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BIHAR ELECTRICITY REGULATORY COMMISSION

#### NOTIFICATION

*The 19th September 2012*

No. Case No. Reg. 27/2012-07-938—In exercise of powers conferred under section 42 read with Section 181 of the Electricity Act, 2003 (Act 36 of 2003), and all other powers enabling the Commission in this behalf, the Bihar Electricity Regulatory Commission hereby amends the Bihar Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2005 notified vide no. BERC-Regulation-01/2006-191 dated 20<sup>th</sup> May, 2006.

**1. Short title, extent and commencement.**—(1) These regulations may be called the Bihar Electricity Regulatory Commission (Terms and Conditions for Open Access) (1<sup>st</sup> Amendment) Regulations, 2012.

(2) These Regulations extend to the whole of the State of Bihar.

(3) These Regulations shall come into force on the date of their publication in the official Gazette.

**2. Amendment of Regulation 2.**—In Regulation 2 of the principal regulations, after clause 2 (1) (L) the following shall be inserted, namely:

(m) "Bilateral transaction" means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through a trading licensee or discovered at power exchange through anonymous bidding, from a specified point of injection to a specified

point of drawal for a fixed for varying quantum of power (MW) for any time period during a month

(n) "Collective transaction" means a set of transactions discovered in power exchange through anonymous, simultaneous competitive bidding by buyers and sellers".

**3. Amendment of Regulation 4.**—(i) In clause 4 (1) of the principal regulations the words “electricity traders” shall be inserted after the word “licensees” and before the words “the generating companies”

(ii) In Regulation 4 of the principal regulations clause (4) shall be inserted as under:-

“(4)A person having been declared insolvent or bankrupt or having outstanding dues against him for two months or more of billing of any transmission or distribution licensee shall not be eligible for open access”.

**4. Amendment of Regulation 12.**—In regulation 12 of the principal regulations new clause (5) shall be inserted as under-

"(5)The capacity available for the intra-state open access shall be computed for each transmission segment and for every sub-station by the STU following the methodology given below:

(a) Available open access capacity of a transmission system segment = (DC-SD-AC) + NC where, DC= Designed capacity of the transmission segment in MW, SD= Sustained demand in MW recorded in the segment, AC= already allocated capacity, but not availed and NC= capacity in MW expected to be added.

(b) Available open access capacity of sub-station=TC-SP-AC where, TC= Transformer Capacity of the sub-station in MVA, SP= sub-station peak in MVA and AC= Already allotted capacity in MVA, but not availed.

The STU shall update these values on monthly basis on the first calendar day of the month in their website.

The appropriate distribution licensee shall determine the available capacity for the portion of the distribution system over which open access in demanded”.

**5. Amendment of Regulation 16.**—In clause 6 of Regulation 16 of the principal regulations, the following provisos shall be inserted, namely:

“provided that if difference between the readings of main and check meters exceeds twice the percentage error applicable to relevant class, both meters shall be tested and the one found defective shall be immediately replaced and reading of other will be considered.

Provided also that the check meter readings shall be considered when Main Meters are found to be defective or stopped.”

**6. Amendment of Regulation 18.**—In Regulation 18 of the principal regulations, for sub-clause (d) of clause 2, the following shall be substituted, namely :-

“(d) The surcharge shall be reduced in the manner as determined by the Commission in respect to reduction of cross subsidies in terms and conditions of tariff of transmission/distribution licensees”

**7. Insertion of new regulations 20A and 20B.**—After Regulation 20 of the principal regulations, the following regulations shall be inserted, namely:-

**20 A. Standby Power**

In case of outage of a power plant supplying power to an open access customer, the licensee will, on request, provide standby supply to meet the requirement of load catered through open access. Such standby supply will be provided by the licensee at day ahead request from the open access customer. The open access customer will, for that supply, be liable to pay charges under tariff for temporary connection to that category of consumer.

**20 B. Non drawal of scheduled power due to failure of transmission/distribution system**

If an open access customer is unable to draw the scheduled energy due to failure of transmission/distribution system of the licensee, the power injected will be treated as Banked Power and the open access consumer will be allowed to draw the same within a period of three months with an advance notice of the 24 hours to the licensee. The power will in no case be drawn during evening peak load hours, unless banked during peak load hours.

In case the open access customer is unable to draw the banked power, then he will be paid by the licensee as per Regulation 20”.

By order of the commission,  
GANESH PRASAD,  
*Secretary.*

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