medium-term Open Access Consumers

S.No.	Inter-se location of injection & drawal point	Applicable charges	Applicable Losses
Applicant is connected to the distribution network			
1	Both within the same Distribution Licensee	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge • Additional surcharge • Stand-by charges, if any • Reactive Energy Charges, as applicable • Scheduling and system operation charges • Imbalance charges, if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level
2	Both within the same State but in areas of different Distribution Licensees	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge • Additional surcharge • Stand-by charges, if any • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable • Intra-State Transmission Charges, if applicable • Imbalance charges, if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level in respect of both the Distribution Licensee • Intra-State Transmission Loss in kind, if applicable
3	Injection point in the Intra-State Transmission System within the State	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge • Additional surcharge • Stand-by charges, if any • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable • Intra-State Transmission Charges • Imbalance charges, if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level • Intra-State Transmission Loss in kind
4	In different States	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge • Additional surcharge • Stand-by charges, if any • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable (Inter-State and Intra-State) • Intra-State Transmission Charges • Inter-State Transmission Charges • Imbalance charges, if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level • Intra-State Transmission Loss in kind • Inter-State Transmission Loss in kind
Applicant is connected to the Intra-State transmission network			
1	Both within the same State (in Intra-State transmission network)	<ul style="list-style-type: none"> • Intra-State Transmission Charges • Cross Subsidy surcharge • Additional surcharge • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable • Imbalance charges, if any 	<ul style="list-style-type: none"> • Intra-State Transmission Loss in kind
2	Injection Point in the distribution network	<ul style="list-style-type: none"> • Intra-State Transmission Charges 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage

S.No.	Inter-se location of injection & drawal point	Applicable charges	Applicable Losses
	within State	<ul style="list-style-type: none"> • Wheeling Charges • Additional surcharge • Cross Subsidy surcharge • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable • Imbalance charges, if any 	<ul style="list-style-type: none"> • level • Intra-State Transmission Loss in kind
3	In different States	<ul style="list-style-type: none"> • Intra-State Transmission Charges • Inter-State Transmission Charges • Cross Subsidy surcharge • Additional surcharge • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable (Inter-State and Intra-State) • Imbalance charges, if any 	<ul style="list-style-type: none"> • Intra-State Transmission Loss in kind • Inter-State Transmission Loss in kind

Table 8: Applicability of charges for Long-term Open Access Consumers

S.No.	Inter-se location of injection & drawal point	Applicable charges	Applicable Losses
Applicant is connected to the distribution network			
1	Both within the same Distribution Licensee	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge • Additional surcharge • Stand-by charges, if any • Reactive Energy Charges, as applicable • Scheduling and system operation charges • Imbalance charges, if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level
2	Both within the same State but in areas of different Distribution Licensees	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge • Additional surcharge • Stand-by charges, if any • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable • Intra-State Transmission Charges , if applicable • Imbalance charges, if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level in respect of both the Distribution Licensee • Intra-State Transmission Loss in kind, if applicable
3	Injection point in the Intra-State Transmission System within the State	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge • Additional surcharge • Stand-by charges, if any • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable • Intra-State Transmission Charges • Imbalance charges, if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level • Intra-State Transmission Loss in kind
4	In different States	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge • Additional surcharge 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level

S.No.	Inter-se location of injection & drawal point	Applicable charges	Applicable Losses
		<ul style="list-style-type: none"> • Stand-by charges, if any • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable (Inter-State and Intra-State) • Intra-State Transmission Charges • Inter-State Transmission Charges • Imbalance charges, if any 	<ul style="list-style-type: none"> • Intra-State Transmission Loss in kind • Inter-State Transmission Loss in kind
Applicant is connected to the Intra-State transmission network			
1	Both within the same State (in Intra-State transmission network)	<ul style="list-style-type: none"> • Intra-State Transmission Charges • Cross Subsidy surcharge • Additional surcharge • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable • Imbalance charges, if any 	<ul style="list-style-type: none"> • Intra-State Transmission Loss in kind
2	Injection Point in the distribution network within State	<ul style="list-style-type: none"> • Intra-State Transmission Charges • Wheeling Charges • Cross Subsidy surcharge • Additional surcharge • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable • Imbalance charges, if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level • Intra-State Transmission Loss in kind
3	In different States	<ul style="list-style-type: none"> • Intra-State Transmission Charges • Inter-State Transmission Charges • Cross Subsidy surcharge • Additional surcharge • Reactive Energy Charges, as applicable • Scheduling and system Operating Charges as applicable (Inter-State and Intra-State) • Imbalance charges, if any 	<ul style="list-style-type: none"> • Intra-State Transmission Loss in kind • Inter-State Transmission Loss in kind

Chapter 5: Scheduling and Imbalance Charges

5.1 Scheduling

1. Scheduling of transactions pursuant to grant of Open Access shall be undertaken on day-ahead basis in accordance with the Grid Code in the case of Inter-State transactions, and in accordance with the State Grid Code or relevant Orders of the Commission in the case of Intra-State transactions.
2. Notwithstanding anything contained in these Regulations, scheduling of Inter-State Open Access transactions shall be as specified by the Central Commission.
3. Scheduling of Intra-State Open Access transactions of all Generating Stations and Consumers irrespective of the capacity shall be done by SLDC in accordance with the provisions of the State Grid Code, as amended from time to time.
4. A Short-term Open Access Consumer shall be required to maintain a uniform schedule for a period of at least eight (8) hours.

5.2 Imbalance Charges

1. **Settlement of Energy at Drawal Point in Respect of Open Access Consumer, or Trading Licensee on Behalf of Open Access Consumer**
 - a. Open Access Consumer, who is not a Consumer of the Distribution Licensee

Deviations between the scheduled and the actual drawal in respect of a Full Open Access Consumer shall come under the purview of the Intra-State ABT, as notified by the Commission and shall be

settled based on the composite accounts for imbalance transactions issued by SLDC on a weekly cycle based on net metering in accordance with the Deviation Charges specified by the Commission. Billing, collection and disbursement of any amounts under the above transactions shall be in accordance with the Commission's Orders on Intra-State ABT, as may be applicable from time to time:

Provided that till the time Intra-State ABT mechanism is not notified by the Commission, any underdrawal shall be settled in accordance with the provisions of the Deviation Settlement Mechanism notified by CERC from time to time:

Provided that till the time Intra-State ABT mechanism is not notified by the Commission, any overdrawal shall be settled at higher of the applicable deviation rates (as notified in the CERC Deviation Settlement Mechanism Regulations 2014 amended from time to time) or the temporary tariff applicable for the Consumer category as determined by the Commission from time to time:

Provided that if the Commission has not specified temporary tariff for a category, charges at the rate of 125% of the normal category shall be applicable.

b. Open Access Consumer, who is also a Consumer of the Distribution Licensee

In case of deviation between the schedule and the actual drawal in respect of an Open Access Consumer who is a Consumer of Distribution Licensee shall come under the purview of the Intra-State ABT, as notified by the Commission and shall be settled based on the composite accounts for imbalance transactions issued by SLDC on a weekly cycle in accordance with the Deviation Charges specified by the Commission. Billing, collection and disbursement of any amounts under the above transactions shall be in accordance with the Commission's Orders on Intra-State ABT, as may be applicable from time to time.

Till the implementation of Intra-State ABT, the charges shall be regulated as below:

The quantum of drawal of electricity by a partial Open Access Consumer from the Distribution Licensee during any Time Block of a Day should not exceed the "Admissible Drawal" of electricity by the Open Access Consumer which is the difference of Contract Demand and maximum quantum of Open Access for which approval has been granted by the Nodal Agency.

[Illustration: If an Open Access Consumer with a Contract Demand of 10 MW has been given an approval for a maximum Open Access quantum of 6MW for a period of 3 Months, the Admissible Drawal of electricity from the Distribution Licensee during any Time Block shall be 4 MW for any Day during a period of 3 Months.]

i. Overdrawal

The overdrawal by an Open Access Consumer who is a Consumer of the Distribution Licensee shall be settled as under:

- i. Fixed Charges on the Admissible Drawal of electricity by the Open Access Consumer from the Distribution Licensee, even if there is no drawal from the Distribution Licensee.
- ii. Energy charges corresponding to drawal from a Distribution Licensee by the Open Access Consumer limited to Admissible Drawal of electricity by the Open Access Consumer, at the applicable energy charge rates of the Distribution Licensee.
- iii. Additional fixed charges at the rate of 125% of normal fixed charges, for demand above the Admissible Drawal of electricity by the Open Access Consumer.
- iv. Energy charges on any drawal above the Admissible Drawal of electricity by the Open Access Consumer at the rate of charges for temporary connection for the same category.

ii. Underdrawal

In case of underdrawal with respect to scheduled energy, Open Access Consumer shall not be paid any charges by the Distribution Licensee.

2. **Under drawal of Power by an Open Access Consumer due to Reasons Attributable to the Transmission/ Distribution Licensee i.e. break down of system:**

In case an Intra-State Open Access Consumer is unable to receive power scheduled from a generating company/trader/power exchange due to un-notified Transmission and/or Distribution System outage and if the generating company/trader/power exchange has injected scheduled power into the grid for use by such Intra-State Open Access Consumer, then the Transmission/Distribution Licensee shall pay such Intra-State Open Access Consumer the charges payable by him to the generating company/trader/power exchange or the lowest tariff applicable to the Consumer category, to which such Intra-State Open Access Consumer belongs, whichever is lower.

3. Settlement of Energy at the Injection Point in respect of a Generating Company or a Trading Licensee on Behalf of a Generating Company

Any under-injection or over-injection with respect to the schedule approved by the SLDC by a generating company or a Licensee shall be settled in accordance with the CERC Deviation Settlement Mechanism Regulations 2014 amended from time to time.

- 4.** Payment of imbalance charges shall have a high priority and the concerned constituents (including the Licensees or the Open Access Consumers as the case may be) shall pay the indicated amounts within ten (10) Days of the issue of the statement, into a State Imbalance Pool Account operated by the SLDC. The person who has to receive the money on account of imbalance charges would then be paid out from the State Imbalance Pool Account, within three (3) Working Days.
- 5.** If payments against the above imbalance charges are delayed by more than two (2) Days, i.e., beyond twelve (12) Days from the date of issue of the statement, the defaulting party shall have to pay simple interest at the rate of Bank Rate (per Day) for each Day of delay. The interest so collected shall be paid to the person who had to receive the amount. Persistent payment defaults, if any, shall be reported by the SLDC to the Commission, for initiating remedial action.

Chapter 6: Metering and Losses

6.1 Metering

- 1.** At both injection and drawal point, the Open Access Consumer shall install ABT compatible Special Energy Meter (SEM) as the main meter capable of time differentiated measurements (15 minutes) of active energy and voltage differentiated measurement of reactive energy in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time, irrespective of Allotted Capacity:

Provided that any existing or prospective Consumers who have not sought Open Access but plans to seek it in future, shall have the option to install such SEM at their premises.

- 2.** The main meter and check meter of same specifications shall be provided by the concerned Licensee, at the cost of the Open Access Consumer:

Provided that, upon receipt of such request, if the SEM is not available, the Licensee shall communicate the lead time for procurement so as to enable the Consumer or Generating Station to finalize its option for purchase:

Provided further that, if the Consumer or Generating Station chooses to purchase the SEM from it, the Licensee may require the payment of an advance.

- 3.** The Open Access Consumer shall have the option to purchase the meter on its own. However, in such a case, the Distribution Licensee and STU shall inspect the meter and certify the same for conformity with the relevant Regulations as mentioned in the Clause 6.1.

- 4.** All Full Open Access Consumers and Generating Stations connected to the Transmission System shall install, at their cost, Remote Terminal Units (RTU)-DC within six (6) Months from the notification of these Regulations, in accordance with specifications provided by the STU, and the SLDC shall verify their installation for real-time monitoring:

Provided that the installed RTU-DCs shall be available for inspection by the Distribution Licensee or the SLDC at any time:

Provided further that such Full Open Access Consumers and Generating Stations connected to Transmission System shall provide for or bear the cost of the communication arrangements, the technical specifications of which shall be stipulated by the Distribution Licensee and/or SLDC, for the purpose of real-time communication.

- 5.** Main and check meters shall have the facility to communicate their readings to the SLDC Control Centre on real time basis or otherwise.
- 6.** Main and check meters shall always be maintained in good condition by the Open Access user and shall be open for inspection by any person authorized by the Nodal Agency.
- 7.** The main and check meters shall be periodically tested and calibrated by the concerned Licensee in the presence of the other party involved. The main and check Meters shall be sealed by both parties and defective meter shall be replaced immediately. The periodicity of testing, checking, calibration etc. shall be governed by the Regulations issued by the Central Electricity Authority in this regard.

8. Readings of the check meters shall be considered only when main meter is found to be defective or stopped. Both the main meter and check meter shall be tested for accuracy if the difference between the readings of main and check meters reading exceed twice the percentage errors permissible for the relevant accuracy class. Any meter found defective shall be replaced immediately.
9. If during test or calibration, both the main meter and the check meter are found to have errors beyond permissible limits, the bill shall be revised for the previous three (3) Months or for the exact period if known and agreed upon by both the parties, by applying correction as determined by the concerned Licensee to the consumption registered by the meter with the lesser error.
10. All the Open Access Consumers shall abide by the metering standards notified by the Central Electricity Authority (CEA) vide its notification dated 17th March, 2006, as amended from time to time.

6.2 Losses

1. Inter-State Open Access
 - a. Long-term access and Medium-term Open Access: The buyers of electricity shall bear apportioned energy losses in the Transmission System in accordance with the provisions specified by the Central Commission.
 - b. Short-term Open Access: The buyers and sellers of electricity shall bear apportioned energy losses in the Transmission System in accordance with the provisions specified by the Central Commission.
2. Intra-State Open Access
 - a. Transmission Losses
 - i. The energy losses in the Transmission System of the Transmission Licensee, as determined by the SLDC, shall be borne by the Transmission System users in proportion to their scheduled usage of the Intra-State Transmission System. The information regarding average energy losses for the previous fifty-two (52) weeks shall be posted on the website of the SLDC. The fortnightly average transmission loss in the system shall be monitored by the SLDC and shall also be applicable all Open Access Consumers.
 - ii. The energy losses shall be compensated by additional injection at the injection point(s).
 - iii. Open Access Consumers connected to the Intra-State Transmission System shall only bear Transmission Loss.
 - b. Distribution Losses
 - i. The percentage of Distribution System losses to be borne by the Open Access Consumers at different voltage levels shall be as determined by the Commission in Tariff Order for the applicable year.
 - ii. The buyer of electricity shall bear only the approved wheeling losses of the Distribution System and not any part of the commercial losses.
 - iii. Distribution losses shall be payable by all Open Access Consumers and captive power plants carrying electricity within the State for their own use.
 - iv. The energy losses shall be compensated by additional injection at the injection point(s).

Chapter 7: Commercial Matters

7.1 Billing, Collection and Disbursement

1. Inter-State Transactions

- a. Short-term Open Access
 - i. Collection and disbursement of transmission charges for use of the CTU and STU systems and operating charges payable to RLDCs and SLDCs towards Short-term Open Access shall be made by the nodal RLDC in accordance with the procedure specified by the Central Commission.
 - ii. The Short-term Open Access Consumer connected to the Distribution System of a Distribution Licensee shall pay to such Distribution Licensee the charges payable to the Distribution Licensee within three (3) Days from the grant of the Short-term Open Access by the Nodal Agency.
 - iii. In case of Collective Transactions, the transmission and wheeling charges for the State network and the operating charges for the SLDC shall be settled directly by the Power Exchange with the respective SLDC.
- b. Long-term and Medium-term Open Access
 - i. Billing, collection and disbursement of charges payable to RLDC including Unified Load Despatch and Communication Scheme shall be in accordance with the procedure specified by the Central Commission.

- ii. Bills towards the charges payable to SLDC, STU and the Distribution Licensee shall be raised by the Distribution Licensee to the Open Access Consumer before the third (3rd) Working Day of the succeeding Month. The Distribution Licensee shall separately indicate all the Open Access charges in the bill.
- iii. The Open Access Consumer shall pay the charges to the Distribution Licensee within seven (7) Working Days from the date of receipt of the bill.
- iv. The Distribution Licensee shall disburse the charges payable to SLDC and/or the Transmission Licensee within seven (7) Working Days of receipt of the payment from the Open Access Consumer.

2. Intra-State Transactions

a. Short-term Open Access

- i. The Short-term Open Access Consumer shall deposit with the Distribution Licensee, all the charges payable within three (3) Working Days of grant of the Short-term Open Access by the Nodal Agency, but before the commencement of the Open Access.
- ii. The charges shall be disbursed by the Distribution Licensee to the SLDC and STU and/or other Transmission Licensees on a weekly basis.

b. Long-term and Medium-term Open Access

- i. The Distribution Licensee shall in consultation with SLDC and STU, as the case may be raise the bill to the Open Access Consumer by the third (3rd) Working Day of the succeeding Month. The Distribution Licensee shall separately indicate all the Open Access charges in the bill.
- ii. The Open Access Consumer shall pay the charges to the Distribution Licensee within seven (7) Working Days from the date of receipt of the bill.
- iii. The Distribution Licensee shall disburse the charges payable to SLDC and/or Transmission Licensee within seven (7) Working Days of receipt of the payment from the Open Access Consumer.

3. If payments against the Open Access charges are not made within the due date as mentioned in the bill issued to the Open Access Consumer, the defaulting Open Access Consumer shall have to pay simple interest at the rate equal to the Bank Rate (per Day) for each Day of delay.
4. If the Distribution Licensee does not disburse the payment received from the Open Access Consumers to the STU/SLDC within the due date, the Distribution Licensee shall have to pay simple interest at the rate equal to the Bank Rate (per Day) for each Day of delay.

7.2 Default in Payment

1. Non-payment of any charge or sum of money payable by the Open Access Consumer under these Regulations shall be considered as non-compliance of these Regulations. In case the default is in the payment of charges of the Intra-State Transmission Licensee and/or the Distribution Licensee, they may discontinue Open Access after giving the defaulting Open Access Consumer an advance notice of fifteen (15) Days without prejudice to their right to recover applicable charges.
2. In case of default in payment of charges due to the SLDC, the SLDC may refuse to schedule power to the defaulting Open Access Consumer and direct the Intra-State Transmission Licensee or the Distribution Licensee to disconnect such Open Access Consumer from the grid.

7.3 Payment Security Mechanism

1. In case of Long-term access and Medium-term Open Access, the Applicant for Open Access shall open an irrevocable Letter of Credit in favour of the Distribution Licensee for the estimated amount of various charges for a period of two (2) Months:

Provided further that, in case of an existing Open Access Consumer availing Open Access for more than a financial year, the amount of the Letter of Credit shall be revised on the basis of the average Monthly Open Access charges of the previous financial year.

2. The other commercial conditions for transmission charges, wheeling charges and scheduling & system operation charges, such as, terms of payment, credit worthiness, indemnification, and force majeure conditions shall be as provided in the Detailed Procedure.

Chapter 8: Information System

1. The SLDC, State Transmission Utility and the Distribution Licensee shall provide the following information on their internet web-sites in a separate web page titled “Open Access information” in downloadable format within 3 Months of the notification of these Regulations. This information shall be updated upon any change in status or as per the frequency mentioned below:
 - a. The Detailed Procedure of Open Access in accordance with Clause 3.4 of these Regulations.
 - b. The form of the Open Access Agreement and the procedure and manner of executing such Agreement.
 - c. The form of the Connection Agreement.
 - d. Month-wise and year wise status report on Short-term, Medium-term and Long-term Open Access Consumers indicating:
 - i. Name of the Consumers;
 - ii. Period of Open Access granted (date of commencement and date of termination);
 - iii. Point of injection;
 - iv. Point of drawal;
 - v. Supply voltage at injection and drawal points;
 - vi. Transmission system/Distribution System used; and
 - vii. Open Access capacity used.
 - e. Information regarding usage of the links between various State Licensees indicating
 - i. Time of updating;
 - ii. Name of the link;
 - iii. Total capacity of the link;
 - iv. Scheduled capacity use (giving Open Access user-wise break-up); and
 - v. Current capacity of the link in use.

This information should be updated at least on hourly basis, and wherever feasible on fifteen (15) minute basis
 - f. The information regarding average loss in the Transmission and Distribution System for the past fifty-two (52) weeks.
 - g. A Monthly list of Open Access applications received, with the date of receipt of the application, date of admission of the application, action taken and status.
 - h. A Monthly report on the details of the rejected Applications for Open Access with reasons.
 - i. Order on “Open Access charges” issued by the Commission containing all the fees for Open Access and the charges to be paid by Open Access Consumers.
 - j. Peak load flows and capacity available including the reserve capacity on all EHV lines and HV lines emanating from EHV sub-stations.
 - k. All previous reports shall also be available in the web-archives.

Provided that each Transmission / Distribution Licensee shall make available the above information to the SLDC.

Chapter 9: Miscellaneous**9.1 Under-Utilization or Non-Utilization of Open Access Capacity in Intra-State Transmission System****1. Long-term Open Access**

A Long-term Open Access Consumer may relinquish the Long-term Open Access rights fully or partly before the expiry of the full term of the Long-term Open Access, by making payment of compensation for the stranded capacity as follows:-

- a. Long-term Open Access Consumer who has availed access rights for a period of and exceeding twelve (12) years
 - i. Notice of one (1) year – If such a Consumer submits an application to the Nodal Agency at least one (1) year prior to the date from which such Consumer desires to relinquish the access rights, there shall be no charges;
 - ii. Notice of less than one (1) year – If such a Consumer submits an application to the Nodal Agency at any time lesser than a period of one (1) year prior to the date from which such Consumer desires to relinquish the access rights, such Consumer shall pay an amount equal to sixty-six percent (66%) of the transmission and wheeling charges for the stranded transmission and distribution capacity for the period falling short of the notice period of one (1) year.

- b. Long-term Open Access Consumer who has availed access rights for a period less than twelve (12) years. - Such a Consumer shall pay an amount equal to sixty-six percent (66%) of the estimated transmission and wheeling charges (net present value) for the stranded transmission and distribution capacity for the period falling short of twelve (12) years of access rights:

Provided that such a Consumer shall submit an application to the Nodal Agency at least one (1) year prior to the date from which such Consumer desires to relinquish the access rights:

Provided further that in case a Consumer submits an application for relinquishment of Long-term Open Access rights at any time at a notice period of less than one (1) year, then such Consumer shall pay an amount equal to sixty-six percent (66%) of the estimated transmission and wheeling charges (net present value) for the period falling short of a notice period of one (1) year, in addition to sixty-six percent (66%) of the estimated transmission and wheeling charges for the stranded transmission capacity for the period falling short of twelve (12) years of access rights.

- c. The discount rate that shall be applicable for computing the net present value as referred to in sub-clause (b) of Clause 9.1(1) above shall be the discount rate to be used for bid evaluation in the Central Commission's Notification issued from time to time in accordance with the Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by Distribution Licensees issued by the Ministry of Power.
- d. The compensation paid by the Long-term Open Access Consumer for the stranded transmission and wheeling capacity shall be used for reducing transmission and wheeling charges payable by other Long-term and Medium-term Open Access Consumers in the year in which such compensation payment is due in the ratio of transmission and wheeling charges payable for that year by such Long-term and Medium-term Open Access Consumers.
- e. In addition to the above, for Consumers who were also provided any dedicated Transmission and/or Distribution Systems, the penalty payable for such dedicated capacity shall be 100% of the charges payable by such Consumer for the balance period of allocation, unless alternative users are there for the use of such dedicated capacity.

2. **Medium-term Open Access**

A Medium-term Open Access Consumer may relinquish rights, fully or partly, by giving at least thirty (30) Days prior notice to the Nodal Agency:

Provided that the Medium-term Open Access Consumer relinquishing his rights shall pay applicable transmission and wheeling charges for the period of relinquishment or for thirty (30) Days whichever is less.

3. No refund shall be made by the Transmission/Distribution Licensee to an Open Access Consumer who has created the system at his own cost for availing Open Access irrespective of whether the Consumer avails the Open Access for the full term.

4. **Short-term Open Access**

- a. If a Short-term Open Access Consumer is unable to utilize the full or a substantial part of its allocated capacity for more than four (4) hours, it shall inform the Nodal Agency, and may surrender the use of such capacity but shall pay transmission and wheeling Charges applicable to the original reserved capacity and period. If the Nodal Agency is able to re-allocate this capacity, the entity which has surrendered the capacity shall be refunded the transmission and wheeling charges based on the amount and period of the reallocated capacity by the Nodal Agency.
- b. The Nodal Agency may cancel or reduce the capacity allocated, to the extent that it is under-utilised and after giving notice to the affected parties
- i. when such capacity is under-utilised for more than three (3) Days; or
 - ii. when the Consumer, generating company or Licensee, as the case may be, fails to inform the Distribution Licensee of its inability to utilise the allocated capacity.
- c. The surplus capacity becoming available as a result of such surrender or reduction or cancellation of capacity may be allocated to any other Short-term Open Access Applicant in the serial order of pending applications.

9.2 **Communication facility**

The Open Access users shall meet the communication requirements as the Nodal Agency may direct from time to time.

9.3 Quantum of Renewable Purchase Obligation (RPO)

Each Open Access Consumer shall fulfill its Renewable Purchase Obligation as per the Joint Electricity Regulatory Commission for State of Goa & Union Territories (Procurement of Renewable Energy) Regulations, 2010, as amended from time to time. The RPO shall be met by the Open Access Consumers either by purchase of electricity (in kWh) from renewable sources or by purchase of Renewable Energy Certificate(s) (RECs) from the power exchange. The Open Access Consumers shall provide the RPO compliance report to the Nodal Agency in the format and the manner provided in the Detailed Procedure.

9.4 Curtailment Priority

1. When it becomes expedient because of operational constraints or otherwise, to curtail the Open Access provided to the Consumers, subject to the requirements of Grid Code, the Short-term Open Access transactions shall be curtailed first followed by Medium-term Open Access transactions followed by the Long-term Open Access transactions:

Provided that among Short-term Open Access transactions, Bilateral Transactions shall be cancelled or curtailed first, followed by Collective Transactions:

Provided further that the Open Access to a Distribution Licensee shall be the last to be curtailed:

Provided that within a category, all users shall have same curtailment priority and shall be curtailed pro rata to the Allotted Capacity in the case of Long-term and Medium-term Open Access users, and the reserved capacity in the case of Short-term Open Access users.

2. In case of curtailment of the approved schedule by the SLDC, transmission and wheeling charges shall be payable pro-rata in accordance with the curtailed schedule.
3. The Coordination Committee shall prepare guidelines for curtailment of Open Access as a part of the Detailed Procedure, which shall be consistent with the provisions of the State Grid Code and other relevant Regulations.

9.5 Dispute Resolution

All disputes and complaints arising under these Regulations shall be decided by the Nodal Agency within a period of thirty (30) Days from the date of receipt of application from the concerned party. Appeal against the decision of the Nodal Agency shall lie with the Commission. The decision of the Commission shall be final and binding.

9.6 Powers to Remove Difficulties

If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special Order, direct the STU, SLDC, Distribution Licensees, Intra-State Licensees and the Open Access Consumer, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing difficulties.

9.7 Power to Amend

The Commission, for reasons to be recorded in writing, may at any time vary, alter or modify any of the provisions of these Regulations by a specific Order.

9.8 Power of Relaxation

The Commission may in public interest and for reasons to be recorded in writing, relax any of the provision of these Regulations.

9.9 Interpretation

If a question arises relating to the interpretation of any provision of these Regulations, the decision of the Commission shall be final.

9.10 Force Majeure

1. Force majeure shall constitute any event which is beyond the control of the parties to the Open Access agreement and which could not be foreseen with a reasonable amount of diligence or which could not be prevented, and which substantially affects the performance by either party. Not limited to the below mentioned events, the following events shall be classified as force majeure for the purpose of these Regulations: –
 - a. natural disasters (earthquakes, hurricane, floods);
 - b. wars, riots or Civil Commotions and other upheavals; and
 - c. grid / Distribution System's failure not attributable to parties hereto.

2. Both the parties to the Open Access agreement shall ensure compliance of the terms and conditions of the agreement. However, no party shall be liable for any claim for any loss or damage whatsoever arising out of failure to carry out the terms of the Open Access agreement to the extent that such failure is due to force majeure. But any party claiming the benefit of the force majeure shall satisfy the other party of the existence of such event(s).

9.11 Saving of Inherent Powers of the Commission

Nothing contained in these Regulations shall limit or otherwise affect the inherent powers of the Commission from adopting a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of the matter or in public interest or class of matters and for reasons to be recorded in writing, deems it necessary or expedient to depart from the procedure specified in these Regulations.

9.12 Repeal

1. The Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Open Access in Transmission and Distribution) Regulations, 2009, shall stand repealed from the date of coming into force of these Regulations and any reference to these Regulations in any of the Regulations, standards, codes or procedures of the Joint Electricity Regulatory Commission shall be deemed to be replaced by the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017:

Provided that the application for grant of Open Access under these Regulations may be made as per the procedure issued under the old Regulations till the new procedure is issued under the provisions of these Regulations.

2. Notwithstanding such repeal, anything done or purported to have been done under the repealed Regulations so far as it is not inconsistent with these Regulations shall be deemed to have been done or purported to have been done under these Regulations.
3. These Regulations are in addition to and not in derogation of the other Regulations/Codes issued by the Commission.

KEERTI TEWARI, Secy.

[ADVT.-III/4/Exty./475/17]

JOINT ELECTRICITY REGULATORY COMMISSION**(FOR THE STATE OF GOA AND UNION TERRITORIES)****NOTIFICATION**

Gurugram, the 25th November, 2020

JERC No.: 21/2017.—In exercise of the powers conferred under section 86(3) and Section 181 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling the Commission in this behalf and after previous publication, the Joint Electricity Regulatory Commission for the State of Goa & Union Territories hereby, after prior publication, makes the following amendments in the Joint Electricity Regulatory Commission for the State of Goa & Union Territories (Connectivity and open Access in Intra-State Transmission and Distribution) Regulations, 2017.

1. Short Title, Commencement and Extent

- i. These Regulations shall be called the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Connectivity and Open Access in Intra-State Transmission and Distribution) (First Amendment) Regulations, 2020.
- ii. These Regulations shall come into force from the date of their publication in official Gazette.
- iii. These regulations extend to the State of Goa and the Union Territories of Andaman & Nicobar Islands, Chandigarh, Dadra and Nagar Haveli, Daman & Diu, Lakshadweep and Puducherry.

2. Amendment to Regulation 2 of the Principal Regulations:

The following definitions shall be amended/added in Regulation 2 of the Principal Regulations:—

“c.1) **“Average Power Purchase Cost”** (APPC) means the Weighted Average Pooled Price of power purchase at Distribution Licensee’s periphery, as approved by the Commission in the Tariff Order of the respective year but excluding energy purchased from Renewable Energy sources;”

“d.1) **“Banking of Energy”** is the process under which a Renewable Energy Generating Station supplies power to the grid temporarily with the intention of exercising its eligibility to draw back this power from the grid as per the conditions provided in these Regulations;”

“e.1) **“Billing cycle or billing period”** means the period for which regular energy bills as specified by the Commission, are prepared and raised by the Distribution Licensee;”

“e.2) **“Captive Generating Plant”** means a power plant as defined under Clause 3 of the Electricity Rules, 2005 as amended from time to time and such captive plant may have co- located or distant located consumption entity;”

“i.1) **“Connection Agreement”** means the agreement to be entered into on approval of grant of Connectivity between a Distribution Licensee/Transmission Licensee and Generating Station or a Captive Generating Plant or a Consumer, as the case may be;”

“r.2) **“Feed-in-Tariff”** means the Generic Tariff determined by the Commission for RE generating stations in accordance with the Joint Electricity Regulatory Commission for the State of Goa and UTs (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2019 or as amended from time to time;”

“r.3) **“Financial year”** or **“Year”** means the period beginning from first of April in an English calendar year and ending with the thirty first of the March of the next year;”

“u.1) **“Inter-connection point”** shall mean interface point of Renewable Energy generating facility with the transmission system or distribution system, as the case may be:

- i. in relation to wind energy projects and solar photovoltaic projects, inter-connection point shall be line isolator on outgoing feeder on HV side of the pooling sub-station;
- ii. in relation to small hydro power, biomass power and solar thermal power projects, the inter-connection point shall be line isolator on outgoing feeder on HV side of generator transformer;”

“u.2) **“Invoice”** means a periodical Bill/Supplementary Bill or an Invoice/ Supplementary Invoice raised by the Distribution Licensee to the Consumer;”

“bb.1) **“Settlement Period”** means the period beginning from first of April in an English calendar year and ending with the thirty first of the March of the next year;”

“hh.1) **“Tariff Order”** in respect of a Distribution Licensee means the order in force issued by the Commission for that Distribution Licensee indicating the tariff to be charged by the Distribution Licensee from various categories of consumers for supply of electricity;”

“hh.2) **“Third Party Consumer”** is an entity apart from Distribution Licensee, purchasing power from Generating Station through open access for its own use;”

3. Clause 4 of the principal Regulation 4.4 shall be omitted.

4. Insertion of New Regulations

After the Chapter 7 (titled **Chapter 7: Commercial Matters**) and before the Chapter 8 (titled **Chapter 8: Information System**) of the Principal Regulations, the following new Chapter 7A (titled **Chapter 7A: Banking of Energy**) and Regulations 7A.1 & 7A.2 are inserted.

“Chapter 7A: Banking of Energy”

“7A.1 Terms and Conditions for Banking of Energy

1. The Distribution Licensee shall allow the arrangement of Banking of Energy to all the Captive Renewable Energy based Generating Stations and Renewable Energy based Generating Stations supplying power to Third Party Consumer through Open Access in State/Union Territory, who intend to avail such facility, in its area of supply on non-discriminatory basis in accordance with the guidelines issued by the Distribution Licensee:
Provided that these Regulations shall not be applicable for the plants covered under Joint Electricity Regulatory Commission (Solar PV Grid Interactive System based on Net Metering) Regulations, 2019.
2. Banking of Energy upto 20% of the total energy generated by Renewable Energy Generating Station on monthly basis shall be allowed:
Provided that withdrawal of banked energy shall be allowed only during the same financial year in which the energy has been banked.
3. The unutilised banked energy at the end of the financial year, limited to 20% of the total generation by Renewable Energy Generating Station in such financial year, shall be considered as deemed purchase by the Distribution Licensee at Average Power Purchase Cost (APPC) of the concerned Distribution Licensee or Feed-in-Tariff determined for that year without considering subsidy and Accelerated Depreciation, whichever is lower.
4. The unutilised banked energy at the end of the financial year, in excess of 20% of total generation by Renewable Energy Generating Station in such financial year shall lapse and no compensation shall be applicable on such energy at the end of the financial year.
5. Banking Charges at the rate of 5% of the banked energy shall be applicable in kind. Banking Charges shall be applicable at the time of drawal of banked energy. For unutilized banked energy at the end of financial year limited to 20% of total generation by Renewable Energy Generating Station, Distribution Licensees shall make payment or unutilized energy after adjusting the banking charges.
6. The Banking Facility shall be allowed to Captive Renewable Energy based Generating Stations and Renewable Energy based Generating Stations supplying power to third-party under Open Access in State/Union Territory, for the entire useful life of the Renewable Energy Generating Station.
7. Banking facility shall only be allowed to Renewable Energy Generating Stations supplying power for captive consumption or third-party sale within the State/Union Territory (Intra-State supply of power).
8. The Generating Station (including Captive Generating Station) and Distribution Licensee and/or Transmission Licensee shall enter into a Wheeling, Transmission and Banking Agreement (WTBA). The format of Wheeling, Transmission and Banking Agreement shall be issued by the Commission separately.

9. The Generating Station (including Captive Generating Station) and the Distribution Licensee shall enter into a Connection Agreement upon grant of Connectivity. The format of Connection Agreement shall be issued by the Commission separately.

Provided that the Connection Agreement between a Transmission Licensee and Generating Station or a Captive Generating Plant or a Consumer, as the case may be, shall be issued by the STU. ”

“7A.2 Commercial Settlement of Banking

1. For each billing period, the Distribution Licensee shall show the quantum of electricity injected by the Renewable Energy Generating Station in the billing period, quantum of electricity withdrawn by the Captive consumer/Third Party consumer from such Generating Station in the billing period, net electricity qualifying for payment by the Captive Consumer/Third Party consumer for that billing period, and net carried over electricity to the next billing period separately.
2. If the electricity injected exceeds the electricity withdrawn during the billing period, such excess injected electricity shall be carried forward to the next billing period as electricity credit subject to maximum of 20% of electricity generated by Renewable Energy Generating Station and shall be utilized to net the electricity withdrawn in future billing periods.
3. If the electricity withdrawn exceeds the electricity injected by the RE based Generating Station, the Distribution Licensee shall raise invoice for the net electricity withdrawn by the Captive Consumer/Third Party consumer after taking into account Banking Charges and any electricity credit balance remaining from previous billing period.
4. The net energy withdrawn during the billing period after adjusting the electricity credit from previous billing period shall be treated as consumed by the Captive Consumer/Third Party consumer and shall be billed by the Distribution Licensee at the tariff rates as approved by the Commission in the retail tariff order for the relevant year.
5. The banked energy remaining unutilized at the end of the financial year limited to 20% of the total energy generated by Renewable Energy Generating Station shall be treated as sold to the Distribution Licensee and shall be paid to the Renewable Energy Generating Station by the Distribution Licensee at the Average Power Purchase Cost of the concerned Distribution Licensee or Feed-in-Tariff determined for that year without considering subsidy and Accelerated Depreciation, whichever is lower.”

RAKESH KUMAR, Secy.

[ADVT.-III/4/Exty./403/2020-21]

CERTIFIED TRUE COPY OF THE BOARD RESOLUTION OF AMPLUS ENERGY SOLUTIONS PRIVATE LIMITED PASSED BY THE BOARD OF DIRECTORS THROUGH CIRCULATION ON AUGUST 2, 2016

“**RESOLVED THAT** Mr. Sanjeev Kumar Aggarwal or Mr. Guru Inder Mohan Singh be and are hereby severally authorized and also authorized to delegate authority to officials of the company for signing and execution of various documents , forms, file, returns, relating to rent deed, lease deed, Service Tax/Income Tax,/TDS/VAT & CST in respective states and related correspondence with the respective authorities as may be required and to do all or any of the acts, deeds, matters and things as may be considered expedient and necessary in this regards.”

“**RESOLVED FURTHER THAT** Mr. Sanjeev Kumar Aggarwal or Mr. Guru Inder Mohan Singh be and are hereby severally authorized and also authorized to delegate authority to officials of the company for signing and execution of various tenders and related documents, stock movements documents for transporters, submission of documents to the Government authorities for electricity/water/pollution/environment court cases/employees related labour department’s/insurance policy related matters and other related documents and to do all or any of the acts, deeds, matters and things as may be required from time to time in the day to day working of the company.”

“**RESOLVED FURTHER THAT** Mr. Sanjeev Kumar Aggarwal or Mr. Guru Inder Mohan Singh be and are hereby severally authorized and also authorized to delegate authority for signing and execution of various documents/applications/ petitions/affidavits for filing the same with various statutory authorities including matters relating to Company Lay Board (CLB), Autonomous body(ies), Public sector undertaking(s), State Electricity Board(s) and any other Central/state Government Authority(ies), Tax Authority(ies) and other Authority(ies).”

For and on behalf of Amplus Energy Solutions Private Limited



Aditya Goyal
Company Secretary
Membership No.- 35618

Date: 09/10/2019

Place: Gurgaon



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Head Office: Level 6, Emaar – The Palm Square, Golf Course Extension Road, Sector-66, Gurgaon-122102, Haryana

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