

**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION,
RANCHI**

**Jharkhand State Electricity Regulatory Commission (Utilization of
Surplus Capacity of Captive Power Plants based on Conventional Fuel)
Regulation, 2023**

[Gazette/Notification No.] -- In exercise of the powers conferred by Sub-Section (b) of Section 86 of the Electricity Act 2003 (36 of 2003) and all powers enabling it on that behalf, the Jharkhand State Electricity Regulatory Commission hereby makes the following Regulations, to harness the surplus generation capacity of captive power units and to reduce peak time shortages in the system.

1. Short Title, Commencement and Interpretation

- 1.1.** These Regulations shall be called the Jharkhand State Electricity Regulatory Commission (Utilization of Surplus Capacity of Captive Power Plants based on Conventional Fuel) Regulations, 2023.
- 1.2.** These Regulations shall apply to all the Captive Power Plants using conventional fuels in the State of Jharkhand.
- 1.3.** These Regulations shall come into force on the date of its publication in the Jharkhand Gazette.

2. Definitions

2.1. In these Regulations, unless the context otherwise requires:

- a) **‘ABT’** shall mean Availability Based Tariff;
- b) **‘Act’** shall mean the Electricity Act, 2003 and subsequent amendments thereof;
- c) **‘Banking’** shall mean the facility by which unutilized surplus power is supplied by the Captive Power Plant (CPP) to the grid, not with the intention of selling it, but with the intention of exercising its eligibility to draw back this power from the grid at a later stage on payment of banking charges and as per other terms and conditions as specified by the Commission from time to time;
- d) **‘Billing cycle’** shall mean a period of one month commencing from 00:00 hours on the first day of the month and ending at 24:00 hours on last day of the month;
- e) **‘Captive Power Plant (CPP)’** shall have the meaning assigned to the term under clause **2.3** of these Regulations;
- f) **‘Captive User(s)’** shall have the meaning assigned to the user under clause **2.3** of these Regulations;
- g) **‘Company’** shall mean a company formed and registered under the Companies Act, 1956 and includes any body corporate under a Central, State or Provincial Act;

- h) **‘Commission’** or **‘JSERC’** shall mean the Jharkhand State Electricity Regulatory Commission;
- i) **‘Conventional Fuel’** shall mean any of the fossil fuels such as coal, lignite etc;
- j) **‘Day’** shall mean a continuous period of 24 hours;
- k) **‘Firm Power’** shall mean the power agreed for supply by a CPP to a Distribution Licensee in the Power Purchase Agreement executed between the Distribution Licensee and the CPP. The variation upto plus or minus 10% from the agreed capacity shall be treated as firm power;
- l) **‘Firm Energy’** shall mean energy corresponding to Firm Power;
- m) **‘Grid Code’** shall mean the JSERC (State Grid Code) Regulations, 2008, and the CERC (Indian Electricity Grid Code) Regulations, 2023, as amended from time to time;
- n) **‘Infirm Power’** shall mean the power supplied by a CPP to a Distribution Licensee if it is less than 90% or more than 110% of the Firm Power as defined above;
- o) **‘Infirm Energy’** shall mean energy corresponding to In-firm Power;
- p) **‘Licensee’** shall mean a person who has been granted a licence under section 14 of the Act;
- q) **‘Open Access Regulation’** shall mean the JSERC (Terms and Conditions for Intra State Open Access) Regulations, 2016, as amended from time to time;
- r) **‘Stand-by contract demand’** shall mean the maximum demand in MW contracted by the CPP under Standby support with the Distribution Licensee of its area of supply;
- s) **‘Stand-by period’** shall mean a period worked out by the Licensee as per the procedure for requisitioning Stand-by support as provided in these Regulations;
- t) **‘Stand-by support’** shall mean the contractual arrangement between the CPP user and the Distribution Licensee of his area of supply to provide power in case of planned or forced outage of the CPP. The nature of outage may be ‘partial’ (outage of one or more units but not all units) or ‘full’ (outage of all units);
- u) **‘SLDC’** shall mean the State Load Despatch Centre (established under subsection (1) of section 31 of the Act) to ensure integrated operations of the power system and co-ordinating supply-demand in the state in real- time;
- v) **‘TYPE A CPP’** shall mean CPP which is not connected to the grid; further interconnecting breaker on the grid end shall be kept open, and shall be charged by the Licensee only when the notification of requirement of Stand-by support is provided by the Captive User to the Licensee.
- w) **‘TYPE B CPP’** shall mean CPP which is located within the premises of the

captive user and connected to grid;

- x) **‘TYPE C CPP’** shall mean CPP which is located at premises other than that of the captive user;
- y) **‘Year’** or **‘Financial Year’** shall mean a period commencing on April 01 of a calendar year and ending on March 31 of the subsequent calendar year;

2.2. All other expressions used herein although not specifically defined herein, but defined in the Act, shall have the meaning assigned to them in the Act. The other expressions used herein but not specifically defined in this Regulations, JSERC (Terms and Conditions for Intra State Open Access) Regulations, 2016, JSERC (State Grid Code) Regulations, 2008 and amendments thereof or in the Electricity Act, 2003 and amendments thereof but defined under any law passed by the parliament applicable to electricity industry in the State or stated in the tariff order shall have the meaning assigned to them in such law. Subject to the above the expression used herein but not specifically defined in this regulation or the regulation in the Act or any law passed by the parliament shall have the meaning as is generally assigned in the electricity industry.

Definition of a CPP

2.3. A power plant shall be identified as a Captive Power Plant only if it satisfies the conditions contained in clause 3 (1) (a) and 3 (1) (b) of the Electricity Rules, 2005 notified by the Ministry of Power, Government of India, on 8th June 2005, reproduced as under:

“3(1) No power plant shall qualify as a ‘captive generating plant’ under section 9 read with clause (8) of section 2 of the Act unless-

(a) in case of a power plant-

(i) not less than twenty six percent of the ownership is held by the captive user(s), and

(ii) not less than fifty one percent of the aggregate electricity generated in such plant, determined on an annual basis, is consumed for the captive use

Provided that in case of power plant set up by registered cooperative society, the conditions mentioned under paragraphs at (i) and (ii) above shall be satisfied collectively by the members of the cooperative society:

Provided further that in case of association of persons, the captive user(s) shall hold not less than twenty six percent of the ownership of the plant in aggregate and such captive user(s) shall consume not less than fifty one percent of the electricity generated, determined on an annual basis, in proportion to their shares in ownership of the power plant within a variation not exceeding ten percent;

(b) in case of a generating station owned by a company formed as special purpose vehicle for such generating station, a unit or units of such generating station identified for captive use and not the entire

generating station identified for captive use and not the entire generating station satisfy(s) the conditions contained in paragraphs (i) and (ii) of sub-clause (a) above including-

Explanation: -

- (1) The electricity required to be consumed by captive users shall be determined with reference to such generating unit or units in aggregate identified for captive use and not with reference to generating station as a whole; and*
 - (2) The equity shares to be held by the captive user (s) in the generating station shall not be less than twenty six percent of the proportionate of the equity of the company related to the generating unit or units identified as the captive generating plant.*
- 3(2) It shall be the obligation of the captive users to ensure that the consumption by the Captive Users at the percentages mentioned in sub-clauses (a) and (b) of sub-rule (1) above is maintained and in case the minimum percentage of captive use is not complied with in any year, the entire electricity generated shall be treated as if it is a supply of electricity by a generating company.*

Explanation: (1) For the purpose of this rule-

- a. 'Annual Basis' shall be determined based on a financial year;*
- b. 'Captive User' shall mean the end user of the electricity generated in a Captive Generating Plant and the term 'Captive Use' shall be construed accordingly;*
- c. 'Ownership' in relation to a generating station or power plant set up by a company or any other body corporate shall mean the equity share capital with voting rights. In other cases ownership shall mean proprietary interest and control over the generating station or power plant;*
- d. 'Special Purpose Vehicle' shall mean a legal entity owning, operating and maintaining a generating station and with no other business or activity to be engaged in by the legal entity."*

3. Scope of Application

- 3.1.** These regulations are applicable to all the captive power plants, having installed capacity of 1 MW and above, agreeing to supply the surplus power to a Distribution Licensee within the state of Jharkhand.

4. Grid Interconnection/ Parallel Operation

- 4.1.** The CPP and dedicated transmission/distribution lines and substations shall be established, operated and maintained, as per the technical, safety and grid standards specified by the Transmission Licensee/Distribution Licensee or the Commission as the case may be.
- 4.2.** As per section 9 of the Act, the supply of electricity from a CPP through the

grid shall be regulated in the same manner as the generating station of a generating company. For this purpose, the CPP shall comply with the directions issued by the SLDC for exercising supervision and control as may be necessary for ensuring integrated grid operations and for achieving the maximum safety, economy and efficiency in the operation of power system in the state.

For supply at 33/11kV, the CPP shall be required to comply with the directions issued by the Licensee for exercising necessary supervision and control.

Provided that if any dispute arises with reference to the quality of electricity or safe, secure and integrated operation of the State grid or in relation to any direction issued by SLDC it shall be referred to the Commission for the decision. However, pending the decision of the Commission, the CPP shall comply with the directions issued by the SLDC/ Licensee, as the case may be.

- 4.3.** The CPP, shall have the right to open access for the purposes of carrying electricity from its captive generating plant to the destination of its use subject to availability of adequate transmission and/or distribution facility determined by the State Transmission Utility or the Distribution Licensee, as the case may be.
- 4.4.** A CPP, in accordance with provisions of Section 9 of the Act, may sell surplus power, after consuming not less than 51% of the aggregate electricity generated in such plant determined on annual basis as prescribed in Rule 3 of the Electricity Rules, 2005 to a Distribution Licensee as per the provisions of the Act, Rules & these regulations and to any consumer in accordance with the provisions of the JSERC (Terms and Conditions for Intra State Open Access) Regulations, 2016, as amended from time to time.
- 4.5.** CPP, connected with the grid, shall ensure compliance of the State Grid Code, Indian Electricity Grid Code and the Regulations issued by the Central Electricity Authority, amended from time to time, and any other direction of SLDC issued from time to time for ensuring integrated grid operation and for achieving the maximum economy of the operation of power system.
- 4.6.** A CPP intending to supply electricity to a Distribution Licensee will bear all the cost of power evacuation facility including the switch yard and interconnection facilities up to the point of injection into the substation including cost of bay/breaker of the Licensee's substation.
- 4.7.** The connectivity to the system network shall be provided by the Licensee only after the CPP completes all the formalities as prescribed by the Licensee with respect to seeking connection of the CPP to the grid. The CPP shall also be required to maintain the statutory clearances throughout the term of connectivity with the grid.
- 4.8.** The CPP shall provide the infrastructure for connecting the generating plant (if not existing earlier) to the network of the Transmission Licensee/Distribution Licensee as the case may be.
- 4.9.** In case the CPP requires the Transmission Licensee/Distribution Licensee to

build the infrastructure to connect the CPP with the Licensee's network then the CPP shall have to bear the cost as per the applicable rates for extending network facility, for the HT consumers at the corresponding voltage level.

- 4.10.** The voltage level for interconnection with the grid shall be the voltage level specified for different loads/contract demand for supply to the consumers in accordance with the provisions of the JSERC (Electricity Supply Code) Regulations, 2015, as amended from time to time, subject to technical feasibility.
- 4.11.** The scheme of synchronizing the CPP with the concerned Licensee's network shall have to be approved by the Transmission Licensee/Distribution Licensee as the case may be.
- 4.12.** The charges applicable for Grid Interconnection, Parallel operation & reactive energy shall be as per the JSERC (Terms and Conditions for Intra State Open Access) Regulations, 2016, as amended from time to time.
- 4.13.** A CPP, which is an obligated entity under the JSERC (Renewable Energy Purchase Obligation and its compliance) Regulations, 2016, as amended from time to time, shall ensure compliance of the said Regulations.

5. Conditions for Sale of Power

- 5.1.** Any CPP with an installed capacity of 1 MW and above and willing to sell the surplus power to a Licensee within the state shall be required to enter into a Power Purchase Agreement with the Licensee. The Licensee shall prepare and submit to the Commission a Power Purchase Agreement to be signed with the CPP, for the Commission's approval.
- 5.2.** Licensee within the state shall have the first right of refusal in cases where a CPP with an installed capacity of 1 MW and above is willing to sell the surplus power outside the state.

Provided if Licensee within the state fails to enter into a Power Purchase Agreement within 60 days of invoking the first right of refusal, the CPP will be free to sell its surplus capacity anywhere.

- 5.3.** The maximum rate of purchase of power from a CPP by the Licensee shall be as per the approach specified in clause **5.6** of these regulations. However, the concerned Distribution Licensee shall have the option of procuring short-term/long-term power from any CPP based on competitive bidding, using the guidelines specified by the Ministry of Power, Government of India in this regard.

Provided that the rates determined through the competitive biddings are not more than the rates determined as per the approach specified in clause **5.6** of these regulations.

- 5.4.** The energy for each time block of 15 minutes equivalent to the Firm Power declared in the Power Purchase Agreement shall be calculated as under:

$$FE = (D \times 1000)/4$$

Where,

FE = Firm energy (in kWh)

D = Firm Power (in MW)

- 5.5.** The rate for the purchase of Firm Power from the CPP shall be differentiated between the power purchased during peak-hours and off-peak hours. For this purpose, peak-hours will be the period between 06:00 hours to 10:00 hours and 18:00 hours to 22:00 hours on any day, and the remaining period will be considered as non-peak hours.
- 5.6.** The maximum rate of purchase of Firm Power during peak hours shall be taken as the weighted average of power purchase costs of the Licensee (inclusive of fixed and variable charges) of top 5% power at the margin (excluding liquid fuel based generation, generation from renewable sources and power drawn from UI) as approved by the Commission in its Tariff Order for the year in question.
- 5.7.** Power injected by the CPP during off-peak hours shall be paid for at rate of upto 85% of the power purchased rate during peak hours.
- 5.8.** The rate of purchase of In-firm Power shall be 80% of the rate specified for Firm Power, for both peak hours and off-peak hours.

6. Metering & Energy Billing

- 6.1.** The point for measuring the energy delivered shall be the interface point of the CPP and the Distribution Licensee or Transmission Licensee, as the case may be. All losses from the interface point shall be borne by the Licensee.
- 6.2.** All CPPs desirous of selling power to either Distribution Licensee or Third party or seeking Stand-by support from the Licensee shall have to install at their premises, ABT compliant main and check special energy meters capable of energy accounting for each block of 15 minutes at the generation end and at the interface point.
- 6.3.** Responsibility of meter reading, energy accounting and settlement of charges at the CPP interface point shall be with the concerned Licensee or as per the provisions of the Power Purchase Agreement between the Licensee and the CPP.
- 6.4.** The Invoice for power purchased by a Licensee shall be raised by the CPP based on the meter readings at the interface point within a period of 1 week from the date of meter reading. The concerned Licensee shall be responsible for making payment against the invoice, at the most, within the same period as provided by it to recover payments from the HT consumers. The exact terms of duration of payment shall be defined in the Power Purchase Agreement.
- 6.5.** The CPP shall also have the option to receive payment through a revolving Letter of Credit of a value equal to 1/12th of the total amount billed in the

previous financial year in favour of the CPP. For a new CPP, it would be 1/12th of the amount for energy proposed to be supplied in the current financial year. The cost of opening and maintaining the Letter of Credit shall be borne by the CPP.

- 6.6.** For payment of bills of capacity charges and energy charges through the Letter of Credit a rebate of 2.0% of the billed amount shall be provided by the CPP to the Licensee. If the payments for the bills of capacity and energy charges are made by a mode other than through the Letter of Credit but within a period of one month of presentation of bills by CPP, a rebate of 1.0% of the billed amount shall be provided by the CPP to the Licensee.
- 6.7.** In case the payment of bills of capacity and energy charges by the Licensee is delayed beyond a period of one month from the date of billing a late payment surcharge as may be determined by the Commission from time to time shall be payable by the Licensee.

7. Scheduling, Balancing and Settlement

- 7.1.** The CPPs shall be required to provide the injection schedules as per '*PART E: SCHEDULING & DESPATCH CODE*' of the JSERC (State Grid Code) Regulations, 2008 and its amendments thereof.

Provided that advanced machine learning driven power portfolio management operating software may be used for implementation of optimum generation schedules.

- 7.2.** There shall be no provision for deemed generation and all payments for Firm energy and In-firm energy shall be done as per the following methodology:
- a) Step-1:** Energy, for each time-block of 15-minutes, recorded by the export/import energy meter installed at the interface point of CPP and the Licensee, equivalent to Firm Power in MW declared in the Power Purchase Agreement, shall be worked out as per clause **5.4** of these regulations.
 - b) Step-2:** At the end of a billing cycle, the data downloaded from the interface meters shall be used to compute actual energy generated on a 15- minute time-block-wise basis. The actual energy delivered to the Licensee shall be determined after deducting any third party sales and energy supplied to own consumers, if any, from the total net exported energy as recorded at the CPP premises.
 - c) Step-3:** Payment settlement for Firm energy and In-firm energy shall be done at the end of the billing cycle for energy injected on a 15-minute basis. The data downloaded from the interface meters representing actual export/import shall be compared with the injection schedule for each corresponding time block of 15 minutes and payment shall be made on the following basis:

Condition	Payment
If actual energy injected is more than	As long as actual energy injected is less than or equal to 110% of declared Firm energy, the payment of all energy injected shall be

Condition	Payment
the Firm energy	at rates applicable for Firm Power for the particular period of time. In case actual energy injected is greater than 110% of declared Firm energy, the payment for all energy injected shall be at rates applicable for In-firm Power for the particular period of time.
If actual energy injected is equal to the Firm energy	All actual energy injected shall be paid at the rates applicable for Firm Power for the particular period of time
If actual energy injected is less than the Firm energy	As long as actual energy injected is greater than or equal to 90% of declared Firm energy, the payment of all energy injected shall be at rates applicable for the Firm Power for the particular period of time.

- d)** In cases wherein the Licensee is unable to schedule the power as contracted in the Power Purchase Agreement with the CPP, due to system constraint/low power demand, the calculation for the Firm energy shall be done on the basis of the restricted schedule given by the Licensee.

8. Stand-By Support

8.1. The Stand-by support shall be provided to the following type of Captive Users:

- Where the Captive User and his CPP are located within the same premises but the CPP is not connected to the grid at all; and
- Captive Users whose CPP is connected with the grid, but the Captive User does not have any other supply contract, other than a Contract Demand with the Distribution Licensee of Captive User's area of supply.

8.2. The applicability of Stand-by support to the different types of Captive Power Plants shall be as under:

Type	Description	Additional power supply arrangements of CPP	Stand-by support
A	CPP is not connected to grid	No other power supply arrangement except own CPP	Allowed
B	CPP is located within the premises of the captive user and connected to grid	From Distribution Licensee only	Allowed
C	CPP is located at premises other than that of the captive user	From Distribution Licensee only	Allowed as per the provisions of the JSERC (Balancing & Settlement Mechanism for Open Access) Regulations, 2010

8.3. The Licensee shall be compulsorily obliged to provide facility of Stand-by support to the CPP identified in the table above. The Stand-by support sought by the user shall not exceed the contracted stand-by demand.

8.4. The Captive User cannot avail Stand-by support for more than five (5) times in a financial year, with no more than one (1) requisition in any billing month.

- 8.5.** In case the Licensee is not in a position to supply the Stand-by contract demand on the request of CPP, which has contracted Stand-by demand with the Licensee on terms and conditions as provided in these Regulations, the Licensee shall pay to the Captive User by way of penalty at two times the fixed charges as prescribed in clause **8.10** and clause **8.19** of these Regulations for the period supply is not made available.

However, any party shall not be liable for any claim for loss / damage or compensation whatsoever arising out of failure of supply when such failure of supply is due to, either directly or indirectly, to Force Majeure conditions such as war, mutiny, Civil commotion, riot, terrorist attack, fire, flood, strike (subject to certification by Labour Commissioner), lock out (subject to certification by Labour Commissioner) cyclone, lightening, earthquake or act of God. But in such events, the period of discontinuance shall be added to the said period of the Stand-by agreement.

TYPE A

- 8.6.** This type of CPP shall be connected to the grid as per clause **4.9** and clause **4.10** of these regulations. The Interconnecting breaker on the grid end shall be kept open, and shall be charged by the Licensee only when the notification of requirement of Stand-by support is provided by the Captive User to the Licensee.
- 8.7.** The CPP notification to the Licensee shall indicate the amount of stand-by demand the CPP wishes to requisite against the total stand-by contracted demand for daily scheduling purposes by the Licensee.
- 8.8.** The total period for the purpose of billing for Stand-by support shall be from the time the Licensee notifies the Captive User of the availability of Stand-by support, after receipt of request for Stand-by support from the CPP, upto the time the Licensee receives notification from the Captive User that Stand-by support is no longer required.

Applicable Charges

- 8.9.** The maximum demand that can be contracted under Stand-by support by such Captive Users shall not be more than the total rated capacity of all the CPP classified generating units.

Provided maximum demand contracted under Stand-by support shall be supplied by the Licensee only when the generation from all units of CPP is seized.

- 8.10.** Wherever an agreement for Stand-by support exists between the Captive User and the Licensee, the Captive User shall be required to pay to the Licensee a fixed charge of Rs. 35 per kVA per month, applied on the capacity contracted under Stand-by support with the Distribution Licensee. Provided that the charges referred to above shall apply uniformly every month, irrespective of whether the Captive User avails Stand-by support or not.
- 8.11.** In addition to the charges mentioned in clause **8.10** of these regulations, the Captive User shall also be required to bear energy charges and demand charges for the power consumed during period of Stand-by support as under:

Particulars	Applicable Charges
Stand-by support availed for 1008 hours (42 days) in a financial year	<p>Pro-rated HT Industrial Consumer Contract Demand tariff at corresponding voltage and demand (or as per the order of the Commission as specified from time to time) for Stand-by Demand contracted. The pro-rata shall be done on the basis of the usage.</p> <p>1.5 times of the HT Industrial Consumer Energy charges at corresponding voltage and demand (or as per the order of the Commission as specified from time to time) for energy equivalent to Stand-by Demand.</p>
Stand-by support availed for greater than 1008 hours (42 days) in a financial year	<p>Upto 1008 hours:</p> <p>Pro-rated HT Industrial Consumer Contract Demand tariff at corresponding voltage and demand (or as per the order of the Commission as specified from time to time) for Stand-by Demand contracted. The pro-rata shall be done on the basis of the usage.</p> <p>1.5 times of the HT Industrial Consumer Energy charges at corresponding voltage and demand (or as per the order of the Commission as specified from time to time) for energy equivalent to Stand-by Demand.</p> <p>Beyond 1008 hours:</p> <p>Tariff approved by the Commission for temporary HT consumers at corresponding voltage and demand (or as per the order of the Commission as specified from time to time) in the Licensee's area of supply on power consumed beyond 1008 hours.</p>

- 8.12.** The demand charges shall be applied on the maximum demand at any 15 minutes time block covered under Stand-by period subject to minimum of 90% of the contract demand. The Stand-by period for this purpose shall be reckoned maximum up to 1008 hours (42 days) in any financial year. The energy charges shall be applied on the total energy consumed across all time-blocks covered under the Stand-by period.
- 8.13.** In case the recorded maximum demand at the CPP premises exceeds the stand-by contract demand, the excess demand recorded shall be billed for at 2 times the demand charges arrived at from clause **8.12** of these Regulations.
- 8.14.** The Stand-by support availed by the CPP shall be entitled for power factor incentives and penalties as approved by the Commission for retail supply consumers in its Tariff Order.

TYPE B

- 8.15.** The CPP shall notify the Licensee of his area of supply about the requirement of Stand-by support at least two (2) hours before the time the Captive User intends to avail power from the Licensee. The CPP shall also provide the

Licensee with the date and time of the stoppage of its stand-by support.

- 8.16.** When the Captive User's CPP starts functioning again, the Captive User shall, within a period of 1 hour, notify the Licensee about the same duly giving the actual date and time since the plant started functioning again. The total period of Stand-by support shall be worked out accordingly.
- 8.17.** The CPP's notification requiring Stand-by support, to the Licensee shall indicate the amount of stand-by demand the CPP wishes to requisition against its total stand-by Contracted Demand for daily scheduling purposes by the Distribution Licensee.

Applicable Charges

- 8.18.** The maximum demand that can be contracted under Stand-by support by such Captive Users shall not be more than the total rated capacity of all the generating units of the Captive User's CPP.

Provided maximum demand contracted under Stand-by support shall be supplied by the Licensee only when the generation from all units of CPP is seized.

- 8.19.** Wherever an agreement for Stand-by support exists between the Captive User and the Licensee of his area of supply, the Captive User shall be required to pay to the Licensee a fixed charge of Rs. 35 per kVA per month, applied on the capacity contracted under Stand-by support with the Licensee.

Provided that the charges referred to above shall apply uniformly every month, irrespective of whether the user avails Stand-by support or not.

- 8.20.** In addition to charges mentioned in clause **8.19** of these regulations, the Captive Users shall also be required to bear energy charges and demand charges for the power consumed during period of Stand-by support shown as under:

Particulars	Applicable Charges
Stand-by period applicable in the month or part of month	<ul style="list-style-type: none">• Normal Demand Charges as approved by the Commission in the Tariff Order, on Contract Demand, irrespective of actual recorded demand at premises; or• Pro-rated HT Industrial Consumer Contract Demand tariff at corresponding voltage and demand (or as per the order of the Commission as specified from time to time) for Stand-by Demand contracted (applicable only for the time blocks covered under stand-by period), irrespective of actual Recorded Demand at the premises.• 1.5 times of the HT Industrial Consumer Energy charges at corresponding voltage and demand (or as per the order of the Commission as specified from time to time) for energy equivalent to Stand-by Demand.

- 8.21.** The total duration of all Stand-by periods with respect to any Captive User during any financial year shall be limited to 1008 hours (42 days) in any financial year. As long as the Stand-by period is within these limits, the

charges specified in clause **8.20** of these regulations shall apply and thereafter, if the failure or shutdown of the CPP still continues, any power consumed by the Captive User shall be charged at tariff approved by the Commission for temporary HT consumers at corresponding voltage and demand (or as per the order of the Commission as specified from time to time) in the Licensee's area of supply.

- 8.22.** The demand charges shall be applied on the maximum demand at any 15-minute time block covered under Stand-by period subject to minimum of 90% of the contract demand. The Stand-by period for this purpose shall be reckoned maximum up to 1008 hours (42 days). The energy charges shall be applied on the total energy consumed across all time-blocks covered under the Stand-by period.
- 8.23.** In case the recorded maximum demand at the CPP premises exceeds the stand-by contract demand, the excess demand recorded shall be billed for at 2 times the demand charges arrived at from clause **8.22** of these regulations.
- 8.24.** The Stand-by support availed by CPP shall be entitled for power factor incentives and penalties as approved by the Commission for retail supply consumers in its Tariff Order.

TYPE C

- 8.25.** The facility for Stand-by support shall be available for such Captive Users as per the JSERC (Balancing & Settlement Mechanism for Open Access) Regulations, 2010. The Commission shall notify the conditions and charges for requisitioning stand by support by such Captive Users along with the balancing and settlement mechanism.

9. Banking Arrangements

- 9.1.** The banking of electricity shall be the process under which the CPP shall supply power to the grid, not with the intention of selling it, but with the intention of exercising its eligibility to draw back this power from the grid at a later stage.
- 9.2.** Banking of energy up to 100% shall be allowed throughout the financial year on payment of banking charges, subject to technical feasibility regarding evacuation.
- 9.3.** The banking charges shall be 10% of the energy banked for the firm power and 20% of the energy banked for the infirm power by the CPP with the Licensee.
- 9.4.** The withdrawal of banked energy shall be allowed during the financial year only as per TOD system i.e. withdrawal of banked power in the peak/off peak hours shall not be more than the power banked in that respective TOD slot.
- 9.5.** The banked energy shall not be permitted to be carried forward to subsequent financial year and shall be adjusted during the same financial year.
- 9.6.** The unutilized surplus banked energy at the end of the financial year shall be treated as sold to the Licensee at 65% of the applicable purchase rate of CPP generation. However, banking charges shall be deducted from such

unutilized banked energy.

Provided that for the rates determined as per clause **5.6** of the regulations, the rate at which such unutilized banked energy is sold to the Licensee shall be separately defined for peak and off peak hours of generation.

9.7. The energy account of all banking transactions shall be maintained by SLDC.

10. Dispute Resolution

10.1. All disputes and complaints shall be referred to the Commission for resolution, which shall decide the dispute after giving an opportunity of hearing to the parties. The decisions of the Commission shall be binding on all parties.

11. Inherent powers of the Commission

11.1. Nothing in these Regulations shall be deemed to limit or otherwise affect the power of the Commission to make such orders as may be necessary to meet the ends of justice.

11.2. Nothing in these Regulations shall bar the Commission from adopting in conformity with provisions of the Act, a procedure which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or a class of matters, deems it just or expedient for deciding such matter or class of matters.

11.3. Nothing in these Regulations shall, expressly or implied, bar the Commission from dealing with any matter or exercising 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, as it considers just and appropriate.

12. Power to Relax

12.1. The Commission may by general or specific order, for reasons to be recorded in writing, and after giving an opportunity of hearing to the parties likely to be affected, may relax any of the provisions of these Regulations on its own motion or on an application made before it by the affected party.

13. Power to Remove Difficulties

13.1. If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by general or specific order, give directions, not inconsistent with the provisions of the Act, as may appear to be necessary or expedient for the purpose of removing difficulties.

14. Power to amend

- 14.1.** The Commission may from time to time add, vary, alter, modify or amend any provisions of these Regulations after following the necessary procedures.

15. Interpretation

- 15.1.** The decision of the Commission regarding the interpretation of these Regulations shall be final and binding.