

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

**CORAM**

Shri Alok Tandon, Chairperson  
Smt. Jyoti Prasad, Member (Law)

**Petition No.: 135/2025**

**Date of Hearing: 15.05.2025**

**Date of Order: 08.07.2025**

**In the matter of:**

Miscellaneous application under Section 86 of The Electricity Act read with Regulation 9.6, 9.9 and other applicable provision of the Joint Electricity Regulatory Commission for the state of Goa and Union Territories (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulation, 2017 read with Regulation 78 and 79 of the Joint Electricity Regulatory Commission (Conduct of Business) Regulations, 2009.

**And in the matter of:**

Dadra and Nagar Haveli and Daman and Diu Power Distribution Corporation Limited (DNHDDPDCL) 1st & 2nd floor, Vidyut Bhawan, Next to Secretariat Building, 66kV Road, Dadra and Nagar Haveli and Daman and Diu - 396230

.....Petitioner

**And in the matter of:**

State Load Dispatch Centre DNH & DD, 2nd & 4th floor, Vidyut Bhawan, 66kV Road, Near Secretariat Amli, Silvassa – 396230

.....Respondent

**Present: -**

**For the Petitioner**

1. Mr. Jignesh Langalia, DNHDDPDCL
2. Ms. Sanjukta Das, Advocate DNHDDPDCL
3. Ms. Harshav Rao, Advocate DNHDDPDCL

**For the Respondent**

1. Mr Dinesh Solanki, Assistant Engineer DNHDDPCL
2. Mr. Kartik Sharma, Advocate SLDC

## **ORDER**

1. The instant Petition has been filed by the Petitioner Dadra and Nagar Haveli and Daman and Diu Power Distribution Corporation Limited, hereinafter referred to as the “Petitioner” or “DNHDDPDCL”, the distribution licensee of the Union Territory of Dadra and Nagar Haveli and Daman & Diu with following prayers:
  - a. Direct the Respondent SLDC to strictly comply with the provisions of the Open Access (OA) Regulations by not allowing any change in quantum of power consumed through Green Open Access Consumers for at least 12 consecutive time blocks;
  - b. Direct the Respondent SLDC to publish the transmission losses and charges as applicable to the Green Open Access Consumers in accordance with the stipulation of the Open Access Regulations and ensure levy of such losses and charges on the Green Open Access Consumers;
  - c. Revise the Energy Account, issued by SLDC for OA Consumers in accordance with the Regulations.
2. The Petitioner’s submissions in brief are as under:
  - a. The State Load Dispatch Centre DNH & DD, hereinafter referred to as the “Respondent” or “SLDC” is a centre established under Section 31 (1) of the Electricity Act, 2003 carrying out the functions as specified in Section 32 of the Act.
  - b. The Commission, in exercise of its powers conferred under Section 181 of the Electricity Act, 2003, has notified 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 (hereinafter referred to as “OA Regulations”).
  - c. The Commission has issued draft of Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Connectivity and Open Access in Intra-State Transmission and Distribution) (Third Amendment) Regulations, 2024 to align the parent Regulations with the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022 and its subsequent amendments. Subsequently, the Commission has notified the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Connectivity and Open Access in Intra-State Transmission and Distribution) (Third Amendment) Regulations, 2024 (hereinafter referred to as “Third Amendment”).
  - d. The present application has been filed under Section 86 of the Electricity Act, 2003 read with Regulation 9.6, Regulation 9.9 and other applicable provisions of the amended OA Regulations read with Regulations 78 and 79 of the Joint Electricity Regulatory Commission (Conduct of Business) Regulations, 2009 for directions to the Respondent, SLDC for removal of difficulties, if any and for clarification on the implementation of the provisions of the OA Regulations.



- e. The Regulation 78 and 79 of the Joint Electricity Regulatory Commission (Conduct of Business) Regulations, 2009 (hereinafter "COB Regulations") provides as under:

- i. The Regulation 78 of the COB Regulations provides as under:

*"78. Issue of orders and directions on procedures:*

*Subject to the provisions of the Act and the Regulations, the Commission may, from time to time, issue orders and practice directions in regard to the implementation of the Regulations and procedure to be followed and various matters, which the Commission has been empowered by the Regulations to specify or direct."*

The above Regulation provides that the Commission can issue orders and practice directions for implementation of the Regulations and procedure to be followed and various matters. In the present case the Petitioner is filing the application seeking removal of difficulties in implementation and interpretation pertaining to certain provisions of the OA Regulations.

- ii. The Regulation 79 of the COB Regulations provides as under:

*"79. Saving of inherent power of the Commission:*

- a. *Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary to meet the ends of justice or to prevent the abuse of the process of the Commission.*
- b. *Nothing in these Regulations shall bar the Commission from adopting, in conformity with the provisions of the Act, a procedure, which is at variance with any of the provisions of the Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.*
- c. *Nothing in these Regulations shall, expressly or impliedly, bar the Commission to deal with any matter or exercise any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit."*

The above Regulation provides that the Commission can issue orders and directions for Implementation of the Regulations and procedure to be followed and various matters. In the present case the Petitioner is filing the application seeking removal of difficulties and interpretation pertaining to certain provisions of the OA Regulations.

- f. Subsequent to the third amendment in OA Regulations, many EHV consumers have approached SLDC/Distribution Licensee seeking Green Open Access/ Open Access from Captive/third party sources. The OA Regulations cover various aspects related to Open Access such as the procedure for filing and grant of Application, formats for Agreement / Bank Guarantee, mechanism for Commercial Settlement, Transmission Charges and Losses to be considered, Banking, Scheduling of Power etc. In the Third Amendment, while aligning the OA Regulations with the Rules, the Commission has

ensured necessary safeguards to protect interest of other consumers availing supply from the Distribution Licensee and not to bear the burden of Green OA Consumers. It is imperative for all the Stakeholders to ensure that these Regulations are followed in letter and spirit to protect the interest of all stakeholders.

- g. Recently, SLDC has granted Green Energy Open Access / Open Access for Power Purchase Arrangements under Captive or through Third Party. For approval as well as operationalization of Open Access, following issues have been observed:

- A. Maintaining Drawal of Green Energy Open Access for Twelve Time Blocks
- B. Applicability of Transmission Charges & Losses

- h. The Petitioner has elaborated each of the issues herein below for clarification of the Commission to ensure smooth operationalization of Open Access and avoid any future disputes.

- i. The Commission vide the Third Amendment to the OA Regulations has stipulated the procedure for operationalization and implementation of Green Energy Open Access while stipulating various terms & conditions.
- ii. In this regard, the proviso to Regulation 2.2(1) of the OA Regulations provides as under:

*“Provided that Green Energy Open Access consumer shall not change the quantum of power consumed through open access for twelve consecutive time blocks of 15 minutes time interval during a day.”*

- iii. As per the provisions of the aforementioned Regulation, Green Energy Open Access consumers cannot change the quantum of power consumed through open access for twelve consecutive time blocks. This provision is also consistent with the provisions of the MOP Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022. Relevant portion of the said Rules is extracted herein below:

*“5. Green Energy Open Access: -*

*(2) All applications for open access of green energy in this regard shall be allowed by the nodal agency within a period of fifteen days:*

*Provided that only consumers who have contracted demand or sanctioned load of hundred kW and above shall be eligible to take power through Green Energy Open Access and there shall be no limit of supply of power for the captive consumers taking power under Green Energy Open Access:*

*Provided further that reasonable conditions such as the minimum number of time blocks, which shall not be more than twelve-time blocks, for which the consumer shall not change the quantum of power consumed through open access may be imposed so as to avoid high variation in demand to be met by the distribution licensee.”*



- iv. These are instances where OA consumers are not following the provisions of the OA Regulation in true spirit and frequently altering their demand within 12-time blocks. For instance, one Captive Consumer has applied for Open Access for 100MW.
  - a. Further, for the month of November 2024, (28<sup>th</sup> Nov, 2024 to 30<sup>th</sup> Nov, 2024) inspite of clear Regulation, the Consumer has consumed varying quantity of power from Open Access ranging from 0.95 MW to 67.13 MW instead of maintaining same quantum of power for 12-time blocks.
  - b. Despite bringing such non-compliance to the notice of the Respondent, SLDC, no action has been taken by the Respondent. Rather, the Respondent has sought to abdicate its responsibility and stated that such deviation, if any, would have to be pointed out by the WRIDC (Western Region Load Despatch Centre). Despite pursuing the Respondent to reconsider its stand, SLDC has proceeded to prepare the State Energy Accounts in violation and deviation to the provisions of the OA Regulations.
- v. In the above light, the Petitioner requested the Commission to issue necessary directions and guidance to the Respondent to implement the provisions of the OA Regulations in true letter and spirit.
  - i. The Regulation 4.9 of the OA Regulations read with Third Amendment stipulates the applicable charges and losses payable by the Green Energy Open Access consumer. In this regard, for consumers utilizing the intra-state transmission network, intra-state transmission charges and intra-state transmission losses are applicable.
  - ii. Further, the Commission vide Regulation 4.10 of the OA Regulations read with Third Amendment has specified the various charges which are to be levied for Green Energy Open Access. The relevant extract is as under:

*“4.10 Charges to be levied for Green Energy Open Access:*

*The charges to be levied on Green Energy Open Access consumers shall be as follows, namely: -*

- a) Transmission Charges;*
- b) Wheeling Charges;*
- c) Cross Subsidy Surcharge;*
- d) Additional Surcharge wherever applicable;*
- e) Standby Charges wherever applicable;*
- f) Reactive Energy Charges wherever applicable;*
- g) Banking Charge wherever applicable; and*
- h) Other fees and charges such as Load Despatch Centre fees and scheduling charges, deviation settlement charges as per the relevant Regulations of the Commission.”*

From the above, it is reiterated that Transmission Charges are one of the applicable charges that are to be levied on the Green Energy Open Access.

- iii. As per the Tariff Orders for the intra-state Transmission Utility and the Petitioner DNHDDPDCL, the Commission has approved the intra state transmission charges applicable for FY 2024-25. Thus, it is apparent that for any Green Energy Open Access transaction wherein intra-state transmission network is utilized, intra-state transmission charges are payable.
- iv. The Regulation 6.2 (2) (a)(i) of JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017 provides as under:

*“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.”*
- v. In this regard, the Petitioner submitted as under:
  - a. Despite the repeated representations to make information of Transmission losses for 52 weeks available with the Petitioner & all stakeholders, same has not been made available.
  - b. There are instances where some arbitrary and different figure of Transmission loss has been considered for different Open Access Consumers.
- vi. Any under-recovery of intra-state transmission charges and/or losses would get passed on to the other consumers of the distribution licensee.
- vii. In the above background, the Petitioner requested the Commission to issue necessary directions to the Respondent to adhere to the Regulations and levy correct intra-state transmission charges and losses.
- i. It is stated that the above provisions in the Open Access Regulations ought to be implemented in their true letter and spirit to ensure that the interest of all the stakeholders are protected and no undue burden gets passed on any one category of consumers.
- j. To protect the interest of the retail consumers, it has issued the provisional bills for GEOA Consumer as per Energy Account shared by SLDC subject to adjustment as per decision/guidance of the Commission.



3. The Respondent has submitted reply dated 07.05.2025 as under:

- a. At the outset, there is no merit whatsoever in the Petition filed by the Petitioner. Save as expressly admitted in the present reply, the contents of the Petition filed are wrong and are denied.
- b. The Petitioner asserts that the Respondent has failed to implement the provisions of the Open Access Regulations ("OA Regulations") in their true letter and spirit. However, this contention is incorrect and is hereby denied. The Respondent has duly implemented the OA Regulations in full compliance with their intended purpose.
- c. From Paragraphs 1 to 8 of the Petition, the Petitioner references Regulations 9.6 and 9.9 of the OA Regulations, as well as Regulations 78 and 79 of the COB Regulations, while seeking directions for the Respondent to address any difficulties and provide clarification regarding the implementation of the OA Regulations.
- d. At Para 9 of the Petition, the Petitioner raised the following issues-
  - i. Maintaining drawal of green energy open access for 12-time blocks
  - ii. Applicability of Transmission Charges and losses
- e. The issues raised by the Petitioner are being dealt with hereinbelow-
- f. In Paragraph 10A of the Petition, the Petitioner has contended that it has encountered instances where Open Access consumers are not adhering to the provisions of the OA Regulations in their true spirit, frequently modifying their demand within 12-time blocks. Despite reporting such instances of non-compliance to the Respondent, no action has been taken in response.
- g. The contention raised by the Petitioner is wrong and denied. The Respondent had clarified vide its communication dated 13.12.2024 to the Petitioner that "the Green Open Access Consumer has not changed the quantum of power consumed through open access. The power scheduled from the RE Generator during a day was consumed by Green Open Access Consumer. The variation in power schedule was due to revisions on the part of RE Generator".
- h. It is submitted that the Open Access Consumers were adhering to the Regulations, in this scenario it is not understood as to what steps had to be taken by the Respondent.
- i. In this regard, the Respondent is placing its reliance upon the Order dated 10.11.2023 of the Hon'ble Haryana Electricity Regulatory Commission wherein it had given certain clarifications on the similar issue raised by the Petitioner before it, inter-alia holding as under –

“ .....

*The Commission is conscious of the fact that generation from Solar PV system is dependent on the solar irradiation per unit area. Hence, on any surface the irradiation will change with the tilt angle. Consequently, generation obtained from solar panels will also change. Resultantly, the quantum of power consumed through open access in*

*twelve-time blocks of 15 minutes time interval during a day may not be possible. Therefore, it is obvious that the condition, of maintaining twelve-time blocks of 15 minutes time interval during a day, for availing open access, is applicable with reference to the schedule given by the consumer/generator. The actual drawl/generation may deviate attracting deviation settlement charges/imbalance charges as per the provisions of DSM/Open Access Regulations in vogue. Accordingly, the questions raised by the petitioner are answered as under:*

- a. Whether the scheduled drawl or actual drawl through Green Energy Open Access is to be considered for evaluating the eligibility condition for constant drawl of power for twelve-time blocks of 15-minute intervals?*

*Commission's view: - The schedule drawl is to be considered for evaluating the eligibility condition for constant drawl of power for twelve-time blocks of 15-minute intervals.*

- b. Whether the twelve-time blocks of 15-minute intervals, as defined in the eligibility conditions are to be considered as continuous time blocks? If yes, the Hon'ble Commission may also kindly clarify:*

- i. If the condition for drawing continuous open access power mandatory for only 3 hours (12-time blocks of 15 minutes each) per day, or should this requirement be repeated for every change in drawl of power by the consumer in a day?*

*Commission's view: The condition of drawing continuous open access power for twelve-time blocks of 15-minute intervals, is applicable for the entire day and not to be repeated for change in drawl of power by a consumer in a day.*

- ii. Whether the consumer, who fails to meet the requirement of continuous drawl for 12-time blocks of 15 minutes each in any particular day, eligible to avail the benefits of power drawl through Green Energy open access on that particular day?*

*Commission's view: The question has already been clarified in the preceding para of this order i.e. they are eligible to avail the benefit of power drawl through green energy open access, subject to applicable deviation settlement mechanism”*

- j.** In Paragraph 10A(iv) of the Petition, the Petitioner has cited an instance Involving a Captive Consumer applying for Open Access for 100 MW.

However, this reference is irrelevant to the present matter. The consumer, M/s Wellknown Polyester Ltd, who has applied for Open Access for 100 MW, does not qualify as a Captive Consumer. Instead, the said consumer has entered into a Power Purchase Agreement with the renewable energy generator M/s Transition Green Energy for the procurement of green energy from the Northern region.

- k.** It is stated that the Statement of Deviation charges in respect of Northern regional entities for the 25th November to 01st December, 2024 was prepared in accordance with Central Electricity Regulatory Commission (Deviation Settlement Mechanism and



Related matters) Regulations, 2024 and Central Electricity Regulatory Commission (Ancillary Services) Regulations, 2022 and has been issued by Northern Regional Power Committee dated 11.12.2024. This statement indicates that the RE Generator M/s Transition Green Energy was liable for payment of deviation charges. A copy of statement from NRPC is enclosed for reference and marked at Annexure-5.

- l.** In view of above submissions, it is amply clear that the transactions of Green Open Access are in compliance of the Regulations and the Respondent has complied the Regulations in true letter and spirit. The contentions raised by the Petitioner to the contrary are wrong and denied.
- m.** The Petitioner at Para 10 B of the Petition has referred to the Regulations 4.9 and 4.10 of the OA Regulations and prayed for issuing necessary directions to the Respondent to adhere to the Regulations and levy correct intra-state transmission charges.
- n.** The contention raised by the Petitioner is wrong and denied. It is stated that the applicable intra state transmission charges as approved by the Hon'ble Commission in tariff Order are being levied from Green Open Access consumer and the same is in terms of the Regulations.
- o.** The Petitioner at Para 10B of the Petition has contended that the Transmission losses for 52 weeks are not made available. Further, the Petitioner has come across instances where some arbitrary and different figures of Transmission loss have been considered for different Open Access Consumers.
- p.** The contention raised by the Petitioner is wrong and denied. In this regard the following are relevant –
  - i.** Prior to merger of Electricity Department, Daman & Diu and Electricity Department, DNH into DNH and DD Power Corporation limited w.e.f. 01.04.2025, the functions of all above three entities were independent and individual ARR were submitted to the Commission and accordingly separate tariff orders were approved by the Commission.
  - ii.** Transmission network of DD has no connectivity with the Transmission network of DNH. Eventually, the Transmission losses calculated would also be different for two independent networks. Hence, it is quite obvious that the Transmission losses applicable to Open Access Consumers for DD and DNH would be different.
  - iii.** Electricity Department, DD has submitted a summary of energy audit report to the Commission through mail dated 20.05.2024 and complete energy audit report was submitted on 21.05.2024. Energy audit report is attached hereto and marked as Annexure-6. But the Commission has not considered the same in the Tariff Order. However, ED-DD has considered the same Transmission losses for the Open Access Consumer.
  - iv.** The information regarding average energy losses on the website of the Respondent was delayed due to the merger process of Electricity Department, DD and Electricity Department, DNH with DNH and DD Power Corporation Limited. However, the development of necessary infrastructure is taken up after completion

of the merger activities and the provisions of the Regulations 6.2(2) (a)(i) and will be adhered to soon.

- q. In view of above there is no merit in the Petition filed by the Petitioner and the same is liable to be dismissed.
4. The Petition was heard on 15.05.2025. The Commission after hearing, directed the parties vide interim order dated 16.05.2025 to submit their written submission on an affidavit within 10 days. The Petitioner's submission dated 27.05.2025 is as under:
- a. The present petition is not adversarial, but only to remove difficulties in the implementation of the Open Access Regulations, for the benefit of the consumers at large in the Union Territory.
  - b. The Open Access Regulations were amended, by way of the Third Amendment dated 13.08.2024, to align the regulations to provisions of the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 notified by the Ministry Power (hereinafter referred to the as "Green Open Access Rules").
  - c. Two issues have been observed in the implementation of the Open Access Regulations consequent to the above amendment:
    - A. Maintaining drawl of green energy open access for twelve-time blocks
    - B. Information of the fortnightly transmission losses on the SLDC website
  - d. In this regard, the proviso to Regulation 2.2(1) of the OA Regulations provides as under:

*"Provided that Green Energy Open Access consumer shall not change the quantum of power consumed through open access for twelve consecutive time blocks of 15 minutes time interval during a day."*
  - e. The open access consumers located within the state provide their drawal schedule directly to the SLDC. In case of any inter-state transaction of any Open Access Consumer, the SLDC receives the injection schedule of the inter-state entity from the relevant regional load despatch centre (the "RLDC") and then prepares the final drawal schedule for such Open Access Consumer. Hence, it is only the SLDC which can ensure compliance for Open Access Regulations including requirement of maintaining a uniform drawl for continuous 12-time blocks. Thereafter, Open Access Consumer can alter the schedule for subsequent 12 time-blocks and thereafter another subsequent 12 time-blocks.
  - f. However, to the contrary, the SLDC has been allowing open access consumers to change the schedule for each time block on the pre-text that the same is due to the varied schedule of the generator by RLDC, as evidenced by their statement in the email dated 13.12.2024.



- g. A Green Energy Open Access Consumer is required to schedule constant quantum of power while procuring power through Open Access in accordance with the provisions of the JERC Open Access Regulations. The purpose of the provision introduced in the MoP Green Open Access Rules and incorporated in the Open Access Regulations is to avoid high variation in demand to be met by the distribution licensee. The same is also essential to ensure that the costs of varying renewable energy are not passed on to the other consumers of the distribution licensee. Also, the Distribution Licensee has been cast with the responsibility to optimise its procurement planning and costs for consumers at large. However, this will not be possible if the schedule of Green Energy Open Access Consumer is allowed to be changed continuously.
- h. SLDC has contended that the Regulation 2.1(1) only requires that the schedule for one block of 3 hours to be constant and for other hours in the day it can be changed every time block. However, this interpretation flies in the face of the object and purpose of the requirement of the Rules and the Regulations and cannot be accepted. Further, a solar plant, which has zero generation at night time, may show a constant schedule of '0' in the night hour and may claim that it has satisfied the above requirement. Clearly, that is not the intention of the above provision. The Open Access Regulations provides for change in quantum of power consumed from Open Access by the Open Access Consumers after keeping uniform quantum for 12 time-blocks. Albeit such quantum would again remain uniform for continuous 12 time-blocks. In other words, the Green Energy Open Access Consumer is required to comply with such norm for entire day.
- i. The SLDC has cited a decision of the Haryana Electricity Regulatory Commission (HERC) dated 10.11.2023 in support of its contentions. It is stated that the above decision, firstly, is not binding on this Commission. However, in any case, the interpretation advanced by SLDC in the above decision is in support of the interpretation of the Petitioner.

The HERC, at Para 5.5(b)(i) has clearly mentioned that condition of drawing continuous open access power for 12-time blocks of 15-minute intervals, is applicable for the entire day.

In view of above, SLDC needs to ensure that the consumption by a green energy open access consumer from Open Access is not changed for continuous 12-time blocks and the State Energy Accounts must be prepared accordingly.

- j. The Regulation 6.2 (2) (a)(i) of JERC (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2017 provides as under:

*“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."*

- k. SLDC has stated that because of the merging process of the Transmission Licensees, there has been a delay in posting this information. However, it also subsequently stated at the time of hearing on 15.05.2025, that it has so far never posted the fortnightly transmission losses on their website. This amounts to non-compliance of the Commission's Regulations.
  - l. Any reorganization of the Transmission licensees must not affect the determination of transmission losses in the system by the SLDC. Non availability of the transmission losses causes challenges in billing of open access and in turn under-recovery of intra-state transmission charges and/or losses would get passed on to the other consumers of the distribution licensee.
  - m. At present, DNHDDPDCL has been carrying out billing on provisional basis subject to final outcome of the present matter. Thus, in case the SLDC does not post the actual loss periodically, the Transmission loss as approved by the Commission in ARR of the year in which Open Access is allowed, may be considered for the billing subject to adjustment based on True-up of such FY. For example, in case fortnightly average Transmission Loss for entire Transmission System is not made available by SLDC, average Transmission Loss considered in Energy Balance for ARR of FY 24-25 for DNHDDPDCL by Commission should be considered for billing. Further, the above direction, being specifically included in the Regulations of this Commission, must be strictly complied with.
  - n. In the Reply filed by SLDC dated 7th May, 2025, SLDC has stated that consumer referred by DNHDD PDCL in the Petition is not a Captive but a third-party open access consumer. In this regard, DNHDD PDCL clarified that the reference of the consumer was given only to highlight the non-compliance by the consumer in Open Access and no action is taken by SLDC despite the same being brought to the notice of SLDC. There is no difference in the Regulations related to norms of maintaining same quantum for 12 consecutive time blocks of 15 minutes for sourcing of power through Open Access either from Third Party or own generating station.
  - o. It is stated that any Green Energy Open Access Consumer, be it Captive or Third Party, is required not only to ensure compliance with JERC Open Access Regulations but also to pay applicable charges and losses such as Transmission Charges/losses, Wheeling Charges/losses, Cross Subsidy Charges, Additional Surcharge, Standby Charges, Reactive Charges etc, as may be applicable.
5. The Respondent's submission dated 26.05.2025 is as under:
- a. The Petitioner, Dadra and Nagar Haveli and Daman and Diu Power Distribution Corporation Limited, in the present Petition has raised the following issues:



- i. Maintaining drawl of green energy open access for 12-time blocks, and
  - ii. Applicability of Transmission Charges and losses
- b. At the outset, the Respondent submits that the present Petition has no merit and the same is liable to be dismissed.
- c. This Commission notified the Joint Electricity Regulatory Commission for the State of Goa and Union Territories (Connectivity and Open Access in Intra-State Transmission and Distribution) Regulations, 2024 (Third Amendment) on 13.08.2024. Regulation 2.2 (1) provides for the following proviso:

*“Provided that Green Energy Open Access consumer shall not change the quantum of power consumed through open access for twelve consecutive time blocks of 15 minutes time interval during a day.”*

- d. The Green Energy Open Access Consumers (GEOA Consumer) cannot change the quantum of power consumed through open access for twelve consecutive time blocks. The Petitioner and the Respondent are ad-idem on this. Further, the Petitioner and Respondent are ad-idem on the fact that scheduled drawl is to be considered for evaluating the eligibility conditions for constant drawl for power for twelve-time blocks of 15-minute intervals.

The Petitioner has contended that a GEOA Consumer is non-compliant of this proviso. In this regard, reliance is placed on Communication dated 13.12.2024 (Annexure 1 of the Reply filed by the Respondent) issued by the Respondent to the Petitioner, wherein the Respondent had clarified that the GEOA Consumer was not in violation of the Regulations and that the variation in power schedule was due to the revisions on the part of the RE Generator.

- e. The Proviso to Regulation 2.2(1) provides that the GEOA Consumer cannot change the quantum of power consumed for twelve consecutive time blocks of 15 minutes interval. The said proviso does not state when these twelve-time blocks are to be calculated from. In this regard, reliance is placed on the Order dated 10.11.2023 passed by the Hon'ble HERC, wherein this Hon'ble HERC in response to clarification sought, held as under:

*“b. Whether the twelve-time blocks of 15-minute intervals, as defined in the eligibility conditions are to be considered as continuous time blocks? If yes, the Hon'ble Commission may also kindly clarify:*

- i. If the condition for drawing continuous open access power mandatory for only 3 hours (12-time blocks of 15 minutes each) per day, or should this requirement be repeated for every change in drawl of power by the consumer in a day?*

*Commission's view: -*

*The condition of drawing continuous open access power for twelve-time blocks of 15-minute intervals, is applicable for the entire day and not to be repeated for change in drawl of power by a consumer in a day.”*

- f. The HERC in its Order recognizes that that the conditions of no change in quantum of power for twelve consecutive time blocks is for the entire day and not for each change in drawl. The Hon'ble HERC's regulation also do not provide for the GEOA Consumer to have same power quantum for twelve consecutive time blocks at the start of drawl.
- g. This Commission's regulations also do not provide such restriction, and hence the logical corollary to follow in absence of any such restriction, is that the GEOA Consumer can take any twelve consecutive time blocks of 15 minutes interval to show compliance to the Proviso. In this regard, reliance is placed on "Energy Scheduled and Drawl Statement of Green Open Access Consumer M/s Wellknown Polyester Ltd. for the period from 28/11/2024 to 30/11/2024" annexed as Annexure 2 of the instant Petition. In the said Statement, it is clear that from Block 45 to Block 57 for 28.11.2024, the GEOA Consumer has maintained a constant schedule of 68.19 MW and that the Consumer is in compliance of the Regulation 2.2 (1).
- h. The Open Access Consumers were adhering to the provisions of the OA Regulations. Reference is also taken of the previous month (April-2025) wherein it can be seen that constant quantum of power through open access for twelve or more consecutive time blocks of 15 minutes time interval during a day.
- i. Further, The RE Generator in the instance cited by the Petitioner is liable to pay deviation charges in line with the deviation settlement mechanism and the same is indicated in the Statement of Deviation charges published by Northern regional entities for 25.11.2024 to 01.12.2024 (Annexure 5 of the Reply filed by the Respondent). In view of the same, it is submitted that the GEOA Consumer is in compliance of the Regulations and the Respondent has complied the Regulations in its true letter and spirit.
- j. The applicable intra-state transmission charges as approved by this Commission in its Tariff Order are being levied upon the GEOA Consumers, and the same is in terms of the Regulations.
- k. The contention raised by the Petitioner is wrong and denied. In this regard the following are relevant: -
  - i. M/s Wellknown Polyester Ltd, is an existing consumer connected to 220 KV voltage level and having sanctioned contract demand of 100 MW. The said consumer had applied for green open access for capacity of 100 MW within its contract demand. The said open access consumer has been paying fixed charges for the sanctioned contract demand to the DISCOM.
  - ii. At the time of receipt of green open access application in the month of November-2024, the merger activities of Electricity Department, Daman & Diu and Electricity Department, DNH into DNH and DD Power Corporation limited was under process. Due to this, the required infrastructure for declaring losses for the emerging SLDC, DNH & DD could not be taken up.



- l.** Prior to merger of the Electricity Department, Daman and Diu and Electricity Department, DNH with DNH and DD Power Corporation Limited, the functions of all three entities were independent and individual ARR was submitted to this Commission accordingly separate Tariff Orders were passed by this Commission. As the transmission network of DD has no connectivity with the transmission network of DNH, the transmission losses calculated are different and hence the transmission losses applicable to the GEOA Consumers would be different for both entities.
- m.** Further, the information regarding average energy losses on the website of the Respondent was delayed due to the merger process of Electricity Department, DD and Electricity Department, DNH with DNH and DD Power Corporation Limited. However, the Respondent is striving to adhere to provisions of Regulation 6.2.(2)(a)(i) by completing the development of the necessary infrastructure.

### **Analysis and Decision**

- 6.** The main grievance of the Petitioner in the instant Petition against the Respondent is that Open Access Consumers are not adhering to the provisions of OA Regulations in their true spirit and frequently modifying their demand within 12 time blocks. Despite reporting such instances of non-compliance to the Respondent, no action has been taken in response. The Petitioner further stated that the present petition is not adversarial and only seeking direction against the Respondent to adhere to the Regulations and levy correct intra state transmission charges and losses and publish the transmission losses and charges as applicable to Green Open Access Regulations. The relief sought by the Petitioner are as follows: -

  - i.** Direct the Respondent to strictly comply with the Provisions of Open Access Regulations.
  - ii.** Publish the transmission losses and charges as applicable for Green open access consumers in accordance with the Open Access Regulations and ensure levy of such losses and charges on the Green Open Access Consumers.
  - iii.** Revise the energy account issued by SLDC for open Access Consumers.
- 7.** We first examine the first issue on the point of maintaining drawl of green energy open access:

  - a.** The Petitioner in the instant petition has filed a statement of Energy Scheduled and Drawl Statement of a Green Open Access Consumer M/s Wellknown Polyester Ltd for the period from 28.11.2024 to 30.11.2024 showing that there were deviations in Scheduled Energy and Drawl Energy.
  - b.** Per Contra, the Respondent SLDC has submitted that the difference of Scheduled Energy and Drawl Energy was from Generator end and not from Consumer end. The power scheduled from the RE Generator during a day was consumed by Green Open Access Consumer. The variation in power schedule was due to revisions on the part of

RE Generator. Relying on the HERC order dated 10.11.2023 the respondent has further stated that Open Access consumer is required to maintain the 12 times block requirement once in a day and thereby there is no violation of the JERC Open Access regulations. However, in support of his assertion the respondent has not placed any document of RLDC showing that the difference of Scheduled Energy and Drawl Energy was on account of revision on the part of RE Generator.

- c. Proviso to Regulation 2.2(1) of the JERC (Connectivity and Open Access) (Third Amendment) Regulations, 2024 provides as under:

*“Provided that Green Energy Open Access consumer shall not change the quantum of power consumed through open access for twelve consecutive time blocks of 15 minutes time interval during a day.”*

- d. From bare reading of the aforesaid proviso, it is evident that there should not be any change in the quantum of power consumption from open access source for consecutive twelve time blocks of 15 minutes interval during a day by the Green Energy Open Access Consumers.
- e. It is well known fact that RE power is infirm in nature and has huge volatility throughout the day. Further, RE Generators are also under obligation of Day Ahead Scheduling. However, due to weather volatility or forecasting errors, the RE Generators may change their injection schedule generally 6 time-blocks ahead of real time despatch as permitted under the regulatory frameworks.

It is pertinent to mention here that Green Energy Generator submits their injection schedule and Green Energy Open Access Consumers submit their drawl schedule before SLDC on day ahead basis. SLDC, having matched drawl schedules corresponding to injection schedules and vice-versa, issues final despatch schedule directing RE Generators and Green Energy Open Access Consumers to adhere with their respective schedules. Generator injects its scheduled/re-scheduled power at injection point into the DISCOM's pooled power/grid. From this pool, the DISCOMs as well as Open Access consumers draw power adhering to their respective final schedules. The condition of maintaining twelve time blocks of fifteen minutes time interval during a day is applicable with reference to the schedule given by the Consumer/Generator. The actual drawal/generation may deviate attracting DSM charges as per provisions of DSM Regulation and is to be commercially settled under DSM Regulations.

- f. Due to frequent revisions of the schedules by RE Generators on account of reasons mentioned above, the Green Energy Open Access Consumers are forced to consume power from Green Energy Open Access whatever are supplied by their Green Energy Generators.
- g. The relevant provisions of MOP Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 is given below;



*“Provided further that reasonable conditions such as the minimum number of time blocks, which shall not be more than twelve time blocks, for which the consumer shall not change the quantum of power consumed through open access may be imposed so as to avoid high variation in demand to be met by the distribution licensee.”*

- h. Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2024 also specify that;

*“5. Adherence to Schedule and Deviation (1) For the secure and stable operation of the grid, every grid-connected regional entity shall adhere to its schedule as per the Grid Code and shall endeavor not to deviate from its schedule.*

*(2) Deviation shall generally be managed through the deployment of Ancillary Services, and the computation, charges, and related matters in respect of such deviation shall be dealt with as per the following provisions of these regulations.”*

- i. The Hon’ble Supreme Court in Civil Appeal No. 2104 of 2006 Central Power Distribution Co.& Ors vs Central Electricity Regulatory on 17 August, 2007 has held that:

*“As already noticed, the Central Commission has the power and function to evolve commercial mechanism such as imposition of UI charges to regulate and discipline. It is well settled that a power to regulate includes within it the power to enforce.*

.....

*In the facts and circumstances as alluded, and as per the Scheme of the Electricity Act, 2003 mentioned above, the Central Commission has the plenary power to regulate the Grid, particularly in the context of the Grid being integrated and connected across the region comprising of more than one State. The State Grid cannot be isolated and can be seen as independent from the region.”*

- j. In view of the above, the Commission clarifies that the Green Energy Open Access consumer shall not revise the schedule on its own in less than 12 times blocks during a day. However, there is a possibility of variation of injection schedule from the RE Generators end due to unforeseen circumstances as discussed earlier due to which the schedule of GEOA consumers may automatically be revised on its own. Any power in excess of or less than scheduled/ revised schedule is to be commercially settled under DSM Regulations.
8. Now let us examine the second issue on the point of Applicability of Transmission Charges & Losses
- a. Regulation 6.2 of the JERC (Connectivity and Open Access) Regulations, 2017 and amendment thereof deals with loss applicable for Green Energy Open Access. The relevant portion is reproduced below:

***“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)."*

- b.** It is clear from the above regulation that the Green Energy Open Access Consumer shall bear the Transmission & Distribution losses. Further, SLDC is obligated to post average transmission losses for the previous 52 weeks on its website. However, the Petitioner has contended that SLDC has not been posting average transmission losses for the previous 52 weeks on its website and arbitrary figures of transmission losses has been considered for different Green Energy Open Access Consumers.



- c. Per contra, the Respondent SLDC has submitted that the Electricity Department DNH and Electricity Department Daman & Diu has merged with DNHDDPCL with effect from 01.04.2025. Prior to merger of the Electricity Department, Daman and Diu and Electricity Department, DNH with DNH and DD Power Corporation Limited, the functions of all three entities were independent and individual ARR was submitted to this Commission and accordingly separate Tariff Orders were passed by the Commission for all three entities. As the transmission network of DD has no connectivity with the transmission network of DNH, the transmission losses calculated are different for DD and DNH and hence the transmission losses applicable to the GEOA Consumers were different for both entities.

Further, the posting of information regarding average transmission losses on the website of the Respondent SLDC was delayed due to the merger process of Electricity Department, DD and Electricity Department, DNH with DNH and DD Power Corporation Limited. However, the Respondent is striving to adhere to provisions of Regulation 6.2 (2)(a)(i) of the JERC (Connectivity and Open Access) Regulations, 2017 and amendment thereof by completing the development of the necessary infrastructure.

- d. The Commission finds that there is no infirmity on the part of the Respondent SLDC in considering different transmission losses for the GEOA consumers availing open access of transmission system of different transmission entities. However, the Commission finds that the Respondent SLDC has failed to adhere the JERC (Connectivity and Open Access) Regulations, 2017 and amendment thereof by not posting the average transmission losses for previous 52 weeks for the erstwhile transmission licencees of DNH and DD.
- e. As regards, the applicability of transmission charges on Green Energy Open Access Consumers, Regulation 4.10 of the JERC (Connectivity and Open Access) Regulations, 2017 and amendment thereof specified the various charges which are to be levied for Green Energy Open Access. The relevant excerpts is reproduced below:

***“4.10 Charges to be levied for Green Energy Open Access:***

*The charges to be levied on Green Energy Open Access consumers shall be as follows, namely: -*

- a) Transmission Charges;*
- b) Wheeling Charges;*
- c) Cross Subsidy Surcharge;*
- d) Additional Surcharge wherever applicable;*
- e) Standby Charges wherever applicable;*
- f) Reactive Energy Charges wherever applicable;*
- g) Banking Charge wherever applicable; and*
- h) Other fees and charges such as Load Despatch Centre fees and scheduling charges, deviation settlement charges as per the relevant Regulations of the Commission.”*

- f. It is clear from the above regulation that transmission charge as well as SLDC charges are also leviable to Green Energy Open Access Consumers apart from wheeling charges, cross-subsidy surcharges, additional surcharges and other charges.

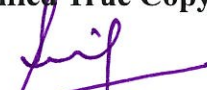
However, on perusal of Annexure -1 of the instant petition, the Commission observed that Assistant Engineer SLDC, vide communication dated 02.12.2024 has attached a bill demanding payment for transmission charges and SLDC charges for the period 28.11.2024 to 30.11.2024 for Green Energy Open Access by M/S Wellknown Polyester Ltd. The SLDC had accounted for such charges as per NOC issued under T-GNA. However, the same was cancelled on the plea that Long Term Open Access has not been operationalized since the consumer could not apply for GNA due to pending agreement of Green Energy Open Access Consumer and Distribution Licensee.

- g. The Commission is not convinced with the reason for cancellation of transmission and SLDC charges. It is to be noted that both T-GNA and GNA are not similar. T-GNA is the right of network access for the short term open access and GNA is the right of network access for medium/long term open access of transmission network. The Green Energy Open Access consumers are liable to be charged for transmission charges and SLDC charges. Accordingly, SLDC is directed to take appropriate action in line with the above findings.
9. The mandate and statutory framework as envisaged in the Act is for stable, reliable and secure grid operation in order to achieve maximum economy and efficiency of the power system. The roles, functions and responsibilities have been assigned to the concerned statutory bodies, generating companies, licensees and any other person connected with the operation of the power systems within the statutory frameworks envisaged in the Act and the Rules and Notifications issued by the Central Government, Regulation framed by Central Commission as well as State / Joint Commission. These functions are to be strictly followed by the concerned bodies connected to the grid.
10. In regards to the prayer of the Petitioner i.e. to revise the energy account issued by SLDC for open Access Consumers, SLDC is directed to take appropriate action inline with the above findings of the Commission.
11. Keeping in view of above, the Respondent is directed to perform its duties as assigned under the Act, Rules and relevant Regulations of the Commission.
12. The petition is accordingly disposed of with above direction.

Sd/-  
(Jyoti Prasad)  
Member (Law)

Sd/-  
(Alok Tandon)  
Chairperson

(Certified True Copy)

  
(S.D. Sharma)  
Secretary I/c, JERC

Place: Gurugram, Haryana  
Date: 8<sup>th</sup> July, 2025