

HARYANA ELECTRICITY REGULATORY COMMISSION

Haryana Electricity Regulatory Commission (Terms and Conditions for grant of connectivity and open access for intra-State transmission and distribution system) (1st Amendment) Regulations, 2013

Notification

The 3rd December, 2013

Statement of Objects and Reasons

1. Haryana Electricity Regulatory Commission (Terms and Conditions for grant of connectivity and open access for intra-State transmission and distribution system) Regulations, 2012, hereinafter referred to as HERC OA Regulations 2012, were notified by the Commission vide notification dated 11.01.2012. These Regulations are in force since then without any amendment. The number of open access consumers in the state has been steadily increasing. There were only 7 consumers who availed open access during the year 2010-11. The figure increased to 38 in 2011-12, to 102 into 2012-13 and presently 175 (as on 31.10.2013) consumers of DHBVNL/UHBVNL are availing open access for procurement of power from outside the state / power exchange. In terms of energy drawn through open access during the year, the figures for 2011-12 and 2012-13 are 504.94 MUs and 1115.16 MUs respectively. In the current year 1027.35 MUs of energy has been drawn through open access from April to October. This clearly shows that efforts of the Commission to promote open access in the state have largely succeeded.
2. Based on the feedback / inputs available with the Commission from various stakeholders concerning open access, Commission felt that in the present scenario certain provisions of the HERC OA Regulations 2012 needed amendment. Petitions were also received from some stakeholders in this regard. The Commission prepared draft amendments to HERC OA Regulations 2012, hosted the same on the website of the Commission and invited comments / objections from various stakeholders through public notice. The Comments/suggestions/objections were received from 16 no. stakeholders. Thereafter, Commission held hearing on the draft amendments on 27.09.2013

and again on 01.10.2013 which were attended by a large number of individual consumers and associations beside representatives of DHBVNL/UHBVNL and HVPNL. Based on the inputs in the petitions/rejoinders, comments/suggestions/objections of various stakeholders and inputs received from general public and other stakeholders during the hearing, the Commission has finalized the amendments to HERC OA Regulations with the objective of striking a balance between the interests of various stakeholders involved in open access. The Commission has attempted to address the following major issues through these amendments:

2.1. Entitlement and other conditions of open access

2.1.1 Section 42 (2) of the Electricity Act provides that the Commission shall introduce open access in a phased manner keeping in view system constraints and other relevant factors. It further provides that “the Commission shall, not later than five years from the date of Commencement of the Electricity (Amendment) Act, 2003 (57 of 2003) by regulations, provide such open access to all consumers who require a supply of electricity where the maximum power to be made available at any time exceeds one megawatt”. In pursuance of these provisions, the Commission prescribed the phasing of open access in the Haryana Electricity Regulatory Commission (Terms and conditions for open access for Intra-state Transmission and Distribution system) Regulation, 2005, which have since been repealed and replaced with the notification of HERC OA Regulations 2012, as under:-

S. No.	Phases	Category of consumers	Date from which open access will be allowed
1.	Phase I	Consumers with contact demand of 15 MVA and above	October 1, 2006
2.	Phase II	Consumers with contact demand of 3 MVA and above	October 1, 2007
3.	Phase III	Consumers with contact demand of 1 MVA and above	April, 1, 2008

In the existing HERC OA Regulations 2012 also the condition of contract demand of 1 MVA or above for entitlement of open access was retained as such and was not lowered.

The Commission as per the provisions of section 42 of the Act was mandated to provide open access to consumers with maximum demand of 1 MW and above not later than 27.01.2009 (the date of Amendment 57/2003 being 27.01.2004). The same was provided by the Commission w.e.f. 01.04.2008 i.e well within the specified date. However, the condition of contract demand of 1 MVA and above for entitlement to open access has not been lowered, to further extend the phasing of open access to cover consumers with lower contract demand, for the last more than five years by the Commission. The commission, based on inputs received during the hearing and keeping other relevant factors in view, has decided to lower this limit of contract demand for entitlement to open access to 0.5 MVA.

Besides, in order to further extend the facility of open access to consumers with still lower contract demands and even to those connected on LT, it has been decided that a group of industrial consumers, who may or may not be connected at 11 KV or above but all are fed from the same industrial feeder with no other consumer connected on that feeder, shall be entitled to avail open access as a group provided all such consumers agree for supply at a single point under HT industrial category with single point energy meter/ABT meter to be provided at the sub-station for billing purposes.

2.1.2. In the existing regulations the minimum quantum of power which can be scheduled to be procured through open access by a consumer is not specified. DHBVNL in their petition had submitted that open access consumers should not be permitted to schedule less than 1 MW of power through open access in any time slot of the day. This was opposed by other stakeholders. The Indian Energy Exchange (IEX) in their comments / suggestions brought out that as per contract specifications for Day Ahead Market approved by CERC, minimum quantum of power to bid is 0.1 MW in the Power Exchange. Commission feels that a 5 MW or 10 MW consumer scheduling only 100 KW of power through open access does not make any sense or serves any purpose and there has to be some reasonable limit for minimum quantum of power which can be scheduled for

procurement through open access. Taking a balanced view, Commission has prescribed this minimum quantum as 250 KW for consumers with contract demand upto 1.5 MW, 500 KW for consumers with contract demand above 1.5 MW but upto 5 MW and 1 MW for consumers with contract demand above 5 MW. The Condition that, the minimum quantum shall not be less than 20% of contract demand or 500 KW whichever is less, which was there in the published draft amendments, has been relaxed to that extent. Limits for licensees, generating companies, captive generation plants and persons other than consumers of the licensees have also been prescribed on similar lines.

2.2. Compensation for under drawl by open access consumers

As per existing provisions in the HERC OA Regulations 2012, for any under drawl, the open access consumer shall be paid by the distribution licensee UI charges as notified by CERC or lowest tariff as determined by the Commission for the relevant financial year for any consumer category or power purchase price contracted by the open access consumer, whichever is lower.

DHBVNL in their petition had submitted that an open access consumer should consume all units scheduled by him through open access and should not be compensated for any under drawl. This was however opposed by industrial open access consumers and industries' associations while furnishing comments/suggestions as also during public hearing.

The Commission observes that there is some weight in the submissions of DHBVNL especially if we have a look at the corresponding provisions in the open access regulations of Maharashtra and Gujarat wherein open access consumer is not compensated for any under drawl except for the under drawl on account of non-availability of transmission /distribution system of the licensee. The Commission further observes that in case of under drawl by an open access consumer, the Discoms become obligated purchaser of under drawn power which may, in some cases, go against the interest of other consumers. At the same time it is felt that it may not be possible for an open access consumer to exactly match his drawl with the approved open access schedule and, therefore, some variations have to be permitted. Further the Commission while taking a view in this matter has distinguished between the under drawl by an

open access consumer due to reasons / circumstances under his control and the under drawl due to reasons / circumstances beyond his control.

The Commission after careful consideration and taking a balanced view in the matter has decided as under:

- i) Under drawl by an open access consumer due to reasons attributable to him and within his control shall be compensated only to the extent of 10% of the entitled drawl in a time slot or upto 5% of the entitled drawl on aggregate basis for all the 96 time slots in a day and no compensation shall be payable by the distribution licensee for under drawl beyond these limits
- ii) If the under drawl is on account of any force majeure conditions such as earth quake, flood, war or any other act of God i.e. conditions beyond the control of the consumer, which simultaneously do not disable the licensee from supplying power, the consumer will be compensated for the entire under drawl.
- iii) If the under drawl is on account of non availability of transmission/distribution system of licensee or on account of unscheduled load shedding, the consumer will be compensated for the entire under drawl.

2.3. Levy of peak load exemption charges (PLEC) on energy drawn through open access during peak load hours (PLHs)

As per existing regulations, PLEC are not leviable on the energy drawn through open access by embedded open access consumers and are leviable only on the energy drawn from distribution licensee. The Commission observes that underlying reasons for imposition of peak load restrictions are primarily non availability of sufficient power during peak load hours as well as system constraints because if unhindered drawl is resorted to by consumers during PLHs , the stability of the entire grid may be in jeopardy and it may lead to collapse of the system. PLEC are accordingly levied keeping in view these two factors i.e. to compensate the licensee for scheduling costlier power during PLHs and secondly to contain the demand within available peak capacity. The levy of PLEC also works as a commercial mechanism to contain the demand during PLHs as on account of power being costlier during PLHs, the consumer

draw only that much power which is utmost necessary for their operations / processes.

Commission further observes that presently all consumers have been allowed to draw power during PLHs upto peak load exemption limit of 20% of contract demand (CD) while some of the consumers who have continuous process/three shift industries have been allowed special dispensation to draw power during PLHs upto 50% of CD. It can be inferred from the above that for drawl of power by open access consumers during PLHs upto 20% CD, there are no system constraints and only the first factor i.e. costlier power matters for levy of PLEC, for drawl between 20% CD to 50% CD, both factors i.e costlier power as well as system constraints come into play and for drawl above 50% CD only the factor of system constraints matter. The commission, therefore, feels that the energy drawl through open access by embedded consumers during PLHs beyond 20% CD i.e. the level of energy drawl beyond which system constraints factor comes into reckoning , should attract levy of PLEC , may be in a graded manner. As per the published draft amendments, entire energy drawl through open access by consumers with peak load exemption limit/special dispensation of more than 20% of CD was subject to levy of PLEC in the same manner as for power drawn from the licensee. The Commission, keeping in view the inputs from the hearing and, as already stated, to strike a balance between interests of various stakeholders, has decided to levy PLEC on energy drawn through open access during PLHs as under:

- i) PLEC not to be levied on energy drawn upto 20% of CD.
- ii) 50% PLEC on energy drawn beyond 20% CD and up to 50% CD.
- iii) 100% PLEC for energy drawn beyond 50% CD.

It has also been provided in the amendments that during peak load hour restrictions, the embedded open access consumer shall be entitled to bring open access power upto his contract demand without the requirement of any approval of special dispensation from the licensee provided that his total drawl i.e. drawl through open access plus the drawl from the licensee does not exceed his contract demand and further he shall restrict his drawl from the distribution licensee to peak load exemption limit/ special dispensation allowed by the licensee.

2.4. Additional conditions for open access for day ahead transactions:

Distribution licensees have often brought to the notice of the Commission the difficulties being faced by them in the planning / managing their drawl of power from the grid as also in the load control in a cost effective manner unless a confirmed schedule of power through open access tied up for the next day by the open access consumers is made available to them sufficiently in advance. The total quantum of open access power for the next day i.e. for 00.00 hours to 24.00 hours of the following day, against day ahead transactions is known by the distribution licensees only between 5 p.m to 6 p.m of the previous day. Thereafter the licensees have no time and are not in a position to take any corrective measures to affect alternations in their own schedule for surrendering any surplus power or for arranging more power in case of any shortfall as by that time distribution licensees' own bids/schedule for energy drawl would have been approved by the power exchange / RLDC. The result is that they invariably are forced to under draw / over draw or impose avoidable cuts leading to financial losses and consequent additional burden for other consumers due to actions of the open access consumers.

The Commission feels that it would not be fair and justifiable if any losses of the distribution licensee on account of energy transactions by open access consumers get passed on, directly or indirectly, to other consumers. The Commission, to address these problems /difficulties, after a careful consideration of all these aspects, has prescribed certain additional conditions for grant of open access in case of day ahead transactions by open access consumers. The foremost among these additional conditions is that for day ahead transactions, the open access consumers shall submit a confirmed slot-wise schedule of power through open access and from the licensee for the next day at 10:00 hours of the previous day to the distribution licensee and SLDC. In case there are any reductions in his open access schedule when it is finally accepted / cleared by the power exchange, he would be required to manage his drawl from the licensee as also his total drawl accordingly. In case he exceeds his admissible drawl in any time-slot, penalty will be leviable. Amendments have been made in the relevant regulations accordingly. The principle that has been based upon to arrive at these conclusions is simple i.e in case a consumer

wants to avail the benefit of cheaper power, he should be ready to face the associated risks also if any.

2.5. Levy of demand surcharge for total drawl (MW) exceeding the contract demand (for open access consumers)

In the Schedule of Tariff approved by the Commission the provision for levy of demand surcharge in case maximum demand of a consumer exceeds his contract demand has been made as under:

“In case the maximum demand of the consumer exceeds his contract demand in any month by more than 5%, a surcharge of 25% will be levied on the SOP amount for that month.”

The main reason for providing such a heavy / deterrent penalty for drawl or maximum demand of the consumer exceeding his contract demand is that in doing so the consumer is over loading or straining the system of the licensee beyond permissible design limits which may sometime even cause damage to the system.

The Commission observes that if an embedded open access consumer, who is drawing power partly or whole of it through open access, exceeds his contract demand by more than 5% as per his energy meter, he is subjecting the system of the licensee to the same risk as is being done by another consumer, who is not drawing any power through open access, when he exceeds his contract demand. So the penalty in the two cases has to be same. It has been accordingly provided that in case total drawl (i.e. drawl from the licensee plus drawl through open access) of an embedded open access consumer exceeds his contract demand by more than 5% at any time during the month as per his energy meter, he will be levied demand surcharge as per schedule of tariff approved by the Commission from time to time and for the purpose of levying demand surcharge, the total energy drawn during the month including drawl through open access shall be considered. The consumption charges for the energy drawl through open access, for the purpose of SOP, will be worked out at the applicable tariff for the category to which the consumer belongs. The amendment in the regulations has been made accordingly.

3. Other issues/amendments

The remaining amendments which have been made in the regulations are primarily to remove some discrepancies or inconsistencies, or for improvements and to align the regulations with other related regulations notified by the Commission or other authorities after the notification of HERC OA Regulations 2012.

HERC

Regulation No. HERC/ 25 / 2012 / 1st Amendment / 2013: - The Haryana Electricity Regulatory Commission, in exercise of the powers conferred on it by section 181 of the Electricity Act 2003 (Act 36 of 2003) and all other powers enabling it in this behalf and after previous publication, makes the following regulations to amend the Haryana Electricity Regulatory Commission (Terms and Conditions for grant of connectivity and open access for intra-State transmission and distribution system) Regulations, 2012 (hereinafter referred to as 'the Principal Regulations'), namely:-

1. Short title, commencement, and interpretation. – (1) These Regulations may be called the Haryana Electricity Regulatory Commission (Terms and Conditions for grant of connectivity and open access for intra-State transmission and distribution system) (1st Amendment) Regulations, 2013.

(2) These regulations shall come into force with effect from the date of their publication in the Haryana Government Gazette.

(3) These regulations shall extend to whole of the State of Haryana.

2. Amendment of Regulation 2 of the Principal Regulations:- Regulation 2 of the Principal Regulations shall be substituted as under:-

“ 2. Scope and extent of application: These regulations shall apply where an application has been made for grant of connectivity for the purpose of open access to the intra-State transmission and/or distribution system and/or where an application has been made for long-term open access, medium-term open access or short-term open access for use of the intra-State transmission and/or distribution system or where an application has been made for obtaining no objection or standing clearance, as the case may be, of the STU for open access to inter-State transmission system when the intra-State transmission and distribution system is to be used in conjunction with inter-State transmission system”.

Provided that a generating station, including captive generating plant, or a consumer/person shall not be eligible to apply for long term or medium term or short term open access unless he has the connectivity or he applies for connectivity to the intra-State transmission or distribution system as the case may be:

Provided further that a person may apply for connectivity as well as long term or medium term or short term open access simultaneously.

These Regulations shall also apply in case of supply of electricity by a generation company or a captive generating plant to consumer(s) over dedicated transmission line(s) as also in case of supply of electricity to a consumer from a person other than distribution licensee in whose area of supply he is located, irrespective of whether he avails such supply through transmission / distribution network of the licensee or not. In all such cases, an application would need to be filed for open access under these regulations.

3. Amendment of Regulation 3 of the Principal Regulations.

3.1. Following definitions shall be added after the definition at serial no. (2) :-

“(2a) “beneficiary” in relation to transmission system means the person who has availed of the transmission system on payment of transmission charges as determined by the Commission under relevant regulations. This includes a distribution licensee, a transmission licensee, a person who has setup a captive power plant or a generating company including merchant power plant or a consumer availing long-term or medium-term open access utilizing such transmission system. Short-term open access consumers will not be treated as beneficiaries;

(2b) “bilateral transaction” means a transaction for energy (MWh) between a specified buyer and a specified seller, directly or through a trading licensee or discovered at power exchange through bidding, from a specified point of injection to a specified point of drawl for a fixed or varying quantum of power (MW) for any time period during a month.”

3.2. Following definition shall be added after the definition at serial no. (3):-

“(3a) “collective transaction” means a set of transactions discovered in power exchange through simultaneous competitive bidding by buyers and sellers.”

3.3. Following definition shall be added after the definition at serial no. (22) :-

“(22a) “power exchange” means the power exchange established with the prior approval of the CERC.”

- 4. Amendment of Regulation 4 of the Principal Regulations:-** Regulation 4 (5) of the Principal Regulations shall be substituted as under:-

“(5) The person seeking application form for connectivity or intra-State open access or for obtaining no objection or standing clearance for inter-State open access shall also be provided a copy of the detailed procedure, including the latest amendments if any, along with each application form. The application form and detailed procedure shall be given on payment of charges of Rs. 100/-. However, in case of subsequent application, detailed procedure may not be required to be given along with the application form but a copy of subsequent amendment(s), if any shall be provided. The STU shall also host the application form, the detailed procedure and subsequent amendments, if any, on its website so that an open access consumer may download the application form as and when required, in which case no charges towards cost of application form shall be recoverable from such open access consumer.”

- 5. Amendment of Regulation 8 of the Principal Regulations:-** Regulation 8 of the Principal Regulations shall be substituted as under:-

“8. Entitlement and other conditions for open access. – (1) Subject to the provisions of these regulations, any licensee, generating company, captive generating plant or a person other than consumer of the distribution licensee, connected at 11 KV or above and who has a capacity/maximum demand of 1 MW and above, shall be entitled for availing open access to the intra-State transmission system of STU and/or of any transmission licensee other than STU and/or distribution system of the distribution licensee on payment of various charges as per chapter VI of these regulations.

Provided that in case of generating plants based on non-conventional / renewable energy sources there will be no capacity restriction for availing open access for wheeling of power.

(2) Any consumer of a distribution licensee having a contract demand of 0.5 MVA or above and connected to the distribution system of the licensee or to the transmission system of STU or of a transmission licensee other than STU at 11 kV

or above, shall be entitled for seeking open access provided he is connected through an independent feeder emanating from a grid sub-station. In case of more than one consumer on such independent feeder, the conditions as in (3) below shall apply.

(3) A group of two or more consumers of a distribution licensee having a combined contract demand of 0.5 MVA or above and connected to the distribution system of licensee at 11 kV or above through an independent feeder emanating from a grid sub-station, shall also be entitled for seeking open access if all such consumers collectively apply for open access through a group representative to be nominated by all such consumers on that feeder provided that all such consumers shall have necessary infrastructure for time-block wise energy metering and accounting installed at their premises and provided further that schedule of power through open access of individual consumers shall also be supplied by the group representative. However all the individual consumers of the group shall have to separately pay the prescribed application fee and SLDC charges. Alternately if such a group of consumers agree for a single point connection, the group as a whole shall be treated as a single HT industrial consumer for all practical purposes including scheduling, metering and billing and in that case individual ABT metering equipment will not be required. The application fee and SLDC charges shall also be charged for a single application. The billing shall be done based on ABT meter installed on the independent feeder at the sub-station and the contract demand of the group shall be taken as the sum of the contract demands of the individual consumers. Other terms and conditions applicable under this alternative shall be as may be prescribed by the Commission in the HERC Regulations for single point supply to industries as and when the same are notified.

(4) If a group of industrial consumers of a distribution licensee who may or may not be connected on 11 KV but are all fed from the same 11 KV feeder with no other consumer connected to that feeder, get together to avail open access, the same shall be admissible provided such consumers agree for supply at a single point under HT industrial category with single point energy meter / ABT meter provided at the substation for billing purposes. In that case all the conditions including levy of peak load exemption charges and levy of penalty for exceeding contract demand as given in these Regulations shall apply in the same manner as

to a single HT open access consumer. The contract demand of the single point connection of the group shall be equal to sum of the connected loads of LT consumers (80% to be counted) plus contract demands of HT consumers (converted to kW at 0.9 power factor). The division of bill amount among the members of the group and payment of bill amount against single point supply shall be the responsibility of the group and shall be subject to same terms and conditions and consequences for nonpayment as applicable to HT consumers. Other terms and conditions applicable shall be as may be prescribed by the Commission in the HERC Regulations for single point supply to industries as and when the same are notified.

(5) The consumers of a distribution licensee with contract demand of 0.5 MVA or above who are not on independent feeders may be allowed open access subject to the condition that they agree to the system constraints as well as the power cut restrictions imposed by the distribution licensee serving them. In such cases, under drawl, if any, on account of power cut restrictions shall not be compensated.

(6) The grant of open access to any licensee, generating company, captive generating plant or a person other than consumer of the distribution licensee covered under sub clause (1) shall be subject to the condition that if power is scheduled to be sold/procured through open access in any time slot of the day, it shall not be less than 250 kW in case of capacity / maximum demand upto 1.5 MW, shall not be less than 500 kW in case of capacity / maximum demand above 1.5 MW but upto 5 MW and shall not be less than 1 MW in case of capacity/maximum demand of 5 MW and above.

(7) The grant of open access to the consumers of the distribution licensee covered under sub clauses (2), (3) and (4) above shall be subject to the condition that if power is scheduled to be procured through open access in any time slot of the day, it shall not be less than 250 kW for consumers with contract demand upto 1.5 MW, shall not be less than 500 kW for consumers with contract demand above 1.5 MW but up to 5 MW and shall not be less than 1 MW for consumers with contract demand above 5 MW. In case of a group as per regulation 8 (3) and 8 (4) above, these conditions shall apply to the group as a whole.

(8) A person, having been declared insolvent or bankrupt or having outstanding dues against him for more than two months billing of the distribution / transmission licensee or having a case of unauthorized use of electricity/theft of electricity pending against him at the time of application, shall not be eligible for open access.”

6. Amendment of Regulation 11 of the Principal Regulations:

6.1 Para (i) and (ii) under third column against Sr. no. 3 of the table given under regulation 11 (2) shall be amended to read as under:-

“(i) 7 working days if applied for first time and 3 working days on subsequent applications if the consumer is connected to intra-State transmission system.

(ii) 10 working days if applied for first time and 5 working days on subsequent applications if the consumer is connected to distribution system of the licensee.”

6.2 Sub regulation (3) shall be substituted as under:

“(3) STU with Headquarter at Panchkula in Haryana shall be the Nodal Agency. Applications for open access and connectivity shall be received and processed at STU headquarter in accordance with the detailed procedure. STU shall strive to introduce on-line acceptance and on-line conveyance of consent/no objection/standing clearance etc. through internet for inter-state as well as intra-state open access at the earliest possible but not later than six months from the date of notification of these regulations”

7. Amendment of Regulation 12 of the Principal Regulations:- Regulation 12 of the Principal Regulations shall be substituted as under:-

“12. Procedure for grant of open access involving inter-State transmission system. – (1) The procedure for grant of long-term open access or medium-term open access involving inter-State transmission system shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009, or its statutory re-enactments, as amended from time to time.

Provided that in respect of a consumer connected to a distribution system seeking inter-State Long-term or Medium-term open Access, the STU, before

giving its consent to the RLDC, as required under the CERC Regulations, shall obtain the consent of the distribution licensee concerned.

(2) The procedure for grant of short-term open access shall be as per the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, or its statutory re-enactments, as amended from time to time.

Provided that in respect of a consumer connected to a distribution system seeking inter-State short-term open access, the STU before giving its consent to the RLDC shall obtain the consent of the distribution licensee concerned.”

8. Amendment of Regulation 15 of the Principal Regulations:

8.1 Sub-regulations (1) (i) shall be substituted as under:-

“(i) Application for seeking intra-State short-term open access to be submitted to the Nodal Agency may be for a period upto second month and the month in which the application is made shall be considered to be the first month”

8.2 Following shall be added after the sub-regulation (2) as sub-regulation (2a):-

“(2a) Open Access on “first- come, first- served basis”:-

Applications for grant of open access for the second month, received after the due date specified in sub-regulation 15(1) (iv) above, and the applications for grant of open access for the first month shall be considered on ‘first-come, first-served basis’.

Provided that such applications shall reach the Nodal agency at least four days in advance of the date of the open access transaction. All these applications shall be processed and decided within three working days of their receipt.”

8.3 Following shall be added at the end of para (i) of Regulation 15 (3):

“Till the time SLDC establishes infrastructure for electronic bidding, such applications shall be dealt on first-come first -served basis”.

8.4 Sub-regulation 15(6) shall be deleted and sub-regulation 15(7) shall be renumbered as 15(6).

9. Amendment of Regulation 16 of the Principal Regulations:- Regulation 16 of the Principal Regulations shall be substituted as under:-

“16. Consent by STU or Distribution licensee:-

A. For Inter-State open access: (1) STU, in respect of a consumer connected to state transmission / distribution network seeking inter-State long-term or medium-term open Access, shall convey its consent or otherwise as per the provisions of Central Electricity Regulatory Commission Regulations, 2009, or its statutory re-enactments, as amended from time to time.

(2) In respect of a consumer connected to state transmission / distribution network seeking inter-state short-term open access, STU shall convey its consent or otherwise as per the provisions of Central Electricity Regulatory Commission Regulations, 2008, or its statutory re-enactments, as amended from time to time as detailed hereunder:-.

(a) An applicant seeking inter-state short-term open access shall submit his application to STU along with the requisite fee for issue of no objection/standing clearance for a period not exceeding three months at a time. The STU shall, acknowledge receipt of the application, either by e-mail or fax, or any other usually recognized expedient mode of communication, within twenty four hours from the time of receipt of the application.

Provided that where the application has been submitted in person, the acknowledgement shall be provided at the time of submission of the application.

(b) While processing the application for concurrence or ‘no objection’ or standing clearance, as the case may be, the STU shall verify the following, namely-

- (i) existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the Haryana Grid Code in force, and
- (ii) availability of required capacity in the transmission and/or distribution network.

(c) Where existence of necessary infrastructure and availability of required capacity in the transmission and/or distribution network has been established, the STU shall convey its concurrence or ‘no objection’ or prior standing clearance, as the case may be, to the applicant by e-mail or fax, in addition to any other usually recognized expedient mode of communication, within three (3) working days of receipt of the application:

Provided that when short-term open access has been applied for the first time by any person, the buyer or the seller, the STU shall convey to the applicant such concurrence or 'no objection' or standing clearance, as the case may be, within seven (7) working days of receipt of the application by e-mail or fax, in addition to any other usually recognized mode of communication.

(d) In case the STU finds that the application for concurrence or 'no objection' or standing clearance, as the case may be, is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, within two (2) working days of receipt of the application.

Provided that in case where the STU has communicated any deficiency or defect in the application, the date of receipt of application shall be the date on which the application has been received duly completed, after removing the deficiency or rectifying the defects, as the case may be.

(e) In case the application has been found to be in order but the STU refuses to give concurrence or 'no objection' or standing clearance, as the case may be, on the grounds of non-existence of necessary infrastructure or unavailability of required capacity in the transmission and/or distribution network, such refusal shall be communicated to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, within the period of three (3) working days or seven (7) working days, as the case may be, from the date of receipt of the application along with reasons for such refusal.

Provided that where the STU has not communicated any deficiency or defect in the application within two (2) working days from the date of receipt of application or refusal or concurrence or 'no objection' or standing clearance, as the case may be, within the specified period of three (3) working days or seven (7) working days, as applicable, from the date of receipt of the application, concurrence or 'no objection' or standing clearance, as the case may be, shall be deemed to have been granted.

(f) In case of applicant connected to the distribution system, the STU shall make a reference to the distribution licensee and the said distribution licensee shall convey its consent or otherwise within (3) three working days of receipt of reference from the STU. For embedded open access consumers, the distribution licensee shall

verify only that the consumer meets the eligibility criteria, as laid down in regulation 8, before conveying the consent. In case the distribution licensee has not communicated refusal or consent within the specified period of (3) three working days from the date of receipt of the reference from STU, consent shall be deemed to have been granted.

B. Intra-State Open Access- (1) while processing the application seeking consent for intra-State open access, the nodal agency shall verify the following:

- (a) Existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the Haryana Grid Code in force, and
- (b) Availability of required capacity in the transmission and or distribution network.

(2) In case the existence of necessary infrastructure and availability of required capacity in the transmission and / or distribution network has been established, the nodal agency shall convey its consent to the applicant by e-mail or fax or by any other recognized expedient mode of communication, within three (3) working days of receipt of the application.

Provided that when short-term open access has been applied for the first time by any person, the buyer or the seller, the nodal agency shall convey its consent to the applicant within seven (7) working days of receipt of the application by e-mail or fax, in addition to any other usually recognized mode of communication.

(3) In case the nodal agency finds that the application for consent is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax or by any other standard mode of communication, within two (2) working days of receipt of the application. The application may be resubmitted after removing the defect.

Provided that in case where the nodal agency has communicated any deficiency or defect in the application, the date of receipt of application shall be the date on which the application has been received duly completed, after removing the deficiency or rectifying the defects, as the case may be.

(4) In case the application has been found to be in order but the nodal agency refuses to give consent on the grounds of non-existence of necessary infrastructure or unavailability of required capacity in the transmission and or distribution network, such refusal shall be communicated to the applicant by e-mail or fax or by any other standard mode of communication, within the period of three (3) working days or (7) working days as applicable from the date of receipt of the application, along with reasons for refusal.

(5) In case the nodal agency has not communicated any deficiency or defect in the application within two (2) working days from the date of receipt of application, or refusal or consent within the specified period of three (3) working days or seven (7) working days applicable from the date of receipt of the application, consent shall be deemed to have been granted.”

(6) In case of applicants connected to the distribution system, the STU shall make a reference to the distribution licensee and the said distribution licensee shall convey its consent or otherwise within (3) three working days of receipt of reference from the STU. For embedded open access consumers, the distribution licensee shall verify only that the consumer meets the eligibility criteria, as laid down in regulation 8, before conveying the consent. In case the distribution licensee has not communicated its refusal or consent within the specified period of (3) three working days from the date of receipt of reference from STU, consent shall be deemed to have been granted.

The limitation period for conveying consent or otherwise by STU, in case of applicants connected to the distribution system, corresponding to the period mentioned in (2) & (4) above shall be (10) ten working days if short-term open access has been applied for the first time and (5) five working days for subsequent applications.”

10. Amendment of Regulation 19 of the Principal Regulations:- Regulation 19 of the Principal Regulations shall be substituted as under:-

“19. Transmission charges and wheeling charges. - (1) Open access consumer using inter-State transmission system shall pay the transmission charges as specified by the CERC from time to time.

(2) Open access consumer using intra-State transmission system shall pay transmission charges to the STU or the transmission licensee other than STU for usage of their system as determined by the Commission for the relevant financial year as per the provisions of Haryana Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff for Generation, Transmission, Wheeling and Distribution & Retail Supply under Multi Year Tariff Framework) Regulations, 2012 ,or its statutory re-enactments, as amended from time to time.

The annual transmission charges (or total transmission cost in case of multiple transmission licensees) as determined by the Commission for the relevant financial year shall be shared by all the beneficiaries i.e. distribution licensees, long-term open access consumers and medium-term open access consumers in the ratio of their allocated transformation capacity or contracted capacity, whichever applicable, and shall be payable on monthly basis. The monthly transmission charges payable by each of the beneficiaries shall be computed as per the following formula.

$$\text{Monthly Transmission Charges} = \frac{\text{ATC}}{12} \times \frac{\text{CA}}{\text{CS}}$$

Where

ATC = Annual Transmission charges payable by all the beneficiaries (ATC shall be equal to the annual transmission cost determined by the Commission in the tariff order for transmission business for the relevant year)

CA = Transformation Capacity (MVA) allocated to each beneficiary.

CS = Sum of Transformation Capacity (MVA) allocated to all the beneficiaries.

Note: Where allocated Transformation Capacity (MVA) of a beneficiary is not available, the contracted capacity in MW shall be converted in MVA at a power factor of 0.90 and the same shall be considered for computation of monthly transmission charges payable by the beneficiaries.

Provided that monthly Transmission charges shall also be shared by a Generation Company (including Renewable Energy Generators which opt for third party sale) if power from such Generating Company is sold to a consumer outside the State of Haryana to the extent of capacity contracted outside the state

Provided further that where a dedicated transmission system has been constructed for exclusive use of or being used exclusively by an open access consumer at the cost of the licensee, the transmission charges for such dedicated system shall be worked out by transmission licensee and got approved by the Commission and shall be borne entirely by such open access consumer till such time the surplus capacity is allotted and used for by other open access consumers or purposes, after which these transmission charges for such dedicated system shall be shared in the ratio of loads allotted to the various users.

Provided also that the transmission charges shall be payable by the short-term open access consumers on Rs./ kWh basis, as determined by the Commission for the relevant financial year, for the scheduled quantum of energy in MWh cleared by the concerned Load Despatch Centre.

(3) Open access consumer using intra-State distribution system shall pay wheeling charges to the distribution licensee (s) for usage of the distribution system as determined by the Commission for the relevant financial year as per the provisions of Haryana Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff for Generation, Transmission, Wheeling and Distribution & Retail Supply under Multi Year Tariff Framework) Regulations, 2012, or its statutory reenactments, as amended from time to time.

The wheeling charge payable to the distribution licensee by long-term & medium-term open access consumers shall be in Rs./MW and shall be computed by dividing the approved ARR of the licensee for wheeling business by peak load demand in MW served by the licensee in the preceding year.

Provided that wheeling charges shall be payable by the long-term and medium-term open access consumer on the basis of contracted capacity in MW and by short-term open access consumers on the basis of scheduled energy transactions cleared by the relevant Load Despatch Centre.

Provided further that wheeling charges (Rs/kWh) payable by the short-term-open access consumers shall be as determined by the Commission in the ARR/ Tariff order for the relevant financial year.

Provided also that where a dedicated distribution system has been constructed for exclusive use of an open access consumer at the cost of the

licensee, the wheeling charges for such dedicated system shall be worked out by distribution licensee and got approved from the Commission and shall be borne entirely by such open access consumer till such time the surplus capacity is allotted and used for by other persons or purposes after which these charges shall be shared in the ratio of the allotted capacities.”

11. Amendment of Regulation 24 of the Principal Regulations:- Regulation 24 (2) shall be substituted as under :-

“(2) Imbalance charges applicable for all open access transactions for the overdrawl /underdrawl by an open access consumer or for the under injection / over injection by a generator or trader shall be as given below.

(A) Due to reasons attributable to the open access consumers/generator/trader

I. Over drawl by open access consumer / under injection by a generator or a trader:

(i) An open access consumer who is not a consumer of the distribution licensee:

UI charges as notified by CERC for intra-state entities or highest tariff (other than temporary metered supply), including FSA and PLEC (in case over drawl happens to be during peak load hours), as determined by the Commission for the relevant financial year for any consumer category, whichever is higher, shall be paid by the open access consumer to the distribution licensee for the overdrawl.

However the overdrawl will be loaded with intra-state transmission losses, as determined by the Commission in the tariff order for transmission business for that year, and distribution losses, as used for calculation of wheeling charges in the tariff order for distribution business for that year, before calculating the payable amount.

(ii) An open access consumer who is a consumer of the distribution licensee:

(a) During non peak load hours if the recorded drawl of the consumer is within his contract demand, no imbalance charges shall be leviable. When the recorded drawl of the consumer as per his energy meter

exceeds his contract demand by more than 5% during non peak load hours, he will be liable to pay demand surcharge as per the relevant schedule of tariff approved by the Commission. For the purpose of calculating demand surcharge in such cases, the total energy drawl during the month including the energy drawl through open access shall be considered. The consumption charges for the energy drawl through open access, for the purpose of levy of demand surcharge, will be worked out at the applicable tariff for the category to which the consumer belongs.

Provided that in case of day ahead transactions, bilateral as well as collective, through power exchange or through NRLDC, by embedded open access consumers, the imbalance charges for the over drawl during non peak load hours shall be as provided in regulation 42 hereinafter.

- (b) During peak load hours, levy of imbalance charge for any over drawl beyond peak load exemption/special dispensation allowed by the distribution licensee and levy of peak load exemption charges on the power drawn through open access shall be as provided in regulation 45(3) and 45(4) respectively hereinafter.
- (c) During the period when power cut restrictions are in place and the feeder of the consumer is kept energized only to enable him to draw his scheduled entitlement as an open access consumer, the consumer shall restrict his drawl within his entitled drawl as per his accepted schedule of power through open access during such period. In case the recorded drawl of consumer exceeds his entitled drawl by more than 10% (of the entitled drawl) in any time slot, his entire over drawl beyond the entitled drawl during such period would be charged at two (2) times the applicable tariff. The applicable tariff shall include FSA and in case power cut restriction period falls within peak load restriction hours shall also include PLEC.

- (iii) Under injection by a generator or a trader:

UI charges as notified by CERC for intra-state entities or highest tariff (other than temporary metered supply) including FSA and PLEC (in case under injection happens to be during peak load hours) as determined by the Commission for the relevant financial year for any consumer category, whichever is higher will be payable by the generator / trader to the licensee for the under injection.

II. Underdrawl by open access consumer/Over injection by generator/trader

(i) Under drawl by open access consumer: In the event of underdrawl, the consumer will be paid by the licensee UI charges as notified by CERC for intra-state entities or lowest tariff as determined by the Commission for the relevant financial year for any consumer category or power purchase price/sale price contracted by the open access consumer whichever is lower provided that no imbalance charges shall be payable by the distribution licensee to the open access consumer for the under drawl beyond 10% of the entitled drawl in a time – slot or beyond 5% of the entitled drawl on aggregate basis for all the 96 time-slots in a day. However, if the under drawl by the consumer is on account of any force majeure conditions such as earth quake, flood, war or any other act of God which simultaneously do not disable the distribution licensee from supplying power, the consumer will be paid imbalance charges as above for the entire under drawl during such period.

(ii) Over injection by a generator or a trader: The generator/trader shall be paid by the distribution licensee UI charges as notified by CERC for intra-state entities or lowest tariff as determined by the Commission for the relevant financial year for any consumer category or sale price contracted by the generating company whichever is lower.

Provided that no imbalance charges shall be payable for over injection beyond 10% of scheduled injection in a time-slot or beyond 3% of scheduled injection on aggregate basis for all the 96 time - slots in a day.

(B) Non evacuation of power of a generating company due to reasons attributable to the transmission / distribution licensee i.e. breakdown of evacuation system

A generator or a trader in the state may be supplying power outside the state or within the state to an open access consumer or for sale to a person other than the distribution licensee. Non evacuation of power of such a generator or a trader or a captive generating station due to breakdown of the evacuation system of the licensee shall be dealt with as under:

- (a) Inter-State sale: SLDC shall pass on the schedule given by the generator to NRLDC. The share of the distribution licensee from the central sector power stations will be adjusted accordingly and the energy scheduled by the generator will be delivered to the purchaser / utility. If the licensee is unable to evacuate power from the generator due to failure of his evacuation system, the generator will pay to the licensee at the tariff rate charged to the purchaser for the energy which could not actually be evacuated by the licensee.
- (b) Intra-State sale to a consumer / person other than distribution licensee: The purchaser will be informed by the SLDC about the failure of the evacuation system and he shall reschedule his drawal accordingly within 6 blocks (each of 15 minutes) of this intimation. The treatment of energy drawn during this period of 6 blocks shall be as under:
 - (i) The generator will be paid by the purchaser at the tariff agreed to between them.
 - (ii) The generator will pay to the licensee for the energy supplied to the purchaser at the tariff agreed to between the generator and the purchaser.

In both the cases under (a) and (b) above, the generator will be compensated by the licensee for the transmission / wheeling charges, if any, paid to the licensee during the period of non evacuation of power from the generator.

- (c) Sale to the distribution licensee within the State: The payment to the generator will be governed as per the agreement.

(C) Underdrawal of power by an open access consumer due to reason attributable to the transmission / distribution licensee i.e. break down of system:

If an open access consumer is unable to draw the scheduled energy through open access as a result of non-availability of intra-state distribution/transmission system or on account of unscheduled load shedding (to be certified by SLDC), then the distribution licensee shall pay such open access consumer, for the under drawl, the charges payable by the consumer to the generating company/seller or the lowest tariff applicable to the consumer category, to which such open access consumer belongs, whichever is lower.

Guidelines for certifying or refusing to certify non-availability of transmission/distribution system or unscheduled load shedding shall be framed by the STU and submitted to the Commission for approval within three months from the date of publication of these Regulations in the gazette.”

12. Amendment of Regulation 42 of the Principal Regulations:- Regulation 42 of the Principal Regulations shall be substituted as under:-

“**42.** Eligibility criteria, procedure and conditions to be satisfied for grant of long term open access, medium term open access and short term open access to embedded consumers shall be same as applicable to other short-term open access consumers. However, the day-ahead transactions, bilateral as well as collective through power exchange or through NRLDC, by embedded open access consumers under short term open access shall be subject to the following additional terms and conditions:

- i) The Consumer shall submit to the distribution licensee a schedule of power through open access for all the 96 slots by 10:00 AM of the day preceding the day of transaction and this will be considered as confirmed schedule for working out the slot-wise admissible drawl of the consumer from the licensee with reference to his sanctioned contract demand. For example, if an embedded consumer with a contract demand of 10 MW has scheduled 4 MW power through open access in any time slot of the succeeding day as per the schedule submitted by him at 10 AM, then his admissible drawl from the licensee in that time slot will be 6 MW.

The total admissible drawl in different time – slots shall, however, be worked out based on slot-wise admissible drawl from the licensee as above and the slot-wise schedule of power through open access accepted / cleared by the power exchange and intimated to the SLDC and distribution licensee by the consumer in compliance of regulation 45. For example if, as per the schedule for drawl of power through open access submitted by the consumer at 10 AM of the day preceding the day of transaction, 4 MW power was scheduled through open access in a time slot and as per the accepted schedule this gets reduced to 3 MW, then his admissible total drawl in that time slot shall be 9 MW. i.e. 6 MW from the licensee and 3 MW through open access.

In case recorded drawl of the consumer in any time slot exceeds his total admissible drawl but is within 105 % of his contract demand, he will be liable to pay charges for the excess drawl (beyond admissible drawl) at twice the applicable tariff including FSA. In case the recorded drawl exceeds the sanctioned contract demand by more than 5% at any time during the month as per his energy meter, demand surcharge as per relevant schedule of tariff approved by the Commission shall also be leviable. For the purpose of calculating demand surcharge in such cases, the total energy drawl during the month including the energy drawl through open access shall be considered. The consumption charges for the energy drawl through open access, for the purpose of levy of demand surcharge, will be worked out at the applicable tariff for the category to which the consumer belongs.

- (ii) The drawl of power through open access during peak load restriction hours shall be subject to the provisions of regulation 45 (3) hereinafter.
- (iii) In the event of underdrawl for a slot or multiple thereof, the consumer will be paid imbalance charges by the distribution licensee as provided in Regulation 24 (2) (A) II (i) provided that in case of underdrawl as a result of non-availability of intra-state distribution/transmission system or on account of unscheduled load shedding (to be certified by SLDC),

imbalance charges for underdrawl shall be payable as provided in Regulation 24 (2) (C).

All other terms and conditions shall be same as applicable to other short-terms open access consumers.”

13. Amendment of Regulation 43 of the Principal Regulations:- Regulation 43 of the Principal Regulation shall be substituted as under:-

“43 Settlement of Energy at drawl point in respect of embedded consumers.-

The mechanism for settlement of energy at drawl point in respect of embedded open access customers shall be as under:

- (i) Out of recorded slot-wise drawl the entitled drawl through open access as per accepted schedule or actual recorded drawl, whichever is less, will first be adjusted and balance will be treated as his drawl from the distribution licensee.
- (ii) The recorded drawl will be accounted for / charged as per regulation 24 (2) (A) (a) (ii) of these regulations or regulation 42 as may be applicable.”

14. Amendment of Regulation 45 of the Principal Regulations:- Regulation 45 of the Principal Regulation shall be substituted as under:-

“45 Requirement of Scheduling for Embedded open access consumers. - (1)

Scheduling shall be done in accordance with relevant provisions of IEGC for inter-State transactions and in accordance with relevant provisions of Haryana Grid Code for intra-State transactions.

- (2) By 10.00 hours every day, these embedded consumers shall prepare and submit daily schedule of power, in MW, separately showing schedule of power from licensee and that from another supplier through open access for the next day, i.e. from 0000 hrs to 24.00 hrs of the following day to SLDC along with copy to distribution licensee. For day-ahead transactions, bilateral as well as collective, through power exchange or through NRLDC, this schedule of drawl of power through open access submitted at 10.00 hrs shall be considered as final for the purpose of working out slot-wise admissible drawl from the licensee as per the provisions of regulation 42.

Provided that in case the quantum of energy through open access as per schedule accepted by power exchange is less than the quantum intimated as per the schedule submitted at 10.00 hrs by the embedded open access consumer to the licensee, then he shall inform the SLDC / distribution licensee about the slot-wise accepted schedule of power through open access and his total admissible draw and settlement of energy at the drawl point shall be regulated /settled as provided in regulation 42 and 43 respectively.

(3) During peak load hour restrictions, the embedded open access consumer shall be entitled to bring open access power upto his contract demand without the requirement of any approval of special dispensation from the licensee provided his total drawl i.e. drawl through open access plus the drawl from the licensee does not exceed his contract demand. Further he shall restrict his drawl from the distribution licensee to peak load exemption limit/special dispensation allowed by the licensee. In case the total drawl of the consumer exceeds the contract demand by more than 5% at any time during the month as per his energy meter, the demand surcharge as per relevant schedule of tariff approved by the Commission from time to time shall be leviable. For the purpose of calculating demand surcharge in such cases, the total energy drawl during the month including the energy drawl through open access shall be considered. The consumption charges for the energy drawl through open access, for the purpose of levy of demand surcharge, will be worked out at the applicable tariff for the category to which the consumer belongs.

(4) The peak load exemption charges (PLEC) shall be leviable on the energy drawn in a month during peak load hours from the distribution licensee and through open access as under:-

a). Energy drawn from the distribution licensee:

Peak load exemption charges as determined by the Commission in the Schedule of Tariff for the relevant year for H.T. Industrial Power Supply and as amended from time to time shall be levied as provided therein.

b). Energy drawn through open access:

The energy drawn during peak load hours through open access in a month shall be charged PLEC in a telescopic manner as under:-

Sr. No.	Energy slab	Chargeable PLEC
i	For the energy drawn equivalent to energy consumption during peak load hours in a month worked out corresponding to 20% of contract demand.	Nil
ii	Energy drawn beyond that covered in (i) above and up to energy consumption during peak load hours in a month worked out corresponding to 50% of contract demand.	50% of PLEC as applicable for power supplied by the distribution licensee within the allowed peak load exemption limit / allowed dispensation
iii	Balance Energy drawn if any, beyond that covered in (i) and (ii) above i.e. beyond energy consumption during peak load hours in a month worked out corresponding to 50% of contract demand.	100% PLEC as applicable for power supplied by the distribution licensee within the allowed peak load exemption limit / special dispensation

the energy drawn through open access during peak load hours in a month, as per the rates in force at present, is illustrated in the example given below:-

Example 1: Assuming

- (i) Contract demand the consumer 10 MVA
- (ii) Peak load exemption limit/special dispensation 50% of CD i.e. 5 MVA
- (iii) Peak load Hrs. 6 PM to 10 PM i.e. 4 Hrs.
- (iv) Total energy drawn during peak load hours in a month 9,50,000 kVAh

- a) Energy drawn through open access 7,00,000 kVAh
- b) Energy drawn from the licensee 2,50,000 kVAh
- (v) Energy consumption during peak load hours in a month corresponding to 20% Contract demand = $0.20 \times 10,000 \times 4 \times 30$
= 2,40,000 kVAh
- (vi) Energy consumption during peak load hours in a month corresponding to 50% Contract demand = $0.50 \times 10,000 \times 4 \times 30$
= 6,00,000 kVAh

The PLEC shall be levied as under:-

- a) On energy drawn from Licensee @ Rs. 1.90/kVAh : = 2,50,000x1.90
= Rs. 4.75 Lac
- b) On energy drawn through open access
 - i) For the energy upto 20% CD i.e. up to 2,40,000 kVAh @ Rs. Nil / kVAh : Nil
 - ii) For the energy drawn beyond (i) above and up to consumption during PLHs in a month worked out corresponding to 50% CD i.e. (6,00,000-2,40,000) kVAh @ Rs. 0.5x1.90/kVAh : 3,60,000x0.95
Rs. 3.42 Lac
 - iii) For the balance energy drawn beyond that covered in (i) and (ii) above i.e. for (7,00,000-6,00,000) kVAh @ Rs. 1.90/ kVAh : 1,00,000x1.90
= Rs. 1.90 Lac
 - iv) Total PLEC Chargeable on energy drawn through open access : = 0.00+3.42+1.90
= Rs. 5.32 Lac
- c) Total PLEC chargeable on total energy drawn during Peak load hours in the month. : = 4.75+5.32
=Rs. 10.07 Lac

Example 2: Levy of the peak load charges in the above example if the allowed peak load exemption limit is 20% and no special dispensation for drawl of energy during peak load hours beyond 20% of contract demand is sought from the licensee, shall work out as under:

- a) On the energy drawn from the licensee : = 2,40,000x1.90+10,000x3.80
= Rs. 4.94 Lac

- b) On the energy drawn through open access : Same as in Example 1.
i.e. $2,40,000 \times 0.0 + 3,60,000 \times 0.95 + 1,00,000 \times 1.90$
= Rs. 5.32 Lac
- c) Total PLEC chargeable on total energy drawn during Peak load hours in the month. : = 4.94+5.32
= Rs. 10.26 Lac

(5) Imbalance charges shall be applicable for embedded open access consumers as provided in regulation 24 of these regulations subject to the provisions of regulation 42.”

- 15. Amendment of Regulation 47 of the Principal Regulations:-** Regulation 47 of the Principal Regulation shall be substituted as under:-

“47. Metering for Embedded open access consumer:- Embedded open access consumer shall install special energy meter (SEM), if not already installed, and the same shall be reckoned for energy accounting and billing purposes. As these embedded open access consumers are on independent feeders, their billing for energy drawn from the distribution licensee and through open access is being done by energy meters and ABT meters installed at the substation end. However, in case the meter of any embedded open access consumer is at the consumer end, the energy meter and ABT meter of such consumer shall be shifted to the substation but the cost of shifting shall be borne by the licensee.”

- 16. Amendment of Regulation 50 of the Principal Regulations:-** Sub-regulation (5) shall be substituted as under:-

“(5) The short-term open access schedules accepted by the Nodal Agency in advance or first-cum-first served basis may be cancelled or revised on an application to that effect made to the Nodal Agency by the short-term open access consumer:

Provided that such cancellation or revision of the short-term open access schedules shall be effective only after expiry of minimum period of two (2) days.

Provided further that the day on which notice for cancellation or downward revision of schedule is served on the Nodal Agency and the day from which such

cancellation or downward revision is to be implemented, shall be excluded for computing the period of two (2) days.”

By Order of the Commission

Director (Tariff),
Haryana Electricity Regulatory Commission

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