

HARYANA ELECTRICITY REGULATORY COMMISSION

Notification

The 11th January, 2012

Regulation No. HERC / 25 / 2012: - The Haryana Electricity Regulatory Commission, in exercise of the powers conferred on it by section 181 of the Electricity Act 2003 (Act 36 of 2003) and all other powers enabling it in this behalf, after previous publication, hereby frames the following regulations:-

Chapter – I

General

1. Short title, commencement and interpretation. - (1) These regulations may be called the Haryana Electricity Regulatory Commission (Terms and conditions for grant of connectivity and open access for intra-State transmission and distribution system) Regulations, 2012.

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

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

(4) The Punjab General Clause Act 1898 (Act 1 of 1898) as applicable to the state of Haryana shall apply to the interpretation of these regulations

2. Scope and extent of application. – These regulations shall apply where an application has been made for grant of connectivity for the purpose of open access to the intra-state transmission and or distribution system and or where an application has been made for long term open access, medium term open access or short term open access for use of the intra-State transmission and or distribution system including when such system is used in conjunction with inter-State transmission system.

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

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

Chapter – II

Definitions

3. Definitions. –In these regulations, unless the context otherwise requires-

- (1) “Act” means the Electricity Act, 2003 (36 of 2003) as amended from time to time;
- (2) “applicant” means any licensee or consumer or a person engaged in generation of power or a person other than consumer who has made an application as per these regulations to the nodal agency seeking connectivity or open access as the case may be;
- (3) “CERC” means the Central Electricity Regulatory Commission;
- (4) “Commission” means the Haryana Electricity Regulatory Commission (HERC);
- (5) “connection agreement” means an agreement between State Transmission Utility (STU), intra-State transmission licensee other than STU, if any and or distribution licensee and an applicant, setting out the terms relating to connectivity to the intra-state transmission system and or distribution system;
- (6) “connectivity” means the state of getting connected to the Intra-State transmission and or Distribution system;
- (7) “consumer” shall carry the same meaning as in the Act, but shall be restricted to such consumers within the State of Haryana to whom these regulations shall apply;
- (8) “contract demand” means demand in kilovolt ampere (KVA) or megavolt ampere (MVA) mutually agreed between the distribution licensee and the consumer as entered into the agreement for supply of electricity;
- (9) “day” means a day starting at 00.00 hours and ending at 24.00 hours;
- (10) “detailed procedure” means the detailed procedure laid down by the STU under these regulations and approved by the Commission;
- (11) “embedded open access consumer” means a consumer who has a supply agreement with the distribution licensee in whose area of supply the consumer is located and avails the option of drawing power from any other person under open access, during a day or more in any month or more than one month during the

year, without ceasing to be a consumer of the said distribution licensee and continues to pay various charges as per tariff schedule applicable to relevant consumer category.

- (12) “imbalance” in a time block for a generating station means its total actual generation minus its total scheduled generation and for a open access consumer means its total actual drawal minus total scheduled drawal.
- (13) “interconnection facilities” means interconnection facilities at interconnection point in respect of generating station or consumer / licensee or applicant, without limitation, inclusive of all facilities such as switching equipment, control, protection and metering devices etc for the dedicated feeder bay, owned by the applicant or by an intra-state transmission licensee or distribution licensee, as the case may be, and located in the premises / switchyard of the STU or transmission licensee or distribution licensee or generating station or consumer or applicant to enable power interchange through the intra-state transmission and or distribution system;
- (14) “interconnection point” means the interface point(s) at which the generating plant / electrical plant and or electric line, including inter-connection facilities, of the applicant or open access consumer or the intra-state transmission licensee, other than the STU, is connected to the intra-state transmission system and or distribution system;

Provided that in case of solar photovoltaic and wind energy generating station the point of connectivity shall be line isolator on outgoing feeder on HV side of the pooling station, and for solar thermal generating station, the point of connectivity shall be line isolator on outgoing feeder on HV side of generator transformer.

- (15) “interface meters” means interface meters installed in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 as amended from time to time;
- (16) “limited short term open access consumer” means a consumer who has a supply agreement with the distribution licensee in whose area of supply the consumer is located and avails open access in distribution and / or transmission system only during pre-scheduled load shedding due to shortage of power.

- (17) "long-term open access" means the right to use the intra-State transmission and or distribution system for a period exceeding 12 years but not exceeding 25 years;
- (18) "medium-term open access" means the right to use the intra - State transmission and or distribution system for a period exceeding 3 months but not exceeding 3 years;
- (19) "month" means a calendar month as per the Gregorian calendar;
- (20) "nodal agency" means the nodal agency referred to in these regulations;
- (21) "open access" means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with these regulations;
- (22) "open access consumer" means any licensee or consumer or buyer or a person engaged in generation who has been granted open access in accordance with these regulations;
- (23) "short term open access" means open access for a period up to one (1) month at a time;
- (24) "SLDC" means State Load Despatch Centre established under section 31 of the Act.
- (25) "stranded distribution capacity" means the distribution capacity which is likely to remain unutilized due to relinquishment of access rights by a long-term open access consumer in accordance with these regulations;
- (26) "stranded transmission capacity" means the transmission capacity in the intra-State transmission system which is likely to remain unutilized due to relinquishment of access rights by a long-term open access consumer in accordance with these regulations;
- (27) "State" means the State of Haryana;
- (28) "Haryana Grid Code" means the Haryana Grid Code specified by the Commission under Clause (h) of sub-section (1) of section 86 of the Act;
- (29) "unscheduled interchange" means the unscheduled interchange of energy as mentioned in the Indian Electricity Grid Code / CERC

regulations or as defined in the Intra-State ABT regulation to be notified by the Commission;

(30) "Year" means the Gregorian year;

Words or expressions used in these regulations and not defined herein but defined in the Act or Haryana Electricity Reforms Act, 1997 or the State Grid Code or any other regulations specified by the Commission shall, unless the context otherwise requires, have the same meaning as assigned to them under the Act or the State Grid Code or other regulations specified by the Commission, as the case may be.

Chapter – III

Coordination committee and detailed procedure

4. Coordination committee. - (1) The STU shall constitute a coordination committee within one (1) month from the date of notification of these regulations. The coordination committee shall have a nominee each of the distribution licensees, transmission licensees and the SLDC. The nominee of the STU shall be the Chairperson of the coordination committee.

(2) The coordination committee shall facilitate timely approval of connectivity and open access application (s) and exchange of information when network of more than one licensee is involved in the open access transactions. The coordination committee shall frame rules for the conduct of its business and also the detailed procedure for grant of connectivity and open access. The rules for conduct of its business and the detailed procedure, consistent with provisions of these regulations and the provisions of Haryana Grid Code, shall be submitted by the coordination committee to the Commission for approval within sixty (60) days from the date of notification of these regulations.

(3) Till such time the rules for the conduct of business of coordination committee and detailed procedure for grant of connectivity and intra-State open access is approved by the Commission, connectivity and intra-State open access shall continue to be granted as per the existing procedure, which shall, however, not be inconsistent with the provisions of these regulations.

(4) The STU, while preparing detailed procedure and various formats for application, approval, agreement etc., may adopt the formats provided alongwith the model terms and conditions of Intra State open access regulations approved by the Forum of Regulators with suitable amendments so as to make all the formats consistent with the provisions of the Act and these regulations.

(5) The person seeking application form for connectivity or intra-State open access shall also be provided a copy of the detailed procedure alongwith each application form. The application form and detailed

procedure shall be given on payment of nominal charges of ₹ 100/-. However, in case of subsequent application, detailed procedure may not be required to be given alongwith the application form but a copy of subsequent amendment, if any, shall be provided to the existing or prospective open access consumers.

Chapter - IV

Grant of connectivity

5. Eligibility for connectivity. – (1) A consumer or a person seeking connectivity for a load of 10 MW and above or a generating station or a captive generating plant having installed capacity of 10 MW and above shall be eligible to obtain connectivity at 33 kV or above. A consumer or a person seeking connectivity for a load of less than 10 MW or a generating station or a captive generating plant having installed capacity of less than 10 MW shall be eligible to obtain connectivity at 33 kV or below

Provided that in case where connectivity cannot be given at the voltage level specified in this regulation due to non availability of requisite system or on account of some system / technical constraints then connectivity shall be given at an appropriate voltage level irrespective of the load of the consumer or the installed capacity of a generating station seeking the connectivity.

Provided further that in case of the consumer or a generating station already connected either to transmission system or the distribution system at voltage level other than that specified in this regulation then such consumer or the generating station shall continue to remain connected at the same voltage level.

6. Procedure for grant of connectivity. - (1) Nodal agency for grant of connectivity shall be the STU and application for grant of connectivity shall be submitted to the nodal agency in the form and manner prescribed in the detailed procedure.

Provided that till such time the detailed procedure prepared by the coordination committee is approved by the Commission, the application for grant of connectivity shall be processed by the nodal agency in accordance with the existing procedure.

(2) The application for grant of connectivity to the intra-State transmission system for the purpose of open access shall be accompanied by a non-refundable fee of ₹ 2,00,000/-. The application for grant of connectivity to the distribution system for the purpose of open access shall be accompanied by a non-refundable fee of ₹ 1,00,000/- The fee shall be in the shape of demand draft drawn in favour of the person as mentioned in the approved detailed procedure.

(3) The application for grant of connectivity with the intra-State transmission system and or the distribution system shall contain details such as proposed geographical location of the applicant, the quantum of power to be injected in the case of a generating station, including a captive generating plant and quantum of power to be drawn in the case of consumer and such other details as specified in the approved detailed procedure.

Provided that in case of any material change in the location or a change of more than 10% in the quantum of power to be interchanged as per the original application, the applicant shall file a new application incorporating revised particulars. No application fee shall be required to be deposited if the new application is filed within 15 days of the filing of the original application. If the new application is filed after 15 days from the date of filing of original application then the same shall be considered as a fresh application and requisite charges shall be payable by the applicant in accordance with these regulations.

(4) On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in the intra-State transmission system and or distribution system and State Load Despatch Centre, process the application and carry out the necessary feasibility study in accordance with the provisions of the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 and IEGC / Haryana Grid Code.

(5) The nodal agency, within forty five (45) days, from the receipt of an application complete in all respects and after considering all suggestions and comments received from other agencies involved in the intra-State transmission system and or distribution system and State Load Despatch Centre, shall:

(a) accept the application with such modification or such conditions as may be stipulated by other agencies which are not inconsistent with these regulations,

(b) reject the application, if such application is not in accordance with the provisions of these regulations or grant of connectivity is not technically feasible, for reasons to be recorded in writing. However, before rejecting an application, opportunity of hearing shall be given to the applicant. In case the applicant does not avail the opportunity within the specified time period, the application shall be rejected forthwith.

(6) In case of acceptance of an application the nodal agency shall make a formal "connectivity offer" to the applicant and forward a copy of the "connectivity offer" to the appropriate intra-State transmission licensee in case connectivity is granted to the intra-State transmission system of an intra-State transmission licensee other than the STU and the concerned distribution licensee as the case may be.

(7) The nodal agency shall mention in the “connectivity offer” the name of the sub-station or pooling station or switchyard or the line, the point of connection etc. where connectivity is to be granted.

(8) In case a dedicated line in the transmission system or distribution system is required to be constructed or where augmentation of the transmission system and or distribution system is to be carried out for grant of connectivity, the nodal agency shall, within 30 days from the date of receipt of application, inform the applicant about the broad design features, estimated cost and the timeframe for completion of the dedicated line or the system augmentation. The cost of construction of dedicated line or the augmentation of the transmission or distribution system and associated facilities shall be borne by the applicant. Requisite steps to be taken in this regard shall be as mentioned in the detailed procedure.

(9) The applicant and all intra-State transmission licensees including the State Transmission Utility and distribution licensee shall comply with the provisions of Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 and IEGC / Haryana Grid Code as amended from time to time.

(10) Within 10 days from the date of receipt of “connectivity offer” the applicant may either accept the “connectivity offer” or may seek clarification / change. In case some clarification / change have been sought by the applicant, and such clarification / change do not affect the status of original application or the connectivity offer, then the nodal agency shall convey its decision within 10 days from the date of receipt of communication in this regard from the applicant.

Provided that no material change in the original application or the connectivity offer shall be allowed to be considered at this stage. However, in case clarification / change sought by the applicant affect the status of original application or the connectivity offer, such as change in the location or quantum of power etc., then the same shall be considered as new application and processed accordingly.

(11) Immediately after completion of all formalities in accordance with these regulations and the detailed procedure, the nodal agency shall inform the applicant in writing to sign a ‘connection agreement’ with the STU, on the form and within the time period provided in the detailed procedure.

Provided that in case connectivity is granted to the intra-State transmission system of an intra-State transmission licensee other than the STU, a tripartite agreement, as provided in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 and Haryana Grid Code / IEGC, shall be signed between the applicant, the STU and such intra-State transmission licensee.

Provided further that the nodal agency shall provide a copy of each and every connection agreement to the State Load Despatch Centre and the concerned transmission and or distribution licensee within a week of signing the same.

Provided also that in case the applicant fails to sign the 'connection agreement' within the stipulated period, without seeking extension, the acceptance of applicant to the connectivity offer shall stand lapsed and in case the applicant is interested in seeking connectivity even after expiry of extended stipulated period, his request shall be treated as a fresh application and processed accordingly.

(12) The applicant shall be eligible to be connected to the intra-State transmission system and or distribution system as the case may be from the date mentioned in the connection agreement.

(13) The grant of connectivity shall not entitle an applicant to interchange any firm power with the State grid unless it obtains long-term open access, medium-term open access or short-term open access in accordance with the provisions of these regulations.

(14) A generating station, including a captive generating plant, which has been granted connectivity to the intra-State grid, shall be allowed to inject infirm power into the grid during testing including full load testing before commencing its commercial operation for a period not exceeding three months after obtaining prior permission of the State Load Despatch Centre.

Provided that the State Load Despatch Centre while granting such permission shall keep the grid security in view and ensure that injection of such infirm power is only for the purpose of testing, prior to commencing of commercial operation of the generating station or a unit thereof.

(15) Exit Option: A person shall not relinquish or transfer his rights and obligations specified in the connection agreement without prior approval of the nodal agency. The relinquishment or transfer of rights and obligations by such person shall be subject to payment of compensation to the STU / transmission licensee / distribution licensee, as the case may be, as prescribed in chapter – XII of these regulations.

Chapter - V

Grant of open access

7. System consideration for granting open access. - (1) Before granting long-term open access, the nodal agency shall give due consideration to the planning / augmentation required for the intra-State transmission system or distribution system.

(2) Medium-term open access shall be granted if the resultant increase in power flow can be accommodated in the existing transmission system or distribution system and or the transmission system or distribution system under execution. No augmentation shall be carried out to the transmission or distribution system for the sole purpose of granting medium-term open access.

(3) Short term open access shall be granted for the surplus capacity available on intra-State transmission / distribution system after the use by long term and medium term open access consumers by virtue of:

(a) inherent design margins

(b) margins available due to variation in power flows; and

(c) margin available in the inbuilt spare transmission / distribution capacity created to cater to future load growth.

Provided that construction of a dedicated transmission line shall not be construed as augmentation of transmission system for the purpose of this regulation.

Provided further that if for grant of medium-term or short-term open access system augmentation is required and if the applicant is ready to bear the cost of such system augmentation then the applicant may be granted medium-term or short-term open access, as the case may be, in accordance with the procedure as is applicable in similar circumstances for grant of long term open access.

(4) STU shall compute capacity availability for open access for each transmission segment and for every sub-station. Distribution licensee shall determine the available capacity for allotment for the portion of the distribution system over which open access has been requested for. STU shall compute capacity availability as per following methodology:

- (a) Available open access capacity of a transmission system
= (DC – SD – AC) + NC

Where: DC = Designed capacity of the transmission segment in MW

SD = Sustained demand in MW (peak) recorded in the segment

AC = Already allotted capacity but not availed in MW

NC = New transmission capacity in MW expected to be added

- (b) Available open access capacity of a substation
= (TC – SP – AC) + NC

Where TC = Transformer capacity of the sub-station in MVA

SP = Sub-station peak in MVA

AC = Already allotted capacity in MVA but not availed

NC = New transformer capacity in MVA expected to be added.

- (c) The STU shall update these values on monthly basis on the first calendar day of the month and post the updated open access capacity availability in the transmission and distribution system on its own website and e-mail the requisite data to other transmission licensees and the distribution licensees who shall ensure immediate posting of the same on their respective websites.

8. Eligibility and other conditions for open access. – (1) Any licensee, generating company, captive generating plant and consumer / person other than consumer of the distribution licensee, having a demand of 1 MW and above and connected at 11 KV or above, shall be eligible for availing open access to the intra-State transmission of STU and or transmission licensee other than STU and or distribution system of the distribution licensee on payment of various charges as per chapter VI of these regulations.

(2) Any consumer of the distribution licensee having a contracted demand of 1 MVA or above and connected to the distribution system of the licensee at 11 kV or above, shall be eligible for seeking open access provided he is connected through an independent feeder emanating from a grid sub-station.

Provided that the Commission may consider allowing open access to individual consumers with contracted demand of less than 1 MVA at such time it may consider feasible having regard to operational constraints and other factors.

(3) A group of two or more consumers of the distribution licensee having a combined contracted demand of 1 MVA or above and connected to the distribution system of licensee at 11 kV or above through an independent feeder emanating from a grid sub-station, shall also be eligible for seeking open access if all such consumers collectively apply for open access through a group leader to be nominated by all such consumers on that feeder and also agree to the rostering restrictions that may have to be imposed by the utility.

Provided that a person covered by a policy of the State Government, existing on the date of coming into force of these regulations, relating to captive generation or generation from non conventional energy sources, shall be eligible to avail open access irrespective of contract demand

(4) The consumers with contracted demand of 1 MVA or above who are not on independent feeders shall be allowed open access subject to the condition that they agree to the system constraints as well as the power cut restrictions imposed by the utility serving them. In such cases the duty of the distribution licensee shall be of a common carrier providing non – discriminatory open access as per section 42 (3) of the Act.

(5) A person having been declared insolvent or bankrupt or having outstanding dues against him for more than two months billing of the distribution / transmission licensee at the time of application shall not be eligible for open access.

9. Special provision for distribution licensees, generating companies and existing consumers. – (1) For distribution licensees: (i) The distribution licensees using intra-State transmission and or distribution system in the State on the date of coming into force of these regulations under an existing arrangement shall be entitled to continue to avail open access to such transmission and / or distribution system on the same terms and conditions for the term of existing agreement or arrangement on payment of transmission and wheeling charges and other applicable charges as may be determined by the Commission.

(ii) The existing distribution licensee shall, within sixty (60) days of coming into force of these regulations, furnish to the STU and the SLDC details of their use of the transmission system and or distribution system and the terms and conditions for such use.

(2) For existing consumer and generating companies: (i) The exiting consumers or an existing generating company other than the licensees availing open access under agreements or government policy shall, within sixty (60) days of coming into force of these regulations, submit to the STU and SLDC details of capacity utilised, point of injection, point of drawal, duration of availing open access, peak load, average load or such other information as the STU or SLDC may require.

(ii) The existing consumer or generating company under sub regulation (2) (i) above may continue to avail open access as per existing agreements or government policy for the period specified in those agreements or policies.

Provided that the open access for subsequent period in respect of such consumers and generating company shall be governed by provisions of these regulations and the existing consumers shall pay the surcharge as specified by the Commission from time to time.

(iii) Person (s) in the State to whom Bhakra Beas Management Board (BBMB) is supplying power on behalf of its partner States as per directions / instructions of Government of India will continue to get supply without payment of any surcharge / additional surcharge. However, BBMB would supply requisite details of such arrangement to STU and SLDC within sixty (60) days of coming into force of these regulations.

10. Categories of open access customers. - (1) According to system to which connected:

- (a) Intra-State transmission system
- (b) Distribution system

(2) According to inter-se location of drawl and injection points:

- (a) Both within the same distribution system
- (b) Within the State but in distribution systems of the different distribution licensees.
- (c) Injection point in the Intra-State transmission system within the State
- (d) In different States

(3) According to the duration of open access:

- (a) Long term open access
- (b) Medium-term open access
- (c) Short-term open access

11. Application procedure for open access. - (1) All applications for open access shall be made in the prescribed Form and submitted to the nodal agency in accordance with these regulations and the detailed procedure.

(2) The nodal agency, application fee, documents to be submitted along with the application and time frame for disposal of application shall be as specified in the following table:

Sr. No.	Particulars	Short term	Medium term	Long term
1.	Nodal Agency:			
	(a) Intra-State: In case injection and drawl points are within the State whether on transmission system or on distribution system or on systems of different distribution licensees or different transmission licensees	STU	STU	STU

	(b) Inter-State: In case injection and drawl points are in different States	RLDC	CTU	CTU
2.	Application fee:			
	(a) For intra-State open access	₹ 5000	₹ 100000	₹ 200000
	(b) For inter-State open access	As determined by CERC from time to time		
3.	Time frame for disposal of application from the date of receipt of application complete in all respects			
	(a) For intra-State open access	(i) 7 working days if applied for first time and 5 working days on subsequent applications if connection being sought is on system of intra-State transmission licensee. (ii) 10 working days if applied for first time and 5 working days on subsequent applications if connection being sought is on system of distribution licensee	40 days	(a) 40 days if the open access is required within the system of same distribution licensee and no augmentation work of distribution system is involved. (b) In all other cases 120 days in case no augmentation work of distribution system or transmission system is involved and 180 days or actual number of days as may be required, whichever is earlier, in case augmentation work of transmission system or distribution system is involved

	(b) For inter-state open access	As per CERC regulations
4.	Documents to accompany the application	
	(a) For intra-State open access	As per the requirements in the detailed procedure.
	(b) For inter-state open access	As per CERC regulations.

(3) STU with Headquarter at Panchkula in Haryana shall be the nodal agency. Applications for open access and connectivity shall be received and processed at STU Headquarter in accordance with the detailed procedure.

12. Procedure for grant of open access involving inter-State transmission system. – (1) The procedure for grant of long term open access or medium term open access involving inter-State transmission system shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 or its statutory re-enactments as amended from time to time. The procedure for grant of short term open access shall be as per the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 as amended from time to time.

(3) STU in the case of application for grant of long-term open access or medium-term open access shall convey its consent or otherwise as per the provisions of Central Electricity Regulatory Commission Regulations, 2009 as amended from time to time. In case of short term open access STU shall convey its consent or otherwise as per the provision of Central Electricity Regulatory Commission Regulations, 2008, or their statutory re-enactments, as amended from time to time.

Provided that in respect of a consumer connected to a distribution system seeking inter-State long term or medium term or short term open access, the SLDC, before giving its consent shall obtain the consent of the distribution licensee concerned. In case of short term open access, the said distribution licensee shall convey its consent or otherwise within three (3) working days of receipt of request of the applicant through STU.

13. Procedure for grant of long term open access involving intra-State transmission system and distribution system. – (1) The application for grant of long term open access shall contain details such as name of the entity or entities from whom power is proposed to be procured along with the quantum of power, point of injection into the grid and point of drawl from the grid and such other details as may be laid down by the STU in the detailed procedure:

Provided that in cases where there is any material change in location of the applicant or change by more than 10 percent in the quantum of power to be interchanged using the intra-State transmission system or distribution system, a fresh application shall be made, which shall be considered in accordance with the provisions of these regulations.

(2) The applicant shall submit any other information sought by the nodal agency including the basis for assessment of power to be interchanged using the intra-State transmission system or distribution system and power to be transmitted to or from various entities or regions to enable the nodal agency to plan the intra-State transmission system and distribution system in a comprehensive manner.

(3) The application shall be accompanied by a bank guarantee of ₹ 2,00,000/- besides the specified application fee. The bank guarantee shall be in favour of the nodal agency on the format as per detailed procedure.

(4) The bank guarantee shall be kept valid and subsisting till the execution of the long-term open access agreement, when augmentation of transmission system or distribution system is required, and till start of long-term open access, when augmentation of transmission system or distribution system is not required.

(5) The bank guarantee may be encashed by the nodal agency, if the application is withdrawn by the applicant or the long-term open access rights are relinquished prior to the start of such rights when augmentation of transmission system or distribution system is not required.

(6) The bank guarantee shall stand discharged with the submission of another bank guarantee required to be given by the applicant to the STU during construction phase when augmentation of transmission system or distribution system is required, in accordance with the provisions in the detailed procedure.

(7) On receipt of the application, the nodal agency shall, in consultation and through coordination with other agencies involved in intra-State transmission system or distribution system to be used, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant long-term open access is arrived at within the timeframe as specified.

(8) Based on the system studies, the nodal agency shall specify the intra-State transmission system or distribution system that would be required to provide long-term open access. In case augmentation to the existing intra-State transmission system or distribution system is required, the same shall be intimated to the applicant.

(9) While granting long-term open access, the nodal agency shall communicate to the applicant, the date from which long-term open access shall be granted and an estimate of the charges including additional

charges, if any, for works pertaining to augmentation of transmission system or distribution system likely to be payable based on the prevailing costs, prices and methodology of sharing of charges specified by the Commission from time to time.

(10) The applicant shall sign an agreement for long-term open access with the concerned licensees in accordance with the provisions in the detailed procedure as under:

- (a) with the STU in case long term open access is granted only on the transmission system of STU
- (b) with the STU and all those licensees on whose transmission / distribution system long term open access has been granted. Such agreement may be among three or more parties.

(11) The long-term open access agreement shall be on the agreement format provided in the detailed procedure and shall contain the date of commencement of long-term open access, the point of injection of power into the grid and point of drawl from the grid and the details of dedicated transmission line (s), if any. In case augmentation of transmission system or distribution system is required, the long-term open access agreement shall contain the time line for construction of the same The bank guarantee required to be provided by the applicant and other details shall be in accordance with the detailed procedure.

(12) Immediately after grant of long-term open access, the nodal agency shall inform the State Load Despatch Centre so that the same is kept in view while considering requests for grant of short-term open access, received by SLDC under these regulations.

(13) On the expiry of the period of long-term open access, the same may be extended by the nodal agency on receipt of a written request from such consumer. Provided that such request is submitted at least six months prior to the date on which the long term open access allowed ends. The long term open access consumer shall clearly mention in the request the period for which extension is required.

Provided that in case no written request is received from the open access consumer within the specified time, the said long-term open access shall stand terminated automatically at 24:00 hours on the date up to which it was initially granted.

(14) A long term open access consumer may relinquish the long term open access rights fully or partly before the expiry of the full term of the long term open access by making payment of compensation as provided in chapter – XII of these regulations.

14. Procedure for grant of medium-term open access involving intra-State transmission and distribution system. – (1) The application for grant of medium-term open access shall contain such details as may be laid down

in the detailed procedure and shall, in particular, include the point of injection into the grid, point of drawl from the grid and the quantum of power for which medium-term open access has been applied for.

(2) The start date of the medium-term open access shall not be earlier than 5 months and not later than 1 year from the last day of the month in which application has been made.

(3) On receipt of the application, the nodal agency shall, in consultation and coordination with other agencies involved in intra-State transmission and or distribution system, process the application and carry out necessary system studies as expeditiously as possible so as to ensure that the decision to grant or refuse medium-term open access is made within the specified timeframe.

(4) On being satisfied that the specified requirements, with respect to criteria for granting medium-term open access are met, the nodal agency shall grant medium-term open access for the period stated in the application.

Provided that for reasons to be recorded in writing, and with the consent of the applicant, the nodal agency may grant medium-term open access for a period less than that sought for by the applicant.

(5) The applicant shall sign an agreement for medium-term open access with the concerned licensees in accordance with the provisions in the detailed procedure as under:

(a) with the STU in case open access is granted only on the transmission system of STU

(b) with the STU and all those licensees on whose transmission / distribution system open access has been granted. Such agreement may be among three or more parties.

(6) The medium-term open access agreement shall be on the agreement format provided in the detailed procedure and shall contain the date of commencement and end of medium-term open access, the point of injection of power into the grid and point of drawl from the grid, the details of dedicated transmission lines, if any, bank guarantee required to be provided by the applicant and such other details as specified in the detailed procedure.

(7) Immediately after grant of medium-term open access, the nodal agency shall inform the State Load Despatch Centre so that they can keep the same in view while processing requests for short- term open access received under these regulations.

(8) After expiry of the period of the medium-term open access, the open access consumer shall not be entitled to any overriding preference for renewal of the term.

(9) A medium-term open access consumer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the nodal agency by making payment of compensation as provided in chapter – XII of these regulations.

15. Procedure for grant of intra-State short term open access on intra-State transmission and distribution system. - Subject to the provisions of regulation 12 of these regulations, the intra-State short term open access shall be in accordance with the following provisions:

(1) Open access in advance:

- (i) Application for seeking intra-State short term open access to be submitted to the nodal agency may be for a period upto fourth month and the month in which the application is made shall be considered to be the first month.
- (ii) Separate application shall be made for each month and for each transaction in a month.
- (iii) The application shall be submitted to the nodal agency on the format prescribed in the detailed procedure which shall contain details such as capacity required, 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. The application shall be accompanied by non-refundable application fee in the shape of demand draft in favour of the person as may be mentioned in the detailed procedure.
- (iv) An application for grant of short term open access commencing in any month may be submitted in a cover marked “Application for Short-Term Open Access for the month (--) in advance” up to 15th day of the preceding month.

For example, application for grant of open access commencing in the month of July shall be received up to 15th day of June.

- (v) Nodal agency 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 intra-State short term open access shall furnish a copy of the application to the distribution licensee of his area of supply.
- (vii) Based on the nature of transactions the nodal agency shall take a decision on the applications for intra-State short-term open access in the manner provided below:

- a) All applications received up to 15th day of the preceding month shall be taken up for consideration together and processed as per allotment priority criteria specified in these regulations.
- b) The nodal agency before granting intra-State open access shall take into consideration the resultant congestion of any element, line or transformer, of the transmission and distribution system involved in the proposed short term transaction.
- c) The nodal agency shall, after satisfying itself that the application is complete in all respects and the applicant has complied with all other technical / metering requirements convey grant of open access or otherwise in prescribed format along with schedule of payments to the applicant latest by 19th day of such preceding month in which applications were received.
- d) The nodal agency shall record the reasons in writing in case open access is denied to any eligible applicant.

(2) Day-ahead open access:

- (i) An application for grant of 'day ahead' open access may be submitted to the nodal agency within three days prior to the date of scheduling but not later than 1300 Hours of the day immediately preceding the day of scheduling for day-ahead transaction. For example, application for day-ahead transaction on 25th day of July shall be received from 22nd day up to 1300 hours on 24th day of July.
- (ii) The nodal agency shall check for resultant congestion due to the proposed 'day ahead' open access transaction and convey approval or otherwise in the format prescribed in the detailed procedure. All other provisions for intra-State short-term open access shall apply for day ahead open access.

(3) Bidding procedure:

- (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.
- (ii) The decision of SLDC in respect of an expected congestion shall be final and binding on all the parties.
- (iii) SLDC shall convey to the applicants, through nodal agency, the information of congestion and decision for invitation of bidding indicating floor price on the format prescribed in the detailed procedure.
- (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 format prescribed in the detailed procedure.
 - (vi) The bids shall be accepted on format prescribed in the detailed procedure up to the “bid closing time” as indicated in bid invitation notice. Request for modification / amendment to a bid, once submitted, shall not be entertained.
 - (vii) If any applicant 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, rounded-off to whole number, in denomination in which floor price has been determined.
 - (x) The quoted price shall be stacked in a descending order and allocation of available capacities shall be accorded in such descending order until the available capacity is fully exhausted.
 - (xi) In case of a tie in the bid price of two or more applicants, the allocation from the residual available capacity at any stage shall be made in proportion to capacity being sought by such applicants.
 - (xii) All open access consumers, in favour of whom full capacities have been allotted, shall pay the highest price discovered through the bidding process.
 - (xiii) The open access consumers, who are allotted less capacity than sought for, shall pay the price as quoted by them which shall in no case be less than the floor price
 - (xiv) SLDC shall reject bids which are incomplete, vague in any manner or not found in conformity with the bidding procedure / guidelines.
- (4) The reserved capacity by a short-term open access consumer is strictly non transferable.
- (5) The capacity available as a result of surrender or reduction or cancellation of the reserved capacity by the State Load Dispatch Centre, may be kept aside for any other short-term open access consumer in accordance with these regulations.
- (6) During peak load hours restrictions, the open access consumer shall restrict his total drawal, including the drawal under open access, to the extent of peak load exemption allowed by distribution licensee

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

16. Consent by STU, SLDC or distribution licensee for long term open access, medium term open access and short term open access on intra-State transmission system and distribution system. – (1) While processing the application seeking consent for intra-State open access, the nodal agency shall verify the following:

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

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

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

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

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

17. Applications from defaulters. - Notwithstanding anything contained in these regulations, the nodal agency shall be at liberty to summarily reject an application for open access from such person (s) who has defaulted in any manner in complying with the provisions of these regulations, including the provisions relating to timely payment of the fee / charges etc.

18. Allotment priority. – (1) A distribution licensee shall have the top priority in allotment of open access capacity irrespective of whether the open access request is for long term, medium term or short term.

(2) Applicant for long-term open access other than distribution licensee shall have the priority over the applicants for medium-term open access.

(3) The applicant for medium term open access shall have the priority over the applicant for short-term open access.

(4) The applicant for short term open access shall have priority next to the medium term open access applicants and it shall be decided subject to capacity availability.

(5) An existing open access consumer shall have priority higher than new open access applicants under respective category provided the existing open access consumer applies for renewal thirty days prior to the expiry of the existing term of open access.

(6) When the requirement projected by an applicant is more than the available capacity and the said applicant is not able to limit his requirement to the available capacity, the request of the applicant having next lower priority shall be taken up for consideration.

(7) All applications for long-term or medium-term or short term open access shall be processed on first-come-first-served basis separately for each of the aforesaid types of access.

Provided that applications received during a month shall be construed to have arrived concurrently;

Provided further that while processing applications for medium-term open access received during a month the applicant seeking access for a longer term shall have higher priority.

Chapter - VI

Open access charges

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

(2) Open access consumer using intra-State transmission system shall pay transmission charges to the STU or the transmission licensee other than STU for usage of their system as determined by the Commission for the relevant financial year

Provided that transmission charges shall be payable on the basis of contracted capacity in case of long term and medium term open access consumers and on the basis of scheduled load in case of short term open access consumers. For open access for a part of a day, the transmission charges shall be payable on pro-rata basis.

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

(3) Open access consumer using intra-State distribution system shall pay wheeling charges to the distribution licensee (s) for usage of the distribution system as determined by the Commission for the relevant financial year.

Provided that wheeling charges shall be payable on the basis of scheduled load / energy. For open access for a part of a day, the wheeling charges shall be payable on pro-rata basis.

Provided further that where a dedicated distribution system has been constructed for exclusive use of an open access consumer, the wheeling charges for such dedicated system shall be worked out by distribution licensee and got approved from the Commission and shall be borne entirely by such open access consumer till such time the surplus capacity is allotted and used for by other persons or purposes after which these charges shall be shared in the ratio of the allotted capacities.

20. Scheduling and system operation charges. – The following charges shall be payable by the open access consumers for scheduling and system operation:

(1) In respect of inter-State open access:

(a) Long term and medium term open access:

- (i) Regional Load Despatch Centre fees and charges including charges for the Unified Load Despatch and Communication Scheme as specified by the appropriate Commission under section 28(4) of the Act.
- (ii) State Load Despatch Centre charges as specified by the Commission under sub-section (3) of Section 32 of the Act.

- (b) Short term open access: Regional Load Despatch Centre and SLDC charges shall be payable at the rates as may be specified by the CERC from time to time.

(2) In respect of intra-State open access:

(a) Long term and medium open access: Long-term open access and medium-term open access consumer shall be liable to pay SLDC charges as determined by the Commission under sub-section (3) of section 32 of the Act

(b) Short term open access: Short-term open access consumer shall be liable to pay to the SLDC, for each transaction / application, a composite operating charge @ Rs.2,000/- per day or part thereof or as determined by the Commission from time to time. The composite operating charge shall include fee for scheduling and system operation, energy accounting, fee for affecting revisions in schedule on bonafide grounds and collection and disbursement of charges.

21. Cross subsidy surcharge. - (1) If open access is availed by a consumer of a distribution licensee of the State, then such consumer, in addition to payment of transmission and / or wheeling charges, shall pay cross subsidy surcharge. Cross subsidy surcharge on per unit basis shall be payable, on monthly basis, by the open access consumer for the actual energy drawn through open access during the month. The amount of surcharge shall be paid to the distribution licensee of the area of supply in which such consumer is located.

Provided that such surcharge shall not be levied on a person who has established a captive generation plant and carries the electricity to the destination of his own use.

(2) Cross subsidy surcharge shall also be payable by such open access consumer who receives supply of electricity from a person other than the distribution licensee in whose area of supply he is located, irrespective of whether he avails such supply through transmission / distribution network of the licensee or not.

(3) The consumers located in the area of supply of a distribution licensee but availing open access exclusively on inter-State transmission system shall also pay the cross subsidy surcharge.

(4) The cross subsidy surcharge shall be leviable at the rates as determined by the Commission from time to time

22. Additional Surcharge. - (1) An open access consumer, receiving supply of electricity from a person other than the distribution licensee of his area of supply, shall pay to the distribution licensee an additional surcharge in addition to wheeling charges and cross-subsidy surcharge, to meet out

the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of Section 42 of the Act.

Provided that such additional surcharge shall not be levied in case open access is provided to a person who has established a captive generation plant for carrying the electricity to the destination of his own use.

(2) This additional surcharge shall become applicable only if the obligation of the licensee in terms of 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. However, the fixed costs related to network assets would be recovered through wheeling charges.

(3) The distribution licensee shall submit to the Commission, on six monthly basis the details regarding the quantum of such stranded costs and the period over which these remained stranded and would be stranded. The Commission shall scrutinize the statement of calculation of such stranded fixed costs submitted by the distribution licensee and determine the amount of additional surcharge.

Provided that any additional surcharge so determined shall be applicable to all the consumers availing open access from the date of determination of same by the Commission.

(4) The consumers located in the area of supply of a distribution licensee but availing open access exclusively on inter-State transmission system shall also pay the additional surcharge.

(5) Additional surcharge determined on per unit basis shall be payable, on monthly basis, by the open access customers based on the actual energy drawn during the month through open access:

23. Standby power and standby charges for drawl of power by open access consumer from distribution licensee. - (1) If an open access consumer requires power from the distribution licensee in case of outage of the generator or the source supplying power to such open access consumer, or a generator connected to distribution system injecting power through open access, requires start up power from the distribution licensee, then such open access consumer or generator may make an application to the distribution licensee seeking standby power. The application shall be made on the format and in the manner as may be prescribed in the detailed procedure. However, every such application should invariably contain details of quantum and period for which standby power is required.

(2) The distribution licensee shall provide standby power to such open access consumer subject to availability of requisite quantum of power and subject to the load shedding as applicable to other consumers of his area of supply.

(3) For providing standby power, the distribution licensee shall be entitled to charge applicable temporary supply tariff and other applicable charges besides PLEC, if applicable, as determined by the Commission.

Provided further that the open access consumers would have the option to arrange standby power from any other source subject to the conditions that such power shall be drawn through the same system for which open access has been granted.

24. Imbalance Charge. - (1) Scheduling of all transactions pursuant to grant of long-term access or medium term open access or short-term open access shall be carried out on day-ahead basis in accordance with the relevant provisions of IEGC for inter-State transactions and in accordance with Haryana Grid Code for intra-State transactions. The entitlement at the drawal point for any 15 minute time block shall be worked out after taking into account transmission or distribution losses in accordance with the provisions of regulation 28 of these regulations.

(2) Imbalance charge applicable for all open access transactions for over drawal / under injection or under drawal / over injection by long-term, medium-term and short-term open access consumers / generators shall be as given below:

(A) Due to reasons attributable to the open access consumers

(a) Over drawal by open access consumer / under injection by generating company:

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

UI charges as notified by CERC or highest tariff (other than temporary metered supply) including FSA and PLEC etc. as determined by the Commission for the relevant financial year for any consumer category, whichever is higher.

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

When the recorded drawal of the consumer is within his sanctioned contract demand during non peak load hours no imbalance charges shall be leviable. However, when the recorded drawal of the consumer is more than his sanctioned contract demand during non peak load hours he will be liable to pay demand surcharge as per the relevant schedule of tariff approved by the Commission.

When the recorded drawal is more than the entitled drawal during peak load hours he will be liable to pay peak load violation charges in addition to demand surcharge, if applicable

(iii) Under injection by generating company: UI charges as notified by CERC or highest tariff (other than temporary metered supply) including FSA and PLEC etc. as determined by the Commission for the relevant financial year for any consumer category, whichever is higher.

(b) Under drawl by open access consumer / over injection by generating company: The open access consumer / generating company shall be paid by the licensee UI charges as notified by CERC or lowest tariff as determined by the Commission for the relevant financial year for any consumer category (excluding agriculture power supply) or power purchase price / sale price contracted by the open access consumer / generating company whichever is lower.

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

Non evacuation of power of a generating company or a captive power generation company located in the State due to breakdown of the evacuation system of the licensee shall be dealt with as under:

(a) Inter-State sale: SLDC shall pass on the schedule given by the generator to NRLDC. The share of the distribution licensee from the central sector power projects will be adjusted accordingly and the energy scheduled by the generator will be delivered to the purchaser / utility. If the licensee is unable to evacuate power from the generator due to failure of his evacuation system, the generator will pay to the licensee at the tariff rate charged to the purchase for the energy which could not actually be evacuated by the licensee.

(b) Intra-State sale to a consumer / person other than distribution licensee: The purchaser will be informed by the SLDC about the failure of the evacuation system and he shall reschedule his drawal accordingly within 6 blocks (each of 15 minutes) of this intimation. The treatment of energy drawn during this period of 6 blocks shall be as under:

(i) The generator will be paid by the purchaser at the tariff agreed to between them.

(ii) The generator will pay to the licensee for the energy supplied to the purchaser at the tariff agreed to between the generator and the purchaser.

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

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

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

In case an intra-State open access consumer is unable to receive power scheduled from a generating company in the State of Haryana due to un-notified transmission / distribution system outage and if the generating company has generated and injected scheduled power into the grid for use by such intra-State open access consumer then the transmission / distribution licensee shall pay such intra-State open access consumer the charges payable by him to the generating company or the lowest tariff applicable to the consumer category, to which such intra-State open access consumer belongs, whichever is lower.

In all above cases, the certificate for non evacuation of power due to breakdown of the licensee's system shall be given by the SLDC to the generator / consumer.

(3) In case of deviation by open access consumers having a load of less than 10 MW, the difference between the scheduled open access load and the actual drawl shall be accounted through the special energy meters (SEM) on monthly basis and settled at the rate of the imbalance charge as determined by the Commission in these regulations.

(4) Deviations between the schedule and the actual injection / drawl in respect of open access consumers / generating company with load / generation capacity above 10 MW shall be settled based on the composite accounts for imbalance transactions issued by SLDC on a weekly cycle based on net metering.

(5) Payment of imbalance charges shall have a high priority and the concerned constituents, including the transmission licensee, distribution licensees or the open access consumers as the case may be, shall pay the indicated amounts within 10 (ten) days of the issue of the statement, into a State Imbalance Pool Account operated by the SLDC. Thereafter, the person who has to receive the money on account of imbalance charges shall be paid out from the State Imbalance Pool Account, within three (3) working days.

(6) If payments against the above imbalance charges are delayed by more than two days, i.e., beyond twelve (12) days from the date of issue of statement, the defaulting party shall have to pay simple interest @ 0.04% for each day of delay. The interest so collected shall be paid to the person who had to receive the amount, payment of which got delayed. In case of persistent payment defaults, the SLDC shall initiate action against the defaulter as may be provided in the detailed procedure.

25. Reactive Energy charges. - Long term open access consumer or medium term open access consumer or short term open access consumer, including distribution licensee, shall pay for the reactive energy in accordance with provisions of the Intra-State ABT Regulations and Haryana Grid Code notified by the Commission. In absence of the aforesaid regulation of the Commission or rates to be specified by the Commission, the rates specified in Indian Electricity Grid Code or the rates specified by CERC shall be applicable.

Chapter – VII

Scheduling, metering and losses

26. Scheduling. – (1) Scheduling of inter-State open access transactions shall be done in the manner as specified by the CERC from time to time.

(2) Scheduling of intra-State open access transactions shall be done by SLDC in accordance with the provisions of the Haryana Grid Code.

(3) Revision of scheduled energy shall be permitted in accordance with the provisions of IEGC or the Haryana Grid Code as the case may be.

27. Metering. - (1) All open access consumers and all generating stations irrespective of capacity shall be provided with, Special Energy Meters (SEM) by the State Transmission Utility or the distribution licensee as the case may be, at the cost of the open access consumer. However the STU may empanel firms for providing SEMs and in case an open access consumer intends to purchase his own meter then he shall have the option to purchase the same from the STU empanelled firms.

(2) Special Energy Meters installed 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 regulations of CEA and the provisions of Haryana Grid Code.

(3) Special Energy Meters shall be open for inspection by any person authorized by the STU or the State Load Despatch Centre or distribution licensee as the case may be.

(4) All the open access consumers shall abide by the metering regulations specified by CEA.

28. Losses. - (1) In case of inter-State transmission, the long-term open access consumers and medium-term open access consumers, who are buyers of electricity through open access and short term open access consumers, both buyers and sellers, shall bear the apportioned energy losses in the inter-State transmission system in accordance with the regulations specified by the CERC.

(2) In case of Intra-State transmission, the transmission losses for the intra- State system shall be determined by the Commission in the tariff order for the applicable year, which shall be apportioned in proportion to the actual energy drawl by the open access consumer and shall be payable in kind.

(3) The percentage of distribution system losses to be borne by the open access consumers at different voltage levels shall as determined by the Commission in tariff order for the applicable year. Distribution losses shall be payable in kind by all open access consumers and captive generating plants carrying electricity within the State for their own use.

Chapter - IX

Commercial matters - Billing, collection and disbursement

29. Inter-State transactions. - (1) Billing, collection and disbursement of charges payable to RLDC including Unified Load Despatch and Communication Scheme (ULDCS) in respect of inter-State long-term open access and medium term open access shall be in accordance with the procedure specified by the CERC. STU shall raise bills for the charges payable to the SLDC directly to the long term open access consumers and medium term open access consumers connected to intra-state transmission system and distribution system before 3rd working day of the succeeding calendar month. Respective open access consumers shall make payment to STU within 5 working days from the date of receipt of the bill. STU shall disburse the payment to SLDC by 15th day of every month.

(2) Billing, Collection and disbursement of transmission charges for use of common CTU and STU and operating charges payable to RLDC and SLDC towards inter-State short-term open access shall be in accordance with the procedure specified by the CERC. However, short term open access consumer connected to the distribution system shall pay to the STU the charges payable for the use of distribution system, within 3 working days from the date of grant of inter-State short term open access by the nodal agency. STU shall disburse the payment to the distribution licensee on weekly basis.

30. Intra-State transactions. - (1) STU in consultation with SLDC, transmission licensees and distribution licensee, as the case maybe, shall raise bills by 3rd working day of the succeeding calendar month directly to the long term open access consumers and medium term open access

consumers for the open access charges payable by them. The open access consumers shall pay the charges to the STU within 5 working days from the date of receipt of the bill. STU shall disburse the charges payable to SLDC, transmission licensee and distribution licensee by 15th day of every month.

(2) STU shall raise bills for the open access charges payable by the short-term open access consumers to the SLDC, intra-State transmission licensee and the distribution licensee along with the letter to be issued to them intimating grant of open access. The short-term open access consumer shall make payment within 3 days from the grant of the short-term open access by the nodal agency. STU shall disburse such charges to the SLDC, intra-State transmission licensee and distribution licensee on a weekly basis.

31. Late payment surcharge. - In case the payment of any bill for charges payable under these regulations 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.

32. Default in payment. - Non-payment of any charge or sum of money payable by the open access consumer under these regulations shall be considered non-compliance of these regulations. In case the default is in payment of charges of intrastate transmission licensee and distribution licensee then they may discontinue open access after giving the defaulting open access consumer an advance notice of ten (10) days without prejudice to their right to recover applicable charges. In case of default in payment of charges due to the State Load Despatch Centre, the State Load Despatch Centre may refuse to schedule power to the defaulting open access consumer and direct the intra-State transmission licensee or the distribution licensee to disconnect such open access consumer from the grid.

33. Payment Security Mechanism. - In case of long-term open access and medium-term open access, the applicant for open access will provide an irrevocable revolving letter of credit in favour of the agency responsible for collection of various charges for the estimated amount of various charges for a period of two months.

34. Billing, collection and disbursement costs. – In case of intra-State open access where STU is the nodal agency and as per provisions of these regulations shall bill, collect and disburse various open access charges on behalf of licensees, the STU shall be entitled to reimbursement of reasonable costs incurred by it in billing, collecting and disbursement of open access charges at the rates to be specified in the detailed procedure and approved by the Commission. Such expenses of the licensees shall be allowed as pass through in their respective ARRs.

Chapter – X

Special category of open access consumers

Limited short term open access

35. Nodal agency, eligibility criteria, procedure and conditions to be satisfied for grant of limited short term open access. - (1) A consumer who has a supply agreement with the distribution licensee in whose area of supply the consumer is located and avails open access in distribution and / or transmission system only during pre-scheduled load shedding due to shortage of power shall be designated limited short term open access consumer.

(2) Nodal agency, eligibility criteria and procedure for grant of limited short term open access shall be the same as in respect of short term open access consumer specified in these regulations. However, in case of limited short term open access the minimum schedule for drawl of power through open access in each time slot of 30 minutes during the day shall not be less than 80% of its contracted demand. Such limited short term open access consumer shall schedule drawal of power for a minimum continuous period of two hours during any day.

36. Settlement of energy at drawl point in respect of limited short-term open access consumer. - (1) The monthly energy drawl in kWh during the open access period by such consumer shall be calculated from his scheduled drawl for different hours by multiplying it with the corresponding number of hours of open access availed during the month, as provided in his open access schedule. Provided that such energy drawl shall be worked out at power factor which shall not be less than 95%.

(2) Energy drawl through open access shall be deducted from the monthly consumption of energy recorded in his meter installed by the distribution licensee for billing purposes for calculating energy drawal from the distribution licensee during the month. .

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

37. Over-drawl / under-drawl at the drawl point by limited short-term open access consumer. -

(1) Over-drawl: Limited short-term open access consumer shall be liable to pay penalty for drawing excess demand. In case such open access consumer draws power more than his scheduled power for any time slot during the open access period in a day, it shall be liable for payment of penalty. Rate of penalty for each time slot (₹ / kW of scheduled load) shall be proportionate to the percentage of excess drawl as above and shall be equal to ₹ 0.10 for each percent.

Example: Calculation of penalty for one day

<i>Scheduled load in kW</i>	<i>Excess drawl (%)</i>	<i>Rate of penalty (₹/ kW / time slot) (0.10 x Cl. 2)</i>	<i>No. of time slot where power drawn is more than the scheduled load</i>	<i>Penalty for each time slot (₹) (1x3)</i>	<i>Total Penalty payable by consumer (₹) (4x5)</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>
<i>10000</i>	<i>11</i>	<i>1.1</i>	<i>1</i>	<i>11000</i>	<i>11000</i>
	<i>15</i>	<i>1.5</i>	<i>3</i>	<i>15000</i>	<i>45000</i>
	<i>20</i>	<i>2.0</i>	<i>5</i>	<i>20000</i>	<i>100000</i>
<i>Total</i>					<i>156000</i>

(3) Under drawl: In case where limited short-term open access consumer under-draws from the grid, he shall be compensated in accordance with the provisions of regulation 24 of these regulations.

38. Charges applicable to limited short-term open access consumers. - (1) limited short-term open access consumers shall be exempted from payment of transmission charges, wheeling charges, cross subsidy surcharge and additional surcharge. However, they shall pay other charges such as demand / fixed charge, minimum consumption charges etc., applicable to them as per the tariff and charges determined by the Commission in the tariff order (s). The energy charges shall be payable for balance energy / consumption calculated as per energy settlement mechanism.

(2) Limited short-term open access consumers shall also be liable to pay composite operating charges @ ₹ 2,000/- per day or part thereof for each transaction to the SLDC or the rates as determined by the Commission from time to time.

(3) In case inter-State transmission system is used by such consumer in addition to intra-State transmission system or distribution system, transmission charges, RLDC charges etc., as fixed and approved by the CERC shall be payable for use of inter-State transmission system in addition to payment of above charges.

39. Drawl of power by limited short-term open access consumer from distribution licensee. - In cases where supplier fails to supply power, in any time slot, to limited short-term open access consumer due to any reason, said supplier shall revise his schedule as per provisions of Haryana Grid Code and the same shall be communicated to SLDC and concerned open access consumer. The SLDC shall revise the schedule which shall become effective from 2nd time slot onwards, counting from the time slot in which such eventuality has taken place to be the first one, and the revised schedule shall be provided to distribution licensee. It shall be duty of such open access consumers to draw power as per revised schedule. Drawl of

power in excess of the revised schedule by limited short-term open access consumers shall be treated as over-drawl of power by such consumer and shall be liable to pay penalty as per these regulations.

40. Metering for limited short-term open access consumer. - Limited short-term open access consumer shall be required to install special energy meter (SEM) installed at his premises, if not already installed, and the same shall be reckoned for energy accounting and billing purposes.

41. Billing and payment for limited short-term open access consumers. – (1) Limited short-term open access consumer, being a consumer of distribution licensee, shall continue to pay electricity charges billed to him on monthly basis by the distribution licensee subject to adjustments of quantum of energy and other charges for drawl of power during the period of open access.

(2) Distribution licensee shall provide the details of adjustments of quantum of energy and other charges, applicable to such consumer, separately in his electricity bill.

Chapter XI

Embedded open access consumers

42. Eligibility criteria, procedure and conditions to be satisfied for grant of open access to embedded consumers shall be the same as applicable for short term open access.

43. Settlement of Energy at drawl point in respect of embedded consumers. - The mechanism for settlement of energy at drawl point in respect of embedded open access customers shall be as under:

(i) Out of recorded drawal the scheduled entitlement as an open access consumer will first be adjusted and balance will be treated as his drawal from the distribution licensee.

(ii) The recorded maximum drawal will be accounted for / charged as per regulation 24 (2) (A) (a) (ii) of these regulations.

44. Charges applicable to embedded consumers. – (1) Embedded open access consumers shall pay all other charges such as transmission charges, cross subsidy surcharge, additional surcharges, composite operating charge etc. in accordance with the methodology specified for other short term open access consumers in these regulations.

(2) Embedded open access consumers shall pay wheeling charges as determined by the Commission for the relevant financial year.

(3) Besides above charges in respect of open access, the embedded consumers shall continue to pay other charges namely demand / fixed

charge, minimum monthly consumption charges etc., applicable to them as per the rates determined by the Commission in the tariff order for the relevant financial year.

Provided that energy charges shall be payable at balance energy / consumption calculated as per energy settlement mechanism provided in these regulations.

(4) In case inter-State transmission system is used by such consumer in addition intra-State transmission system or distribution system, transmission charges, RLDC charges etc., as fixed and approved by the Central Commission shall be payable for use of inter-State transmission system in addition to payment of charges as per sub regulations (1) to (3) above.

45. Scheduling for Embedded open access consumers. - (1) Scheduling shall be done in accordance with relevant provisions of IEGC for inter-State transactions and in accordance with relevant provisions of Haryana Grid Code for intra-State transactions.

(2) By 10.00 hours every day, these embedded consumers shall prepare and submit daily schedule of power, in MW, separately showing schedule of power from licensee and that from another supplier through open access for the next day, i.e. from 0000 hrs to 24.00 hrs of the following day to SLDC along with copy to distribution licensee

Provided that in case the quantum of energy as per accepted bid is less than the quantum applied by the embedded open access consumer then he shall inform the SLDC / distribution licensee about the quantum of energy as per approved bid and also the quantum of energy he would be drawing from the distribution licensee during the period during which supply was scheduled through open access. In case such transaction is scheduled during peak load hour restriction and the embedded open access consumer has not paid PLEC and he draws power over and above the quantum as per approved bid or his allowed demand during peak load hours whichever is lower then for such over drawl he shall be liable to pay penalty for violation of peak load hours at the rates as determined by the Commission from time to time.

(3) Imbalance charges shall be applicable for embedded open access consumers as provided in regulation 24 of these regulations.

46. Procedure for grant of short term open access to embedded consumers. - Application and procedure for grant of short term open access to embedded consumers shall be same as applicable to short term open access consumers.

47. Metering for Embedded open access consumer. - Embedded open access consumer shall be required to install special energy meter (SEM), if not already installed, and the same shall be reckoned for energy accounting and billing purposes

48. Billing and payment for embedded open access consumer. - (1) Billing, collection, disbursement and other commercial matters shall be same as applicable to short term open access consumers specified in these regulations.

(2) Embedded open access consumers shall continue to pay electricity charges billed to him on monthly basis by the distribution licensee subject to adjustments of quantum of energy and other charges for drawl of power during the period of open access provided in these regulations.

(3) Distribution licensee (s) shall provide the details of these adjustments of quantum of energy and other charges, applicable to such consumer, separately in his electricity bill.

Chapter –XII

Information system

49 Information system. - (1) The nodal agency shall post the following documents/information on its website in a specific link titled “Open access information”:

- (a) These regulations
- (b) Detailed procedure
- (c) List of applications, separately, for long-term open access and medium-term open access received by the nodal agency along with necessary details.
- (d) Separate lists for long-term open access and medium-term open access granted, indicating:
 - a. Name of open access consumers;
 - b. Period of the access granted (start date and end date);
 - c. Point or points of injection;
 - d. Point or points of drawal;
 - e. Transmission systems / corridor (details of lines / substations) used;
 - f. Distribution licensees involved and distribution systems used
 - g. Capacity (MW) for which access has been granted
 - h. List of applications where approval for connectivity or open access has not been granted along with reasons thereof.

Provided that it shall be a constant endeavour of the nodal agency to take steps in accordance with the requirements herein to provide as much information as possible suo motu to the public at regular intervals through various means of communications, including internet, so that information is disseminated widely and in such form and manner which is easily accessible to the public.

(2) Peak load flows and capacity available including the reserve capacity on all EHV lines and HV lines emanating from EHV sub-stations.

(3) The information regarding actual losses in inter-State and intra-State transmission and distribution system in terms of energy (MUs) as well as percentage.

Chapter – XII

Miscellaneous

50. Under-utilisation or non-utilisation of open access capacity in intra-State transmission and distribution system. - (1) A long-term open access consumer who has availed access rights for at least 12 years may relinquish the long-term access rights fully or partly before the expiry of the full term of long-term access, by making payment of compensation for stranded capacity as follows:

(a) If a long term open access consumer submits an application to the nodal agency at least 1 (one) year prior to the date from which such customer desires to relinquish the open access rights, he shall be liable to pay no charges.

(b) If a long term open access consumer submits an application to the nodal agency at any time lesser than a period of 1 (one) year prior to the date from which such consumer desires to relinquish the open access rights, such customer shall pay an amount equal to 66% of the open access charges , as applicable on the date from which the open access right is relinquished, for the stranded transmission and or distribution capacity for the period falling short of a notice period of one (1) year.

(2) A long-term open access consumer, who has not availed open access rights for at least 12 (twelve) years, shall pay an amount equal to 66% of the transmission / wheeling charges, as applicable on the date from which the open access right is relinquished, for the stranded transmission and or distribution capacity for the period falling short of 12 (twelve) years of open access rights

Provided that such an open access consumer shall submit an application to the nodal agency at least 1 (one) year prior to the date from which such customer desires to relinquish the open access rights.

Provided further that in case an open access consumer submits an application for relinquishment of long-term access rights at any time at a

notice period of less than one year, then such open access consumer shall pay an amount equal to 66% of the transmission / wheeling charges , as applicable on the date from which the open access right is relinquished, for the period falling short of a notice period of one (1) year, in addition to 66% of the transmission / wheeling charges, as applicable on the date from which the open access right is relinquished, for the stranded transmission and / or distribution capacity for the period falling short of 12 (twelve) years of open access rights.

(3) The compensation paid by the long-term open access consumer for the stranded transmission and or distribution capacity shall be used for reducing transmission and or wheeling charges payable by other long-term open access consumers and medium-term open access consumers in the year in which such compensation payment is due in the ratio of open access charges payable for that year by such long- term open access consumer and medium-term open access consumer.

(4) A medium-term open access consumer may relinquish open access rights, fully or partly, by giving at least 30 days prior notice to the nodal agency and such medium-term open access consumer shall pay applicable transmission / wheeling charges for the period of relinquishment or 30 days whichever is less.

(5) The short-term open access schedules accepted by the nodal agency in advance or day-ahead basis may be cancelled or revised on an application to that effect made to the nodal agency by the short-term open access consumer:

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

Provided further that the day on which notice for cancellation or downward revision of schedule is served on the nodal agency and the day from which such cancellation or downward revision is to be implemented, shall be excluded for computing the period of two (2) days.

(6) The short term open access consumer seeking cancellation or downward revision of short-term open access schedule shall pay the transmission / wheeling charges for the first two (2) days of the period for which the cancellation or downward revision of schedule, as the case may be, has been sought, in accordance with the schedule originally approved by the nodal agency, and thereafter in accordance with the revised schedule prepared by the nodal agency during the period of such cancellation or downward revision.

(7) In case of cancellation, specified scheduling and system operation charges shall be payable by the short term open access consumer for two (2) days or the period of cancellation in days, whichever is less.

51. Over injection / drawl from the system. - In case an open access consumer injects or draws more than the allocated capacity in the transmission and or distribution system beyond 10%, the open access consumer shall pay 150% of the applicable transmission and or wheeling charges for this excess injection / drawl than the allocated capacity. The charges for this excess injection / drawal beyond 10% shall be levied in accordance with the approved detailed procedure.

Provided that in case an open access consumer frequently injects or draws more than the allocated capacity then the nodal agency may revise the allocated capacity in the transmission and or distribution system in accordance with the approved detailed procedure. However, before doing this, opportunity shall be given to the open access consumer to explain its position.

52. Curtailment. – (1) If it becomes necessary to curtail power flow on a transmission corridor or distribution system for the reason of transmission or distribution constraints or for maintaining grid security, the transactions already scheduled may be curtailed by the SLDC.

(2) The short-term open access shall be curtailed first followed by the medium-term open access, which shall be followed by the long-term open access and amongst the open access consumers of a particular category, curtailment shall be carried out on pro rata basis. Distribution licensee shall be last to be curtailed.

(3) SLDC shall prepare guidelines for curtailment of open access, which shall be consistent with the provisions of Haryana Grid Code and other relevant regulations. The curtailment guidelines shall be prepared by SLDC within sixty (60) days from the date of notification of these regulations and shall form part of detailed procedure.

Chapter - XIII

Special provisions

53. Dispute resolution. - All disputes and complaints arising under these regulations shall be decided by the coordination committee within a period of 30 days from the date of receipt of application from the concerned party. Appeal against the decision of the coordination committee shall lie with the Commission. The decision of the Commission shall be final and binding.

54. Interpretation. - If a question arises relating to the interpretation of any provision of these regulations, the decision of the Commission shall be final.

55. Saving of inherent powers of the commission. - Nothing contained in these regulations shall limit or otherwise affect the inherent powers of the Commission from adopting a procedure, which is at variance with any of

the provisions of these regulations, if the Commission, in view of the special circumstances of the matter or in public interest or class of matters and for reasons to be recorded in writing, deems it necessary or expedient to depart from the procedure specified in these regulations.

56. Enquiry and investigation. - All enquiries, investigations and adjudications under these regulations shall be done by the Commission through the proceedings in accordance with the provisions of the Electricity Act, 2003 and the HERC (Conduct of Business) Regulations, 2004.

57. Power to amend. - The Commission, for reasons to be recorded in writing, may at any time vary, alter or modify any of the provision of these regulations by specific order.

58. Powers to remove difficulties. - If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, by a general or special order, not being inconsistent with the provisions of these regulations or the Act, do or undertake to do things or direct to do or undertake such things which appear to be necessary or expedient for the purpose of removing the difficulties.

59. Power of relaxation. - The Commission may in public interest and for reasons to be recorded in writing, relax any of the provision of these regulations.

60. Repeal. - The Haryana Electricity Regulatory Commission (Terms and Conditions for Open Access for Intra-State Transmission and Distribution System) Regulation 2005, shall stand repealed from the date of coming into force of these regulations.

By Order of Commission

Sd/-
Director (Tariff)