

**Delhi Electricity Regulatory Commission**  
**Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi – 17.**

**In the matter of:**

Determination of Transmission and Wheeling Charges, Cross Subsidy Surcharge, additional surcharge and other applicable charges under Open Access.

**ORDER**

(Date of Order: 24.12.2013)

The Delhi Electricity Regulatory Commission (hereinafter referred to as Commission) vide its order dated 29.08.2008 had decided Transmission and Wheeling Charges, Cross Subsidy Surcharge, Additional Surcharge and other applicable charges under Open Access. The Commission has decided to revise the charges keeping in view the current scenario.

2. The Commission staff prepared a draft proposal alongwith procedure for implementation of Open Access for consumers having load 1 MW and above in Delhi. A public notice was issued and the same was uploaded on DERC website on 25.09.2013 for comments of stakeholders by 07.10.2013.

3. The list of stakeholders from whom the comments were received, is enclosed as Annexure-1. The comments received from stakeholders were examined and views of the Commission on the issues raised by stakeholders are as under;

**(i) Cross Subsidy Surcharge**

**Stakeholder's comments**

A stakeholder has submitted that the Commission has proposed Cross subsidy surcharge on higher side (ranging from 26.37 paisa/kWH to 66.40 paisa/kWH for industrial consumers). It is a burden on open access consumers. It should be reasonable and should be progressively brought down and shall not exceed 20% of its opening level as envisaged in the Tariff Policy.

**Commission's view**

The cross subsidy surcharge has been calculated as per the formula given in National Tariff Policy. However, the Commission is of the view that the cross subsidy should be brought to a level of 20% of average cost of supply as envisaged in the National Tariff Policy and the Commission shall endeavour to bring down the cross subsidy in due course of time.

**(ii) Additional Surcharge**

**Stakeholder's comments**

(a) A stakeholder submitted that Additional surcharge of 300 paisa/unit is very high and the Commission has not mentioned the computation methodology. The distribution

licensee can recover only fixed cost arising out of its obligation to supply but the Commission has included fixed charges as well as energy charges for determination of additional surcharge.

(b) The Commission has suo-moto determined Additional Surcharge on the basis of difference in projected demand of DISCOMs and availability of power from long term agreements. It is submitted that we are in agreement with the approach of the Commission for determination of Additional Surcharge which is based on logical principles. However, to further rationalize the Additional Surcharge, following principles may be adopted:

- (i) Proposed methodology determined Additional Surcharge on the basis of "projected" demand and generation. This approach may not give actual loss incurred by the DISCOMs in respect of stranded capacity. Therefore, it is always recommended to consider historical data to determine stranded capacity. Therefore, for determination of additional surcharge last 1 year or last 6 months data should be considered to arrive at acceptable and actual loss incurred by the DISCOMs in lieu of consumers procuring power through Open Access.
- (ii) It is accepted principle that based on demand supply scenario, in different time blocks of a day and in different season, Additional Surcharge should be different. This principle is considered by the Commission while determining additional surcharge. However, time blocks in which DISCOM has either purchased power from short term market or procured banked power, in such time blocks no additional surcharge to be levied as no loss is incurred by DISCOM in such periods.
- (iii) From the above, it is inferred that the Commission has considered fixed charges as well as energy charges of stranded generation. In this regard, it is submitted that as per Tariff Policy, only fixed cost of PPA can be recovered through Additional Surcharge. However, it is understood that the Commission has considered energy charges while determining Additional Surcharge to compensate cost of generation which is running at technical minimum. The stakeholders have appreciated approach of the Commission but also stated that, however it would not be justified that despite DISCOM can back down its generation, energy charges are loaded in the additional surcharge. Therefore, energy charges should only be considered in determination of additional surcharge in case of technical limitation has been achieved and DISCOM cannot further back down its generation.
- (iv) In view of the above, Additional Surcharge may be applicable in following conditions:

<b>Condition</b>	<b>Applicability of ASC</b>
Short term Purchase by DISCOM in a time block.	NO
Procurement of Banked Power in a time block.	NO
In case impact of Open Access is causing to back down of generation upto its technical minimum	ASC= fixed Cost of generation.
In case, despite backing down of generation upto technical minimum, DISCOM is underdrawing	ASC = fixed Cost + energy cost of generation -UI

- (c) The stakeholder has submitted that in case impact of Open Access is leading to back down of generation upto its technical minimum, only fixed charges can be taken in additional surcharge.
- (d) The stakeholder has requested to provide methodology for computation of additional surcharge.
- (e) DMRC has requested to exempt from additional surcharge as power supply to DMRC should be on the cost to supply basis as per DERC Tariff Order.

**Commission's View**

- (a) The additional surcharge has been computed as per the methodology mentioned in Para 8(3) of the Draft Proposal for Determination of Open Access Charges.
- (b) The additional surcharge has been calculated on the basis of historical data for the past one year and has inadvertently been written as projected demand. It is based on the actual demand in the past one year and availability of power from long-term agreements.
- (c) The Commission has considered only long-term power purchase agreements and stranded power from such plants. While calculating the additional surcharge, power purchased on short-term basis or Banked power has not been considered as has also been stated by the stakeholder. The Commission agrees with the view given by the stakeholder for determination of additional surcharge and the same methodology has been adopted while calculating the surcharge.
- (d) The Commission has considered recovery of only Fixed Cost arising out of the obligation to pay for long-term power purchase agreement while calculating the additional surcharge in case DISCOM is not under-drawing. However, in cases where generating stations have been scheduled upto the technical minimum and there is surplus energy with the DISCOMs on that account, then the Fixed Charges and variable charges have been taken into account while calculating the additional surcharge. In such a case when DISCOM is under-drawing in spite of backing down of generation up to technical minimum, then difference between fixed charges + energy charges – UI has been taken as has also been suggested by the stakeholder.
- (e) DMRC has requested exemption from additional surcharge. However, the Commission is of the view that the tariff being charged to DMRC is based on cost of supply. It is only when drawal option is exercised for open access that additional surcharge would be applicable and it is calculated on the basis of stranded power when a consumer is going on open access.

**(iii) Stand-by Charges:-**

**Stakeholder's comments**

- (a) The stakeholder has requested to clarify that Stand-by charges during outage of generator through the arrangement made by open access consumer on its own, open access consumer shall pay only prevailing UI rate as per CERC regulations and shall not be asked to take additional Rs. 1/- per unit to licensee.

- (b) In case open access consumer is unable to draw scheduled energy due to unscheduled cut or failure of transmission/distribution system of the licensee. Consumer should be compensated at actual prevailing UI rate and not on the lower rate / amount.
- (c) The stakeholder has suggested that the Commission should amend the provision as generator should not be penalized because of the failure of evacuation system of licensee instead it should be compensated by the licensee.
- (d) The Commission is requested to clarify as to why the distribution licensee is to be held liable in case of failure of evacuation system in case the same be not attributable to distribution licensee.

#### **Commission's View**

- (a) The Commission agrees with the suggestions of the stakeholder that the Open Access Consumer shall pay only prevailing UI rate as per CERC Regulations and shall not be asked to pay additional Rupee One per unit to the Licensee.
- (b) The Commission is of the view that the consumer cannot be guaranteed access to the transmission or distribution system and that open access is only subject to technical feasibility. Therefore, the consumer can be compensated only at the UI capped rate or at the prevailing UI rate of the distribution system whichever is lower at the time of cut or failure.
- (c) The Commission is of the view that whenever the customer is not able to draw the power fed by the generator due to any reason whatsoever, it should be treated as unscheduled inter-change (UI) which would take place between the generator and the Discoms and should be treated as such.
- (d) Since energy flows by displacement an open access customer would be able to draw power, unless the utility itself is unable to receive power due to transmission constraints.

#### **(iv) Miscellaneous Charges:-**

##### **Stakeholder's comments**

- (a) The Commission should modify its calculation sheet in line with the applicability of CERC Regulations on point of connection charges. The Commission should specify separate sheets for both Intra & Inter-state open access by both bilateral and collective transaction.
- (b) Other than the Additional charges, If surrender/ reallocation of power by the DISCOM is not possible, DISCOM should also be compensated for the surplus power which will have to be scheduled by the DISCOM which might get penalised in case of under drawl beyond permissible limits in U.I.
- (c) The DISCOMs have huge past regulatory gaps and the same would be recovered through the Tariff to be determined in future by the Commission. Hence the Commission is requested to allow recovery of such revenue gap from open access consumer through imposition of suitable surcharge while determining the cross subsidy charges. Further if the open access consumer is not levied surcharge to recover past gaps, the burden of the same shall come on the remaining consumers with the subsidized consumers being impacted the most. Hence the Open Access consumer should be levied a surcharge to recover for Regulatory Gaps as they have

contributed to its creation by consuming power in the past for which tariffs at that point were not cost reflective.

- (d) The Commission may define the rental charges in the miscellaneous charges.
- (e) Applicability of the UI incentive/penalty mechanism on the Open Access consumer should be clearly defined.
- (f) Presently there are no monthly minimum charges and peak load exemption charges are determined by the Commission. Therefore, this clause may be modified to that extent.

### **Commission's View**

- (a) The Commission is of the view that the calculation sheet attached has been prepared for the purpose of understanding the charges. However, the actual charges will be in line with the applicability of CERC Regulation on point of connection charges. The Inter state Open Access is already covered by CERC Regulations and the Commission has now notified the charges for Intra-State Open Access .
- (b) The Commission thinks it appropriate at this point of time not to levy any penalty charge which may be leviable on the DISCOMS, in case of under drawal beyond permissible limits in UI, as it does not want to discourage Open Access.
- (c) The Commission is of the view that though surcharge amount on account of past regulatory assets should be recovered from all consumers, the Commission has not levied any charge on this account as it does not want to discourage implementation of open access in Delhi.
- (d) The Commission agrees with the view of the stakeholder and shall define the rental charges.
- (e) Applicability of UI charges are clearly defined in Clause – 11 `e' of Guidelines/Procedure for implementation of Open Access in Delhi.
- (f) The Commission is of the view that there are no monthly minimum charges and peak load violation surcharge would not be applicable for Open Access consumer.

### **Stakeholder's comments**

- (v) **(a) Availability of Spare transmission & distribution capacity:-** A stakeholder has submitted that for all existing consumers necessary infrastructure is available to cater their load upto contract demand. Therefore, there is no need to check transmission & distribution capacity for availing Open Access by a Consumer upto contract demand. However, if a consumer wishes to avail Open Access over and above Contract demand, it would be imperative to check spare transmission & distribution capacity.
- (b) Contract Demand (CD) & Voltage Level:** 3<sup>rd</sup> Para of Clause 2.1 (A)(ii) provides for specific permission of distribution licensee to draw the open access power above the sanctioned contract demand. In view of the proposed modifications in point no. (a) above, this requirement will be covered under the normal procedure. It would also remove any ambiguity in terms of procedure of such specific permission. Therefore, this para may be deleted.

### **Commission's View:-**

The Commission agrees with the view of the stakeholder as the licensee was already supplying power upto contract demand to the consumer. The distribution licensee shall provide open access upto sanctioned load/contract demand to open access consumer. However, any additional load over and above, contract demand shall be made available by licensee only after ensuring availability of spare transmission and distribution capacity in the licensee network.

### **(vi) (a) Feeder status / category supplying power to consumer:**

#### **Stakeholder's comments**

Clause 2.1 (A)(iv) provides agreement to rostering restrictions imposed by the Utility, in case of open access is availed by a consumer on mixed feeder. The Commission in its proposal of determination of Open Access charges has noted that presently DISCOMs have surplus power on RTC basis in most of the month. Therefore in such a surplus scenario, there will be no case of rostering restrictions by DISCOM and therefore there is no requirement of this condition. DISCOMs may also take it as reason for denial of Open Access. It is further submitted that, to give more options to avail Open Access on mixed feeder, the Commission may consider allowing Open Access to group of consumers on single feeder. This provision has already been incorporated in the Haryana Electricity Regulatory Commission Open Access regulations and also operationalised smoothly.

**(b)** The Commission has allowed open access to consumers on mix feeder subject to rostering condition imposed by distribution licensee. The stakeholder has commented that in case all consumers on mix feeder are availing open access, rostering condition shall not be imposed by distribution licensee.

### **Commission's View: -**

The Commission is of the view that in case, all consumers on mix feeder are availing open access or open access consumer is availing power through dedicated feeder from grid s/stn , rostering condition shall not be imposed by distribution licensee. However, in case of mix feeder having consumers of open access category as well as consumers of licensee, rostering shall be applicable for open access consumers also.

### **(vii) Payment Security Mechanism :- Opening of Letter of Credit (L.C.):**

#### **Stakeholder's comments**

**(a)** Clause 14.1 of procedure provides that all Open Access consumers need to open irrevocable and revolving Letter of Credit (L.C.) in favour of the Distribution Licensee. It is noted that embedded consumers have already providing security deposit to DISCOMs. Therefore, embedded consumers should not be burdened with this additional requirement of opening of L.C. However, Open Access customers who are not consumers of the DISCOMs may be required to open this LC.

**(b)** Regarding letter of credit the stakeholder has commented this clause is discouraging and it will not be right again to maintain LC for two months charges in case user avails open access for few days.

**(c)** It is suggested that the term “dues” should be read so as to include all dues of whatever nature and not merely 2 months’ consumption billing. The same may be relevant for the purpose of avoiding any consumer taking advantage of open access by bypassing the liability to pay dues.

**Commission’s View:-**

The Commission is of the view that the amount of prevailing security deposit is not sufficient to recover the fixed charges and energy charges for the billing period in case of default by the open access consumer. Moreover, DISCOMs are giving interest on security deposit to the consumer as decided by the Commission from time to time. Therefore Commission has decided to allow letter of credit for a minimum period of two months as per the proposed guidelines. However, it may be reviewed if need arises in due course of time.

**(viii) Open Access for whole day:-**

**Stakeholder’s comments**

- (a) Clause 2.2 mandated that “The consumer should ensure that the application for open access for whole day and minimum period of one day”. In this context it is submitted that even if consumer gives an undertaking of purchase from Power exchange in all time blocks, during the process of price discovery in collective transactions, the quantum is selected on the basis of the intersection point of Demand & Supply Curve for 96 time blocks of 15 minutes and there is a possibility that the intersection point may be discovered on partial or no quantity of the bid & so the quantity selected can be less than bid quantity or may be rejected. Therefore it may not be possible for an Open Access consumer to adhere with this Condition. Further the proposed Condition may restrict consumers to avail open access facility who have demand in part of the day (say peak hours) or industries which operate only 8 hours or 16 hours in a day.
- (b) In the order the cases/conditions which will construe as gaming by the OA consumer should be defined. Part drawl from exchange and part drawl from the utility must not be allowed. The nodal agency must ensure that no gaming takes place in the name of open access. As, through selectively buying in power exchange by an open access consumer will lead to case of reverse cross subsidy, where other domestic consumer will lose at the gains of such power exchange consumer.

**Commission’s View:-**

The Commission is of the view that it is necessary to avoid gaming strategies by open access consumers resulting in undue burden on common consumers through ARR of DISCOMs. Hence, application for open access will be entertained for a whole day and minimum one day.

**(ix) Duration of NOC:-**

**Stakeholder’s comments**

- (a)** Clause 6.3 of procedure provides that NOC/Standing Clearance would be issued by SLDC for a period of one month. It is submitted that to reduce workload of SLDC, NOC for 3 months may be issued by SLDC. Even CERC Regulations allow issue of NOC upto 3 months.

(b) Clause 4.3 provides that consent would be given by DISCOM's would be valid for 3 months. In this context, it is submitted that this validity should be at least for 1 year so that the repetitive process of consent may be avoided. In any case DISCOM can withdraw Open Access with reasons giving in writing.

**Commission's View:-**

The Commission decided that NOC for maximum period of 6 months may be granted by SLDC and DISCOM.

**(x) Metering Guidelines:-**

**Stakeholder's comments**

(a) Clause 2.2(i)(f) provides Metering Guidelines for Open Access Consumers as per Annexure-I of the Procedure. Point (A)(viii) of Metering Guidelines provides that "Un-climbable fencing around metering, CT, PT area is to be provided which will be sealed by STU". It is suggested that provision of sealing by the Utility based on the connectivity may be incorporated in the Guidelines.

(b) The meters (including metering CTs & VTs) shall be duly tested and sealed in the presence of STU/Distribution Licensees / Consumer and shall also be checked / tested at site by independent NABL accredited laboratory. The Open Access consumer shall comply with the conditions laid down in the conditional approval issued by the Nodal Agency (SLDC) and submit, meter and CT/VT test reports issued by Concerned Authority along with site installation report indicating CT/PT ratio.

(c) Delhi Metro Rail Corporation further submitted that Energy Meter should be blocked for leading power factor (at present energy meter for power supply from DISCOMs are blocked from leading power factor as per DERC orders).

**Commission's View:-**

- (a) The Commission agrees with the view that fencing and sealing of metering, LT, PT unit shall be done by the utility where the open access consumer is connected.
- (b) The Commission agrees with the suggestion of the stakeholder.
- (c) The meters of DMRC are already blocked for leading power factor and are to be charged on unity power factor if there is leading power factor in the current scenario as per a recent decision of the Commission. However, the Commission can review this decision at a later stage.

**Stakeholder's comments**

(xi) (a) **Meter Reading & Energy Accounting: - Commercial Settlement:** Clause 10.2 of procedure provides that Open Access consumer will be governed by UI charges. It is submitted that it would be unfair and also complex to implement UI charges for an embedded consumer of DISCOM. Therefore, to reduce complexity in this initial phase of Open Access in the State, in the monthly bill of such consumers, scheduled power under Open Access shall first be adjusted and the balance will be treated towards sanctioned Contract Demand of the consumer.

(b) **Unscheduled Interchange (UI) Energy Accounting:** Clause 10.4 provides for adjustment of OA power and UI energy in succeeding month's bill of the consumer. It is submitted that, as proposed SLDC is providing monthly UI accounting in case of



consumers therefore same should be adjusted in the succeeding month's bill however for Open Access energy should be adjusted in same month's bill to avoid excess charging.

**Commission's View: -**

The Commission is of the view that UI is an integrated component to maintain grid discipline and should be applicable to open access consumers also. The bill may be generated after availability of energy account/UI bill from NRLDC/NRPC etc. It may not be possible to make adjustments in the same month.

**(xii) Renewable Energy Sources :-**

**Stakeholder's comments**

- (i) It may be clarified that Open Access consumers consuming solar power should not be covered under the mechanism of UI. This is in line with CERC Regulation (RRF and Open Access). Since all renewable energy Open Access transactions will be inter-state (because of lack of cost-effective land in Delhi), resonance with CERC regulations is necessary.
- (ii) In case of outage from solar energy sources, the consumer should be allowed to resort to DISCOM power at the prevailing DISCOM tariff. No standby charges are applicable for rooftop solar. In our view, open access for solar sources is no different rooftop solar. Even the RRF regulations by CERC permit  $\pm 30\%$  deviation in solar power because of its infirm nature.
- (iii) Space is a constraint in Delhi. Under such special circumstances, Open Access is the only option for renewable energy, and thus should be encouraged for penetration of renewable energy in Delhi.
- (iv) Due to high cost of Generation of solar power, it is imperative that cross subsidy surcharge be waived off as well. Considering that almost all open access is inter-state, solar power will become unviable with cross subsidy surcharge. Similarly, transmission and distribution losses need to be waived off for solar power. For eg. APERC and CSERC have waived off all transmission and wheeling charges/losses for solar power.
- (v) Solar power by nature is available for maximum 12 hours in a day. Hence it is requested to relax this clause for solar power. The same practice is adopted by all states allowing Open Access.
- (vi) Open Access consumer should also be liable to meet the RPO obligations.
- (vii) The stakeholder has requested to extend no transmission and wheeling charges for all the renewable energy sources instead of only solar renewable energy sources and exempt additional surcharge also.

**Commission's View:-**

The Commission is of the view that no UI, wheeling, transmission charges or additional surcharge should be applicable on open access consumers availing energy from all renewable energy sources as defined by MNRE in Delhi. However, open access consumers shall comply with DERC Regulations on RPO and roof top solar.

**(xiii) Miscellaneous Stakeholder Comments**

- (a) DERC may allow the consumers of load below 1 MW for availing open access who are complying the technical requirement as per open access regulations.

- (b) The time lines for defining the period of short, medium & long term should be specified in the order. Commission should also define the guidelines/procedure for implementation of Long term and medium term Open Access consumers.
- (c) DERC is requested to prescribe detail open access procedure for scheduling of collective (power exchange) transaction alongwith required format in line with CERC regulations.
- (d) It may be specified as to what is meant by distribution licensee's nodal office.
- (e) In case of any disputes amongst the parties covered under these regulations the same should be referred to the DERC and not the SLDC.
- (f) DISCOMs to render consultancy services to consumers seeking open access and the same be permitted on payment basis. It will help the DISCOMs to generate more revenue which may be used to reduce Annual Revenue Requirements.
- (g) The DERC may provide for a general provision allowing compliance with any court orders, directives etc. which may result in or lead to non-supply of power under open access. For instance the distribution licensee ought to stand excused in case any such directives orders are received from National Green Tribunal, Delhi Pollution Control Committee or any other competent authority.
- (h) Power can be procured by a consumer through a trader or directly or Power exchange. Therefore, this clause may be modified to that extent.
- (i) Any change in the Undertaking should be approved by the Commission. Modifications to this effect may be incorporated in the Undertaking.

#### **Commission's View**

The Commission has examined the comments/suggestions submitted by stakeholders and opined as under;

- (a) The commission is of the view that presently consumer having load of 1 MW and above may avail open access in Delhi. Once the system is in place, the same may be allowed the consumers having load below 1 MW.
- (b) The time line for short term and long term consumers has already been specified in DERC Open Access Regulations, 2006.
- (c) The format has been prescribed keeping in view the CERC and other State Regulatory Commissions guidelines, however the same shall be reviewed as and when required to remove operational difficulties.
- (d) The local Data Acquisition Centres of Distribution Licensees shall be Nodal Office. These area Data Acquisition Centres of Distribution Licensees will coordinate with SLDC Delhi and facilitate Open Access Consumers.
- (e) The Commission is of the view that the SLDC Delhi has a statutory obligation to comply with the functions of State Load Despatch Centre as per the provisions of Electricity Act, 2003 and have to coordinate with all the Power Utilities in Delhi. Therefore, in case of any differences among open access consumers and power utilities, SLDC should examine the matter and dispose off as per relevant rules & regulations.
- (f) This issue may be examined separately in due course of time.
- (g) It is understood that all the power utilities and open access consumers shall comply with relevant rules and regulations alongwith statutory obligations.
- (h) It is prerogative of consumer to procure power from a generator, trader or power exchange and the same has been considered while finalizing the guidelines.
- (i) The proposed changes / modifications in Undertaking shall be first examined by the SLDC in association with all the stakeholders and recommendations to the Commission for approval.

4. The Commission has considered the above views of stakeholders while finalizing this order.

### **Policy & Legal Context**

5. The Electricity Act 2003 enables eligible consumers to have non-discriminatory Open Access (OA) to the network of a Licensee (except that of a local authority engaged in the business of distribution of electricity before the appointed date) on payment of applicable charges. The EA 2003 and National Electricity Policy (NEP) formulated thereunder, mandates the State Electricity Regulatory Commission to frame the terms and conditions and timeframe for introduction of Open Access in the State.
6. Section 2 (47) of the Electricity Act, 2003 defines Open Access, while Section 42 of the Electricity Act, 2003 mandates the Distribution Licensees to provide open access to eligible consumers subject to payment of cross-subsidy surcharge, additional surcharge and other applicable charges. Section 86 (1) of the EA, 2003 mandates the Commission to determine the cross-subsidy surcharge.
7. The Commission in exercise of the power vested in it under section 39, 40, 2, 86 (1)(c) read with Section 181 of the Electricity Act, 2003 and all other powers enabling the Commission in this behalf, notified the Delhi Electricity Regulatory Commission (terms and conditions for Open Access) Regulations, 2005 (hereinafter referred to as Open Access Regulations ). In the aforesaid Regulations, notified in the official gazette on 03<sup>rd</sup> January, 2006, open access was allowed to the Intra State Transmission System in the State immediately, subject to the satisfaction of the conditions contained in the Act or in these Regulations.
8. The Commission has kept in view the provisions of the Electricity Act, 2003, National Electricity Policy, National Tariff Policy and the Open Access Regulations of the Commission, while determining the open access charges payable by open access consumers under the following heads :
  - i. Transmission and Wheeling charges
  - ii. Cross Subsidy surcharge
  - iii. Additional surcharge
  - iv. Other applicable charges.
- 9(i) Clause 18 of Delhi Electricity Regulatory Commission (Terms & Conditions for Determination of Transmission Tariff) Regulations, 2011 is as under:

*"18. No distinction in charges shall exist in terms of long term, medium term or short term access to the intra-State Transmission System."*
- (ii) In case of Short Term Open Access Consumer, Transmission Service Charges shall be calculated in accordance to following methodology:

$$ST\_Rate = (ATSC / AV\_CAP) / 365;$$

Where:

ST\_Rate is the rate for short-term open access consumer in Rs. Per MW per day;

ATSC is Annual Transmission Service Charge;

Av\_CAP means the average capacity in MW served by the transmission system of the Transmission Licensee in the last Financial Year and shall be computed as under :-

1	ST-Rate in Rs./MW/Day	$(ATSC / AV\_CAP) / 365$
	Where, ATSC Annual Transmission Service Charges of the Transmission System for the current financial year & AV_CAP Average Transmission Capacity served in MW during the previous financial year.	
2	ATSC for DTL Transmission system as per DERC order	=Rs. Z crores
3	Average Transmission Capacity Served in MW by DTL during previous year	= Energy served (consumed in Delhi as per SEM data) in MUs X 1000 MWh / 365/24 = Y MW
4	ST_Rate for DTL Transmission System in Rs/MW/Day	= $Z \times 10000000 / Y / 365 = Rs. S$
5	ST_Rate for DTL Transmission System in Rs./ kWh	= $S / 24000$

- (iii) 25% of the charges collected from the Short Term Open Access consumer shall be retained by the Transmission Licensee and the balance 75% shall be considered as non-tariff income and adjusted towards reduction in the transmission service charges payable by the long term and medium term users."

10. The Government of India has notified the Tariff Policy (TP) under Section 3 (1) of the Electricity Act, 2003. Paragraph 8.5 (reproduced below) of the said Tariff Policy specifies the methodology for calculation of cross subsidy surcharge, additional surcharge and wheeling charges for open access consumers.

"8.5 Cross subsidy surcharges and additional surcharge for open access.

- 8.5.1 National Electricity Policy lays down that the amount of cross subsidy surcharge and the additional surcharge to be levied from consumers who are permitted open access should not be so onerous that it eliminates competition which is intended to be fostered in generation and supply of power directly to the consumers through open access.

A consumer who is permitted open access will have to make payment to the generator, the transmission licensee whose transmission systems are used, distribution utility for the wheeling charges and, in addition, the cross subsidy surcharge, therefore, needs to be done in a manner that while it compensates the distribution licensee, it does not constrain introduction of competition through open access. A consumer would avail of open access only if the payment of all the charges leads to a benefit to him. While the interest of distribution licensee needs to be protected it would be essential that this provision of the Act, which

requires the open access to be introduced in a time-bound manner, is used to bring about competition in the larger interest of consumers.

Accordingly, when open access is allowed the surcharge for the purpose of section 38, 39, 40 and sub-section 2 of section 42 would be computed as the difference between (i) the tariff applicable to the relevant category of consumers and (ii) the cost of the distribution licensee to supply electricity to the consumers of the applicable class. In case of a consumer opting for open access, the distribution licensee could be in a position to discontinue purchase of power at the margin in the merit order. Accordingly, the cost of supply to the consumer for this purpose may be computed as the aggregate of (a) the weighted average of power purchase costs (inclusive of fixed and variable charges) of top 5% power at the margin, excluding liquid fuel based generation, in the merit order approved by the SERC adjusted for average loss compensation of the relevant voltage level and (b) the distribution charges determined on the principles as laid down for intra-state transmission charges.

Cross Subsidy Surcharge formula:

$$S = T - [C (1 + L/100) + D]$$

Where;

S is the surcharge;

T is the Tariff payable by the relevant category of consumers;

C is the weighted average cost of power purchase of top 5% at the margin excluding liquid fuel based generation and renewable power;

D is the Wheeling charge;

L is the system Losses for the applicable voltage level, expressed as a percentage;

8.5.2 No surcharge would be required to be paid in terms of sub-section (2) of Section 42 of the Act on the electricity being sold by the generating companies with consent of the competent government under Section 43(A)(1)(c) of the Electricity Act, 1948 (now repealed) and on the electricity being supplied by the distribution licensee on the authorisation by the State Government under Section 27 of the Indian Electricity Act, 1910 (now repealed), till the current validity of such consent or authorisations.

8.5.3 The surcharge may be collected either by the distribution licensee, the transmission licensee, the STU or the CTU, depending on whose facilities are used by the consumer for availing electricity supplies. In all cases the amounts collected from a particular consumer should be given to the distribution licensee in whose area the consumer is located. In case of two

licensees supplying in the same area the licensee from whom the consumer was availing supply shall be paid the amounts collected.

8.5.4 The additional surcharge for obligation to supply as per section 42(4) of the Act should become applicable only if it is conclusively demonstrated that the obligation of a licensee, in terms of existing power purchase commitments, has been and continues to be stranded, or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract. The fixed costs related to network assets would be recovered through wheeling charges.

8.5.5 Wheeling charges should be determined on the basis of same principles as laid down for intra-state transmission charges and in addition would include average loss compensation of the relevant voltage level.

8.5.6 In case of outages of generator supplying to a consumer on open access, standby arrangements should be provided by the licensee on the payment of tariff for temporary connection to that consumer category as specified by the Appropriate Commission."

11. The Commission has considered that the subsidized category of consumers are generally opposing the Open Access on the ground that the Cross Subsidy which is existing today is likely to be removed thereby increasing the tariff of the subsidized categories immediately. Even the law recognizes this fact and provides for levy of Cross Subsidy Surcharge initially which is required to be reduced over a period of time along with the reduction of Cross Subsidy in the Tariff Design. The Tariff Policy also envisages that the Cross Subsidy in tariff shall be brought to a level of +20% of average cost of supply by the year 2010-11. The Commission also notes that any increase in the tariff of domestic category was subsequently averted by the Government of NCT of Delhi by providing subsidy to domestic consumers. As far as the Distribution Companies are concerned, their main objective seems to be adoption of the principle of "revenue neutrality" thereby implying that any loss in revenue arising on account of the introduction of Open Access be passed on through the ARR. Keeping in view the implications, The Commission's endeavour is to balance the interests of all the stake holders and introduce Open Access to promote competition in the Electricity Sector. Further, the Commission would also make efforts to make Open Access non discriminatory not only between the Open Access (OA) consumers but also between the OA and all other existing consumers.

12. Considering all above factors, existing laws, Government policies and to promote competition in the Electricity Sector, the Commission decides the following open access charges:

**(1) Cross Subsidy surcharge.**

- i. The Cross Subsidy surcharge shall be calculated based on the surcharge formula laid-down in Para 8.5 of the Tariff Policy issued by the Government of India with some assumptions taking into account some state specific issues, as specified in this order.
- ii. Since the tariff for each category of consumers is fixed by the Commission on year-to-year basis, the surcharge shall also be decided on a year-to-year basis.
- iii. The reduction in Cross Subsidy needs to be done duly taking into account the reduction in AT&C losses and improvement in the Performance. The Commission observes that the primary aim in Delhi has been to reduce the AT&C losses from high level of 48% to 57% to a level of about 12%-13% (BRPL 12.5%, BYPL 14.5%, TPDDL 11.5% & NDMC 9.85%) by 31st March, 2015.
- iv. The Wheeling charges shall also vary from year-to-year on account of investments made in the sector for meeting the load growth, AT&C loss reduction and improving the performance.
- v. Keeping in view all the above points, it is felt that it shall be appropriate to determine the surcharge on a yearly basis either along with the tariff exercise or separately.
- vi. For calculation of the Cross Subsidy surcharge using the formula stipulated in the Tariff Policy of the Government of India, the weighted average cost of power purchase considering top 5% at the margin excluding Liquid Fuel based generation, Renewable Power and overdrawl at UI rates is to be considered. However, Merit Order Despatch of these stations is also required to be taken into account for calculating the surcharge.
- vii. The Commission has not stipulated any merit order operation in the Tariff Order in view of the fact that all the Power Purchase Agreements which are operative at present, are being fully utilized for meeting the requirements of Delhi. Any surplus arising either during a day or during any season is mostly banked with others and re-used whenever shortages are faced in the Delhi system. However, optimum scheduling is being ensured at the time of scheduling, on a daily basis, by the SLDC, as stipulated in the Delhi Grid Code/Electricity Act, 2003.
- viii. Based on the data available in Tariff Order for the DISCOMs issued by the Commission, the Commission has calculated the Cross Subsidy surcharge applicable to different consumers at different voltages/and different class of consumers along with certain assumptions which are indicated in **Annexure – 2**. Accordingly, the charges indicated in **Annexure – 3, 4 & 5** shall be payable by the Open Access consumers by way of Cross Subsidy surcharge in the

TPDDL, BRPL & BYPL areas respectively. Wherever the cross subsidy surcharge worked out in Annexures 3,4 & 5 is negative, no cross subsidy surcharge shall be payable by the OA consumer.

**(2) Transmission and Wheeling Charges:**

- i. The transmission charge for Open Access consumers availing Open Access from the Delhi Transco Limited's transmission system shall be regulated in terms of the provisions of the MYT Regulations, 2011.
- ii. The Wheeling charges leviable by the distribution licensees shall be in accordance with the charges determined by the Commission in the respective Tariff Orders in paisa/KWhr. The Commission would over-see any gaming i.e. the over-drawl and under-drawl by an Open Access consumer without adhering to the contract, through the SLDC. Based on the complaints received from the SLDC, necessary proceedings can be conducted by the Commission to restrict such gaming practices.
- iii. As regards the procedure for settlement of deviations etc. the Open Access consumers shall also be governed by the Scheduling Process being adopted by the licensees as per the Intra-State ABT Order of the Commission and subsequent clarification thereof in the matter. The Open Access consumer shall also be liable for payment of the SLDC charges, UI charges, Reactive energy charges etc. as per the prevailing orders of the Commission, as amended from time-to-time.
- iv. For the calculation of the surcharge, the system losses shall be considered based on average figures and the Commission is not in favour of post-facto correction of the surcharges or the energy transactions based on the actual losses, for the present. In case the issue requires review, the Commission would take up the same at an appropriate time either suo-moto or on an application moved by any stake holder.
- v. The charges payable to the other States/PGCIL etc. for Open Access by using Inter-State or Inter-regional links shall be payable additionally by the Open Access consumers in accordance with the applicable regulations, rules/orders in the matter.
- vi. Wherever system strengthening/augmentation of distribution system is involved, any associated cost for this purpose would have to be borne by the long term Open Access consumers.
- vii. In the event of non-availability of power supply due to any reason including outage of generator supplying the Open Access consumer, the distribution licensees shall provide the power supply to such Open Access consumers on payment of the charges leviable to similarly placed consumers of the DISCOMs availing temporary connection from the distribution company.
- viii. Wheeling, transmission and additional surcharge shall not be applicable on solar renewable sources/green energy open access consumers of Delhi.



### **(3) Additional Surcharge**

- (i) Presently DISCOMs have surplus power on round the clock basis in most of the months. In case any bulk consumer opts for open access during off peak hours, in such a case DISCOM has to bear the fixed charges as well as energy charges which may be higher than the current exchange rate/UI rate. Therefore, the additional surcharge has been calculated to nullify the impact of costs due to stranded power on other consumers of Delhi. In such a scenario, additional surcharge shall be maximum.
- (ii) In case bulk consumers opt for open access during peak hours and DISCOM would have had to purchase additional peaking power at higher rate, the open access consumer would be helping in reducing the power purchase at peak time and hence, additional surcharge for open access consumer in that time slots shall be minimum.
- (iii) The additional surcharge has been calculated on the basis of difference in projected demand of DISCOMs and availability of power from long term agreements. The cost difference between sale at UI rate and the rate of power from long term agreements gives the additional surcharge during that period.
- (iv) The additional surcharge shall be payable as per Annexure-6.

### **(4) Standby Charges**

In cases of outages of generator supplying to open access consumer, standby arrangements will be provided by the distribution licensee for a maximum period of 42 days in a year, subject to the load shedding as is applicable to embedded consumers of the licensee and the licensee shall be entitled to collect tariff under Temporary rate for that category of consumers in the prevailing tariff schedule or as decided by the Commission from time to time.

Provided also that open access consumers would have the option to arrange standby power from any other source. Standby charges would be applicable from 00.00 Hrs after the 24 hrs of serving the notice by Open Access Consumer till that time consumer would have to pay the charges as per UI rate for drawal for that energy to distribution licensees. The Standby charges for the power availed by the Open Access Consumer beyond the notice period would be paid to Distribution company as in the case of similarly placed consumers of Discoms availing temporary connection from the Distribution Company.

- 13. i. In order to ensure smooth implementation of Open Access within Delhi, the Commission may over-see all Intra-State Open Access transactions in consultation with SLDC, in the initial phase until the system of Open Access gets stabilized.
- ii. It is further clarified that no Cross Subsidy surcharge shall be payable in cases specifically exempted from payment of Cross Subsidy surcharge by the provisions of the Electricity Act, 2003 and the Tariff Policy of Government of India.

- iii. Power from Renewable Sources has been dealt with in detail in the tariff order issued by the Commission. Open Access related issues in case of renewables will be reviewed by the Commission in due course based on the experience of Open Access transactions.
- iv. Applicable Charges for an Open Access Consumer

Where a consumer opting for Open Access purchases electricity from a source other than the DISCOM of his area, he shall be liable to pay:-

- a) Energy charges to the seller of electricity as per the contract entered into by him;
  - b) Wheeling charges to the DISCOM in whose area he is located, at the rate fixed in the Tariff Order;
  - c) Cross subsidy surcharge fixed in this order to the DISCOMs in whose area, the consumer is located, if applicable;
  - d) Additional surcharge as applicable;
  - e) Standby charges as applicable;
  - f) Transmission charges to DTL at the rate fixed as per 5(ii) of this order;
  - g) Scheduling and system operating charges to SLDC at the rate Rs. 2000/- per day or the rate fixed by the Commission from time-to-time;
  - h) UI charges to the DISCOMs in whose area, the consumer is located at the prevalent rate;
  - i) Reactive energy charges to the DISCOMs in whose area, the consumer is located at the rate @ 10 Ps/kVARh or the rate fixed by the Commission from time-to-time;
  - j) Miscellaneous charges in respect of metering and other requirements as necessary under Intra-State ABT mechanism, to be provided by DTL. These charges are to be paid to DTL as per actual cost incurred by DTL;
  - k) Any other charges not mentioned above, but covered by this Order and the detailed procedures drawn by STU for operationlization of Open Access in Delhi;
- v. All the charges relating to Open Access Transactions shall be collected by the Distribution Licensee in whose area the Open Access consumer is located and as per the detailed procedures drawn by STU for operationlization of Open Access in Delhi. Those charges which relate to other agency involved in such open access transactions and collected by a particular DISCOM shall be paid within 3 working days to respective agencies failing which late payment surcharge @ 1.25% per month shall be payable.
  - vi. The DISCOMs shall not supply to any Open Access consumer by resorting to load shedding of its existing consumers.
  - vii. All the utilities are further directed to furnish details of Open Access transactions, available capacity for Open Access etc. on their websites. The format for furnishing the above details shall be worked out by SLDC and submitted to the Commission for approval of the same after which the details shall be notified on the websites of DTL and DISCOMs.

14. As mandated in Section 42 (2) of the Electricity Act, 2003 and as provided in the DERC (Terms and Conditions for Open Access) Regulations, 2005 issued on 03.01.2006, the Open Access, for the present, is applicable only to consumers with a load of 1 MW and above. However, the Commission may allow open access to consumers with capacity requirement less than one MW subject to review of the Operational Constraints and other factors and the experience of open access for loads above 1MW.
15. This order shall be read in conjunction with the Delhi Electricity Regulatory Commission (terms and conditions for Open Access) Regulations, 2005 or as amended and as per the procedures drawn by STU for operationlization of Open Access in Delhi
16. Any dispute arising on account of open access transactions shall be dealt with in accordance with the Open Access Regulations issued by the Commission.
17. The Annexures enclosed with this Order shall form integral part of this order.
18. The words and expressions occurring in this Order and not explained or defined hereinabove shall have the same meaning assigned to them in the Open Access Regulations issued by the Commission or the Electricity Act, 2003 as the case may be.
19. The charges decided by this Order would be applicable from the date of issue of the Order and shall remain in force till revised.
20. The Guidelines for operationalization and implementation of Open Access in Delhi are enclosed as Annexure 'A' & 'B'.
21. Ordered accordingly.

Sd/-  
(J.P. Singh)  
Member

Sd/-  
(P.D. Sudhakar)  
Chairman

The list of stakeholders whom the comments were received,

<b>S.No.</b>	<b>Name of the Stakeholder</b>
1	M/s Duggar Fiber Private Ltd
2	M/s Shiva Alloys (Pvt.) Ltd.
3	M/s North-West Industrial Federation
4	M/s Super Metal Rerollers Pvt. Ltd.
5	M/s B.B. Steels Pvt. Ltd.
6	M/s G.S. Steels Pvt. Ltd.
7	M/s All India Induction Furnaces Association
8	M/s Parvati Pvt. Ltd.
9	M/s Goel Steel Corporation
10	M/s Open Access Users Association
11	M/s Manikaran Power Ltd.
12	M/s PXIL Transforming Power Markets
13	M/s IPPAI
14	M/s Tata Power Delhi Distribution Ltd.
15	M/s Delhi Metro Rail Corporation Ltd.
16	M/s JITF Urban Infrastructure Ltd.
17	M/s The Indian Hotels Company Ltd.
18	M/s Yadav Measurements, Udaipur
19	Vandana Prateek, Tata Power Solar

**Assumptions**

- 1) For calculation of cross subsidy surcharge, 5% of the marginal power purchase has been computed with the data available in the Tariff Order dated July, 2013 for FY 2013-14.
- 2) Top 5% of the costliest power has been allocated to various power procurement starting from the highest cost and going down to the level at which the top 5% quantum get completed.
- 3) While calculating the top 5% of power procurement, liquid fuel generation, renewable power as well as over drawal at UI rates have been ignored keeping in view their availability and unpredictability.
- 4) For calculation of the total energy received at the DISCOM periphery losses have been assumed at 3.59% for PGCIL and 1.21% for DTL.
- 5) Net energy purchase from stations located in Delhi has been computed after allowing 1.21% loss in the DTL system.
- 6) The average cost of power purchase in the above calculation has been arrived at after grossing up for the losses.
- 7) The distribution losses and wheeling charges for each of the DISCOM shall be as per the Tariff Order dated July, 2013 for FY 2013-14 and will also correspond to voltage level at which open access is being sought.
- 8) 'T' is the average tariff in paise per unit for various consumer categories as per Average Billing Rate (ABR) specified in Tariff Order dated July, 2013 for FY 2013-14.
- 9) Wherever the surcharge works out to be negative, it shall be limited to zero.
- 10) For hydropower stations, power purchase has been assumed considering availability of 6 months in a year while for other stations, availability is assumed throughout the year.
- 11) Presently DISCOMs have surplus power on RTC basis in most of the months. In case any bulk consumer opts for open access during off peak hours, in such a case DISCOM has to bear the fixed charges as well as energy charges which may be higher from the current exchange rate/UI rate. Therefore, the additional surcharge has been calculated to nullify the impact of costs due to stranded power on other consumers of Delhi. In such a scenario, additional surcharge shall be maximum.
- 12) In case bulk consumers opt for open access during peak hours and DISCOM would have had to purchase additional peaking power at higher rate, the open access consumer would be helping in reducing the power purchase at peak time and hence, additional surcharge for open access consumer in that time slots shall be minimum.
- 13) The additional surcharge has been calculated on the basis of difference in projected demand of DISCOMs and availability of power from long term agreements. The cost difference between sale at UI rate and the rate of power from long term agreements gives the additional surcharge during that period.

## Open Access Charges Calculation (Cross Subsidy Surcharge)

## TPDDL

1	Net Power Purchase quantum at periphery (MUS)	8411
2	Top 5% of (1) above (MUS)	420.55
3	1st costliest Power Purchase (from Pragati-III Bawana @ Rs. 6.22/kWhr)	420.55
7	Average Power Purchase cost of top 5%	Rs.6.22/kWhr

Average Power Purchase cost of 5% of Power at the margin as per Tariff Order dated July, 2013 works out to Rs. 6.22/kWhr for TPDDL.

1. Therefore average power purchase cost of top 5% of total power purchase ( C ) = Rs.6.22 ps /kwh
2. Details of approved Distribution Loss and Wheeling charges of TPDDL as per Tariff Order dated July, 2013 for FY 13-14 is as under:

Voltage levels	Distribution Loss (L) in %	Wheeling charges (D) in paise per unit
Above 66 kV	0.00	67
At 33/66 kV	1.25	68
At 11 kV	3.96	71
At LT Level	8.1	77

### 3. Surcharge formula ( S ) : $S = T - [C (1 + L / 100) + D]$

If  $X = C (1 + L / 100)$ , where C is Rs. 6.22/kWhr,

Surcharge (S) is calculated as follows :

Voltage levels	X paise / kwh	X + D Paise/ kwh	Industrial (T= 744.00 paise/kwh)	Non Domestic (T= 932.00 paise/kwh)	Domestic (T= 517.00 paise/kwh)	Railway (T= 761.00 paise/kwh)	DMRC (T= 599.00 paise/kwh)	DJB (T= 879.00 paise/kwh)
Above 66kv	622.00	689.00						
At 33/66 kV	629.78	697.78	46.23	234.23	-180.78	63.23	-98.78	181.23
At 11kV	646.63	717.63	26.37	214.37	-200.63	43.37	-118.63	161.37
At LT level	672.38	749.38	-5.38	182.62	-232.38	11.62	-150.38	129.62

#### Note :

1. If surcharge as calculated for different consumer became (-) it would be zero
2. Average Tariff (T) is taken from ABR of Tariff Order - July, 2013

## Open Access Charges Calculation (Cross Subsidy Surcharge)

## BRPL

1	Net Power Purchase quantum at periphery (MUS)	11348
2	Top 5% of (1) above (MUS)	567.4
3	1st costliest Power Purchase (from Pragati-III Bawana @ Rs. 6.22/kWhr)	567.4
7	Average Power Purchase cost of top 5%	Rs. 6.22/kWhr

Average Power Purchase cost of 5% of Power at the margin as per Tariff Order dated July, 2013 works out to Rs. 6.22/kWhr for BRPL .

- Therefore average power purchase cost of top 5% of total power purchase ( C ) = Rs. 6.22 /kwh
- Details of approved Distribution Loss and Wheeling charges of BRPL as per Tariff Order dated July, 2013 for FY 13-14 is as under:

Voltage levels	Distribution Loss (L) in %	Wheeling charges (D) in paise per unit
Above 66 kV	0.00	0.00
At 33/66 kV	1.39	61
At 11 kV	2.35	63
At LT Level	12.52	72

### 3. Surcharge formula ( S ) : $S = T - [C (1 + L / 100) + D]$

If  $X = C (1 + L / 100)$ , where C is Rs. 6.22/kWhr,

Surcharge (S) is calculated as follows :

Voltage levels	X paise / kwh	X + D Paise/ kwh	Industrial (T= 749.00 paise/kwh)	Non Domestic (T= 883.00 paise/kwh)	Domestic (T= 623.00 paise/kwh)	Railway (T= 723.00 paise/kwh)	DMRC (T= 589.00 paise/kwh)	DJB (T= 847.00 paise/kwh)	DIAL (T= 745.00 paise/kwh)
Above 66kv	622.00	622.00							
At 33/66 kV	630.65	691.65	57.35	191.35	-68.65	31.35	-102.65	155.35	53.35
At 11kV	636.62	699.62	49.38	183.38	-76.62	23.38	-110.62	147.38	45.38
At LT level	699.87	771.87	-22.87	111.13	-148.87	-48.87	-182.87	75.13	-26.87

#### Note:

- If surcharge as calculated for different consumer became (-) it would be zero
- Average Tariff (T) is taken from ABR of Tariff Order - July, 2013

### Open Access Charges Calculation (Cross Subsidy Surcharge)

#### BYPL

1	Net Power Purchase quantum at periphery (MUS)	6542
2	Top 5% of (1) above (MUS)	327.1
3	1st costliest Power Purchase (from Pragati-III Bawana @ Rs.6.22 /kWhr)	327.1
7	Average Power Purchase cost of top 5%	Rs. 6.22/kWhr

Average Power Purchase cost of 5% of Power at the margin as per Tariff Order dated July, 2013 works out to Rs. 6.22/kWhr for BYPL.

1. Therefore average power purchase cost of top 5% of total power purchase ( C ) = Rs. 6.22/kwh

2. Details of approved Distribution Loss and Wheeling charges of BYPL for FY 13-14 is as under :

Voltage levels	Distribution Loss (L) in %	Wheeling charges (D) in paise per unit
Above 66 kV	0.00	0.00
At 33/66 kV	0.9	68
At 11 kV	2	69
At LT Level	14.65	81

#### 3. Surcharge formula ( S ) : $S = T - [C (1 + L / 100) + D]$

If  $X = C (1 + L / 100)$ , where C is Rs. 6.22/kWhr,

Surcharge (S) is calculated as follows :

Voltage levels	X paise / kwh	X + D Paise/kwh	Industrial (T= 760.00 paise/ kwh)	Non Domestic (T= 898.00 paise/ kwh)	Domestic (T= 517.00 paise/kwh)	DMRC (T= 566.00 paise/kwh)	DJB(T= 849.00 paise/kwh)
Above 66kv	622.00	622.00					
At 33/66 kV	627.60	695.60	64.40	202.40	-178.60	-129.60	153.40
At 11kV	634.44	703.44	56.56	194.56	-186.44	-137.44	145.56
At LT level	713.12	794.12	-34.12	103.88	-277.12	-228.12	54.88

#### Note:

1. If surcharge as calculated for different consumer became (-) it would be zero
2. Average Tariff (T) is taken from ABR Tariff Order - July, 2013



**Additional Surcharge**

<b>April-July</b>	
<b>Time Slots</b>	<b>Ps/Unit</b>
<b>0-3</b>	30
<b>3-9</b>	130
<b>9-12</b>	30
<b>12-18</b>	30
<b>18-24</b>	30

<b>August-November</b>	
<b>Time Slots</b>	<b>Ps/Unit</b>
<b>0-6</b>	300
<b>6-12</b>	300
<b>12-18</b>	300
<b>18-24</b>	300

<b>December-March</b>	
<b>Time Slots</b>	<b>Ps/Unit</b>
<b>0-6</b>	300
<b>6-12</b>	100
<b>12-18</b>	100
<b>18-24</b>	100

## Annexure-7

## Illustrative case of Open Charges of Intra State Open Access availed by DJB for 1MW at 11 KV Bus of BRPL for 01 month

S.N.	Particular	Chargers	Calculation	Charges for 1 MW capacity for 01 Month(Rs)
	Total Power transferred in a month(units)		720000 (24*30*1000)	
1	State Transmission charges	219 Rs/MWH	(1*24*30*219)	157680
2	State Transmission Loss of % in kind which will be deducted from the energy input	1.21%	(1*24*30*219*0.0121)	1908
<b>3</b>	<b>Net State Transmission Charges</b>	<b>in Rs</b>	<b>(1+2)</b>	<b>159588</b>
4	Transmission Charges (CGS)(Drawal+Injection)	25 Ps/unit	(1*24*30*25*1000/100)	180000
5	Injection & Drawal Losses loss of % in kind which will be deducted from the energy input	(2%+1.5%)	(1*24*30*25*10*.035)	6300
<b>6</b>	<b>Net Transmission Charges</b>	<b>in Rs</b>	<b>(4+5)</b>	<b>186300</b>
7	Distribution Transmission Charges(Depend on Licensees) say BRPL	63 Ps/unit	(1*24*30*.63*1000)	453600
8	Dist. Transmission Loss of % in kind which will be deducted from the energy input	2.35%	(1*24*30*0.63*.0235*1000)	10660
<b>9</b>	<b>Net Dist. Transmission Charges</b>	<b>in Rs</b>	<b>(7+8)</b>	<b>464260</b>
<b>10</b>	<b>Operating Charges (SLDC Charges)</b>	<b>Rs2000/day</b>	<b>(2000*30)</b>	<b>60000</b>
<b>11</b>	<b>Operating Charges (RLDC Charges)Minimum</b>	<b>Rs2000/day</b>	<b>(2000*30)</b>	<b>60000</b>
<b>12</b>	<b>Cross Subsidy Surcharge</b>	<b>147.38 Ps/unit</b>	<b>(1*24*30*1000*1.4738)</b>	<b>1061136</b>
13	Additional Surcharges depend on case to case basis	300 Ps/unit(Aug-Nov)	(1*24*30*1000*3.00)	2160000
14	Interconnection Charges depend on case to case basis			
15	Standby charges depend on case to case basis			
16	Parallel Operation Charges			
17	Other Charges			
18	Connectivity Charges			

19	OA Application Registration Fee	Rs5000/Application	(Rs 5000*1)	<b>5000</b>
20	OA agreement fee	0	0	0
<b>21</b>	<b>Net Open access Charges</b>	<b>in Rs</b>	<b>(Sum from 1 to 20)</b>	<b>4156284</b>
<b>22</b>	<b>Effective Open access Charges (without 14 to 18)</b>	<b>in Rs/unit</b>		<b>5.77</b>

Note: To drive out the Cross Subsidy Charges for the FY 2013-14, the following charges are considered from Tariff Order July, 2013 of BRPL

		<b>As per Tariff Order July, 2013</b>
<b>DJB Tariff (T) in Ps/unit.</b>		<b>847</b>
<b>Avg. Power Purchase Cost of (C) Top 5% of total power purchase in Ps/unit</b>		<b>567.4</b>
<b>Losses at 11 kV in %(L)</b>		<b>2.35</b>
<b>Wheeling Charges in Ps/unit(D)</b>		<b>63</b>
<b>Surcharges (S)=<math>T - \{c(1+L/100)+D\}</math> in Ps/unit</b>		<b>147.38</b>

## Annexure-8

**Illustrative case of Open Charges of Intra State Open Access availed by Non-Domestic Consumers for 1MW at 11 KV Bus of BRPL for 01 month**

S.N.	Particular	Charges	Calculation	Charges for 1 MW capacity for 01 Month(Rs)
	Total Power transferred in a month(units)		720000 (24*30*1000)	
1	State Transmission charges	219 Rs/MWH	(1*24*30*219)	157680
2	State Transmission Loss of % in kind which will be deducted from the energy input	1.21%	(1*24*30*219*0.0121)	1908
<b>3</b>	<b>Net State Transmission Charges</b>	<b>in Rs</b>	<b>(1+2)</b>	<b>159588</b>
4	Transmission Charges (CGS)(Drawal+Injection)	25 Ps/unit	(1*24*30*25*1000/100)	180000
5	Injection & Drawal Losses loss of % in kind which will be deducted from the energy input	(2%+1.5%)	(1*24*30*25*10*.035)	6300
<b>6</b>	<b>Net Transmission Charges</b>	<b>in Rs</b>	<b>(4+5)</b>	<b>186300</b>
7	Distribution Transmission Charges(Depend on Licensees) say BRPL	63 Ps/unit	(1*24*30*.63*1000)	453600
8	Dist. Transmission Loss of % in kind which will be deducted from the energy input	2.35%	(1*24*30*0.63*.0235*1000)	10660
<b>9</b>	<b>Net Dist. Transmission Charges</b>	<b>in Rs</b>	<b>(7+8)</b>	<b>464260</b>
<b>10</b>	<b>Operating Charges (SLDC Charges)</b>	<b>Rs2000/day</b>	<b>(2000*30)</b>	<b>60000</b>
<b>11</b>	<b>Operating Charges (RLDC Charges)Minimum</b>	<b>Rs2000/day</b>	<b>(2000*30)</b>	<b>60000</b>
<b>12</b>	<b>Cross Subsidy Surcharge</b>	<b>183.38 Ps/unit</b>	<b>(1*24*30*1000*1.8338)</b>	<b>1320336</b>
13	Additional Surcharges depend on case to case basis	300 Ps/unit(Aug-Nov)	(1*24*30*1000*3.00)	2160000
14	Interconnection Charges depend on case to case basis			
15	Standby charges depend on case to case basis			
16	Parallel Operation Charges			
17	Other Charges			
18	Connectivity Charges			

19	OA Application Registration Fee	Rs5000/Application	(Rs 5000*1)	<b>5000</b>
20	OA agreement fee	0	0	0
<b>21</b>	<b>Net Open access Charges</b>	<b>in Rs</b>	<b>(Sum from 1 to 20)</b>	<b>4415484</b>
<b>22</b>	<b>Effective Open access Charges (without 14 to 18)</b>	<b>in Rs/unit</b>		<b>6.13</b>

Note: To drive out the Cross Subsidy Charges for the FY 2013-14, the following charges are considered from Tariff Order July, 2013 of BRPL

		<b>As per Tariff Order July, 2013</b>
<b>Non-Demestic Tariff (T) in Ps/unit.</b>		<b>883</b>
<b>Avg. Power Purchase Cost of (C) Top 5% of total power purchase in Ps/unit</b>		<b>567.4</b>
<b>Losses at 11 kV in %(L)</b>		<b>2.35</b>
<b>Wheeling Charges in Ps/unit(D)</b>		<b>63</b>
<b>Surcharges (S)=T-(c(1+L/100)+D) in Ps/unit</b>		<b>183.38</b>

**GUIDELINES/PROCEDURE FOR IMPLEMENTATION OF SHORT TERM OPEN ACCESS (STOA)**

**1. Preface:**

- 1.1 This procedure for Short Term Open Access (STOA) is being issued in compliance to the “Delhi Electricity Regulatory Commission (Terms and conditions for Intra State Open Access) Regulations, 2005” dated 3 January 2006, and subsequent amendments thereof, if any, hereinafter referred to as “Principal Regulations” or “the Regulations”.
- 1.2 This procedure covers guidelines, terms and conditions and application formats for availing Intrastate short term open access of Transmission and/or Distribution system of the licensee(s)
- 1.3 This procedure, terms and conditions and charges will also be applicable to embedded Open Access consumers who use transmission and / or Distribution system in conjunction with the Central Transmission System through bi- lateral or collective transactions through Power Exchanges, in line with DERC and / or CERC regulations for Short Term Open access, as amended from time to time.
- 1.4 This procedure shall be applicable for reservation of Transmission and Distribution capacity for short term sale or purchase of power by Open Access consumer or existing consumers of Distribution licensees as well as bulk consumers / CPPs / IPPs or a state utility or an intrastate entity as a buyer or seller as entitled to avail short term Open Access under Open access Regulations, referred to as Short Term Open Access Consumer or Consumer(s) herein after.
- 1.5 The procedures along with requisite formats as described herein, shall also be available on SLDC web site “www.sldcdelhi.org”.

**2. Mandatory Requirements:**

- 2.1 The following eligibility requirements /pre-conditions are required to be fulfilled by the Open Access consumer before applying/availing the Short Term Open Access (STOA):

**A) Eligibility Requirements:**

The eligibility requirements/conditions for grant of STOA shall be as laid down in the Principal Regulations, as amended from time to time, read with following requirements:

**i) Availability of spare transmission & distribution capacity:**

The short term consumer shall be eligible for STOA over the surplus capacity available on the intra-State transmission system/distribution system after use by the long term consumers and the medium term consumers, by virtue of

- a) Inherent Design Margins;
- b) Margins available due to variation in power flows; and
- c) Margins available due to in-built spare transmission / distribution capacity created to cater to future load growth. Provided that construction of a dedicated transmission line/distribution system shall not be construed as augmentation of the transmission system/distribution system for the purpose of grant of Short Term Open Access.

**ii) Contract Demand (CD) & voltage Level**

The STOA shall be permissible to a consumer having demand of 1 MW and above (except generating plants), connected at 11 KV or above. However, all the generating plants will be allowed open access for wheeling of power.

For the consumers of distribution licensee, the demand in MW shall be computed based on sanctioned CD and Power factor as 0.9

For allowing STOA for purchase of power above contract demand, the specific permission of distribution licensee to draw the open access power above the sanctioned contract demand is required.

**iii) Connectivity**

The consumer/buyer or generating station/sellers seeking STOA should be connected to Transmission/Distribution System of STU / Distribution Licensees at 11KV or above.

An Open Access Consumer shall be eligible to obtain connectivity at the voltage level specified in the Conditions of Supply of the licensee approved by the Commission, unless already connected, and shall apply for connectivity in accordance with the State Grid Code/Principal Regulations.

**iv) Feeder status / category supplying power to consumer:**

Open Access shall be allowed on all feeders except feeders serving mixed loads of urban / industrial consumers Provided that, the consumers connected to mixed industrial feeders, shall be allowed open access subject to the condition that they agree to roastering restrictions imposed by the utility on such feeders.

**v) Registration of Open access Consumer**

An Open Access Consumer connected with Intrastate Transmission System shall be Registered with SLDC on prescribe format ST-7A for generator & ST-7B for the Purchaser & One time registration charges of Rs. 10,000/- shall be payable to the 'Delhi SLDC R&E' Accounts through Bank draft/cheque payable at Delhi. This registration charge is valid for a specified injection / drawal point with respect to Intrastate Transmission System. Any change in the injection / drawal point shall be treated as a new connection and the charges for registration shall have to be paid by the applicant.

**vi)** A person having been declared insolvent or bankrupt or having outstanding dues against him for more than two months billing of distribution/transmission licensee at the time of application shall not be eligible for open access. Provided that, if the dispute regarding outstanding dues is pending with any Forum or Court and stay is granted by the competent authority, in that case the person shall be eligible for seeking open access.

**vii)** In case of Generators, besides fulfilling the connectivity requirement to Licensees system, they shall also be required to furnish copy of compliance report to the feasibility clearance issued by STU or Distribution Licensees, as applicable, along with any other statutory clearance.

**2.2** On meeting the mandatory eligibility requirements, the applicant shall be issued the approval for grant of Short Term Open Access / NOC / Standing clearance / concurrence whichever is applicable by the Nodal Agency.

The consumer should ensure that the application for open access for whole day and minimum period of one day.

There after, the following pre-conditions are required to be fulfilled by the Open Access applicant:-

**i) Metering Requirements:**

- a. The Open Access Consumer shall provide ABT compatible Special Energy Meters at the point (s) of injection and point (s) of drawl if not already provided. Special Energy Meters installed shall be of the make approved by STU / Distribution Licensees and shall be capable of time-differentiated measurements for time-block-wise active energy and voltage differentiated measurement of reactive energy in accordance with the Metering Code drawn out as per provisions of Delhi Grid Code / CEA guide lines.

The Open Access Consumer shall provide Main Meters in its premises as specified in the Metering Code drawn out as per State Grid Code. The distribution licensee shall provide Check Meters of the same specifications as Main Meter.

- b. An Open Access Consumer may request Distribution Licensee to provide Main Meter(s). In that case he shall pay security to Distribution Licensee and shall also pay rentals as per Schedule of General Charges for the Main Meter(s) which shall be maintained by the distribution licensee.
- c. The meters shall be duly tested and sealed in the presence of STU/Distribution Licensees / Consumer and shall also be checked / tested at site by enforcement wing of the Distribution Licensee / STU after installation.
- d. All Open Access Consumers shall abide by the Central Electricity Authority (installation and operation of meters) Regulations, 2006 (as amended and revised from time to time) in respect of special energy meters or interface meters (Main, Check and Standby meters) to be installed by STU or any other utilities authorized to install meters at interface points.
- e. **As per Metering Code of Delhi**, the Main and Check Meters shall be periodically tested and calibrated by State Transmission Utility / Distribution Licensee as per requirement (**Once in a year or as & when required**).
- f. The Metering Guidelines to be followed by Open Access consumer shall be as per enclosed format Annexure-1.

**ii) Communication Facility:**

Main and Check Meters shall have facility to communicate their readings/data to the State Load Dispatch Centre (SLDC) on real time basis. In case of generators/sellers and Open Access Consumers who have **sought Open Access for 10 MW or above**, the facilities/equipments for communication/transfer of metering parameters to SLDC control room on real time basis through two independent channels are to be provided by them at their cost at their end.

**iii) Control Room :**

To communicate with SLDC & Area Load Despatch Center (ALDC) of Distribution Licensee, an Open Access Consumer having connected load of 10MW or more shall be required to provide a round the clock control room at its premises with following facilities:

- a) Telephone/Mobile with STD.  
b) Transmission and receipt of fax and e-mail.

- 2.3** SLDC/STU/Distribution licensees reserves right to deny open access to consumers or withdraw it any time in case of not fulfilling any of the eligibility conditions like change of feeder status, payment defaults, etc or otherwise due to any technical / operational constraints. Reasons for such denial/withdrawal shall be immediately conveyed to the consumer.



### **3 Procedure for Submission of Application:**

#### **3.1 Application Format**

The application for approval of STOA shall be made in the appropriate prescribed format / form (Format-ST1) for applying Open Access which shall be submitted to the Nodal Agency in accordance with the Regulations and the procedures

#### **3.2 Documents required:**

The application shall accompany the following documents:

##### **i) Application Fee:**

The application shall be accompanied by a non-refundable application fee, specified as under, through DD in favour of **Delhi SLDC R&E Account** payable at Delhi.

##### **A) Intrastate bi-lateral STOA**

- i) When location of drawal & injection points are within same distribution licensee i.e. without involving STU. @ Rs 2000/ application
- ii) When location of drawal & injection point in the intrastate transmission system within the State i.e. involving STU @ Rs 5000/ application

##### **B) Inter- state STOA (Collective transaction/ bilateral) @ Rs 5000/ application**

##### **i) Self-attested documents:**

- 1) Copy of sanctioned Load and Contracted Demand (CD).
- 2) Copy of latest energy bill issued by distribution licensee, in case consumer is a consumer of distribution licensee. The consumer must ensure that the last bill issued by the Distribution Licensee should be paid.
- 3) Copy of stay granted by the competent authority, in case of disputes regarding outstanding dues pending with any Forum or Court.
- 4) Clearance by the competent authority in case of Power producers/ CPPs/Generators using Non Conventional Energy Source.
- 5) Connectivity details with Transmission / Distribution Licensee in case of generators or Open Access Consumer.
- 6) Single Line Diagram of the electrical system showing details of metering equipments installed.

##### **ii) Undertakings by the firm regarding**

- 1) Undertaking regarding having not been declared insolvent or bankrupt
- 2) Undertaking having no outstanding dues against them for more than two months billing of distribution / transmission licensee at the time of application.
- 3) Undertaking to accept rostering restrictions imposed by the utility in case of mixed industrial feeder.
- 4) Undertaking of not having entered into Power Purchase Agreement (PPA) or any other bilateral agreement with more than one person for the capacity (quantum of power) for which open access is sought.

##### **C) Undertaking for Payment Security:**

In case of sellers / generators and Open Access consumers (other than the consumers of the licensee), the applicant for open access will also be required to give an undertaking to open an irrevocable Bank Guarantee as per Format ST-8 in favour of the agency responsible for collection of various charges for the estimated amount of various charges for a period of two months in line with payment security mechanism guidelines as per Principal Regulations, as amended from time to time.

**D) Undertaking for Acceptance to Terms & Conditions:**

An Open Access Consumer shall also be required to submit a signed undertaking cum self attested certificate on a legal paper (Non judicial stamp paper worth Rs 100/-) towards acceptance to the terms and conditions for short term Purchase/sale of Power through Open Access, as per Format –ST 6.

**3.3** All applications for Short term Open Access complete in all respects in duplicate, shall be submitted in the following office address on all working days during 10.00 AM to 05.00PM

**Manager (System Operation – Energy Accounting)**

State Load Despatch Centre,  
SLDC Building, 33KV Sub Station, Minto road, Delhi-110002.  
(E-mail: “dtldata @ gmail.com”)

**3.4** The application complete in all respect on receipt shall be duly acknowledged and shall be allotted application Sr No. indicating date of receipt. Date of receipt of application complete in all respects in SLDC, Delhi shall be considered as the date of application.

**3.5** Incomplete applications shall be liable for rejection. The reasons for rejection shall be communicated to the applicant.

**4.0 PROCESSING / APPROVAL OF APPLICATION**

**4.1 Consent by Distribution Licensee:**

On receipt of application, SLDC shall forward one set of application to the office for verification of field data/information and seeking consent from the nodal office of the Distribution Licensee as under

- a) If Open Access User, in Distribution Licensee’s area say ‘D1’, desires to sell power to another Distribution Licensee ‘D2’ (through transmission network) then the user has to get consent from D1
- b) If open access user, in distribution licensees area say D1, desires to sell power to a consumer in another distribution licensee D2 (through transmission network) then the user has to get consent from D1 & D2

**4.2 Verification of Feeder status and Field data by Distribution Licensees:**

On receipt of application from SLDC, the Distribution Licensee’s nodal office shall verify the information and seek confirmations/field data from concerned official as under:-

- a) Certificate regarding feeder category status and copy of latest sketch of feeder
- b) Confirmation regarding outstanding dues against the firm for more than two months and detail of stay granted by Court/Forum, if any.

**4.3 Time Frame:**

- i) The maximum processing time for verification of field data and subsequent initial consent to SLDC by the designated office of Distribution Licensee on the Format ST-5A, shall be within 12 working days, from the date of receipt of application from SLDC, the Nodal Agency.
- ii) Subject to receipt of consent, as per (i) above, the time frame for conditional approval, NOC/Standing clearance, concurrence/consent by the SLDC shall be;
  - 7 working days in case of first time transaction.
  - 3 working days on subsequent transactions
- iii) In case of incomplete or defective application, SLDC shall communicate the deficiency or defect to the applicant by e-mail or fax, or any other usually recognized mode of communication, within two

(2) working days of receipt of application. In such cases, 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.

Note:

- a) The above time lines are applicable in case of the total drawal including open access less than or equal to the sanctioned contract demand.
- b) The consent given by Distribution Licensee to SLDC for approval of STOA shall be valid for six months from the date of its issue, for the purpose of issuing NoC / Standing Clearance / Concurrence / Consent by SLDC. The Distribution Licensee shall withdraw its consent given to SLDC in case of any violations in the mandatory / eligibility requirements of the OA consumer, as specified under Clause 2 above, after obtaining approval / consent of SLDC for withdrawing the permission granted to Open Access consumer and action taken shall be duly intimated to SLDC.

**4.4** Subject to fulfilling the mandatory requirements, receipt of timely consent of Distribution Licensees and availability of spare transmission/distribution capacity without jeopardizing the safety of the grid, the case for grant of Open Access to the Short term consumers shall be decided by the nodal agency i.e. SLDC.

**4.5** Subsequent to the decision by the nodal agency (SLDC), the conditional approval for grant of the Short term Open Access shall be conveyed to the Consumer as per the format-ST 5(B) with a copy to Nodal Office of the Distribution Licensee and concerned Grid official by ALDC of Distribution Licensees.

**5.0 Compliance of conditions and issue of NOC/Standing Clearance/Concurrence**

The Open Access consumer shall comply with the conditions laid down in the conditional approval issued by the Nodal Agency (SLDC) and submit, meter test reports issued by Concerned Authority along with site installation report indicating CT/PT ratio details & Special Energy Meter Data and the point wise compliance report of Metering Guidelines duly signed and issued by concerned official. Simultaneously, the consumer shall intimate the intended date(s) of transaction to SLDC as per the prescribed formats for seeking NOC / Standing Clearance / Consent, as the case may be, along with Copy of MoU / agreement for sale / purchase of Open Access power, if applicable, and any additional information or documents required to be submitted as per the letter issued by SLDC conveying the conditional approval.

**6. ISSUE OF APPROVAL / CONSENT / NOC/ STANDING CLEARANCE / CONCURRENCE**

**6.1** On receipt of the compliance of conditions and information as per Clause 5.0 above, SLDC shall allot a unique Open Access ID No. (Account Number) to the consumer, which shall be mentioned by the consumer in all future requests for transactions / correspondence.

**6.2** After verification of compliance of various conditions and receipt of additional documents, if any the Nodal Agency shall allow to operationalize the Short term Open Access, as per the request of the Open Access consumer, from the intended date of start and convey as under:-

- i) If the Open Access is not approved due to any reason, the consumer shall be informed accordingly.
- ii) In case of Open Access transaction through power exchange, NOC/Standing clearance shall be issued and conveyed to the Power Exchange with a copy to consumer and Distribution Licensees.
- iii) In case of bilateral interstate transaction, concurrence shall be given and conveyed to Nodal RLDC with copy to consumer and Distribution Licensees.

- iv) Consent /Approval for intrastate Open access transaction shall be issued and conveyed to the consumer with copy to Distribution Licensees.
- 6.3 Subsequently, the consumer shall apply for NOC / Standing clearance, concurrence, consent, as the case may be, from the SLDC, maximum up to a period of six months period. 3 days in advance, along with requisite application fee, as per Clause 3.2 (i) herein above.
- 6.4 In case of refusal of NOC or standing clearance or concurrence or consent, as the case may be, on the specified grounds like non availability of surplus transmission or distribution capacity or any operational constraints, such refusal shall be conveyed to the applicant, by e-mail or fax, or any other usually recognized mode of communication, within three (3) or seven (7) working days, as the case may be, from the date of receipt of application.
- 6.5 In case of any operational constraints or congestion is anticipated in any of the Transmission /distribution corridor, it shall also be immediately conveyed by STU / Distribution Licensees to the SLDC as well as Short term Open Access Consumer including the reduced transmission /distribution capacity which can be offered for Open access. The concerned applicant must inform the nodal agency, the acceptance of reduced Open Access capacity within 24 hours. In case of non-receipt of revised information in time, it will be presumed that the applicant is no longer interested in revising it and SLDC will process the application accordingly.

NOTE:

- 1) The application for approval, NOC/Standing clearance, concurrence, may be sent to designated office under SLDC through fax or e-mail as a *pdf* format attachment.
- 2) The Application Fee for each bilateral transaction or the collective transaction shall be accompanied by a non refundable Application fee in the form of DD in favour of SLDC, payable at Delhi or through electronic transfer of funds (RTGS/NEFT) in favour of SLDC, Delhi at specified Account nos.
- 3) SLDC will seek consent of Distribution Licensees one month before expiry of earlier consent for issue of NOC/Standing Clearance/Concurrence as the case may to the Open Access consumer.

**6.6 Procedure for Short Term Open Access**

1) **Involving inter-State transmission system:**

Notwithstanding anything contained in clauses (2) to (3) herein below, procedure for inter-State short-term Open Access shall be as per 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 interstate short-term open access, the SLDC, before giving its consent to the RLDC as required under the CERC regulations, shall obtain the consent of the distribution licensee concerned.

2) **Without involving inter-State transmission system:**

Subject to the provisions of sub-regulation (1) herein above, intra-State short-term Open Access shall be in accordance with the provisions of clause (a) to (h) herein below:

(a) **Open Access in advance**

- (i) Application may be submitted to the SLDC seeking short-term open access upto the second month, considering the month in which an application is made being the first month.
- (ii) Separate application shall be made for each month and for each transaction in a month.

- (iii) The application to the SLDC shall be on the prescribed Form containing such details as capacity needed, generation planned or power purchase contracted, point of injection, point of drawl, duration of availing open access, peak load, average load and such other additional information as may be required by the Nodal Agency (SLDC). The application shall be accompanied by a non refundable application fee as prescribed in Sr.No.3.2A(i) & (ii) above.
  - (iv) An application for grant of open access commencing in any month may be submitted in a cover marked "Application for Short-Term Open Access – in advance" upto 15th day of the preceding month. For example, application for grant of open access commencing in the month of Aug shall be received upto 16th day of July.
  - (v) SLDC shall acknowledge receipt of the application by indicating time and date on "ACKNOWLEDGEMENT" to the applicant.
  - (vi) A consumer of distribution licensee intending to avail open access shall also furnish a copy of his application to the concerned official of the distribution licensee.
  - (vii) Based on the type of transactions SLDC shall take a decision on the applications for Short-Term Open Access in the manner provided herein below.
  - (viii) All applications received under sub-clause (iv) above shall be taken up for consideration together and processed as per allotment priority criteria specified under Regulation 8(1) to 8(4) of Principal Regulations, as amended from time to time.
  - (ix) SLDC shall check transaction for congestion of any element (line and transformer) of transmission and distribution system involved in transaction.
  - (x) SLDC shall convey grant of open access or otherwise along with schedule of payments to the consumer latest by 19th day of such preceding month.
  - (xi) SLDC shall assign specific reasons if open access is denied under sub clause (x)
- (b) Open Access on first come first served basis**  
Applications for open access for the second month, received after the date specified in S.No. 2(a)(iv) above and the applications received during 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 days of their receipt. For example: The application for open access commencing from 10<sup>th</sup>Aug shall be submitted by 5<sup>th</sup> Aug by 5 PM.
- (c) Day-Ahead Open Access**
- (i) An application for grant of day ahead open access may be received by SLDC three days prior to the date of scheduling but not later than 1300 hours of the day immediately preceding the day of scheduling for such transaction. For example, application for day-ahead transaction on 25th day of July shall be received on 22nd day or 23<sup>rd</sup> day or upto 1300 hours on 24th day of that month.
  - (ii) SLDC shall check for congestion and convey grant of approval or otherwise by 18:00 hours of the day immediately preceding the day of scheduling. All other provisions of application for short-term open access shall apply.
- (d) Bidding Procedure/Congestion Management**
- i) If the capacity sought by the consumers for Open Access in advance for the following month is more than the available capacity or SLDC perceives congestion of any element of transmission and

distribution system involved in the transaction, the allocation shall be made through electronic bidding procedure.

NOTE:

- i) Till SLDC establishes infrastructure for electronic bidding, such applications shall be dealt on first come first serve basis.
  - ii) The decision of SLDC in respect of an expected congestion shall be final and binding.
  - iii) SLDC shall convey information of congestion and decision for invitation of bidding indicating floor price through an email/SMS notice, to the applicants.
  - iv) SLDC shall also display bidding information on its website.
  - v) The floor price of transmission and wheeling charges determined on the basis of relevant order of the Commission shall be indicated in the notice.
  - vi) The bids shall be accepted on the prescribed format, to be notified by SLDC, and shall be received up to the scheduled "bid closing time" as indicated in bidding invitation notice. Modification / amendment to a bid, once submitted shall not be entertained.
  - vii) If any consumer does not participate in bidding process, his application shall be deemed to have been withdrawn and shall not be processed.
  - viii) SLDC shall not entertain any request for extension of time/date for submission of bids.
  - ix) The bidders shall quote price in Rs./MWh above the floor price;
  - x) The quoted price shall be arranged in descending order and allocation of available capacities shall be accorded in such descending order until the available capacity is exhausted.
  - xi) In case of equal price quoted by two or more consumers, the allocation from the residual available capacity at any stage under sub-clause (x) above shall be made in proportion to capacity being sought by such consumers.
  - xii) Open Access consumers in favour of whom full capacities/partial capacities have been allotted shall pay the charges quoted by each of them in the course of bidding process.
  - xiii) SLDC shall reject bids which are incomplete, vague in any manner or not found in conformity with bidding procedure.
  - xiv) The successful bidder, in favour of whom the capacities have been allocated, shall pay transmission charges, wheeling charges, as the case may be, determined by bidding under sub clause (xii) above.
- e) The reserved capacity by a short-term open access consumer is not transferable to others.
  - f) The capacity available as a result of surrender or reduction or cancellation of the reserved capacity by the SLDC, may be reserved for any other short-term open access consumer in accordance with the Principal Regulations.
  - g) During peak load hour restrictions, the open access consumers shall restrict their total drawl including open access power to the extent of the peak load exemption allowed.

h) On expiry of the period of the short-term open access, the short-term consumer shall not be entitled to any overriding preference for renewal of the term.

**3) Within same distribution system:**

The procedure specified in clause (2) above, mutatis mutandis, shall apply to cases of short-term open access when the point of injection and the point of drawl are located in the area of the same distribution licensee.

**7 Revision of Schedule:**

7.1 The short-term open access schedules accepted by SLDC in advance or on first come first served basis, may be cancelled or revised downwards on an application to that effect made to the SLDC by short term open access consumer; provided that such cancellation or downward revision of the short term open access shall not be effective before expiry of two (2) days excluding the date of receipt of application and date of implementation.

7.2 In case of cancellation or downward revision by the consumer, the consumer shall pay transmission and wheeling charges for first two days of the period for which the cancellation or downward revision of schedule has been sought in accordance with the schedule originally approved by the SLDC and thereafter as per the revised schedule accepted by the SLDC during the period of such cancellation or downward revision.

7.3 In case of cancellation, the operating charges shall be payable by Open Access consumer for two days or the period of cancellation in days, whichever is less.

7.4) The Open Access Consumer(s) shall co-ordinate with the concerned buyer/seller in case of revision of Intra state sale / purchase and send a consolidated request to the SLDC and the same shall be implemented from the sixth time block considering the block in which request for revision is received as first time block. The decision of SLDC regarding acceptance of the request for revision shall be final and Binding

Note-There shall not be any revision in schedule during the day of operation in respect to –

(a) ‘intra-state entity’ engaged in bilateral interstate transaction as seller, and

(b) ‘intra-state entity’ engaged in bilateral interstate transaction as buyer,

because Regulation-14 of CERC Open Access Regulation, 2008 says that the short term open access schedules accepted by the nodal agency (*RLDC in case of bilateral transaction or NLDC in case of collective transaction*) in advance or on first come first served basis may be cancelled or revised downwards on an application to that effect made to the nodal agency by such consumer but such cancellation or downward revision of schedule shall not be effected before expiry of a minimum period of two days.

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 days.

7.5) In the event of bottleneck in evacuation of power due to any constraint, outage, failure or limitation in the intra- State Transmission System, associated switchyard and sub-stations owned by the State Transmission Utility or any other transmission licensee involved in intrastate transmission (as certified by the SLDC) necessitating reduction in generation, the SLDC shall revise the schedules which shall become effective from the 4<sup>th</sup> time block, counting the time block in which the bottleneck in evacuation of power has taken place to be the first one. Also, during the first, second and third time blocks of such an event, the scheduled generation of the ‘generating stations and injecting entities’ shall be deemed to have been revised to be equal to actual generation, and the

scheduled draws of the 'drawl entities' shall be deemed to have been revised to be equal to their actual draws.

## **8.0 Transaction of Power due to failure of Transmission / Distribution System:**

- 8.1. If an Open Access Consumer is unable to draw the scheduled energy due to unscheduled cut or failure of transmission / distribution system of the licensee, the power injected will be treated as Unscheduled Interchanged Energy and shall be adjusted at UI capped rate i.e. Rs. 4.03Ps/Unit or at UI rate prevailing at the time of cut or failure whichever is lower. The capped rate shall be as per rate amended time to time by the appropriate Commission as per the UI Regulations.

## **9.0 Open Access by a Generator/Seller**

### **Failure of Evacuation System of the licensee:**

A generator in the State may be supplying power outside the State, within the State to an open access consumer or sale to the distribution licensee. Non evacuation of power due to breakdown of evacuation system of the licensee will be dealt with as under:

#### **(a) Inter-State sale**

The schedule given by the generator will be passed on to NRLDC by the SLDC. The share of licensee from the central sector projects will be adjusted accordingly and the energy scheduled by the generator to be fed will be delivered to the purchaser / utility. If the licensee is unable to evacuate power from the generator due to failure of evacuation system of the licensee, 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 due to breakdown of evacuation system of the licensee. However, the generator will be compensated by the licensee for Open Access transmission and wheeling charges, if any, paid to the licensee during the period of non-evacuation of power from the generator.

#### **(b) Sale within the Distribution Licensee**

The payment to the generator will be made as per the power purchase agreement with the Consumer / Licensee.

#### **(c) Intra-State sale**

SLDC will inform the purchaser about the failure of evacuating system and the purchaser shall stop drawing power within 6 blocks (each of 15 minutes) of this intimation. For the intervening period:

- (i) The purchaser will pay to the generator at the tariff agreed to between them.
- (ii) The generator will pay to the licensee for the energy supplied by the licensee to the purchaser, at the rate agreed between the generator and the purchaser.
- (iii) The generator will be compensated by the licensee for payment of Open Access transmission and wheeling charges, if any, paid by the generator during non evacuation of power. Upto 6<sup>th</sup> time block of non evacuation, the generator shall pay to the Distribution Licensees in whose area the generator exists at agreed rate to the buyer of other Distribution Licensee. After 6<sup>th</sup> block, the energy drawn by the purchaser / Open access consumer will be charged for the Mismatch as per provisions of UI Regulation applicable for Open Access consumers, as amended from time to time.

## **10.0 METER READING & ENERGY ACCOUNTING**

- 10.1 The sellers and buyers involved in the transaction facilitated through open Access shall abide by the Indian Electricity Grid Code and State Grid Code and the instructions given by SLDC as applicable from time to time.



- 10.2 The consumer shall be governed by the commercial mechanism of Un-schedule Interchange (UI) Charges so as to maintain grid discipline as envisaged under the Grid Codes in scheduling, dispatch and drawl of electricity.
- 10.3 Meter data downloading / reading of Special Energy Meters shall be taken by consumer representative & mail it in prescribed format to concerned nodal agency, as per State Grid Code and Supply Code requirements which shall be weekly in case of Generators / Sellers and monthly in case of purchasers. Any change in Multiplication factor / CT / PT ratio setting shall also be recorded. The downloaded data in the form of CD and hardcopy printout along with a statement of consumption as recorded by Main, Check Special Energy Meter, duly authenticated by concerned Licensees shall be sent to SLDC for preparation of UI Energy Account.
- 10.4 **Unscheduled Interchange (UI) Energy Accounting:**  
Open Access power consumption and UI energy account under Open Access in case of Open Access consumers shall be prepared by SLDC based on ABT meter data downloaded by distribution licensee in line with State Grid code requirement and daily schedule as released by the NLDC/NRLDC or obligation reports issued by the concerned power exchange after taking in to account the losses. SLDC will upload the data in their web site for provisional billing & shall prepare Weekly UI energy account in case of generators / sellers and Monthly UI energy account in case of purchasers for adjustment of OA power & UI in the energy bill for the succeeding month by Distribution Licensees for final adjustment.
- 10.5 In case any co-generation, renewable energy source of energy and other non-conventional energy sources based plants does not supply electricity to the distribution licensee of it's area, UI would be applicable. This will also hold good in case such generating plant supplies electricity to more than one person including the distribution licensee of the area where such plant is located.**
- 10.6 The entitlement at the drawl point will be worked out after considering the Transmission and Distribution losses, as determined by the commission in the Tariff order or any subsequent order for that year.
- 10.7 The UI mechanism, UI charges and its payments will be in line with the prevailing Open Access Regulations, as applicable for Open Access consumers.
- 10.8 STU will organise periodical testing of the ABT meter at Consumer(s) premises for its Accuracy / calibration, clock time synchronization etc. as per provisions of Metering Code.
- 10.9 The special Energy Meter / Interface meters at Open Access Consumers premises shall be open for inspection by any authorized person of STU/Enforcement wing of Distribution Licensees.
- 11.0 **CHARGES FOR OPEN ACCESS**  
The Short Term Open Access Consumer shall pay the following charges for Open Access as notified by DERC Regulations and as determined by DERC in its Regulations/ tariff order from time to time.
- A Transmission and Wheeling charges**  
Transmission and wheeling charges shall be leviable as determined by DERC. The charges will be levied on the quantum in MWH cleared by the concerned SLDC for bilateral transactions and National Load Despatch Centre (NLDC) in case of collective transactions. Provided that when the capacity has been reserved consequent to bidding, the Open Access charges will be taken as determined through bidding.
- Wheeling charges where a dedicated distribution system has been constructed for exclusive use of Open Access consumer, the wheeling charges for such open access consumer dedicated system shall

be worked out by the Distribution Licensee(s) and got approved from the DERC, which shall be borne entirely by such open access consumer till such time the surplus capacity is allowed & used for other consumer (s) or purposes.

Note: The Wheeling charges for wheeling of Non Conventional Source, power shall be governed as per the provisions for generation from Non Conventional Energy Sources.

**B. Cross Subsidy Surcharge**

Cross Subsidy Surcharge shall be leviable as determined by the Commission in its Order /Tariff Order which shall be payable to Distribution Licensee on per unit basis by the open access consumers (except those availing power from their captive power plants) based on power arranged through open access during the month through open access.

**C. Additional Surcharge**

Additional surcharge will be applicable as determined by the Commission as per Regulation 12 of DERC (Open Access) Regulations, 2005 as amended from time to time.

**D. Scheduling & System Operation Charges**

The scheduling and system operation charges @Rs.2,000/- (Rupees Two thousand only) per day or part of the day for each transaction, as notified by the Commission, shall be recovered from short-term open access consumers.

In case of collective transaction, there will be no operating charges on a day if there is no transaction on that day.

**E. UI Charges**

UI charges on account of mismatch between the scheduled entitlement and actual drawal i.e. Over drawal / under drawal in case of purchaser @ max 403 Ps/unit (UI cap rate) for under drawal and over drawal as per UI Regulation or over injection/under injection in case of generators for any block of time @ max 403 Ps/ unit for over Injection & For under Injection shall be computed in line with DERC (Open Access) Regulations, 2005 as amended from time to time. The rates would also be subject to change as per the time to time decision of the appropriate Commission.

**F. Reactive Energy Charges**

The payment for the reactive energy charges for the Open Access consumers shall be calculated in accordance with DERC (Terms and Conditions for Determination of Generation, Transmission, Wheeling and Retail Supply Tariff) Regulations approved by the Commission. Provided that no additional power factor surcharge / incentive shall be leviable on the energy drawn through open access.

**G. Standby charges for drawal of power by open access consumer from distribution licensee**

In cases of outages of generator supplying to open access consumer under open access, standby arrangements should be provided by the distribution licensee for a maximum period of 42 days in a year, subject to the load shedding as is applicable to the embedded consumer of the licensee and the licensee shall be entitled to collect tariff under Temporary rate of charge for that category of consumer in the prevailing tariff schedule or as decided by the Commission from time to time.

Provided also that open access consumers would have the option to arrange standby power from any other source. Standby charges would be applicable from 00.00Hrs after the 24 hrs of serving the notice by Open Access Consumer till that time consumer have to pay the charges as per UI rate for drawal for that energy to distribution licensees. The Standby Charges for the power availed by the Open Access Consumer beyond the notice period would be paid to Distribution company, similarly, placed consumers of Discoms availing temporary connection the Distribution Company.

## **H MISCELLANEOUS CHARGES**

In addition to the above charges, the Utilities who are authorized to installed meters for Open Access Consumer are entitled to recover charges from the consumer as under:-

- a) Estimated cost of ABT Meter with AMR facility =Rs.50000/-
  - b) Estimated expenditure involves in testing /installation/commissioning of Energy Meter=Rs.20000/-
  - c) Estimated expenditure for data downloading of Energy Meter per visit=Rs.2500/-
- The above rates /expenditure are without VAT/Service Tax if any applicable.  
NOTE-Procurement/installation of CT/PT /Metering Cubicle & its wiring upto the terminal block to be arranged by the consumer.

## **I. Energy Losses:**

The STOA Consumer shall bear the losses as under:-

### **1) Inter-State Open Access:**

The buyers and sellers of electricity shall absorb apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Regulatory Electricity Commission (CERC), as notified from time to time.

### **2) Intra-State Open Access:**

The Transmission & Distribution losses separately for the Intra-State system shall be determined by the Commission separately in its Tariff Orders or any specific order(s) which shall be apportioned in proportion to the actual energy drawl by the Open Access consumer. The energy losses shall be compensated by additional injection at the injection point(s).

Note: The Energy losses shall also be applicable to Non Conventional Fuel Source based Generators.

## **I. Any Other charges**

Any other charges/taxes determined/levied by the Delhi/Central Govt. or Commission from time to time.

## **12.0 Billing & Payments:**

12.1 The monthly bill towards net power by Open Access consumer shall be raised by Distribution Licensees duly taking into account the Open Access power and UI amount payable to the consumer based on the energy account prepared by SLDC and shall maintain the amount collected in a separate Bank Account or as per the directions issued by the Commission from time to time. The same shall be reconciled with SLDC on monthly basis.

12.2 The monthly bills towards Open Access Charges for intrastate transactions or supplementary bill towards interstate transaction not covered in remittances received through power exchange and Nodal RLDC, if any, shall be prepared & issued by Nodal Agency on monthly basis in case of purchasers and weekly in case of sellers. The STOA consumer shall make payments as raised in the bills, by due date through electronic transfer (RTGS/NEFT) or Bank Draft drawn in favour of SLDC payable at Delhi.

Note: Payments/recoveries towards UI/ Imbalance charges in case of over injection or under injection by the generators/sellers shall be paid or realized by the Distribution licensee against the bill to be raised based on the energy account supplied by SLDC.

12.3 All the payments shall be accepted up to 3.00 P.M on working days only. In case due date of bill falls on holiday, it shall be accepted on the next working day.

12.4 No part payment shall be accepted.

Provided that in the event of an error in bill being admitted the amount of error shall be adjusted by the authority in the next bill rendered to the consumer after settlement of the difference or dispute by the Competent Authority.

**12.5 Late payment surcharge**

In case the payment of any bill for charges payable under DERC(Open Access) Regulations, 2005 is delayed by an open access consumer beyond the due date, without prejudice to any action under the Act or any other regulation there under, a late payment surcharge at the rate of 1.25% per month or part thereof shall be levied.

**12.6 Default in Payment:**

- a) Non-payment of any charge or sum of money payable by the open access consumer under the Principal Regulations (including imbalance charges) shall be considered noncompliance of the Principal Regulations and shall be liable for action under Electricity Act 2003. The STU or any other transmission licensee or a distribution licensee may discontinue open access after giving consumer an advance notice of seven days without prejudice to its right to recover such charges by suit.
- b) In case of default in payment of charges relating to the SLDC, the SLDC may refuse to schedule power to the defaulting open access consumer and direct the licensee concerned to disconnect such consumer from the grid.

**13.0 Collection and Disbursement of Charges:**

13.1 In case of collective transactions through power exchange, the consumer shall pay applicable charges toward open access transaction to SLDC through concerned power exchange.

In case of bi-lateral interstate transactions, the charges are collected and remitted by concerned RLDC. In case of intrastate transactions, consumer shall pay Open Access charges (i.e. SLDC operation, transmission and wheeling charges) directly to SLDC.

13.2 The cross subsidy charge and additional surcharge shall be payable directly to the distribution licensee in whose area of supply the consumer availing open access is located, against the monthly bill raised by Distribution Licensees.

13.3 The Scheduling and Operation charges shall be payable to SLDC.

13.4 The reactive energy charges as determined by DERC shall be paid to the distribution licensee in whose area of supply the consumer availing open access is located.

13.5 When the intra state transmission system and distribution system is used in conjunction with interstate transmission system, the provisions regarding collection and disbursement of transmission, wheeling and operating charges contained in Central Electricity Regulatory Commission (Open Access in interstate Transmission) Regulations, 2008 will apply.

13.6 All the charges except charges mentioned at Sr. no.13.2 & 13.4 in first instance will be collected by SLDC directly or through RLDC/Exchange. The transmission and wheeling charges as received by SLDC shall be remitted to STU & Distribution licensees respectively, within 15 days of its receipt by SLDC.

#### **14.0 Payment Security Mechanism**

- 14.1 In case of short term Open Access, the applicant for open access shall open an irrevocable and revolving Letter of Credit (L.C.) in favour of the Distribution Licensee responsible for collection of applicable charges for the estimated amount of various charges for a period of Two month as per prescribe format ST-8.
- 14.2 Payment security mechanism specified above is intended to ensure recovery of the applicable payment in case of payment default and not as a mechanism for regular payments.
- i) The L.C. shall be opened in a Scheduled Bank mutually agreed between consumer and the distribution licensee.
  - ii) The L.C. shall be valid for at least three months beyond the entire duration of the transaction.
  - iii) The L.C shall be opened before commencement of Open Access transaction.
  - iv) The LC shall be operated by the Licensees in case of default in payment.
  - v) All costs/expenses/charges associated with L.C. shall be borne by the applicant/consumer.

#### **15.0 Redressal Mechanism**

All disputes and complaints related to open Access shall be referred to the SLDC. However, the disputes and complaints regarding metering and billing etc. shall be first referred to the Commercial and Metering Committee constituted under the State Grid Code. The Committee shall investigate and endeavor to resolve the grievance within 30 days; and refer the matter to SLDC alongwith finding / remedial measures. If the Committee is unable to redress the grievance and SLDC is not agreed with the view of the Committee, it shall be referred to the Commission by the Committee, SLDC or the Open Access Consumer, as the case may be.

#### **16.0 Curtailment Priority**

- 16.1 The State Load Despatch Centre may curtail power flow on any transmission corridor by cancelling or rescheduling any transaction, if in its opinion cancellation or curtailment of such transaction is likely to relieve any transmission constraint on the corridor or to improve grid security. However, in all such cases of cancellation or curtailment, the SLDC will, as soon as practicable, intimate in writing to the consumer the reasons therefore.
- 16.2 Subject to provisions of the State Grid Code, cancellation/curtailment will be affected as under: -
- (i) Short term transaction(s) will be cancelled or curtailed first, followed by medium term transactions, which shall be followed by long term transaction(s).
  - (ii) Among short term transactions, bilateral transaction will be cancelled or curtailed first, followed by collective transactions.
  - (iii) Open Access to a distribution licensee will be the last to be curtailed within a category.
  - (iv) Curtailment will be effected on a pro-rata basis amongst the consumers of a particular category.
- 16.3 In case of curtailment of the approved schedule by the State Load Despatch Centre, transmission and wheeling charges shall be payable pro-rata in accordance with the curtailed schedule.
- 16.4 The SLDC Operating charges, as specified under the relevant provisions of DERC (Open Access) Regulations, 2005 as amended from time to time, will be payable irrespective of curtailment, if any.
- 16.5 The concerned Nodal Agency should ensure that Non Conventional Energy Source based generator where are mainly Must Run Plant should be tried to be scheduled first so that the generation from such Non Conventional Sources does not affect. SLDC shall endeavour to give priority to must run plant for scheduling in merit order in line with the guidelines of CERC.

## ACTIVITY CHART SHOWING TIME LINES FOR SHORT TERM OPEN ACCESS PROCESS

### ACTIVITY

	<b>TIME LINE</b>
<b>A) Approval of Short Term Open Access</b>	
i) Submission of Application By Consumer to SLDC	0
ii) Verification of field data and Consent by Distribution Licensee	within 12 working days
iii) Decision by SLDC for conditional approval	within 3 working days
<b>Total:</b>	<b>15 Working Days</b>
<b>B) INSTALLATION OF METERING EQUIPMENTS.</b>	
i) Procurement of Metering Equipment By the authorized agency	within 30 days
ii) Testing by Authorized agency	within 10 days
iii) Installation at site by consumer/Dist Licensees	within 10 days
iv) Testing by Distribution Licensees /STU & issue of Point wise compliance report	within 10 days
<b>C) Issue of NOC/Standing clearance/Concurrence by SLDC</b>	
i) Submission of application	0 working day
ii) First NOC/Standing clearance/Concurrence	within 7 working days
iii) Subsequent Monthly NOC/SC/Concurrence	within 3 working
<b>D) Down loading of Meter data &amp; preparation of Energy account by SLDC:</b>	
i) Meter reading & down loading of data by Dist: Licensees (on due date) (Monthly in case of Purchaser & weekly in case of Seller)	0 Hr.
ii) Submission of downloaded data to SLDC by Distribution Licensees / STU	within two days
iii) Preparation of Energy Account by SLDC for Distribution Licensees	within 7 days
iv) Forwarding of UI Energy Account by Dist licensees	within a month

## **GUIDELINES FOR INSTALLATION OF METERING EQUIPMENTS AND ARRANGEMENTS AT THE PREMISES OF OPEN ACCESS CONSUMERS.**

The following guidelines are to be strictly implemented for installation of metering equipments including ABT compliant special energy meters (SEM) of accuracy class 0.2S/0.2 and connecting arrangements for metering of open access consumers.

### **A) Open Access Consumer's Premises (To be complied by OA Consumer)**

- i) Open Access Consumers injecting power in to the Distribution Licensee / STU system shall provide separate line bay with line protection scheme at both ends to take care of any fault on line.
- ii) Meters are to be installed directly on line without any isolator in between line and metering CTs/PTs.
- iii) Metering CTs/PTs should be exclusively for Dist. licensees metering. Consumers may install any additional meter with separate CT/PT.
- iv) CTs of 0.2S and 0.2 accuracy class is to be installed where CT output is 5A (in case of 11kV) and 1A (in case of 66/132/220kV) respectively. However PTs of accuracy class 0.2 are to be used.
- v) Metering CT/PT should be exclusive for metering purpose. These will not be allowed for protection purpose. However metering CT/PT are to be provided with minimum two metering cores, one core to be used for main ABT meter & 2 core to be used for check meter & TPT meter.
- vi) The meter should be installed nearest to the CT/PT in separate room, with easy/free access by Dist licensees/STU staff.
- vii) All connecting cables from CT/PT to meters should be routed through conduit pipe duly welded.
- viii) Un-climbable fencing around metering, CT, PT area is to be provided which will be sealed by STU.
- ix) Use of only single ratio metering CTs will be allowed. Multi ratio CTs are not to be used in any case.
- x) Metering CTs/PTs, bottom plate needs to be welded after testing/installation at site.
- xi) Open access consumer (non-consumer of Distribution Licensees) is required to provide two communication channels at his own cost for communication of metering data to SLDC control room.
- xii) Consumers who have already installed CT / PT without witness/checking of Distribution Licensee / STU shall get the same tested in the presence of Distribution Licensee / STU representative.
- xiii) Meter is not to be installed in the control room of consumers substation.

### **B) Compliance by STU**

#### **At Consumer end:**

- i) Installation of check Meter
- ii) ABT meter installed for consumers injecting & drawing power to be import/export type of accuracy class 0.2S.

#### **At Distribution Licensee / STU Sub Station end**

- i) Supply should not be tapped from Bus PT. Exclusive line CTs and PTs are to be installed for metering at Sub Station end. CT/PTs provided shall have two metering cores.
- ii) Meters are to be installed near line bay in Sub Station Yard.

Formats for Short-Term

**FORMAT - ST1**

**APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS**

( to be sent by consumer to **Nodal Agency** )

**To: Nodal Agency**

1	Consumer Application No:	<self generated by Consumer>	Date:	
2	Period of Transaction:			
3	Name of Consumer*	< seller/buyer/captive user/trader (on behalf of seller/buyer/captive user ) >		

< \* In terms of power transfer >

4	Consumer Name			
5	Registration Code		Valid up to	

< Registration code shall be as provided by Nodal Agency >

6	Details of Transaction Party's to Grid		
	Name of Entity	Injecting Entity	Drawee Entity
	Status of Entity*		
	Utility in which it Embedded		

< \* In terms of Ownership-State Utility/CPP/IPP/Discom/Consumers/Specify, if any other >

7	Details of Transaction Party's to Grid			
		Injecting Entity	Drawee Entity	
	Name of Sub-Station	Transmission		
		Distribution		
	Status of Entity*	Transmission		
		Distribution		
	Name of Licensee (Owner of S/S)			
	Intervening intra-State Licensee			
Intervening inter-State Licensee				

< Distribution licensee if required, may treat interface periphery as its connectivity points >

8	Open Access Sought for (Period from date _____ to _____)				
	Date		Hours		Capacity
	From	To	From	To	MW*

< MW\* at point of injection >

9	Details of PPA/PSA/MoU						
	Name & Address of parties		Date	of	Validity Period	Capacity	
	Seller	Buyer	PPA/PSA/MoU		Commencement	Expiry	MW*

10	Details of Non-Refundable Application Fee Made			
	Bank Details	Instrument Details		Amount(Rs.)
		Type(Draft)	Instrument No.	



11	<b>I here by authorized Nodal Agency to process said application, in case open access capacity allotted, for day ahead scheduling in accordance with the provision of intra-State ABT</b>
----	---

12	<b><u>Declaration</u></b>
	<b>All Entities/Utilities to transaction shall abide by provisions of the Electricity Act 2003(the Act), SERC (Terms and Conditions for Intra State Open Access) Regulations and any other relevant regulation/order/ code as amended from time to time.</b>

Place : Signature (With Stamp)  
Date : Name & Designation

**Enclosures**

- 1) Non-refundable application fee by Demand draft or cash receipt (if payment by cash).
- 2) Self-certified copy of PPA/PSA/MoU entered between the parties (buyer and seller) of transaction stating contracted power, period of transaction, drawal pattern, point(s) of injection and drawal etc.
- 3) Self-certified copies of unconditional concurrence of STU and/or transmission licensee and/or distribution licensee.
- 4) If any other.

**Copy to along with relevant enclosures [except (1) & (2)]:**

- (1) General Manager (Commercial) of Transmission Licensee involved in transaction.
- (2) Concerned officer of Distribution Licensee involved in transaction
- (3) Any other concerned

<b>For use of SLDC (with Reference to Enrolment of Application)</b>	
<b>SLDC Reference ID No.</b>	
<b>Nodal SLDC Approval No.</b>	< if approved >
<b>Or Reason of Refusal* (If Refused)</b>	

< \* Nodal Agency may also enclosed supporting documents for the reasons of refusal duly signed on each page >

Formats for Short-Term  
**ACKNOWLEDGEMENT**  
(for office use only)

**APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS**

(A) < to be filled by the consumer >

1	Consumer Application No:	<i>&lt;self generated by Consumer&gt;</i>	Date:	
2	Period of Transaction:			
3	Name of Consumer*	<i>&lt; seller/buyer/captive user/trader (on behalf of seller/buyer/captive user &gt;</i>		

*< \* In terms of power transfer >*

4	Consumer Name			
5	Registration Code		Valid up to	

*< Registration code shall be as provided by Nodal Agency >*

(B) < to be filled by **Nodal Agency**>

<b>Date and time of Receipt of Application</b>	
--	--

**Place:**

**Signature (With Stamp)**

**Date:**

**Name & Designation**

FORMATE ST1: APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS (Page- 3 of 3)

-----X-----X-----X-----X-----X-----X-----

**ACKNOWLEDGEMENT**

*(to be issued by **Nodal Agency** to the consumer within 24 hours on receipt of application duly filled in)*

**APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS**

(A) < to be filled by the consumer >

1	Consumer Application No:	<i>&lt;self generated by Consumer&gt;</i>	Date:	
2	Period of Transaction:			
3	Name of Consumer*	<i>&lt; seller/buyer/captive user/trader (on behalf of seller/buyer/captive user &gt;</i>		

*< \* In terms of power transfer >*

4	Consumer Name			
5	Registration Code		Valid up to	

*< Registration code shall be as provided by Nodal Agency >*

(B) < to be filled by **Nodal Agency**>

<b>Date and time of Receipt of Application</b>	
--	--

**Place:**

**Signature (With Stamp)**

**Date:**

**Name & Designation**

**N.B:**

**This counterfoil may be scored out and issued to the consumer.**

FORMATE ST1: APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS (Page- 3 of 3)

FORMATS for Short-Term

**FORMAT-ST2**

**APPROVAL FOR SHORT-TERM OPEN ACCESS**

(to be issued by SLDC)

Nodal SLDC Approval No.	/ (R-0)	Date	
-------------------------	---------	------	--

< 'R-0' states original approval with revision no. - zero >

1	Consumer Application No.	<as provided by consumer on FORMAT-ST1>	Date	
2	Period of Transaction			
3	Nature of Consumer*	<seller/buyer/captive user/trader(on behalf of seller/buyer/captive user)>		

< \* In terms of power transfer >

4	Consumer Name			
5	Registration Code		Valid up to	

6	Details of Transaction Party's to Grid		
		Injecting Entity	Drawee Entity
	Name of Entity		
	Status of Entity*		
	Utility in which it is Embedded		

< \*In terms of ownership- State Utility/ CPP/IPP/ISGS/Discom/Consumer/specify, if any other >

7	Details of Injecting/Drawee Connectivity with intra-State System		
		Injecting Entity	Drawee Entity
	Name of Sub-station	Transmission	
		Distribution	
	Voltage Level	Transmission	
		Distribution	
	Name of Licensee (Owner of S/S)		
	Intervening intra-State Licensee		
	Intervening inter-State Licensee		

< Distribution licensee, if required, may treat interface periphery as its connectivity points >

8	Open Access Sought for ( Period from date _____ to date _____ )				Revision No.	0
	Date		Hours		Capacity(MW)	
	From	To	From	To	Applied	Allotted
					Total MWh	

9	Details of Bidding <only in case of Bidding>					
	Details of Intra-State System	Date		Hours		Applicable Rate (Rs./kWh)
		From	To	From	To	
	Transmission System					
	Distribution System					

10. The approved transaction shall be incorporated in day-ahead scheduling in accordance with the provisions of intra-State ABT. <only in case of approval>

11. Please submit following to SLDC with details on format [FORMAT-ST5] in the manner as specified in procedure: <only in case of approval>

- (a) SLDC Fee Amount Rs. \_\_\_\_\_ Due Date: \_\_\_\_\_  
 (b) Security Amount Rs. \_\_\_\_\_ Due Date: \_\_\_\_\_

12. The approval is subject to provisions of SERC (Terms and Conditions for Intra State Open Access) Regulations, 2010 and any other relevant regulation/order/code as amended and applicable from time to time. *< only in case of approval >*
13. No approval is being granted on account of *<only in case of rejection>*

*< SLDC shall convey specific reasons if open access is denied and may also enclose supporting documents to support the same duly signed on each page >*

---

**Place  
Date**

**Signature (with stamp)  
Name & Designation**

**Enclosures**

- (1) Schedule of payments *< only in case of approval >*  
(2) If any other

**Copy to along with enclosures**

- (1) Consumer  
(2) Transmission Licensee involved in transaction.  
(3) Distribution Licensee involved in transaction.  
(4) Any other concerned.

FORMATS for Short-Term  
ENCLOSURE to FORMAT- ST2  
**SCHEDULE OF PAYMENTS**

(to be enclosed for each month by SLDC along with FOMAT-ST2)

	Nodal SLDC Approval No. / (R-0)	Date
--	---------------------------------	------

< 'R-O' states original approval with revision no. - zero >

1	Consumer Application No.	<i>&lt;as provided by consumer on FORMAT-ST1&gt;</i>	Date
2	Period of Transaction		
3	Nature of Consumer*	<i>&lt; seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) &gt;</i>	

<\* In terms of power transfer>

4	Consumer Name		
5	Registration Code	Valid upto	

6	Tentative* Monthly Payment Schedule for Short-Term Open Access Charges( Period: <i>date</i> to <i>date</i> )	Month	
	Payment Chargeable for	Rate (Rs./kWh)	MWh
	(1) Intra-State Network		
	(a) Transmission Charges		
	concerned Transmission Licensee		
	Intervening intra-State Licensee(if any)		
	(b) Wheeling Charges		
	concerned Distribution Licensee		
	Intervening intra-State Licensee(if any)		
	(c) Cross subsidy Surcharge		
	concerned Distribution Licensee		
	(d) Additional Surcharge		
	concerned Distribution Licensee		
	(e) SLDC Charges		
	SLDC		
	(2) Inter-State Network		
	Transmission Charges		
	Intervening inter-State Licensee(if any)		
	Total Monthly Payment Amount (Rs.)		

Signature (with stamp)

Place  
Date

Name & Designation

\* Tentative on the basis of MWh mentioned in application which may due to cancellation or downward revision subject to approval of Nodal Agency.

**FORMATS for Short-Term  
FORMAT- ST3  
CONGESTION INFORMATION AND INVITATION OF BIDDING  
(to be invited by SLDC)**

SLDC Bidding Invitation No. \_\_\_\_\_

Date \_\_\_\_\_

1	Consumer Application No.	<as provided by consumer on FORMAT-ST1>	Date	
2	Period of Transaction			
3	Nature of Consumer	<seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >		

<\* In terms of power transfer>

4	Consumer Name			
5	Registration Code		Valid upto	

6. The anticipated congestion (transformer and electric line/link) is as follow:

Network Corridor		Congestion Period				Margin/ Capacity Available	Total Capacity Applied by all the Consumers
Sub-station with Transformation Capacity	Electric Line/Link with Capacity	Date		Hours		MW	MW
		From	To	From	To		
Intra-State Transmission System							
Intra-State Distribution System							
Inter-State Transmission System							

7. In view of above please submit bid on format [FORMAT-ST4]. The details for bidding are hereunder

(a) Bid Invitation Date		Time					
(b) Bid Submission Date		Time					
(c) Bid Opening Date		Time					
(d) Bids Invited for							
Network Corridor		Congestion Period				Margin/Capacity Available for Bidding	Floor Price
Sub- station	Electric Line/Link with Capacity	Date		Hours		MW	Rs./kWh
		From	To	From	To		
Name of Transmission System							
Name of Distribution System							

8. In case of non submission of bid, application shall be deemed to have been withdrawn and shall not be processed.

Place  
Date

Signature (with stamp)

Name & Designation

To: Consumers with their reference's < as provided by consumers at sl.no. 1 on FORMAT-ST1 >  
FORMAT-ST3: CONGESTION INFORMATION AND INVITATION OF SNAP BIDS (Page -1 of 1)

**FORMATS for Short-Term  
FORMAT- ST4  
BID PROPOSAL**

(to be submitted by the consumer to **NODAL AGENCY**)

Ref: **NODAL AGENCY** Bidding Invitation No. \_\_\_\_\_ Date \_\_\_\_\_

To: **NODAL AGENCY**,

1	Consumer Application No.	<as provided by consumer on FORMAT-ST1>	Date	
2	Period of Transaction			
3	Nature of Consumer*	< seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) >		
<* In terms of power transfer>				
4	Consumer Name			
5	Registration Code		Valid upto	

6. In reference to above bidding invitation, I hereby submit my bid as follows:

Bidding Details as provided by <b>NODAL AGENCY</b>							Bid Price to be Quoted by Bidder	
Intra-State Network Corridor		Congestion Period				Margin/Capacity Available for Bidding		Floor Price
Sub-station	Electric Line/Link	Date		Hours		MW	Paise./kWh	Paise/kWh*
		From	To	From	To			
Name of Transmission System								
Name of Distribution System								

< \* Bidder shall quote price (rounded-off to whole number) in denotation of floor price >

7. I do hereby agree that determined bid price(s) shall be transmission and/or wheeling charges.

Place  
Date

Signature (with stamp)  
Name & Designation

**FORMATS for Short-Term  
FORMAT- ST 5A**

**FORM FOR THE CONSENT OF OPEN ACCESS BY DISTRIBUTION LICENSEES TO SLDC**

Memo. No: .....

Date:.....

Distribution Licensees Reference No.....

Date.....

Name of the firm .....

Account No .....

Address of the firm .....

Open Access admissible during off peak hrs .....

Open Access admissible during peak load hrs .....

Period /Duration for Open access Consented .....

From : (Date/Time) .....

To: : (Date/Time) .....

Consent Valid up to : .....

Any other Specific Conditions for OA Consumer .....

.....  
.....  
.....

Concerned Official/Open Access  
Distribution licensees



FORMATS for Short-Term  
FORMAT- ST-5B

**SAMPLE LETTER FOR CONDITIONAL APPROVAL FOR GRANT OF SHORT TERM OPEN  
ACCESS**

To

M/s \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Memo No. \_\_\_\_/SO/OA

Dated:

**Sub: : Grant of Open Access for purchase/sale of power by M/s \_\_\_\_\_**  
**A/C No.:** \_\_\_\_\_.

This refers to your application received in this office on dated \_\_\_\_\_ for grant of Short Term Open Access for Purchase/Sale of power through Bilateral / power exchange.

The short term open access for purchase/sale of power up to \_\_\_ MW is hereby allowed , as requested by you, in line with Open Access Regulations,2005, as amended from time to time, as per agreed terms & conditions by you and subject to compliance of conditions/ formalities asunder\*: -

1. Your firm will get installed ABT compliant special energy meter of accuracy class 0.2S at your premises at your own cost in addition to TOD meter already installed as per prescribed metering guidelines and the state grid code. You will supply copies of test report of the meter from concerned official of Dist. Licensees and installation report along with site report by STU and compliance report for completion of formalities as per metering guidelines.
2. Your firm will restrict its total demand to be within its sanctioned contract demand during non-peak load hours and during peak load restriction hrs the firm will be eligible only to draw total power admissible as per peak load exemption granted by Licensees. This implies that during peak load restriction hours the total drawl from all sources will be limited to peak load exemption allowed.
3. No relaxation in monthly minimum charges, peak load exemption charges etc. shall be admissible against grant of this Open Access and you will be liable to pay all the charges as consumer of Licensees and all the charges and levies applicable on power purchased under Open Access.
4. Your firm will be liable to pay cross subsidy surcharge, additional surcharge, voltage surcharge, reactive energy charges and any other charges applicable on Open Access consumers in accordance to Open Access regulations, 2005 as amended from time to time.
5. All Provisions of CERC/DERC open access Regulations as well as IEGC/State Grid Codes shall be applicable during the duration of short term open access.
6. Your firm will restrict its power purchase under open access keeping in view the regulatory measures/power cuts imposed by Licensees on feeders supplying power to your unit. In case the scheduled power as per capacity in MW reserved for open access as per NOC / Standing Clearance / Concurrence of an embedded open access consumer is curtailed or cancelled by SLDC as per Regulation 13 of DERC (Open Access) Regulations, 2005, the embedded open access consumer shall immediately reduce / stop the drawl of power thro' open access. In case the consumer continues

to avail power through open access corresponding to originally reserved capacity, SLDC shall suspend the NOC / Standing Clearance / Concurrence of such consumer for 3 days for each day's default. All such cases of default shall also be submitted by SLDC to the Commission.

8. In case the consumer is connected to Mixed feeder, open access shall be allowed subject to the condition that the consumer agree to rostering restrictions imposed by Licensees / STU on such feeders.
9. You will supply copy of the agreement signed with the traders for purchase of power through open access.
10. Your firm will ensure that this short term open access approval shall not, in any case, violate the terms and conditions of the PPA(s) signed by you with any other agency.
11. In case of Sellers / Generators / Non Consumers of Dist Licensees shall be required to furnish a security deposit towards Open Access charges for a period of two months and UI charges for 50% of contracted power for 14 days @ Rs.8.73.unit (Amounting to Rs.....) in the form of irrevocable (weekly for generators/sellers) revolving self-recouping Letter of Credit (LC) valid for at least 3 months beyond the period of Open Access transaction in favour of concerned agency.
12. ....(Any other specific condition ) imposed by SLDC/STU/Dist. Licenses

You are requested to complete the above formalities and furnish requisite documents along with acceptance to the above condition so that further necessary action on your request can be taken by this office.

This approval is subject to compliance of formalities within 60 days of issue of this letter failing which the approval will be deemed to be cancelled.

This issues with the approval of competent authority.

Manager./Open Access,  
for: GM(SLDC),

SLDC, Delhi.

End st. No.\_\_\_\_/SO/OA

Dated \_\_\_\_\_

Copy of the above is forwarded to Concerned official w.r.t. his office memo no. \_\_\_\_\_ dated \_\_\_\_\_ for further necessary action.

Manager./Open Access,  
for: GM(SLDC),  
SLDC, Delhi.

CC:

Concerned Official of Distribution Licensees / STU

FORMATS for Short-Term  
FORMAT- ST6

**UNDERTAKING TO BE FURNISHED BY THE CONSUMER FOR SHORT TERM  
PURCHASE/SALE OF POWER UNDER OPEN ACCESS**

*(To be stamped on Rs.100/- non judicial stamp paper)*

I/ We, .....(name) on behalf of M/s .....(name of the firm)....., A/c No.....having its Registered office .....at (address) and Works at .....(address) undertake as under:-

1. I/We will get installed ABT compliant special energy meters of accuracy class 0.2S as main meter at our premises at our own cost in addition to TOD meter already installed as consumer of Licensees & minimum, double core CT/PT's of accuracy class 0.2S/0.2 as per prescribed metering guidelines. I/ We will supply copies of test report of the meter from Licensees / STU and installation report along with site report and compliance report for completion of formalities as per guidelines.
2. I/We will restrict our total demand to be within our sanctioned contract demand during non peak load hours and during peak load restriction hrs. I / We will be eligible only to draw Total power admissible as per peak load exemption granted by Licensees. This implies that during peak load restriction hours the total drawl from all sources will be limited to peak load exemption allowed.
3. I/We will restrict our power purchase under open access keeping in view the regulatory measures/power cuts imposed by Licensees /STU on feeders supplying power to our unit. I / We agree that in case the scheduled power as per capacity in MW reserved for open access as per NOC / Standing Clearance/Concurrence is curtailed or cancelled by SLDC as per Regulation 13 of DERC (Open Access) Regulations, 2005, I/We shall immediately reduce/stop the drawl of power thro' open access failing which SLDC may suspend the NOC/Standing Clearance/Concurrence for 3 days for each day's default.
4. I/We agree that all equipment connected to the State Transmission/Distribution System shall be of such design and construction to enable to meet the requirement of performance standards as specified in Grid Codes for the concerned inter connection point(s). I/We shall ensure that our loads do not cause violation of these standards. Open access on the transmission system and wheeling on distribution system shall be subject to transmission and distribution system constraints. The provision of Open access shall remain suspended / curtailed during such period at the absolute discretion of SLDC / STU/Dist. Licensees.
5. I/We shall not be liable for any claim for any loss or damage whatsoever arising out of failure due to force majeure events such as fire, rebellion, mutiny, civil commotion, riot, strike, lockout, forces of nature, accident, act of God and any other reason including grid's failure beyond the control of STU/Dist. Licensees.
6. I/We agree to rostering restrictions imposed by Dist. Licensees / STU on our feeders (Applicable only for consumers connected to Mixed feeder).
7. I/We undertake that Short Term Open access to be granted or allowed to us is liable to be rejected or cancelled/withdrawn in the event of default but not limited to the following: -
  - i) Having being declared as insolvent or bankrupt.
  - ii) having defaulted in clearing outstanding dues of SLDC,ST/ist. Licensees for more than two months.
  - iii) Feeder status falling under ineligible category for grant of Open Access.
  - iv) Withdrawal of consent by Distribution Licensee
8. I/We will supply copy of the agreement signed with the traders for Sale/ Purchase of power through open access. Any change of name / agreement with the trader, advance intimation shall be given by the consumer which shall be allowed subject to the prescribed business rules of the power exchange only after the grant of permission of competent authority of SLDC.

9. I/We will book the Open Access corridor on intra state and interstate transmission system and seek alterations, if required, as per Open Access Regulations and procedure(s).
10. I/We will abide by the provisions of the State Grid Code and Open Access Regulations issued by DERC& CERC, as amended from time to time.
11. I/We will operate a 24 hour control room and communicate real time power purchase data through fax / telephone to control room of SLDC as well as Concerned Dist. licensees
12. I / We understand that no relaxation in Monthly minimum charges or peak load exemption charges as consumer of Concerned Dist licensees is admissible to us for purchase of power under Open Access.
13. I/We shall keep STU and SLDC indemnified at all times and shall undertake to indemnify, defend and keep STU and SLDC harmless from any and all damages, losses, claims and actions including those relating to injury to or death of any person or damage to property, demands, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from open access transaction
14. I/We will be liable to pay cross subsidy surcharge, Additional surcharge, voltage surcharge, reactive energy charges and any other charges applicable on Open Access consumers in accordance to DERC Open Access regulations, 2005, as amended from time to time.
15. In case any difference in wheeling, transmission, operating or any other charges remitted by the power exchange and actual applicable charges, SLDC/STU/Dist. Licensees reserves the right to charge the difference in bill raised to the consumer. I/We undertake to pay the total bill including these charges.
16. I/We will make all payments associated with Short Term Open Access to the concerned office SLDC/STU/Dist. licensees remitted only by Bank Draft or RTGS / NEFT in favour of concerned Official/SLDC payable at Delhi up to 4.00 P.M on working days. After due date I/we agree to pay LPS (Late payment surcharge) @ 1.25% per month or part thereof on total amount of the bill. In case of non-payment of dues Nodal Agency reserves the right to cancel NOC for Open Access.
17. I/We will bear the transmission and distribution losses for the Intra-State/ Inter-State system, as notified by the State/Central Electricity Regulatory Commission (DERC/CERC) from time to time.
18. Any taxes / levies applicable on Open Access transaction as imposed by Central and State Governments from time to time shall be borne by me/us.
20. I/We will apply for Standing Clearance/ No Objection Certificate / Concurrence / Consent for purchase of power through Power Exchange or through bilateral agreement minimum 3 working days before the commencement of deemed date of purchase of power through Power Exchange. I/We have noted that Standing Clearance will be allowed by SLDC maximum upto one month.
21. I/We agree to provide and meet with all metering, protection and communication requirements, as specified by the Commission /STU/SLDC/Licensees from time to time.
22. I/We may surrender the capacity allotted to me/us by serving a notice to Licensees / RLDC as per DERC/CERC regulations, if I/We are unable or not in position to utilize the full or substantial part of the capacity allotted tome/us. In case our capacity has been reduced or cancelled or surrendered, I/We shall bear Open Access charges as per prevalent CERC/DERC open access regulations.
23. I/We undertake to co-ordinate with concerned officials of SLDC/Licensees to ensure meter data reading/downloading as per fixed schedule
24. I/We undertake to maintain grid discipline and ensure the energy drawls as per the energy scheduled at the delivery point.
25. I/We agree that the disputes and complaints regarding metering and billing etc. will be first referred to the Commercial and Metering Committee under the State Grid Code. The Committee shall investigate and endeavor to resolve the grievance and in case of its non re-dressal within stipulated period or any dispute it shall be referred to the commission

26. I/We agree that SLDC/Distribution Licensees reserves their right to amend the above terms and conditions within the prescribed Regulatory framework.

Authorized Signatory

Name: \_\_\_\_\_

Designation:

Seal:

Place:

Date:

Note:

- i) The undertaking is to be signed by the applicant/consumer on each and every page. Two set of the undertaking are to be furnished to this office. One copy will be retained in the office of SLDC and second copy will be supplied to Distribution Licensees while operationalising the Open Access.
- ii) Copy of company/Board resolution or authority letter in favour of authorized signatory to be attached.

**FORMATS for Short-Term  
FORMAT- ST-7A**

**Format of Application for Registration with SLDC as user of intra-state Transmission System  
(for generator)**

Sr.No.	Particulars Applicant's Details	
1	Name of the Generating Company	.....
2	Address of the Generating Company/ Authorized Person Name : Designation : Address : Contact Details : Office No :     1) .....2) ..... Fax No. : Mobile No : Email ID :	..... ..... ..... ..... ..... ..... ..... ..... ..... .....
3	Location of the Generating Station	.....
4	Location of Interface with Grid (Enclose a layout of switch yard)	.....
5	Total Installed Capacity	.....
6	Commercial Operation Date (COD) Of the Generating station	.....
7	Nature of use of Energy Supply to Licensees /wheeling to 3rd parties /wheeling for captive use	.....
8	Transmission capacity contracted as on (Please enclose details of Licensees) (a) For supply to Licensees (b) For wheeling to 3rd parties (c) For wheeling for captive use	..... ..... .....
9	Agreement period for supply to licensees	.....
10	Details of communication system installed for communication of data to SLDC	.....
11	Establishment in-charge of control room for communication with SLDC	.....
12	Details of Registration fee paid	.....
13	Any other information useful for assisting efficient Grid Operation (Please enclose separate sheets for additional information )	.....

Signature of the Authorized Officer

**FORMATS for Short-Term  
FORMAT- ST-7B**

**Format of Application for Registration with SLDC as user of intra-state Transmission System**

(For Open Access Consumer)

- |        |   |
|--------|---|
| Sr.No. | Particulars Applicant's Details   |
| 1      | Name of the Open Access Consumer .....  |
| 2      | Address of the Open Access Consumer .....   |
|        | Authorized Person   |
|        | Name : .....  |
|        | Designation : .....   |
|        | Address : .....   |
|        | Contact Details :   |
|        | Office No : 1) .....2) .....  |
|        | Fax No. : .....   |
|        | Mobile No : .....   |
|        | Email ID : .....  |
| 3      | Location of Interface with Grid (Attach a list of voltage-wise Grid substations/lines along with details of location, capacity, No. of bays, line length, type of line, date of commissioning etc ) |
| 4      | Total capacity (Max. Demand that can be served)   |
| 5      | Transmission capacity contracted from Transmission Licensees (Enclose list of Transmission Licensees with details)  |
| 6      | Capacity contracted to Open Access consumers.   |
| 7      | Details of communication system available for communication of data to SLDC / ALDC (Enclose substation-wise details)  |
| 8      | Designation of the personnel responsible for operation of Grid substations at which Open Access Consumer is connected.  |
| 9      | Details of the registration fee paid  |
| 10     | Any other information useful for assisting efficient Grid Operation:<br>(Please enclose separate sheets for additional information)   |

Signature of the Authorized Officer

FORMATS for Short-Term  
FORMAT- ST-8

**FORMAT FOR THE UNCONDITIONAL AND IRRECOVABLE BANK GURANTEE FOR  
BILATERAL TRANSACTION / COLLECTIVE TRANSACTION**

*(To be stamped on Rs.100/- non judicial stamp paper)*

Whereas M/s. \_\_\_\_\_(*Name of the Intra State Company*), a Company registered under the Companies Act, 1956 and having Registered Office at \_\_\_\_\_(*Address*), hereinafter called the 'Intra State Company' submitted open access application for intending bilateral transaction / collective transaction, inter alia for sale / trade of power of \_\_\_MW on short term basis to \_\_\_\_\_ (*Name of Trader / Buyer*) through Inter State / Intra State Open Access as per applicable relevant regulation issued by appropriate Regulatory Commission and procedure devised by the State Transmission Utility, Delhi Transco Ltd for Short Term Open Access in intra State network in the State of Delhi (*Name of State*) in the condition which inter alia are subject matter of the application of short term transaction herein referred, agrees to furnish this Bank Guarantee for an amount of Rs. \_\_\_\_\_(*in figures*) Rs. \_\_\_\_\_(*in words*) equivalent to seven days billing for scheduled energy either receivable or payable determined based on quantum of sale / trade intend to scheduled through this open access transaction at rate of 105% of maximum unscheduled interchange rate applicable and equivalent to seven days of a week.

We, \_\_\_\_\_(*Name of the Bank*) Bank, \_\_\_\_\_(*Branch, City*) Branch hereinafter called 'The Bank' in consideration of the premises, do hereby agrees unequivocally, irrevocably and unconditionally to pay the State Load Dispatch Center or concerned Distribution Licensees from the consumer as the case may be or (the Distribution consumer), the \_\_\_\_\_

Forthwith on demand in writing from procurer or any officer authorized by it in this behalf at any time upto \_\_\_\_\_ (*date up to Open Access transaction + two additional months*), any amount upto and not exceeding Rupees \_\_\_\_\_ (*in words*) only as may be claimed by State Load Dispatch Center, Delhi by way of failure of the Open Access Consumer to pay any charges within stipulated time limit towards obligation laid down under Short Term Open Access approval granted.

It is hereby agreed and acknowledge that the decision of the State Load Dispatch Center or (the Distribution company), the Generating company as the case may be, as to whether any money is payable by the Open Access Consumer or whether the Open Access Consumer has made any such default of defaults as aforesaid and the amount or amounts to which the State Load Dispatch Center is entitled to by reason thereof will be binding on the Bank and the Bank shall not be entitled to ask the State Load Dispatch Center to establish its claim or claims under this Guarantee or to claim any such amount from the company in the first instance but shall pay the same to the State Load Dispatch Centre of Delhi forthwith on demand without any demur, reservation, recourse, contest or protest and / or without any reference to the intrastate company. Any such



demand made by the State Load Dispatch Center on the Bank shall be conclusive and binding notwithstanding any difference between the State Load Dispatch Center and the Intrastate company or bank and Intrastate Company or pay dispute pending before any Court, Tribunal, Arbitrator or any other authority. The Bank further undertake not to revoke this Guarantee during its currency except with the previous consent of the State Load Dispatch Center of Delhi in writing and this Guarantee shall continue to be enforceable till the aforesaid date of its expiry or the last date of the extended period agreed upon as the case may be unless during the currency of the Guarantee all the dues of the State Load Dispatch Center under or by virtue of Open Access approval granted by SLDC of the letter of approval and subsequent accounting statement issued to intrastate company have been duly paid and its claims satisfied or discharge or the State Load Dispatch Center of Delhi certifies that the terms and conditions of said letter of open access approval and subsequent accounting statement issued by State Load Dispatch Center have been fully carried out by the intrastate company and accordingly discharged the Guarantee.

Subject to the maximum limit of the Bank's liability as aforesaid, this Guarantee shall cover all claim or claims of the State Load Dispatch Center against the Intrastate company from time to time arising out or under condition stipulated under the said letter of Short Term Open Access approval and Charges payable in exercise of said approval of Short Tem Open Access and in respect of which the State Load Dispatch Center Delhi demand or notice in writing be served on the Bank before the date of expire of this Guarantee mentioned above or of further extended period agreed upon, as the case may be.

The Guarantee shall not be affected by any change in the constitution of the said Intrastate Company in any manner by reason or merger, amalgamation, restructuring or any extension or forbearance to the Intrastate Company or any other change in the constitution of the Guarantor and the Bank will ensure for and be available to and guarantee enforceable by the State Load Dispatch Center of Delhi.

The Guarantee shall be a primary obligation of the Guarantor Bank and accordingly procurer shall not be obliged before enforcing this bank guarantee to take any action in any court or arbitral proceedings against the Intrastate Company, to make any claim against or any demand on the Intrastate Company or to give notice to the Intrastate Company to enforce any security held by the procurer or to exercise, levy or enforce any distress, diligence or other process against the Intrastate Company. The bank guarantee shall be interpreted in accordance with the laws of India and settlement of any dispute arisen between the parties shall be subjected to the legal jurisdiction of Delhi.

And whereas in case violation of the terms of the Bank Guarantee, penalty will be levied on the claimed amount as per the bank's penalty rates. It will not be opened to the Intrastate Company to challenge the said clause on any ground whatsoever including formation of opinion but default as to the amount guarantee or part thereof remaining payable under the contract and such opinion of State Load Dispatch Center of Delhi shall be final and binding thereof for the purpose of invocations of this Bank Guarantee.

Notwithstanding anything contained herein:-

- 1 Our liability under this Bank Guarantee shall not exceed Rs. \_\_\_\_\_ (*In Figures*)  
(Rupees \_\_\_\_\_) (*in words*)
- 2 This Bank Guarantee shall be valid till \_\_\_\_\_ (*date to be inserted as per approval of*  
*Open Access transaction allowed by SLDC with an additional claim period of 60days thereafter*).
- 3 We are liable to pay the guaranteed amount or any part thereof under this Bank Guarantee only if  
procurer serve upon us a written claim or demand on or before \_\_\_\_\_

The Bank has power to issue this Bank Guarantee under the statute and the undersigned has full power to sign this Guarantee on behalf o Bank.

Signature \_\_\_\_\_

Name \_\_\_\_\_

Power of Attorney No. \_\_\_\_\_

For \_\_\_\_\_ (name of bank)

Witness (two authorized officers of the Bank with name, designation and employee number)

1 \_\_\_\_\_

2 \_\_\_\_\_

**GUIDELINES/PROCEDURE FOR IMPLEMENTATION OF LONG TERM OPEN ACCESS (LTOA)**

**1. OUTLINE**

- 1.1 This procedure shall apply to the application made for long-term open access for a period of more than five years as per principal regulation 2005 clause 7(2) for use of intra-State transmission system and/or distribution system with associated facilities for transmission and/or wheeling of electricity, with or without inter-State transmission system.

Provided that procedure made hereunder shall be in addition to and not in derogation to open access regulations or any procedure made there under by the Central Electricity Regulatory Commission for use of inter-State transmission system.

- 1.2 All correspondences shall be addressed to the following Officer of State Transmission Utility (STU): General Manager (Planning),DTL, E-mail: *(STU to specify on its website)*

**2. GRANT OF OPEN ACCESS**

**2.1 SUBMISSION OF APPLICATION**

- 2.1.1 The long-term open access consumer (hereinafter referred to as “consumer”) intending to avail long-term access shall make an application on format *[FORMATLTI]* with STU in a cover marked “Application for Long-Term Open Access”.

- 2.1.2 In case electricity system strengthening is involved, the consumer shall apply for long-term access 2 to 4 years in advance (based on nature and quantum of work involved). If, system strengthening is not required, an application can be made by the consumer one year in advance.

Note: ‘System strengthening’ shall mean to include augmentation or renovation or modernization or expansion of any equipment or sub station and/or electric line and construction of new substation and/or electric line.

- 2.1.3 In case in the opinion of the consumer, system strengthening is not involved, he shall normally request STU for necessary actions or studies, however, such request is not mandatory and STU may take necessary action even in absence of such request.

- 2.1.4 The application shall be accompanied by non-refundable processing application fee of Rs.1,00,000/- & Rs. 25000/- for Distribution System (or as determined by the Commission from time to time by an order) by demand draft in favour of STU/Dist. Licensees payable at Delhi.

- 2.1.5 STU shall acknowledge receipt of the application by indicating time and date on an “*ACKNOWLEDGEMENT*” to the consumer.

- 2.1.6 The application may be submitted by post or in person.

## **2.2 PROCESSING OF APPLICATION**

- 2.2.1 The application shall be taken up for consideration immediately but not later than seven days by STU on first come first served basis and it shall seek system feasibility reports from transmission licensee and/or distribution licensee involved in transaction for permitting open access. STU shall also make endorsement of the same to SLDC, if considered necessary.
- 2.2.2 The transmission licensee and/or distribution licensee, as the case may be, shall carry out system feasibility study within thirty days. The licensee's reports shall invariably include site drawings, schedule of site responsibility and any other information necessary for consideration of STU. The feasibility reports may suggest that:
- (a) System strengthening is not required. In such case STU / Distribution Licensees shall assess the capacity available and communicate provisional decision to SLDC with copy to STU/Distribution licensee, as the case may be, and thereafter follow provisions of sub-clause 2.3.1.
  - (b) There is a constraint in electricity system and system strengthening is necessary. The licensee shall submit adequate data and drawings in support of suggestion of system strengthening for consideration of STU.
- 2.2.3 STU shall assess requirement of system strengthening, under sub-clause 2.2.2(b), and on being satisfied, communicate decision to the consumer within fifteen days requiring him to pay fee difference of fee for system studies, if not paid earlier under sub-clause 2.1.4. The fee shall be paid within fifteen days failing which the application shall be deemed rejected at the discretion of STU. STU may also cause the consumer to furnish any additional information required for system studies and thereafter follow provisions of sub-clause 2.3.2. If the opinion is that system strengthening is not required, STU may seek clarification or additional information from such licensee and/or the consumer and reassess the requirement of system strengthening. On final decision that system strengthening is not required, the matter shall be decided under sub-clause

## **2.3 CONFIRMATION OF RESERVATION OF CAPACITY**

### **2.3.1 Where electricity system strengthening is not required**

- (i) STU shall communicate provisional decision, under sub-clause 2.2.2(a) to SLDC within seven days along with the consumer's application and licensee's report(s).
- (ii) STU, in consultation with SLDC, shall check transaction for congestion of any element (electric line and transformer) of transmission and/or distribution system involved in open access transaction.
- (iii) STU shall confirm grant of open access on format [*FORMAT-LT2*] within Sixty days of receipt of the application with direction to the consumer to enter into Bulk Power Transmission Agreement (BPTA) and/or Bulk Power Wheeling Agreement (BPWA) with concerned transmission licensee and/or distribution licensee within thirty days.
- (iv) STU shall not permit open access if transaction may cause congestion of any element of involved transmission and/or distribution system.
- (v) In the event of an offer becomes invalid for any reason or rejected by the consumer, STU shall not be required to consider any further application from the same consumer within twelve months from the date of issue of *FORMAT-LT2* unless new application substantially different from the original application is made.

### **2.3.2 Where electricity system strengthening is involved**

- (i) STU shall carry out studies to assess requirement of system strengthening and may require the consumer, any other transmission licensee and/or distribution licensee to furnish additional information/study/data for further studies within fifteen days. They shall submit information to STU

within a month. Based on above information, STU shall prepare preliminary report of system study covering all aspects of Delhi EGC and communicate the same to all concerned within next two month.

Provided that if there are more than one application for long-term access, STU shall undertake joint studies and prepare one consolidated preliminary report. STU shall invariably send a copy to SLDC,/Distribution licensees, as the case may be.

- (ii) The preliminary report shall be communicated along with specific information on *FORMAT- LT2* to all concerned not later than sixty days from the date of receipt of application and such communication shall be deemed to be grant of open access. However in case of more than one application, the condition of Sixty days shall not apply and STU shall fix such date which shall not be more than one hundred fifty days.

The consumer shall enter into Bulk Power Transmission Agreement (BPTA) and/or Bulk Power Wheeling Agreement (BPWA) with concerned transmission licensee and/ or distribution licensee within sixty days and the copy of such agreements shall be sent to SLDC.

- (iii) Notwithstanding anything contained in sub-clause 2.3.2(i), any other transmission licensee and / or distribution licensee shall also be required by STU to identify system strengthening requirements at their end and communicate the same to STU with relevant details in respect to inter-connection, cost estimates, construction milestones / schedule and site responsibility schedule, drawings and any other information as may be necessary for consideration of STU within forty five days from the date of receipt of preliminary report of system study under sub-clause 2.3.2(i).
- (iv) The requirement of system strengthening brought out in preliminary report shall be integrated with the transmission plan with the provisions of Delhi EGC. The plan so prepared shall be approved by CEA in its standing committee meeting of Power System planning. .
- (v) Based on approved transmission plan, STU shall finalize strengthening requirements in transmission and distribution systems, in consultation with SLDC and concerned Transmission and/or Distribution licensees as the need be.

System strengthening requirements should clearly identify expansion, augmentation, renovation, modernization of existing sub-stations and/or electric lines and/or construction of new substations and electric lines. It also includes decision regarding who will construct, own, maintain and operate different parts of the system strengthening scheme.

The final report shall be communicated to all concerned to take up the work of the system strengthening as per the schedules finalized or decisions taken therein.

- (vi) After final report is prepared, the consumer, STU, any other transmission licensee and distribution licensee or any other person associated with transaction shall comply with such instructions, obligations, duties, time schedules or any other matter as may be specified by STU in final report.

Provided that STU has not changed system strengthening requirements on the basis of any subsequent study carried out on its own motion or on an application of any other consumer, any other transmission licensee and distribution licensee and in such event, the changes carried out by STU shall be binding on the consumer, any other transmission licensee and distribution licensee or any other person associated with transaction.

### **3. Bulk Power Transmission Agreement (BPTA) and/or Bulk Power Wheeling Agreement (BPWA)**

- 3.1 Bulk Power Transmission Agreement (BPTA) and/or Bulk Power Wheeling Agreement (BPWA) shall be signed by the consumer with STU, any other transmission licensee and distribution licensee, as the case be, agreeing therein to pay transmission and wheeling charges for use of existing transmission and/or distribution system. These agreements shall be signed within time communicated to the consumer under sub-clause 2.3.1(iii) or under sub-clause 2.3.2(ii).
- 3.2 A supplementary BPTA and/or BPWA to the principal agreements signed under clause 3.1 shall also be signed by the consumer with STU, any other transmission licensees and distribution licensees, as the case be, agreeing therein to pay additional transmission and wheeling charges for use of additional transmission and/or distribution system created due to system strengthening. These agreements shall be signed within period specified by STU under sub-clause 2.3.2(vi).
- 3.3 At the instance of STU, agreements shall include provisions in respect to :
- (a) requirement of protection system, metering, operational and safety criteria, data and communication system;
  - (b) conditions of interconnection/connectivity, technical requirements thereof;
  - (c) relevant drawings covering all aspects in relation to (a) and (b) above;
  - (d) 'Site Responsibility Schedule' in relation to ownership, control, operation and maintenance of plant and apparatus and safety of persons;
  - (e) procedure for site access, site operational activities and maintenance standards for equipment of concerned transmission licensee and/or distribution licensee and/or consumer's premises;
  - (f) premature termination of agreement and its consequences on the contracting parties;
  - (g) compliance with the provisions of Delhi Electricity Grid Code, Indian Electricity Grid Code, regulations / norms / standards / codes specified by CEA / DERC or any provision of planning criteria / any covenants / deeds / regulations by which STU / Transmission licensee /distribution licensee are bound;
  - (h) details of system strengthening requirements including inter-connection, approximate cost estimates, construction and commissioning milestones / schedule, schedule of commissioning and commercial operationalization;
  - (i) provisions for payment security, payment, rebate and surcharge as per DERC (Terms and condition of transmission tariff) Regulations and DERC (Terms and condition of distribution tariff) Regulations and orders of the Commission made there under;
  - (j) Any other relevant necessary information.
- 3.4 For execution of work where electricity system strengthening is involved, the parties should note the following:
- (i) System strengthening work shall be taken up after signing of BPTA and/or BPWA under clause 3.1 and 3.2.
  - (ii) The consumer and concerned licensees shall furnish progress of system strengthening works on quarterly basis to each other with a copy to STU/SLDC.
  - (iii) The consumer and concerned licensees shall inform, in writing, at least ninety days ahead of schedule, commercial operation date of additional systems of their part to STU with a copy to concerned/affected persons.

(iv) Based on information received under sub-clause 3.4(iii), STU shall confirm the consumer and concerned licensees at least sixty days ahead of scheduled date of commencement of long-term transaction and directed the consumer to:

- (a) establish adequate payment security within thirty days; and
- (b) submit a request for scheduling of transaction to SLDC within thirty days.

3.5 Whenever any equipment and/or drawing are proposed to be changed, the consumer or licensee shall intimate necessary changes to STU and all other concerned. When changes are implemented, revised single line diagram shall be circulated by the consumer or licensee to STU and all concerned.

#### **4. SCHEDULING AND REVISION OF SCHEDULES**

4.1 Open access transaction shall be carried out under the provisions of DERC Order dated 31.03.07 passed in matter of Availability Based Tariff and any other order passed from time to time, read with Delhi Electricity Grid Code, Indian Electricity Grid Code, DERC (Terms and Conditions of Generation/Transmission tariff) Regulations and any other relevant regulation/order/code, as the case may be, and as amended and applicable from time to time.

Provided that consumer, having premises in area of a distribution licensee, contracts for supply of electricity from such distribution licensee in addition to supplies from other source; energy accounting of electricity supplied from other source shall be carried out first and electricity supplied from such distribution licensee later. In case other source is more than one, the source that comes into open access transactions first, in chronological order of dates of approval of nodal agency, shall be booked for energy accounting first and thereafter subsequent sources shall be taken up until all are exhausted and supply from distribution licensee shall be at last.

#### **5. COMMERCIAL CONDITIONS**

5.1 SLDC shall issue an energy account, statement of UI and corresponding UI charges and reactive energy and its charges, on the basis of data received from ABT meters along with data relating to declared capability and schedules etc., in accordance with the provisions of DERC Order dated 31.03.07 (the ABT Order) passed in matter of Availability Based Tariff and as amended from time to time.

5.2 Energy account prepared by SLDC shall be used for billing purposes.

5.3 The consumer shall pay a fee to SLDC as specified in DERC (Procedure, terms and conditions for payment of fee & charges to State Load Despatch Centre and other related provisions) Regulations and amendment thereof.

5.4 The consumer shall make payments in the following manner:

(i) STU, any other transmission licensee and/or distribution licensee, as the case be, shall prepare a bill on monthly basis as per energy account issued by SLDC on the basis of transmission charges, wheeling charges determined by the Commission from time to time. Surcharge and additional surcharge, if any, shall also be recovered through such bill.

(ii) The consumer shall pay charges directly to STU, any other transmission licensee and / or distribution licensee, as the case be, within time provided in BPTA and/or BPWA or in relevant order of the Commission.

(iii) The payment shall be made by mode agreed in BPTA and/or BPWA.

- (iv) The SLDC charges shall be recovered from the consumer through bill directly raised by SLDC to Consumer on monthly basis.
- (v) Cross Subsidy Surcharge shall be leviable as determined by the Commission in its Order /Tariff Order which shall be payable to Distribution Licensee on per unit basis by the open access consumers (except those availing power from their captive power plants) based on the actual energy consumed during the month through open access.
- (vi) Additional surcharge will be applicable as determined by the Commission as per Regulation 12 of DERC (Open Access) Regulations, 2005 as amended from time to time.
- (vii) The payment for the reactive energy charges for the Open Access consumers shall be calculated in accordance with DERC (Terms and Conditions for Determination of Generation, Transmission, Wheeling and Retail Supply Tariff) Regulations approved by the Commission. Provided that no additional power factor surcharge / incentive shall be leviable on the energy drawn through open access. These charges are to be recovered by concerned Licensee.
- viii) In cases of outages of generator supplying to open access consumer under open access, standby arrangements should be provided by the distribution licensee for a maximum period of 42 days in a year, subject to the load shedding as is applicable to the embedded consumer of the licensee and the licensee shall be entitled to collect tariff under Temporary rate of charge for that category of consumer in the prevailing rate schedule.

Provided also that open access consumers would have the option to arrange standby power from any other source. Standby charges would be applicable from 00.00Hrs after the 24 hrs of serving the notice by Open Access Consumer till that time consumer have to pay the charges as per UI rate for drawal for that energy to distribution licensees. The Standby Charges for the power availed by the Open Access Consumer beyond the notice period would be paid to Distribution company, similarly, placed consumers of Discoms availing temporary connection the Distribution Company

- (ix) In addition to the above charges, the Utilities who are authorized to installed meters for Open Access Consumer are entitled to recover charges from the consumer as under:-
  - a) Estimated cost of ABT Meter with AMR facility =Rs.50000/-
  - b) Estimated expenditure involves in testing /installation/commissioning of Energy Meter=Rs.20000/-
  - c) Estimated expenditure for data downloading of Energy Meter per visit=Rs.2500/-

The above rates /expenditure are without VAT/Service Tax if any applicable.

NOTE-Procurement/installation of CT/PT /Metering Cubicle & its wiring upto the terminal block to be arranged by the consumer.

5.5 Based on energy account, the consumer shall make payments of Unscheduled Interchange (UI) Charges as provided under ABT Order and at rates of UI specified by the Central Electricity Regulatory Commission. However, in case of captive users and the consumer other than a distribution licensee, the following provision shall apply:

- (a) For Captive generating plant supplying electricity to its captive user connected or not connected with grid and a consumer, such captive user or a consumer shall ensure to draw power as per schedule during each 15-minute time block. The drawal more than schedule shall be considered as 'back up supply' ('back up charges' shall be constituted accordingly) to such captive generating plant or its captive user or consumer from distribution licensee of his area. Such over drawal shall be charged at frequency linked rate 25% higher than UI rate specified by CERC form time to time.



- (b) Above charges shall be without prejudice to penalty which may be imposed by the Commission, for non-compliance of the provision of the Act, regulation or code or order made there under, on recommendation of SLDC.
  - (c) The billing of the 'back up charges', under sub-para (a) above, shall be carried out with the billing of UI charges.
- 5.6 Reactive Energy Charges associated with transaction shall be paid as per the provision of Delhi Electricity Grid Code or ABT Order or otherwise specified by the Commission by an Order.
- 5.7 Non-payment of any charge or sum of money payable by the consumer under the Regulations shall be considered non-compliance of the Regulations and Section 56 of the Act, the generating company or STU or any other transmission licensee or a distribution licensee may disconnect supply after giving consumer an advance notice of fifteen days without prejudice to his right to recover such charges by suit.

Provided that non-payment or delayed payment of UI bill shall be considered as default on part of consumer and for such continued defaults, STU/SLDC may bring a case before the Commission for non-compliance of the Regulations under Section 142 of the Electricity Act, 2003.

## **5.8 Payment Security Mechanism**

- 1 In case of Long term Open Access , the applicant for open access will open an irrevocable and revolving Bank Guarantee in favour of the Transmission / Distribution Licensee responsible for collection of applicable charges for the estimated amount of various charges for a period of two months as per prescribe Format LT-8.
- 2 Payment security mechanism specified above is intended to ensure recovery of the applicable payment in case of payment default and not as a mechanism for regular payments.
- 3) The Bank Guarantee shall be opened in a Scheduled Bank mutually agreed between consumer and the concerned Licensees.
- 4) The Bank Guarantee shall be valid for at least three months beyond the entire duration of the transaction.
- 5) The Bank Guarantee shall be opened before commencement of Open Access transaction.
- 6) The Bank Guarantee shall be operated by the Licensees in case of default in payment.
- 7) All costs / expenses / charges associated with Bank Guarantee shall be borne by the applicant / consumer.

## **6. METERING**

- 6.1 Metering arrangements shall be guided by the chapter VI clause 33 of DEGC.
- 6.2 All other matters which are not covered in Regulation regarding type, standards, ownership, location, accuracy class, installation, operation, testing and maintenance, access, sealing, safety, meter reading and recording, meter failure or discrepancies, anti tampering features, quality assurance, calibration and periodical testing of meters, additional meters and adoption of new technologies etc. shall be governed by the Central Electricity Authority (Installation and Operation of Meters) Regulations, Delhi Electricity Grid Code and amendments thereof.

## **7. ENERGY LOSS**

- 7.1 Energy loss, estimated by SLDC for State transmission and by the Commission for distribution systems, shall be apportioned for all transactions (long-term and short-term transactions).

## **8. TRANSMISSION AND DISTRIBUTION SYSTEM CONSTRAINTS**

- 8.1 When for the reason of constraints or to maintain grid security, it becomes necessary to curtail power flow on transmission and/or distribution corridor, the transaction already reserved / scheduled may be curtailed by SLDC, if in its opinion such curtailment is likely to relieve transmission and/or distribution constraint or is likely to improve grid security.
- 8.2 In case of curtailment becoming necessary as result of deviation by the consumer from final despatch and drawal schedule intimated to SLDC, the use of such intra-State system shall be curtailed first, to the full extent of such deviation, following which the principle specified in following clause 8.3 shall apply.
- 8.3 When because of transmission and/or distribution systems constraint or otherwise, it becomes necessary to curtail the transmission and/or distribution services, curtailment shall be affected in the following order:
- (i) Other captive power plant
  - (ii) Other generating company
  - (iii) Other distribution licensee
  - (iv) Existing captive power plant
  - (v) Existing generating company
  - (vi) Existing distribution licensee

“Existing” means that existing prior to the date of publication of DERC (Terms and Conditions for Open Access) Regulations, 2005.

- 8.4 Notwithstanding the provisions of the Regulations, SLDC may, in cases of emergency and in order to maintain system security, follow such other principles of curtailment of use as it considers appropriate.
- 8.5 In case of curtailment of capacity by SLDC, transmission charges and/or wheeling charges payable shall remain unaffected.
- 8.6 In case of a force majeure, as determined and notified by SLDC, any schedule transaction may be curtailed or suspended at sole discretion of SLDC and its decision shall be final and binding, and under such event, transmission charge and/or wheeling charge, payable by any user of transmission and/or distribution system, shall remain unaffected.

## **9. GENERAL**

- 9.1 STU shall designate an officer as ‘Nodal Officer’ who shall make correspondence in the matter of open access and be responsible for processing and arranging long term access.
- 9.2 SLDC shall maintain up-to-date records of consumers, long-term transactions and any other relevant information/data and other decisions taken by it on its web-site
- 9.3 STU / SLDC may modify formats specified under this procedure as the need be under intimation to the Commission. These formats shall also be kept on web-site.
- 9.4 STU, SLDC, any other transmission licensee, distribution licensee, generating company (generating station, captive generating plant, non-conventional sources of energy) or any other person supplying electricity within the State, trader and open access consumer shall comply with the Electricity Act, 03 and the following orders, regulations and codes as amended from time to time and as applicable.
- 9.5 The consumer shall keep STU and SLDC indemnified at all times and shall undertake to indemnify, defend and keep STU and SLDC harmless from any and all damages, losses, claims and actions

including those relating to injury to or death of any person or damage to property, demands, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from open access transaction.

- 9.6 All complaints regarding unfair practices, delays, discrimination, lack of information, supply of wrong information or any other matter related to Long Term Open Access in intra-State transmission shall be directed to the Chairman, Commercial Sub Committee. In case the committee is unable to resolve the matter, it shall be reported to the GCC / Commission for a decision.
- 9.8 An application involving inter-State transaction shall be governed by the regulations issued by the Central Electricity Regulatory Commission (CERC).

**FORMAT - LT1**

**APPLICATION FOR GRANT OF LONG-TERM OPEN ACCESS**

( to be sent by consumer to STU)

To: GM (Planning),DTL

1	Consumer Application No:	<self generated by Consumer>	Date:	
2	Name of Consumer			
3	Nature of Consumer*	< seller/buyer/captive user/trader (on behalf of seller/buyer/captive user )		
4	Trading License No & type			

<\* In terms of power transfer>

5	Period of Open Access Sought for				
	Proposed date/Month of Commencement of Open Access				
	Details of proposed Open Access				
	Date		Hours		Capacity
	From	To	From	To	MW*

< MW\* at point of injection>

6	<b>Electricity System Strengthening is Involved (Yes/No)</b>	< refer sub-clause 2.1.2/2.1.3 of procedure >
7	<b>Registered Address</b>	< if registered as per Companies Act 1956 >

8	<b>Authorised Person(s)</b>	
	<b>a) Prime Contact Details for the Purpose of Correspondences</b>	
	<b>Name</b>	
	<b>Designation</b>	
	<b>Phone/Mobile</b>	<b>Residence/Office</b>
	<b>Fax No</b>	
	<b>Email</b>	
	<b>(b) Alternate Contact Details</b>	
	<b>Name</b>	
	<b>Designation</b>	
	<b>Phone/Mobile</b>	<b>Residence/Office</b>
	<b>Fax No</b>	
<b>Email</b>		

9	Details of PPA/PSA/MoU					
	Name & Address of parties		Date of PPA/PSA/MoU	Validity Period		Capacity MW*
	Seller	Buyer		Commencement	Expiry	

< MW\* at point of injection>

10	Details of Non-Refundable Application Fee Made				
	Bank Details	Instrument Details			Amount(Rs.)
		Type(Draft/Cash)	Instrument No.	Date	
11	Involvement of Grid System during Transaction		Injecting Entity	Drawee Entity	
	(a) Intra State Transmission Network(Yes/NO)				
	(b) Intra State Distribution Network(Yes/NO)				
	(c) Inter State Transmission Network(Yes/NO)				

12	Details of Injecting Entity	
	1)Name	
	2)Status(in terms of Ownership)	<State utility/CPP/IPP/Discom/ consumer/ specify, if any other>
	3) Whether existing or New Entity	
	4) Utility in which it is Embedded	
	5) Whether Existing Long-term Consumer	<yes/No>
	6)Open Access Requirement Of Entity	
	(i)Existing Capacity in Use(Contracted)	
	(ii)Open Access Capacity sought for	
	(iii)Total Capacity(i+ii)(MW)	
	7) Point of Grid connectivity	< existing/proposed >
	(i) Name of Sub-Station	
	(ii)Voltage level of Injection	
	(iii)Name of Licensee(owner of S/S)	
	8) ABT Interface Metering*	
	(i) Type	
	(ii) Make	
	(iii) Rating	
	9) Other relevant information to support processing of application	
	10) other information as notified by STUon its Web-site	

<\*Only in case if system strengthening is not involved and enclose supporting documents duly signed on each page>

13	Details of Drawee Entity	
	1)Name	
	2)Status(in terms of Ownership)	<State utility/CPP/IPP/Discom/consumer/specify, if any other>
	3) Whether existing or New Entity	
	4) Utility in which it is Embedded	
	5) Whether Existing Long-term Consumer	<yes/No>
	6)Open Access Requirement Of Entity	
	(i)Existing Capacity in Use(Contracted)	
	(ii)Open Access Capacity sought for	
	(iii)Total Capacity(i+ii)(MW)	
	7) Point of Grid connectivity	< existing/proposed >
	(i) Name of Sub-Station	
	(ii)Voltage level of Injection	
	(iii)Name of Licensee(owner of S/S)	
	8) ABT Interface Metering*	
	(i) Type	
	(ii) Make	
	(iii) Rating	
	9) Other relevant information to support processing of application	
	10) other information as notified by STUon its Web-site	

<\*Only in case if system strengthening is not involved and enclose supporting documents duly signed on each page>

14	In case of Generating Station (Existing/Extension of Existing Station)	
	Existing Details of Station	
	1)Name	
	2)Name of promoter	
	3) Location	
	4) Generation Capacity	
	5) Details of Units with Capacity in MW	
	6)Type	<Thermal/Non-conventional / specify if any other>
	7) Fuel	
	8)Previous Three Year generation in MUs	
	9) Whether Captive Plant	<Yes/no, if yes F.Y. wise utilization during last 3 year>
	10) Base Load or Peaking Load Station	<if peaking load, details of estimated hours of running>
	11) Interfacing Voltage level with grid S/S	
	12) provision of Reactive Power	
	13)Other relevant Information	
14)Augmentation/Renovation/Modernization/Extension Details of Station (if any)		
(i) Specific Details		
(ii) Commissioning schedule		
(iii) Other relevant information		
15) Description of 'Electricity System' along with single line diagram(connected &/or proposed)		
10) other information as notified by STU on its Web-site		
15	In case of New Generating Station	
	1)Name	
	2)Name of promoter	
	3) Location	
	4) Generation Capacity	
	5) Details of Units with Capacity in MW & Commissioning schedule	
	6)Type	<Thermal/Non-conventional specify, if any other>
	7) Fuel	
	8) Whether Captive Plant	<Yes/no>
	9) Base Load or Peaking Load Station	<if peaking load, details of estimated hours of running>
	10) Interfacing Voltage level with grid S/S	
	11) provision of Reactive Power	
	12) whether identified Station of CEA	<yes/NO>
	13) status of Clearance(Yes/No)	
	(i) Land Requisition	
	(ii) Fuel agreement	
(iii) Environment & Forest		
(iv) TEC	<if required>	
(v) PPA with beneficiaries		
14)Other relevant Information		
15) Description of 'Electricity System' along with single line diagram		
16) other information as notified by STU on its Web-site		

16	Details of final beneficiary (to whom Power is to be Transmitted &/or wheeled	
	<Consumer may enclosed supporting document as considered appropriate, duly signed on each page)	
	A) In case of Distribution Licensees	
	1) Name of Entity	
	2) Address of Entity	
	3) Utility in which embedded	
	4) Allocation of Power (MW)	
	5) Other Relevant Information	
	<b>B) In case of other than Distribution Licensees</b>	
	1) Name of person/Entity	
	2) Address of Person/Entity	
	3) Utility in which embedded	
	4) Allocation of Power (MW)	
	5) Place of Installation to be Benefited	
	6) Reactor/capacitor Installed	
	7) Beneficiary is consumer of distribution Licensees	<Yes/No>
If yes, Then (i) Name of distribution Licensees		
(ii) Existing Contracted Capacity		
8) Other relevant Information		
9) other information as notified by STU on its Web-site		
17	Other Relevant Information	

**Undertaking on behalf of Consumer/User's involved in transaction**

18	<b><u>Declaration</u></b>
	<p>a) All Entities/Utilities to transaction shall abide by provisions of the Electricity Act 2003 (the Act), DERC (Terms and Conditions for Intra State Open Access) Regulations and any other relevant regulation/order/ code as amended from time to time.</p> <p>b) M/s _____ have a valid license (no. _____, type _____ and valid upto _____) issued by _____ for Inter-State/Intra-State trading and will abide by CERC Regulation on inter-State trading License, as amended from time to time/DERC (procedure, term and conditions for grant of Trading License for Intrastate Electricity Trader and other related provisions) Regulation and amendments thereof .</p> <p>&lt;this clause is applicable in case consumer is a trader&gt;</p> <p>c) The electricity system (involved in Transaction) shall abide by provisions of DEGC, IE Rules 1956 made under section 37 of Indian Electricity Act 1910 whichever applicable, Technical Standards for Construction of electricity plants, Electric Lines and Connectivity to Grid specified by CEA, measures relating to safety and Electric supply made by CEA under section 57 and 58 of the Act, and Installation and Operation of meters Regulations made by CEA.</p> <p>d) I hereby agree to keep STU and SLDC indemnified at all times and shall undertake to indemnify, defend and keep STU and SLDC harmless from any and all damages, losses, claims and actions including those relating to injury to or death of any person or damage to property, demands, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from open access transaction</p>

Place:  
Date :

Signature (With Stamp)  
Name & Designation

Enclosures

- 1) Non-refundable application fee by Demand draft or cash receipt (if payment by cash).
- (2) Self-certified copy of PPA/PSA/MoU entered between the parties (buyer and seller) of transaction stating contracted power, period of transaction, drawal pattern, point(s) of injection and drawal etc.
- (3) Self-certified copies of Trading licensee .(if applicable).
- (4) Detailed description of ‘electricity system’ of injecting and drawee entities(involved in the transaction) already connected and/or proposed to be connected with intra-state transmission system along with single line diagrams.
- (5) Connectivity and interface metering related supporting document including outdoor and indoor layout single line diagrams.(if existing user’s of intra-state System)
- (6) If any other.

**Copy to along with relevant enclosures [except (1) & (2)]:**

- (1) General Manager (Commercial) of Transmission Licensee involved in transaction.
- (2) Concerned officer of Distribution Licensee involved in transaction
- (3) SLDC.
- (4) Any other concerned

<b>For use of STU (with Reference to Enrolment of Application)</b>	
<b>STU Reference ID No.</b>	
<b>Nodal STU Approval No.</b>	<i>&lt; if approved &gt;</i>
<b>Or Reason of Refusal* (If Refused)</b>	

*<\* Nodal Agency may also enclosed supporting documents for the reasons of refusal duly signed on each page >*



**ACKNOWLEDGEMENT**

*(for office use only)*

**APPLICATION FOR GRANT OF LONG-TERM OPEN ACCESS**

*(A) < to be filled by the consumer >*

1	Consumer Application No:	<i>&lt;self generated by Consumer&gt;</i>	Date:	
2	Period of Transaction:			
3	Name of Consumer*	<i>&lt; seller/buyer/captive user/trader (on behalf of seller/buyer/captive user &gt;</i>		
4	Trading License No. & Type	<i>&lt;If Trader&gt;</i>		

*< MW\* at point of injection >*

5	Period of Open Access Sought for				
	Proposed date/Month of Commencement of Open Access				
	Details of proposed Open Access				
	Date		Hours		Capacity
	From	To	From	To	MW*

*<MW\*at point of Injection>*

*(B) < to be filled by STU >*

<b>Date and time of Receipt of Application</b>	
--	--

**place  
Date**

**Signature (With Stamp)  
Name & Designation**

-----X-----X-----X-----X-----X-----  
*(to be issued by STU to the consumer immediately on receipt of application duly filled in)*

**APPLICATION FOR GRANT OF LONG-TERM OPEN ACCESS**

*(A) < to be filled by the consumer >*

1	Consumer Application No:	<i>&lt;self generated by Consumer&gt;</i>	Date:	
2	Period of Transaction:			
3	Name of Consumer*	<i>&lt; seller/buyer/captive user/trader (on behalf of seller/buyer/captive user &gt;</i>		
4	Trading License No. & Type	<i>&lt;If Trader&gt;</i>		

*< MW\* at point of injection >*

5	Period of Open Access Sought for				
	Proposed date/Month of Commencement of Open Access				
	Details of proposed Open Access				
	Date		Hours		Capacity
	From	To	From	To	MW*

*<MW\*at point of Injection>*

*(B) < to be filled by STU >*

<b>Date and time of Receipt of Application</b>	
--	--

**place :  
Date**

**Signature (With Stamp)  
Name & Designation**

**N.B: This counterfoil may be scored out and issued to the consumer.**

**FORMATS for Long-Term  
FORMAT- LT-2A**

**Format of Application for Registration with SLDC as user of intra-state Transmission System  
(for generator)**

Sr.No.	Particulars Applicant's Details	
1	Name of the Generating Company	.....
2	Address of the Generating Company/ Authorized Person Name : Designation : Address : Contact Details : Office No : 1) .....2) .....	..... ..... ..... ..... .....
	Fax No. :	.....
	Mobile No :	.....
	Email ID :	.....
3	Location of the Generating Station	.....
4	Location of Interface with Grid (Enclose a layout of switch yard)	.....
5	Total Installed Capacity	.....
6	Commercial Operation Date (COD) Of the Generating station	.....
7	Nature of use of Energy Supply to Licensees /wheeling to 3rd parties /wheeling for captive use	.....
8	Transmission capacity contracted (Please enclose details of Licensees) (a) For supply to Licensees (b) For wheeling to 3rd parties (c)For wheeling for captive use	..... ..... .....
9	Agreement period for supply to licensees	.....
10	Details of communication system installed for communication of data to SLDC	.....
11	Establishment in-charge of control room for communication with SLDC	.....
12	Details of Registration fee paid	.....
13	Any other information useful for assisting efficient Grid Operation (Please enclose separate sheets for additional information )	.....

Signature of the Authorized Officer

**FORMATS for Long -Term  
FORMAT- LT-2B**

**Format of Application for Registration with SLDC as user of intra-state Transmission System**

(For Open Access Consumer)

- |        |   |
|--------|---|
| Sr.No. | Particulars Applicant's Details   |
| 1      | Name of the Open Access Consumer .....  |
| 2      | Address of the Open Access Consumer .....   |
|        | Authorized Person   |
|        | Name : .....  |
|        | Designation : .....   |
|        | Address : .....   |
|        | Contact Details :   |
|        | Office No : 1) .....2) .....  |
|        | Fax No. : .....   |
|        | Mobile No : .....   |
|        | Email ID : .....  |
| 3      | Location of Interface with Grid (Attach a list of voltage-wise Grid substations/lines along with details of location, capacity, No. of bays, line length, type of line, date of commissioning etc ) |
| 4      | Total capacity (Max. Demand that can be served)   |
| 5      | Transmission capacity contracted from Transmission Licensees (Enclose list of Transmission Licensees with details)  |
| 6      | Capacity contracted to Open Access consumers.   |
| 7      | Details of communication system available for communication of data to SLDC / ALDC (Enclose substation-wise details)  |
| 8      | Designation of the personnel responsible for operation of Grid substations at which Open Access Consumer is connected.  |
| 9      | Details of the registration fee paid  |
| 10     | Any other information useful for assisting efficient Grid Operation:<br>(Please enclose separate sheets for additional information)   |

Signature of the Authorized Officer

FORMATS for Long-Term  
FORMAT- LT-8

**FORMAT FOR THE UNCONDITIONAL AND IRRECOVABLE BANK GURANTEE FOR  
BILATERAL TRANSACTION / COLLECTIVE TRANSACTION**

*(To be stamped on Rs.100/- non judicial stamp paper)*

Whereas M/s. \_\_\_\_\_ (*Name of the Intra State Company*), a Company registered under the Companies Act, 1956 and having Registered Office at \_\_\_\_\_ (*Address*), hereinafter called the 'Intra State Company' submitted open access application for intending transaction, inter alia for sale / trade of power of \_\_\_MW on Long term basis to \_\_\_\_\_ (*Name of Trader / Buyer*) through Inter State / Intra State Open Access as per applicable relevant regulation issued by appropriate Regulatory Commission and procedure devised by the State Transmission Utility, Delhi Transco Ltd for Long Term Open Access in intra State network in the State of Delhi (*Name of State*) in the condition which inter alia are subject matter of the application of Long term transaction herein referred, agrees to furnish this Bank Guarantee for an amount of Rs. \_\_\_\_\_ (*in figures*) Rs. \_\_\_\_\_ (*in words*) equivalent to One week billing for scheduled energy either receivable or payable determined based on quantum of sale / trade intend to scheduled through this open access transaction at rate of 105% of maximum unscheduled interchange rate applicable and equivalent to One week.

We, \_\_\_\_\_ (*Name of the Bank*) Bank, \_\_\_\_\_ (*Branch, City*) Branch hereinafter called 'The Bank' in consideration of the premises, do hereby agrees unequivocally, irrevocably and unconditionally to pay the STU or concerned Distribution Licensees from the consumer as the case may be or (the Distribution consumer), the \_\_\_\_\_

Forthwith on demand in writing from procurer or any officer authorized by it in this behalf at any time upto \_\_\_\_\_ (*date up to Open Access transaction + two additional months*), any amount upto and not exceeding Rupees \_\_\_\_\_ (*in words*) only as may be claimed by STU, Delhi by way of failure of the Open Access Consumer to pay any charges within stipulated time limit towards obligation laid down under Long Term Open Access approval granted.

It is hereby agreed and acknowledge that the decision of the STU/State Load Dispatch Center/ or (the Distribution company), the Generating company as the case may be, as to whether any money is payable by the Open Access Consumer or whether the Open Access Consumer has made any such default of defaults as aforesaid and the amount or amounts to which the STU is entitled to by reason thereof will be binding on the Bank and the Bank shall not be entitled to ask the STU/Distribution Licensees to establish its claim or claims under this Guarantee or to claim any such amount from the company in the first instance but shall pay the same to the STU/ Distribution Licensee of Delhi forthwith on demand without any demur, reservation,

recourse, contest or protest and / or without any reference to the intrastate company. Any such demand made by the STU/ Distribution Licensee on the Bank shall be conclusive and binding notwithstanding any difference between the STU/ Distribution Licensee and the Intrastate company or bank and Intrastate Company or pay dispute pending before any Court, Tribunal, Arbitrator or any other authority.

The Bank further undertake not to revoke this Guarantee during its currency except with the previous consent of the STU/ Distribution Licensee of Delhi in writing and this Guarantee shall continue to be enforceable till the aforesaid date of its expiry or the last date of the extended period agreed upon as the case may be unless during the currency of the Guarantee all the dues of the STU/ Distribution Licensee under or by virtue of Open Access approval granted by SLDC of the letter of approval and subsequent accounting statement issued to intrastate company have been duly paid and its claims satisfied or discharge or the STU/ SLDC certifies that the terms and conditions of said letter of open access approval and subsequent accounting statement issued by State Load Dispatch Center have been fully carried out by the intrastate company and accordingly discharged the Guarantee.

Subject to the maximum limit of the Bank's liability as aforesaid, this Guarantee shall cover all claim or claims of the STU/ Distribution Licensee against the Intrastate company from time to time arising out or under condition stipulated under the said letter of Long Term Open Access approval and Charges payable in exercise of said approval of Long Tem Open Access and in respect of which the STU/ Distribution Licensee Delhi demand or notice in writing be served on the Bank before the date of expire of this Guarantee mentioned above or of further extended period agreed upon, as the case may be.

The Guarantee shall not be affected by any change in the constitution of the said Intrastate Company in any manner by reason or merger, amalgamation, restructuring or any extension or forbearance to the Intrastate Company or any other change in the constitution of the Guarantor and the Bank will ensure for and be available to and guarantee enforceable by the STU/ Distribution Licensee of Delhi.

The Guarantee shall be a primary obligation of the Guarantor Bank and accordingly procurer shall not be obliged before enforcing this bank guarantee to take any action in any court or arbitral proceedings against the Intrastate Company, to make any claim against or any demand on the Intrastate Company or to give notice to the Intrastate Company to enforce any security held by the procurer or to exercise, levy or enforce any distress, diligence or other process against the Intrastate Company. The bank guarantee shall be interpreted in accordance with the laws of India and settlement of any dispute arisen between the parties shall be subjected to the legal jurisdiction of Delhi.

And whereas in case violation of the terms of the Bank Guarantee, penalty will be levied on the claimed amount as per the bank's penalty rates. It will not be opened to the Intrastate Company to challenge the said clause on any ground whatsoever including formation of opinion but default as to the amount guarantee or part thereof remaining payable under the contract and such opinion of STU/ Distribution Licensee shall be final and binding thereof for the purpose of invocations of this Bank Guarantee.

Notwithstanding anything contained herein:-

- 1 Our liability under this Bank Guarantee shall not exceed Rs. \_\_\_\_\_ (*In Figures*) (Rupees \_\_\_\_\_) (*in words*)
- 2 This Bank Guarantee shall be valid till \_\_\_\_\_ (*date to be inserted as per approval of Open Access transaction allowed by SLDC with an additional claim period of 60days thereafter*).
- 3 We are liable to pay the guaranteed amount or any part thereof under this Bank Guarantee only if procurer serve upon us a written claim or demand on or before \_\_\_\_\_

The Bank has power to issue this Bank Guarantee under the statute and the undersigned has full power to sign this Guarantee on behalf o Bank.

Signature \_\_\_\_\_

Name \_\_\_\_\_

Power of Attorney No. \_\_\_\_\_

For \_\_\_\_\_ (name of bank)

Witness (two authorized officers of the Bank with name, designation and employee number)

1 \_\_\_\_\_

2 \_\_\_\_\_