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**JHARKHAND STATE ELECTRICITY REGULATORY
COMMISSION, RANCHI**

NOTIFICATION

9th May, 2024

**Jharkhand State Electricity Regulatory Commission (Terms and Conditions for
Green Energy Open-access) Regulations, 2024**

Notification no - 99--In exercise of powers conferred under Section 86(1)(e) which envisage the promotion of co-generation and generation of electricity from renewable sources of energy, by providing suitable measures for connectivity with the grid and sale of electricity to any person, read with Sections 181, 39(2)(d), 40(c), 42(2), 42(3), 86(1) (c) of the Electricity Act, 2003 and the enabling powers taken, the Jharkhand State Electricity Regulatory Commission, hereby frames the following Regulations.

1. Short Title and Commencement

- 1.1. These Regulations may be called the Jharkhand State Electricity Regulatory Commission (Terms and Conditions for Green Energy Open-access) Regulations, 2024.
- 1.2. These Regulations shall extend to the State of Jharkhand.
- 1.3. These Regulations shall come into force from the date of their publication in the Jharkhand State Government Gazette.

2. Objective

- 2.1. The objective of these Regulations is to provide non-discriminatory Open Access for Green Energy (Renewable Energy) for use of Intra-State Transmission System(s) (InSTS) and/or Distribution System(s) of licensee(s) in State including Intra-State Transmission or Distribution System(s), which are incidental to Inter-State Transmission of electricity, for grant of open access, methodology for the determination of Open Access Charges and Banking Charges etc. for Green Energy Open Access consumers

3. Definitions and Interpretation

- 3.1. In this Regulation unless the context otherwise provides:

- a) **'Act'** shall mean the Electricity Act, 2003 and subsequent amendments thereof;
- b) **'Central Nodal Agency'** shall mean a Central Nodal Agency as notified by the Central Government to set up and operate a single window green energy Open-access system for renewable energy;
- c) **'Commission'** shall mean the Jharkhand State Electricity Regulatory Commission (JSERC);
- d) **'Green Energy Open Access Consumer (GEOA)'** shall mean any person who has contract demand or sanctioned load of **100 kW and above**, either through single connection or through multiple connections aggregating 100 kW or more located in same electricity division of a distribution licensee, (captive consumers shall not have any load limit) who is supplied with electricity from RE sources for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force, and includes any person whose premises are for the time being connected for the purpose of receiving renewable energy with the works of a licensee, the Government or such other entity, as the case may be;

Provided that in case of captive consumers there shall not be any load limitation;

- e) **'Entity'** shall mean any consumer who has contracted demand or sanctioned load of 100 kW or more either through single connection or through multiple connections aggregating 100 kW or more located in same electricity division of a distribution licensee, except for captive consumers

Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned load (kW/MW, kVA/MVA) with DISCOMS availing power under Green Energy Open Access.

- f) **'Existing Consumer'** shall mean a person already availing Open-access for sourcing/ supplying renewable energy to the transmission system and/ or distribution system of a licensee in the State under an existing agreement or policy on the date of coming into force of these Regulations;
- g) **'Forum of Regulators'** shall mean the Forum as referred to in sub-section (2) of section 166 of the Act;
- h) **'Renewable Energy'** or **'Green Energy'** shall mean the electrical energy from renewable sources of energy including hydro and storage (if the storage uses renewable energy) or any other technology as may be notified by the Government of India from time to time and shall also include any mechanism that utilizes green energy to replace fossil fuels including production of green hydrogen or green ammonia and any other sources as may be determined by the Central Government as per the provision of Clause G of sub-rule(2) of rule 4 of Electricity (Promoting Renewable Energy Through Green Energy Open Access), Rules 2022.
- i) **'Month'** shall mean calendar month;
- j) **'Rules'** shall mean Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022 and amendments thereof, if any, as notified by the Central Government;
- k) **'Installation'** shall mean the whole of electric wires, fittings, motors, and apparatus installed and wired by or on behalf of the Consumer on one and the same premises starting from the point of commencement of supply;
- l) **'SLDC'** shall mean the State Load Dispatch Centre established under sub-section (1) of section 31 of the Act;
- m) **'Third party'** shall mean a developer who is generating renewable energy but does not own the land but enters into a lease / commercial agreement with the land owner;

- n) **‘Obligated Entity’** shall mean the entities mandated under clause (e) of sub-section (1) of section 86 of the Act to fulfil Renewable Purchase Obligation, which includes distribution licensee, captive user, and open access consumer;
 - o) **‘Open-access’** shall mean the non-discriminatory provision for the use of transmission lines or distribution systems or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with the Regulations specified by the Appropriate Commission and shall stand amended as per sub-section (47) of Section 2 of the Act;
 - p) **‘Person’** shall include but not limited to any company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person;
 - q) **‘Premises’** includes but not limited to any land, building, or structure;
 - r) **‘Standby charges’** shall mean the charges applicable to open access consumers against the standby arrangement provided by the distribution licensee, in case the open access consumer is unable to procure power from the generating sources with whom they have the agreement to procure power due to outages of generator, transmission assets, and the like.
 - s) **‘State Transmission Utility’** or **‘STU’** shall mean the Board or the Government Company specified as such by the State Government under sub-section (1) of Section 39 of the Act;
 - t) **‘Wheeling’** shall mean the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62 of the Act;
- 3.2. Words and expressions used in these Regulations and not defined herein but defined in the Act shall have the meaning respectively assigned to them in the Act.
- 3.3. Reference to any Act, Rules, and Regulations shall include the amendment(s), consolidation(s), or re-enactment(s) thereof.
- 3.4. All proceedings under these Regulations shall be governed by the JSERC (Conduct of Business) Regulations, 2016, as amended or re-enacted from time to time.

4. Renewable Purchase Obligation

- 4.1. On and from the date of commencement of these Regulations, there shall be a uniform renewable purchase obligation, on all obligated entities in area of a distribution licensee.

4.2. Any entity, whether obligated or not may elect to generate, purchase and consume renewable energy as per their requirements by one or more of the following methods: -

a. Own Generation from renewable energy sources:

There shall not be any capacity limit for installation of power plants from renewable energy sources, by entities for their own consumption and such plants may be set up at any location in India and power shall be transmitted over Inter State Transmission System (ISTS) or Intra State Transmission System (InSTS) or both using Open Access by using open access:

Provided that the generating plant may be set up by the entity itself or by a developer with which the entity enters into a Power Purchase Agreement (PPA).

b. By procuring Renewable Energy through Open Access from any Developer either directly or through a trading licensee or through power market(s).

Explanation:

- i. Developer means the generating company who generates electrical energy from renewable sources of energy.
- ii. Trading Licensee means a person who has been granted a licence by appropriate commission, for purchase of electricity for resale thereof.

c. By requisition from distribution licensee:

- i. Any consumer may elect to purchase Green Energy either upto a certain percentage of the consumption or its entire consumption and they may place a requisition for this with their distribution licensee, which shall procure such quantity of green energy and supply it and the consumer shall have the flexibility to give separate requisition for solar and non-solar;
- ii. The consumer may purchase on a voluntary basis, more renewable energy, than he is obligated to do and for ease of implementation, this may be in steps of 25% going upto 100%;
- iii. The tariff for the green energy shall be determined separately by the Commission, which shall comprise of the average pooled power purchase cost of the renewable energy, cross-subsidy surcharges if any, and service charges covering the prudent cost of the distribution licensee for providing the green energy;
- iv. Any requisition for green energy from a distribution licensee shall be for a minimum period of one year;

- v. The quantum of green energy shall be pre-specified for at least one year;
 - vi. The green energy purchased from distribution licensee or from Renewable Energy sources other than distribution licensee in excess of Renewable Purchase Obligation of obligated entity shall be counted towards Renewable Purchase Obligation compliance of the distribution licensee;
 - vii. The Accounting of renewable energy supplied at distribution licensee level shall be on a monthly basis;
- d. By consuming green energy from captive power plant.
 - e. By purchasing of renewable energy certificates in accordance with the applicable regulations.
 - f. Purchase of green hydrogen or green ammonia:
The obligated entity can also meet their Renewable Purchase Obligation by purchasing green hydrogen or green ammonia and the quantum of such green hydrogen or green ammonia would be computed by considering the equivalence to the green hydrogen or green ammonia produced from one MWh of electricity from the renewable sources or its multiples and norms in this regard shall be notified by the Central Commission.
 - g. Any other sources, as may be, determined by the Central Government.

5. Categorization of Green Energy Open-access

5.1. The Green Energy Open-access consumers shall be classified into the following categories based on the duration of use of the intra-state transmission and/or distribution system:

- a. Long-term Open-access consumers: shall mean the right to use the Intra-state transmission and/ or distribution system for a period exceeding 12 years but not exceeding useful life of the Plant, whichever is earlier;
- b. Medium-term Open-access consumers: shall mean the right to use the Intra-State Transmission and /or distribution system for a period exceeding 3 months but not exceeding 3 years;
- c. Short-term Open-access consumers: shall mean Open Access for a period up to one (1) month at a time;

Provided that short-term Green Energy Open access consumers shall be eligible & re-eligible to obtain a fresh reservation on the filing of an application after the expiry of his term and subject to availability. Such eligibility shall be on priority fixed on the basis of the date of application.

- u) **'Standby charges'** shall mean the charges applicable to open access consumers against the standby arrangement provided by the distribution licensee, in case the open access consumer is unable to procure power from the generating sources with whom they have the agreement to procure power due to outages of generator, transmission assets, and the like.
 - v) **'State Transmission Utility'** or **'STU'** shall mean the Board or the Government Company specified as such by the State Government under sub-section (1) of Section 39 of the Act;
 - w) **'Wheeling'** shall mean the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62 of the Act;
- 5.2. Words and expressions used in these Regulations and not defined herein but defined in the Act shall have the meaning respectively assigned to them in the Act.
- 5.3. Reference to any Act, Rules, and Regulations shall include the amendment(s), consolidation(s), or re-enactment(s) thereof.
- 5.4. All proceedings under these Regulations shall be governed by the JSERC (Conduct of Business) Regulations, 2016, as amended or re-enacted from time to time.

6. Renewable Purchase Obligation

- 6.1. Subject to the provisions of these Regulations and system availability, consumers shall be eligible for Green Open-access to the intra-state transmission system of the State Transmission utility or any other transmission licensee(s) and distribution system of the distribution Licensee(s) within the State.
Provided that notwithstanding anything contained in these Regulations, any renewable energy (RE) generation company that currently has a valid Power Purchase Agreement (PPA) with the Distribution Licensee will not be allowed to use open access for the RE capacity specified in the PPA except in accordance with the terms of such PPA.
Provided further that, such Open-access shall be available on payment of such charges as may be determined by the Commission from time to time.
- 6.2. Every person, who has constructed a captive generating plant shall have the right to Open-access as per the provisions of Section 9 of the Act.

Provided further that the consumer shall not change the quantum of RE power consumed through Open-access for twelve time-blocks in a day, in order to avoid high variation in demand to be met by the distribution licensee.

7. Nodal Agency

7.1. All the applications related to green energy Open-access shall be submitted to the portal set up by the Central Nodal Agency (i.e. Grid Controller of India Limited) who operates the Green Open Access Registry (GOAR). The applications shall be routed to the State Nodal Agency (SNA) by the Central Nodal Agency.

Provided that, till such time the procedures and formats are devised by Central Nodal Agency, the existing procedures/formats may be followed in the matter.

7.2. For all long-term and medium-term open access transactions, the Nodal Agency for receiving and processing applications shall be the State Transmission Utility (STU).

7.3. For short-term open access transactions, the Nodal Agency for receiving and processing applications shall be the State Load Dispatch Centre (SLDC). The SLDC shall, however, allow short-term open access transactions only after consulting the concerned transmission and/or distribution licensee(s) whose network(s) would be used for such transactions:

7.4. Provided that for short-term transactions with duration of less than one week, the SLDC may not consult the concerned licensees for permitting such transactions. The SLDC and Licensees shall devise procedures for coordination among themselves for allowing such short-term transactions.

7.5. The State Nodal agencies (i.e. SLDC & STU) and Distribution Licensees shall make all relevant information regarding green energy open access to the public on the portal of Central Nodal Agency.

8. Allotment priority

8.1. GEOA consumers shall have preference over normal Open-access consumers, excluding distribution licensees.

Among the GEOA consumers, long-term GEOA consumers shall have preference followed by medium-term and subsequently short-term, at any given time, subject to the availability of spare transmission/distribution system capacity margins.

Provided that, the decision for allowing the Open-access shall be on the basis of first come first served.

9. Procedure for grant of Green Energy Open-access

- 9.1. The GEOA applicant shall submit an application complete in all respects, in the format as specified by Central Nodal Agency, on the central portal.
- 9.2. The application shall be forwarded to the concerned State Nodal Agency by the Central Nodal Agency for further verification. The time schedules for processing of the Application is mentioned in Annexure-1.
- 9.3. The State Nodal Agency shall ensure that non-refundable processing fee of ten thousand rupees for long-term/medium-term Green Energy Open-access and three thousand rupees for short-term Green Energy Open-access is paid by the applicant to the nodal agency and the nodal agency shall intimate the same through electronic mode of communication, immediately on receipt of the application form, from Central Agency. The applicant shall pay the processing fees within one working day.
- 9.4. An application for a short-term GEOA, for power plant(s) or its/their generating unit(s) which are yet to be commissioned, shall be made not before two months prior to the commissioning date of such power plant(s) or its/their generating unit(s), to avoid unnecessary blocking of corridor.
- 9.5. An application for long-term/medium-term GEOA shall be accompanied by a Bank Guarantee (BG) of ten thousand rupees per MW, which shall be kept valid and subsisting till the signing of agreement for wheeling of electricity and such BG shall be encashed by the Nodal Agency, if the application is withdrawn by the applicant prior to the signing of such agreement. On signing of the agreement for wheeling of electricity, the BG shall be returned immediately to the applicant by the SNA. The BG shall be submitted within three working days from the date of intimation by the SNA.
- 9.6. In case there is any material change with regards to the location of the injection point or quantum of power to be interchanged (**by more than ten percent**) using the intra-State transmission and or distribution system, a fresh application shall be made for the entire capacity to ascertain the system availability and such application shall be accompanied by relevant documents, application fees and in case of long-term Open-access with required bank guarantee for the additional capacity and in case the additional capacity sought for cannot be accommodated in the existing network, the applicant is entitled for Open-access to the extent of his original allotment.
- 9.7. Where any application is rejected for any deficiency or defect, the processing fees and BG, if submitted, shall be returned to the applicant and in such cases a fresh application to the Central Nodal portal shall be made by the applicant after curing the deficiency or defect.
- 9.8. The State Nodal Agency shall communicate to the applicant through a recognized mode of communication, the grant of Open-access or otherwise.

- 9.9. Further, during the pendency of application for grant of GEOA, the applicant shall not inject any energy to the licensee's network and the licensee shall not be liable to pay any charges for the energy injected during such period.
- 9.10. Any energy injected into the licensee's network from the date of grant of Open-access till the date of submission of agreement for wheeling, the applicant shall be entitled for payment of energy charges at Average Pooled Power Purchase cost (APPC) rate determined by the Commission for the relevant year for the relevant RE source, whichever is lower.
- 9.11. The person seeking Open-access shall execute the agreement for wheeling of electricity within the time specified above, failing which the Open-access granted or deemed to have been granted shall stand cancelled.
- 9.12. The transmission Licensee(s), distribution licenses(s) and the SLDC shall ensure proper coordination while arranging for Open-access.
- 9.13. New generating plant(s) or generating Unit(s) seeking long-term Open-access and entering into an agreement for wheeling, shall commission such plant(s) or unit(s) within twelve months from the effective date, failing which the Open-access granted shall be deemed to have been cancelled, to avoid unnecessary blocking of the corridor.
- 9.14. An Open-access consumer shall enter into commercial agreements with generators, traders and others, as applicable, and such agreements shall include provisions pertaining to payment security mechanism.
- 9.15. The State Nodal Agency shall host on its website the details of every application received from the Central Nodal Agency and the status of such application on a continuous basis, which shall be made available to the public.
- 9.16. All the information related to approvals, rejections, revisions, curtailment, etc. shall be made available to the applicant through the web-based portal for Green Energy Open Access hosted by the Central Nodal Agency
- 9.17. The State nodal Agency shall prepare formats in line with the procedure followed by Central Nodal Agency, for smooth implementation of the GEOA in the State.

10. Procedure for applying for Day Ahead GEOA Transactions

- 10.1. The applicant shall apply to the Central Portal for Day Ahead GEOA Transactions.
- 10.2. For the applications received by the SNA from the central agency, before 13:00 hours of the day immediately preceding the day of scheduling for day-ahead GEOA transaction, the State Nodal Agency shall check for congestion in the system and convey grant of approval or otherwise to the applicant through e-mail or fax, not later than 15:00 hours of the day immediately preceding the day of scheduling for day-ahead transaction, after ensuring that there is no subsisting PPA for the capacity sought under OA.

10.3. Non-refundable processing fee of **Three Thousand rupees for each transaction** shall be paid by the applicant, in cash or by way of a demand draft or proof of payment through electronic transfer in favour of the State Nodal Agency.

Provided that the actual operationalisation of Open-access shall be effected subject to payment by the applicant of the charges as specified in these Regulations and orders passed by the Commission from time to time, before 17:00 hours of the day immediately preceding the day of scheduling for day-ahead transaction.

10.4. Where Open-access is denied, the State Nodal Agency shall furnish reasons thereof to the applicant.

11. Non-Utilisation of Green Open-access service by Green Open-access Consumers

11.1. In the event of inability of the short-term Green Open-access consumer to utilize for more than four hours, full or substantial part of the capacity allocated to him, such a short-term Open-access consumer shall inform the respective SLDC of his inability to utilise the capacity, along with reasons thereof and may surrender the use of capacity allocated to him. However, such short-term consumer shall bear full transmission and /or wheeling charges based on the original reserved capacity and the period for which such capacity was reserved.

11.2. A medium-term/long-term consumer shall not relinquish or transfer his rights and obligations specified in the Open-access agreement without prior approval of the nodal agency. The relinquishment or transfer of such rights and obligations by a long-term consumer shall be subject to payment of compensation, as per the terms of the Open-access agreement.

11.3. The SLDC may cancel or reduce the capacity allocated to a short-term Open-access consumer to the extent it is underutilized, when such a short-term Open-access consumer under-utilizes the allocated capacity more than 2 times in a month with duration of underutilization exceeding 2 hours each time or fails to inform the distribution licensee of his inability to utilise the allocated capacity. Such cancellation shall be resorted to after giving due notice.

11.4. The surplus capacity available as a result of its surrender by the short-term Open-access consumer under clause (1) above or reduction or cancellation of capacity by the SLDC under clause (3) above, may be allocated to any other short-term Open-access consumer in the order of pending applications based on the point of injection and drawal.

12. Green Energy Open-access Charges

12.1. The following charges may be determined by the Commission considering the methodology specified by the Ministry of Power under the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022 (as amended from time to time):

- a. Transmission Charges;
- b. Wheeling Charges;
- c. Cross subsidy Charges;
- d. Additional Charges;
- e. Standby Charges, wherever applicable;
- f. Banking Charges;
- g. other fees and charges such as Load Despatch Centre fees and scheduling charges, deviation settlement charges as per the relevant regulations of the Commission;

a. Transmission Charges:

- (i) For use of inter-State transmission system:

Charges shall be levied on Green Energy Open Access Consumer by the Central Commission from time to time.

- (ii) For use of intra-State transmission system:

With Storage System

Grid connected solar projects with storage systems selling power within the state shall get 100% exemption from transmission charges for a period of 10 years from the date of commissioning of the project. The details of the exemption shall be specified in the bidding document.

Provided that the transmission losses are fully applicable for both third parties as well as captive solar project within the state.

Without Storage System

Transmission charge shall be levied on Green Energy Open Access Consumers as determined by the Commission in its Order from time to time.

Provided that, where a dedicated transmission system for open access has been constructed by Transmission Licensee and used for exclusive use of an Open Access Consumer, the Transmission Charges for such dedicated system shall be worked out by Transmission Licensee and shall get the same approved from the Commission. The charges shall be borne entirely by such Open Access Consumer till such time its surplus capacity, if any, is allotted and used by other persons or for other purposes:

Provided further that after allotment of such surplus capacity to other open access consumers, the charges shall be borne proportionately in the ratio of allotment of total capacity amongst the open access consumers:

Provided also that after utilization of such surplus capacity for other purposes by the transmission Licensee, the charges shall be reduced to the extent its surplus capacity is used by Transmission Licensee:

Provided also that in addition to transmission charges, Intra-State transmission loss shall be applicable to consumers seeking GEOA as may be determined and notified by SLDC, Jharkhand from time to time in accordance with applicable Regulations.

b. Wheeling Charge:

With Storage System

Grid connected solar projects with storage systems selling power within the state shall get 100% exemption from wheeling charges for a period of 10 years from the date of commissioning of the project. The details of the exemption shall be specified in the bidding document.

Provided that the distribution losses are fully applicable for both third parties as well as captive solar project within the state.

Without Storage System

Wheeling Charges shall be levied on Green Energy Open Access if consumers are determined by the Commission in Retail supply order issued from time to time.

Provided that, where a dedicated distribution system for open access has been constructed by Distribution Licensee and used for exclusive use of an open access consumer, the wheeling charges for such dedicated system shall be worked out by Distribution Licensee and shall get the same approved by the Commission. Such charges shall be borne entirely by such open access consumer till such time the surplus capacity is allotted and used by other persons or for other purposes:

Provided further that after allotment of such surplus capacity to other open access consumers, the charges shall be borne proportionately in the ratio of allotment of total capacity amongst the Green Energy Open Access Consumer:

Provided also that after utilization of such surplus capacity for other purposes by the Distribution Licensee, the charges shall be reduced to the extent the surplus capacity is used by Distribution Licensee:

Provided also that in addition to wheeling charges, wheeling loss shall

be applicable to consumers seeking Green Energy Open Access as determined in the Retail Supply Tariff order of the Commission issued from time to time.

c. Cross subsidy surcharge:

Solar Project less than 25 MW set up for third party

The cross-subsidy surcharge shall be exempted for the solar projects set up for third party sale within the state (less than 25 MW) and captive solar projects through open access.

Renewable Energy other than set for third party

Cross Subsidy surcharge shall be levied on GEOA consumers as determined by the Commission in its Retail Supply tariff order from time to time.

Provided that GEOA Consumer, in addition to transmission and wheeling charges, shall pay applicable cross subsidy surcharge on the actual energy drawn during the month through open access. The amount of surcharge shall be paid to the Distribution Licensee of the area of supply from whom the consumer was availing supply before seeking open access:

Provided further that such cross-subsidy surcharge shall not be levied in case a person is availing green power from the plant established as captive generation plant for his own use:

Provided also that cross subsidy surcharge shall not be applicable in case

GEOA Consumer is availing power from a non-fossil fuel-based Waste-to-Energy Plant:

Provided also that the cross-subsidy surcharge shall not be applicable if green energy drawn through green energy open access is utilised for production of green hydrogen and green ammonia.

Provided also that the cross-subsidy surcharge shall not exceed 20% of average cost of supply.

d. Additional Surcharge

Solar project less than 25 MW set up for third party

The additional surcharge shall be exempted for the solar projects set up for third party sale within the state (less than 25 MW) and captive solar projects through open access.

Renewable Energy project other than set up for third party

Additional surcharge shall be levied on GEOA consumers as determined by the Commission in its Retail Supply tariff order from time to time.

Provided that GEOA Consumer, in addition to transmission charges, wheeling charges and cross subsidy surcharge, shall pay additional surcharge on the actual energy drawn during the month through open access. The amount of additional surcharge shall be paid to the Distribution Licensee of the area of supply from whom the consumer was availing supply before seeking open access:

Provided further that the additional surcharge shall not be applicable for GEOA Consumers, if fixed charges are being paid by such a consumer;

Provided also that such additional surcharge shall not be levied in case a person is availing green power from the plant established as captive generation plant for his own use:

Provided also that additional surcharge shall not be applicable in case GEOA Consumer is availing power from a non-fossil fuel-based Waste-to-Energy Plant:

Provided also that the additional surcharge shall not be applicable if green energy drawn through green energy open access is utilised for production of green hydrogen and green ammonia:

Provided also that additional surcharge shall not be applicable in case of green energy is supplied to the GEOA Consumer from offshore wind projects which are commissioned up to December 2025.

e. Standby Facility and Charges:

The standby charges, wherever applicable, shall be specified by the State Commission and such charges shall not be applicable, if the GEOA Consumers have given notice, in advance atleast a day in advance before closure time of the Day Ahead Market on ' $D - [minus] 1$ ' day, ' D ' being the day of delivery of power for standby arrangement to the distribution licensee

Provided that the applicable standby charges shall not be more than twenty-five per cent of the energy charges applicable to consumer tariff category.

Explanation: For the purposes of this rule,

- i. The expression '**standby charges**' means the charges applicable to open access consumers against the standby arrangement provided by the distribution licensee, in case the open access consumer is unable to procure power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission assets and the like.

- ii. It is hereby clarified that in such situations the open access consumer has to take power from an alternate source like the distribution licensee and the charges for maintaining standby arrangements for such consumers should be reflective of the costs incurred by distribution licensee for providing these support services

In case the green energy open access consumer is unable to procure/schedule power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission systems and the like, standby arrangement shall be provided to Green Energy Open Access consumer by the distribution licensee of the area of its supply.

The Standby Charges for Green Energy Open Access for such standby arrangement shall be 1.25 times of normal tariff of the consumer category:

Provided that such Standby Charges shall not be applicable if the Green Energy Open Access Consumers have given notice, at least a day in advance before gate closure in DAM on 'D-1' day, 'D' being the day of delivery of power, for standby arrangement to the distribution licensee.

The Standby Charges for Green Energy Open Access shall be computed in Rs/kWh and it shall be charged on the actual energy drawn by the consumer from distribution licensee during the period of standby availed by Green Energy Open Access consumer in case of outage of RE generator under Green Energy Open Access.

f. Banking

- i. Banking facility shall be provided to the consumers availing Green Energy Open Access. The Surplus energy of a green energy open access consumer, from a 'Green Energy' Generating Station, after consumption in its premises, may be banked with the Distribution Licensee.
- ii. 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.
- iii. Banking shall be permitted on a monthly basis on payment of applicable charges. The banking charges shall be 8% of the energy banked by the CPP with the Licensee.

Provided that there is no non-banking month in a financial year.

- iv. Both, the Maximum MW for Injection during banking and Maximum MW for Drawl shall be agreed between the Distribution Company and

Captive Generators based on technical limits and Planned Power Sources of the Distribution Company.

- v. The withdrawal of banked energy shall be allowed on a slot to slot basis during the financial year only as per the following system,
 - a) Peakhourbankingwithpeakhourwithdrawal;
 - b) PeakhourbankingwithOffpeakhourwithdrawal; and
 - c) Offpeakhourbanking withOffpeakhourwithdrawal;

Provided that the withdrawal of power in peak hours shall not be allowed against power banked in Off peak hours.

Provided further that the quantum of withdrawal of banked power shall not be more than the power banked as per the slot to slot system.

- vi. The permitted quantum of banked energy in each month by the Green Energy Open Access consumers shall be at least 30% of the total monthly consumption of electricity from the Distribution Licensee by the Green Energy Open Access consumers.

Provided further that the un-utilised surplus banked energy shall be considered as lapsed at the end of each banking cycle (i.e. monthly) and the Renewable Energy generating station shall be entitled to get Renewable Energy Certificates to the extent of the lapsed banked energy.

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

g. Other Charges

In addition to above charges, the consumer availing Green Energy Open Access shall also pay the following charges determined by the Commission as per the provisions of the relevant regulations of the Commission:

- I. Applicable SLDC fees and charges
- II. Scheduling charges
- III. RE Deviation Settlement Charges (RE-DSM).

The GEOA Consumer shall pay the monthly transaction charges of Rs. 10,000 (Rupees Ten Thousand only) for maintaining the transaction details, to the State Nodal Agency and meter reading charges of one thousand Rupees to the concerned licensee(s) who carry out such meter reading. No meter reading charges shall be collected, in case of AMR meters having remote meter reading facilities are being installed by the consumer.

13. Curtailment Priority

13.1. In case due to transmission/distribution system constraints or otherwise, it is necessary to curtail the service, the following priority shall be followed:

- a. The short-term Open-access consumer (other than GEOA consumer) shall be curtailed first followed by short-term GEOA consumers.
- b. Next, medium-term Open-access consumer (other than GEOA consumer) followed by medium-term GEOA consumer shall be curtailed.
- c. Next long-term Open-access consumer (other than GEOA consumer) followed by long-term GEOA consumer shall be curtailed.

Provided that within a category, the GEOA consumers shall have equal curtailment priority and shall be curtailed on pro-rata basis.

Provided further that distribution licensees shall be curtailed as last resort.

14. Dispute Resolution

14.1. All disputes and complaints relating to GEOA shall be made to the concerned SNA (i.e. for short term-SLDC, and for medium, & long term – STU), which may investigate and endeavour to resolve the grievance.

14.2. No application for Open-access shall be denied unless the applicant has been given an opportunity of being heard in the matter and all orders denying open access shall be speaking orders by the concerned nodal agency.

14.3. Appeal against an Order of the concerned nodal agency shall be preferred before the Commission, within a period of thirty days from the date of receipt of order as provided under sub-Rule (4) of Rule 7 of Green Energy Open Access Rules 2022 notified by MoP, GoI.

14.4. The Commission shall dispose off the matter within three months and orders of the Commission shall be binding.

15. Special Energy Meters

15.1. Metering shall be done in accordance with the provisions of CEA (Installation and Operation of Meters) Regulations, 2006 as amended from time to time.

15.2. Meters with Time of the Day (TOD) facility shall be installed by the GEOA Generators/consumers.

15.3. The meters shall be capable of time-differentiated measurements (15 minutes) of necessary parameters. These meters shall always be maintained in good condition and shall be open for inspection by any person authorized by the State nodal agency.

- 15.4. The meter shall include CTs, PTs and associated accessories and shall be tested and calibrated at least once in a year.
- 15.5. The meters shall be sealed by the distribution licensee in whose area the Generator/Consumer is situated.
- 15.6. In case the meter is provided by the transmission/distribution licensee, the Open-access consumer shall pay for its rent and also provide meter security deposit.
- 15.7. The meter shall be capable of communicating its reading to SLDC on real time basis.
- 15.8. The metering code prevailing in the State shall be applicable to the GEOA consumers also.

16. Energy losses

- 16.1. Energy losses of the transmission and distribution system shall be applicable to the GEOA consumers as specified by the Commission from time to time.

17. Compliance of Grid Code/Distribution Code

- 17.1. GEOA consumers shall abide by the State Grid Code, Distribution Code and all other Codes and Standards, DSM Regulations as applicable from time to time.

18. Collection and Disbursement of charges

- 18.1. The charges in respect of GEOA consumers shall be payable directly to the State Nodal agency in accordance with the terms and conditions of payment as specified by the State Nodal agency. SNA shall disburse the amount received to the appropriate licensees (Transmission charges to transmission licensee and distribution network charge to the appropriate distribution licensee).
- 18.2. Other GEOA charges, in case of more than one licensee is supplying in the same area, the licensee from whom the consumer was availing supply shall be paid the amounts so collected.

19. Information System

- 19.1. SLDC shall post the following information in a separate web page titled "GEOA information" and also issue a monthly and annual report containing such information;
 - a. A status report on long-term consumers/ medium-term/ short-term consumers;
 - b. Floor rate for bidding in case of congestion;
 - c. Peak load flows on EHV and HV lines;

- d. Information regarding average loss in the transmission system and distribution system as determined by the licensee/s on a monthly basis.

19.2. The information shall be updated upon every change in status.

19.3. All previous report: shall be available in the web-archives.

19.4. The SLDC shall host the above information on its website within one month from the date of notification of these Regulations.

20. Reports

20.1. The transmission/distribution licensee shall submit a report to the Commission or as often requested by the Commission the information in the following format:

Sl. No.	Name and address of the open access/wheeling consumer	Point of Injection	Point of withdrawal	Capacity allowed (in MW)	Period of open access allowed	Actual annual utilization of energy in MU

21. Green certificate

21.1. The distribution licensee shall give green certificate on yearly basis to the consumers for the green energy supplied by the licensee to consumer on his request beyond the renewable purchase obligation of the consumers.

22. Consumer Rating

22.1. The State Commission may introduce the concept of rating of the consumer of the distribution licensee, based on the percent of green energy purchased by such consumer.

23. Issue of orders and practice directions

23.1. Subject to the provision of the Electricity Act, 2003 and these Regulations, the Commission may, from time to time, issue orders and practice directions with regard to the implementation of the Regulations and procedures to be followed.

24. Power to Remove Difficulties

24.1. In case of any difficulty in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the GEOA consumers, generators and the licensees to take suitable action, not being inconsistent with the provisions of Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing the difficulty.

24.2. The GEOA consumers/licensees may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in implementation of these Regulations.

25. Power to amend

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

26. Interpretation

26.1. The decision of the Commission regarding the interpretation of these Regulations shall be final and binding.

By Order of the Commission.

R.P.Nayak,
Secretary

Annexure-1

The table details the time schedules shall be followed for processing the Application:

Sl. no	Particulars	Timeline	Remarks
1	The date on which an application is received by SNA from Central Nodal Agency	Zero Date	
2	Acknowledgment of receipt of Application	Zero Date	The acknowledgment shall be provided immediately by electronic mode.
3	Acceptance of application by SNA after confirming that all the relevant documents are furnished by the applicant including processing fees and BG	Within three working days from the zero date	In case the application is incomplete, the SNA shall inform the same in writing rejecting the application and furnishing the details of the defects. After rectifying the defects, a fresh application shall be made.
4	Forwarding of application to STU/ or the transmission licensee/ concerned Distribution licensee	Within five working days from the zero date	On acceptance of the application, the same shall be forwarded to STU/ or the transmission licensee/ concerned Distribution licensee for ensuring the system availability and that the generators are not having any subsisting PPA for the capacity for which the OA is sought, except in accordance with the terms of such PPA.
5	Concurrence from STU/ or the transmission licensee/ concerned Distribution licensee	Within ten working days from the zero date	In case system strengthening is required, the probable date of granting OA shall be intimated to SNA within the same time. In case concurrence is not received within the specified time, SNA shall consider it to be deemed concurrence. Provided that the system studies at the drawl point to ascertain the availability is not required for a consumer of the licensee availing Open-access, subject to the applicant furnishing an undertaking that, he would not exceed the

Sl. no	Particulars	Timeline	Remarks
			contract demand specified in his supply agreement with the licensee even after opting for Open-access.
6	Grant of Open-access or otherwise	Within Twelve working days from the zero date	<p>The SNA shall intimate the applicant, the grant of OA within the time specified.</p> <p>In case OA is not granted, the same shall be intimated within the above time furnishing the reasons in writing and also the probable date from which the OA can be granted.</p> <p>In case, SNA fails to intimate the grant of OA or otherwise, within the above specified time, the same shall be deemed to have been granted, which is subject. to system availability.</p>
7	Submission of agreement by the applicant for long-term Open-access	Within twenty working days from the zero date	<p>The applicant shall submit copies of signed agreement to the SNA/parties to the agreement in the standard format approved by the Commission.</p> <p>The existing Agreement as modified by the Commission for REC and non-REC route projects in accordance with these Regulations shall be adopted.</p> <p>In case the applicant fails to submit the Agreement within the specified time, the Open-access granted is deemed to have been cancelled.</p>
8	Submission of signed copies of agreement by STU/ connected discoms	Within twenty-five working days from the zero date	In case the STU/ connected discoms fail to submit the signed copies to the SNA within the specified time, the Agreement is deemed to have been approved.
9	Effective date for wheeling	In case the SNA receives the copy of the agreement	The applicant is allowed to wheel the energy from the

Sl. no	Particulars	Timeline	Remarks
		<p>signed by the applicant, the effective date for commencement of operation of wheeling of electricity by the applicant shall be the next date from the date of submission of signed copy of the agreement to the SNA.</p> <p>Provided that the above effective date for commencement of wheeling operation shall also be applicable for banking in case of solar Energy plants,</p>	effective date.
