

**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
(DISTRIBUTION OPEN ACCESS) REGULATIONS, 2013**

Draft Regulations

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MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

(DISTRIBUTION OPEN ACCESS) REGULATIONS, 2013

Draft Regulation

Electricity Act, 2003

In exercise of the powers conferred by clause (k), clause (n), clause (p), clause (q) and clause (zp) of sub-section (2) of section 181 read with sub-section (47) of section 2, sub-clause (ii) of clause (d) of sub-section (2) of section 39, sub-clause (ii) of clause (c) of section 40 and sub-section (2), sub-section (3) and sub-section (4) of section 42 of the Electricity Act, 2003 (36 of 2003), the Maharashtra Electricity Regulatory Commission hereby makes the following Regulations.

Part A: PRELIMINARY

1. Short Title, extent and commencement

- 1.1. These Regulations may be called the Maharashtra Electricity Regulatory Commission (Distribution Open Access) Regulations, 2013.
- 1.2. These Regulations shall apply for access to and use of the distribution system of Distribution Licensees in the State of Maharashtra.
- 1.3. These Regulations shall come into force from the date of their publication in the Official Gazette.

2. Definitions

2.1. In these Regulations unless the context otherwise requires:

- (a) "**Act**" means the Electricity Act, 2003 (36 of 2003);
- (b) "**Admissible drawal**" or "**Allotted Capacity**" means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a consumer on the distribution system;

- (c) “**Applicant**” means such person who has made an application for Grant of connectivity and/or Open Access to the distribution system of a Distribution Licensee in accordance with these Regulations;
- (d) “**Authorised Representative**” means all such officers, staff or representatives of the Distribution Licensee or the Supplier, discharging functions under the general or specific authority of the Distribution Licensee or the Supplier, as the case may be;
- (e) “**Balancing and Settlement Code**” means such code as may be developed by the State Load Despatch Centre and approved by the Commission for the balancing of energy accounts and settlement of differences between energy scheduled and actual energy delivered among the users of the grid in the State of Maharashtra;
- (f) “**Bilateral transaction**” means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through a Trading Licensee or discovered at Power Exchange through anonymous bidding, from a specified point of drawal for a fixed or varying quantum of power (MW) for any time period.
- (g) “**Central Commission**” means the Central Electricity Regulatory Commission referred to in section 76 of the Act;
- (h) “**Collective transactions**” means a set of transactions discovered in Power Exchange through anonymous, simultaneous competitive bidding by buyers and sellers;
- (i) “**Commission**” means the Maharashtra Electricity Regulatory Commission;
- (j) “**Congestion**” means a situation where the demand for distribution capacity exceeds the Available Transfer Capability;

(k) “**Connection**” means the joining of the premises of the Consumer with the distribution system of the Distribution Licensee so as to enable the transfer of electricity between such premises and such distribution system;

(l) “**Connection and Use of Distribution System Agreement**” means an agreement for connection to and use of the distribution system of a Distribution Licensee and are of the following types -

(i) an agreement entered into between the Distribution Licensee and a person whose premises are situated within the area of supply of the said Distribution Licensee where such person requires supply of electricity from a Generating Company or Licensee other from the said Distribution Licensee;

(ii) an agreement entered into between the Distribution Licensee and a Generating Company or Licensee, as the case may be, intending to give supply of electricity to such person referred to in (i) above by using the distribution system of such Distribution Licensee for wheeling of electricity;

(iii) an agreement entered into between the Distribution Licensee and a person whose premises are situated within the area of supply of the said Distribution Licensee where such a person requires supply of electricity from a Power Exchange formed under the CERC (Power Market) Regulations, 2010 as in force from time to time either through a Member or by becoming a Member himself;

in accordance with these Regulations and subject to the terms and conditions contained therein;

(m) “**Connectivity**” for a generating station, including a captive generating plant, a consumer or a Licensee means the state of getting connected to the distribution system;

(n) “**Consumer**” shall carry the same meaning as in the Act, but shall be restricted to such consumers within the State of Maharashtra to whom these Regulations will apply;

- (o) “**Consumer Grievance Redressal Forum**” means such forum for redressal of Grievances as is set up by the Distribution Licensee under the provisions of sub-section (5) of section 42 of the Act and the Regulations specified there under;
- (p) “**Contract demand**” means demand in kilowatt (kW) or horse power (HP) or kilovolt ampere (KVA) or megavolt ampere (MVA), as entered into:
- (i) in the agreement for supply of electricity; or
 - (ii) in the Connection and Use of Distribution System Agreement; or
 - (iii) as agreed through other written communication;
- (q) “**Day**” means the day starting at 00.00 hours and ending at 24.00 hours;
- (r) “**Detailed procedure**” means the procedure issued by the Distribution Licensee as referred to in Regulation 8, 9, 10, 11, 12, 36 hereof;
- (s) “**Electricity Supply Code**” means the Regulations specified by the Commission under clause (u), clause (v), clause (w), clause (x) and clause (zp) of sub-section (2) of section 181 of the Act;
- (t) “**IEGC**” means Indian Electricity Grid Code specified by Central Electricity Regulatory Commission under clause (h) of sub-section (1) of section 79 of the Act, and as amended from time to time;
- (u) “**Imbalance**” in a time block for a generating station or a supplier means the difference between the actual generation and the scheduled generation and for a consumer or buyer means the difference between the scheduled drawal and actual drawal ;
- (v) “**Long-term Open Access**” means the right to use the distribution system for a period exceeding 12 years but not exceeding 25 years;
- (w) “**Maximum Demand**” in kilowatts or kilo-volt-amperes, in relation to any period shall, unless otherwise provided in any general or special order of the Commission, mean two

times the largest number of kilowatt-hours or kilo-volt ampere- hours supplied and taken during any consecutive thirty (30) minute blocks in that period;

- (x) **“Medium-term Open Access”** means the right to use the distribution system for a period exceeding 3 months but not exceeding 3years;
- (y) **“Month”** means a calendar month as per the Gregorian calendar;
- (z) **“Nodal agency”** means the nodal agency as defined in Regulation 3 of these Regulations
- (aa) **“Open Access customer”** means a consumer, Licensee or a Generating Company or a person who has been granted Open Access under these Regulations;
- (bb) **“Sanctioned load”** means load in kilowatt (kW) / Horse power (HP) mutually agreed between the Distribution Licensee and the consumer;
- (cc) **“Short-term Open Access”** means the right to use the distribution system for a period not exceeding one (1) month at a time;
- (dd) **“SLDC”** means the State Load Despatch Centre in Maharashtra established under sub-section (1) of section 31 of the Act;
- (ee) **“State Grid Code”** means the State Grid Code specified by the Commission under clause (h) of sub-section (1) of section 86 of the Act, applicable on the date of commencement of these Regulations and as amended from time to time;
- (ff) **“State Transmission Utility (STU)”** means the Government Company notified by the Government of Maharashtra under sub-section (1) of section 39 of the Act;

- (gg) **“Special Energy Meters”** means meters installed in accordance with the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, specified by the Central Electricity Authority and amended from time to time;
- (hh) **“Standards of Performance Regulations”** means the Regulations specified by the Commission under clause (za) of sub-section (2) of section 181 of the Act;
- (ii) **“Supplier”** means a Generating Company or Licensee, as the case may be, giving supply of electricity to a consumer or a person situated in the area of supply of the other Distribution Licensee by using the distribution system of the other Distribution Licensee in his area of supply, pursuant to a Connection and Use of Distribution System Agreement;
- (jj) **“Supply Agreement”** means the agreement contemplated under section 49 of the Act;
- (kk) **“Tariff Regulations”** means the Regulations as specified by the Commission under clause (zd) of sub-section (2) of section 181 read with section 61 of the Act;
- (ll) **“Transmission Open Access Regulations”** means the Regulations as specified by the Commission under sub-section (47) of section 2 read with section 30 and sub-section (3) of section 32 of the Act, and as in force from time to time.

2.2. Words and expressions used herein and not defined in these Regulations but defined in the Act or IEGC or the State Grid Code or the Electricity Supply Code or the Rules and other Regulations made under the Act shall have the meaning as assigned to them under the Act or the IEGC or the State Grid Code or the Electricity Supply Code or the Rules and other Regulations, as the case may be.

3. Eligibility to seek Open Access and Nodal Agency

- 3.1. Subject to the provisions of these Regulations, a consumer of a Distribution Licensee having contract demand of 1 MW and above, shall be eligible for seeking Open Access to the distribution system of such Distribution Licensee for obtaining supply of electricity from a Generating Company or from a Licensee other than such Distribution Licensee or from the Power Exchange.

Explanation — For the purposes of these Regulations, a consumer who is otherwise eligible for Open Access in accordance with Regulation 3.1 and who wishes to procure power from a Power Exchange must either be a ‘Member’ or must procure power through a ‘Member’ of any Power Exchange, in accordance with the Central Electricity Regulatory Commission (Power Market) Regulations, 2010, as in force.

3.2. Nodal Agency

- 3.2.1. The nodal agency for grant of connectivity, long-term Open Access, medium term Open Access and short term Open Access to the distribution system shall be the Distribution Licensee to whom the consumer and or the generating station is connected.

4. Processing of applications for distribution Open Access

- 4.1. **Application formats, etc:** An application for Open Access to the distribution system of a Distribution Licensee shall be made to such Distribution Licensee in the Form provided in Annexure I herein:

Provided that such application shall be accompanied by necessary particulars / documents and fees for processing the application as provided in Regulation 9.

Provided also that every Distribution Licensee shall put up with the prior approval of the Commission, on its internet website, within a period of sixty (60) days from the date of notification of these Regulations or within sixty (60) days from the grant of licence, whichever is applicable, the information requirements, procedures, application

forms and fees, in downloadable format, as may be necessary for an application to be made by such a consumer seeking Open Access to its distribution system.

Provided further the application formats issued under the Maharashtra Electricity Regulatory Commission (Distribution Open Access) Regulations, 2005, shall continue to be in use till such time the new application formats are issued and/or uploaded on the internet website of the Distribution Licensee, and any inconsistency between the existing formats and the provisions of these Regulations shall be harmoniously construed for purposive application of these Regulations.

4.2. **Reduction of Contract demand**

- 4.2.1. Where a consumer eligible under Regulation 3.1, applies for long term or medium term Open Access to the distribution system of a Distribution Licensee so as to obtain supply from a Generating Company or a Licensee or Power Exchange the Distribution Licensee (on whose Distribution System the access is being sought) shall reduce the contract demand/sanctioned load of the consumer to the extent of quantum of electricity sought to be transferred through Open Access .

Provided that a consumer eligible under Regulation 3.1 applies for short-term Open Access to the distribution system so as to obtain supply from a Generating Company or a Power Exchange or a Licensee other than such Distribution Licensee, may opt for reduction of contract demand/sanctioned load to the extent of quantum of electricity sought to be transferred through Open Access in accordance with the procedure for reduction in contract demand/sanctioned load as specified in the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005, as amended from time to time.

Provided that where a consumer of the Distribution Licensee, who is eligible under Regulation 3.1, applies for long term or medium term or short-term Open Access to the distribution system so as to obtain supply from a Renewable Energy generating plant identified as 'Non firm power' under MERC (Terms and conditions for determination of

RE Tariff) Regulations, 2010, as amended from time to time, may opt for reduction of contract demand/sanctioned load in accordance with the procedure for reduction in contract demand/ sanctioned load as specified in the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005, as amended from time to time.

Provided further that where a consumer eligible under Regulation 3.1, applies for Open Access to the distribution system so as to obtain supply from a Power Exchange, such consumer shall ensure that either the quantum of power to be procured through Open Access will be uniform throughout the day (on Round the Clock basis) and shall submit a written undertaking confirming the same along with the Open Access application.

- 4.2.2. In case the consumer opts to maintain the contract demand / sanctioned load with Distribution Licensee under provisions of Regulation 4.2.1 above, the scheduled drawal of the consumer would be a summation of Open Access quantity and supply from Distribution Licensee.

Provided that the ‘Admissible drawal’ or Allotted Capacity for a consumer shall be subject to the ceiling of contract demand of consumer maintained with the Distribution Licensee.

- 4.2.3. In case contract demand / sanctioned load stands reduced as per Regulation 4.2.1, the Admissible drawal / Allotted Capacity for the consumer shall be minimum of original contract demand / sanctioned load of the consumer and sum of revised contract demand (reduced) of the consumer and scheduled entitlement (limited to actual injection).

Explanation: If a consumer of a Distribution Licensee having a contract demand of 10 MW, applies for Open Access of 4 MW and the scheduled drawal of the consumer shall not exceed 10 MW.

Particulars		Demand (MW)
Original Contract Demand with the Distribution Licensee	(a)	10
Open Access quantity	(b)	4

Case-1: Consumer opts for maintaining the Original Contract demand of 10 MW

- a) Admissible drawal for the consumer shall be load equivalent to 10 MW.
- b) Scheduled entitlement from Open Access for the consumer shall be load equivalent to 4 MW (limited to actual injection).

Case-2: Consumer opts for reducing the Contact demand with the Distribution Licensee to 6 MW, (revised contract demand).

- a) Admissible drawal = Minimum of (Original Contract demand (10 MW) and (Sum of [Scheduled entitlement from Open Access (4 MW)] + [Revised contract demand with the Distribution Licensee (6 MW)]), which shall be a ceiling of 10 MW.
- b) Scheduled entitlement from Open Access for the consumer shall be load equivalent to 4 MW (limited to actual injection).

Provided that the variation between the actual drawal and the scheduled drawal would be identified as Imbalance under provisions of Regulation 26.

Provided that Renewable Energy Generating Plant identified as 'Non firm power' under MERC (Terms and conditions for determination of RE Tariff) Regulations, 2010, as amended from time to time, shall be exempted from this Regulation.

- 4.2.4. **Completion of works:** Where the consumer has made, at any time prior to his application under Regulation 4.2.1 above, an application for increase in contract demand/ sanctioned load and such application is pending the completion of works relating to extension of distributing mains or commissioning of new sub-stations, the Distribution Licensee shall complete such works within the time limits contained in the Standards of Performance Regulations:

Provided that the Distribution Licensee shall continue to give supply of electricity at the existing level to the applicant until such time as the works are completed and thereafter Open Access shall be provided to the applicant:

Provided further that the Distribution Licensee shall be entitled to recover from the applicant such charges for the works carried out under this Regulation 4.2.4, in accordance with the principles specified by the Commission for recovery of charges in the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005, as amended from time to time, where such charges are not being recovered from the Generating Station as provided for in Regulation 5.7.

- 4.2.5. **Meter reading:** The final meter reading of the consumer shall be taken by the authorised representative of the Distribution Licensee at the time at which the Connection and Use of Distribution System Agreement becomes effective in accordance with these Regulations:

Provided that the final meter reading shall be taken in the presence of the consumer, authorized representative of the consumer, Generating Company or Licensee or a Member of a Power Exchange from whom the consumer intends to obtain supply of electricity.

- 4.2.6. **Additional surcharge:** The Distribution Licensee may be entitled to recover an additional surcharge on the charges of wheeling from a consumer seeking Open Access under this Regulation 4.1, in accordance with Regulation 18 of these Regulations.

- 4.2.7. **Settlement of Dues:** Notwithstanding anything contained in these Regulations, the provision of Open Access to an eligible consumer of a Distribution Licensee shall be subject to settlement of all dues of the Distribution Licensee upto the date of termination of the agreement or reduction in Contract Demand, as the case may be:

Provided that a consumer applying for long term or medium term or short-term Open Access to the distribution system so as to obtain supply from a Renewable Energy generating plant identified as 'Non firm power' under MERC (Terms and conditions for determination of RE Tariff) Regulations, 2010, as amended from time to time or Power Exchange shall settle all dues of the Distribution Licensee at a date prior to date from which the Open Access is being sought.

Provided further that where there is a dispute between the Distribution Licensee and an eligible consumer relating to any charge for electricity or sum other than a charge for electricity claimed by the Distribution Licensee from such consumer, then such consumer shall be allowed Open Access pending disposal of such dispute only upon deposit of the disputed amount with the Distribution Licensee, in accordance with section 56 of the Act.

Provided also that the Distribution Licensee shall pay interest at a rate equivalent to the bank rate of the Reserve Bank of India for the portion of deposit that is returned to the consumer on resolution of the dispute.

Provided further that a person having been declared insolvent or bankrupt at the time of application shall not be eligible for Open Access.

Provided also that where any undisputed dues are existing for more than two billing cycles of the consumer, then such consumer shall be allowed Open Access only upon deposit of the dues with the Distribution Licensee in accordance with section 56 of the Act.

- 4.3. The applicant for Open Access shall arrange for all consents and statutory permissions, as are required by the Distribution Licensee from the applicant under the Act or any other

law for the time being in force, for carrying out works required to give Open Access to the applicant.

- 4.4. The Distribution Licensee may require the applicant for Open Access to make available to the Distribution Licensee, by way of lease, a suitable piece of land or room on the applicant's premises for installation of electrical plant or equipment required to provide the Connection:

Provided that this provision shall apply only where the quantum of electricity sought to be transferred through Open Access exceeds one (1) megawatt.

Provided that the aforesaid lease, shall be for a period of 99 years or the period of Open Access, whichever is less, shall be on mutually agreed terms.

- 4.5. Notwithstanding anything contained in Regulation 4.4, where the provision of such land or room is required under the Development Control Rules of the local authority or by any appropriate authority of the State Government, the terms and conditions for such lease shall be determined in accordance with such Rules or by the said authority.

Part B: CONNECTIVITY

5. Grant of Connectivity

- 5.1. A Generating Station having installed capacity less than 5 MW shall be eligible to obtain connectivity to the distribution system and shall apply for connectivity as per the provisions of these Regulations, unless already connected, in accordance with the provisions in this chapter.

Provided that a generating station having installed capacity more than 5 MW may also get connectivity to the distribution system but only after such connectivity is technically feasible in accordance with Regulation 5.5.

5.2. All eligible generating stations including a captive generating plant, seeking connectivity to the distribution system, shall apply to the Distribution Licensee for connectivity in the Form prescribed in the procedure to be laid down by the Distribution Licensee

Provided that till such time such procedure is laid down by Distribution Licensee, the earlier procedure of granting Open Access shall be applicable.

5.3. The Application for the connectivity shall be accompanied by a non-refundable fee of Rupees Two (2) lakh.

Provided that in case of application made by a Renewable Energy based generation project the non-refundable fee shall be Rupees One (1) lakh.

5.4. The application for connectivity shall contain details such as, proposed geographical location of the generating station, quantum of power to be injected in MW and such other details as may be laid down by the Distribution Licensee concerned in the procedure to be approved by the Commission.

5.5. On receipt of the application, the Distribution Licensee shall, in consultation and through coordination with STU wherever required, process the application and carry out the necessary inter-connection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007, as amended from time to time.

5.6. While granting connectivity, the Distribution Licensee shall specify the name of the sub-station or pooling station or switchyard where connectivity is to be granted.

5.7. The Distribution Licensee shall indicate the broad design features such as switchyard and interconnection facility upto the point of injection into the Substation of the Distribution Licensee and the timeframe for completion of the same. The cost of creation of these facilities shall be borne by the Generating Company. In cases where augmentation of the Distribution Licensee's sub-station is involved, the generating station shall also bear the

cost of bay, breaker in the Distribution Licensee's sub-station and equipment for inter-connection of real time data to meet SLDC's requirement.

Provided that the ownership of assets created by the Generating Company shall remain with the Generating Company.

- 5.8. The applicant and the Distribution Licensee shall comply with the provisions of Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007, as amended from time to time.
- 5.9. The applicant shall sign a connection agreement with the Distribution Licensee where connectivity is being granted.

Provided that the Distribution Licensee shall upload a Model connection agreement on its website within period of (60) days from the date of notification of this regulation.

Provided further that in case of a prospective consumer of a Distribution Licensee the connectivity to the distribution system shall be governed as per procedure laid down in Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005, as amended from time to time.

- 5.10. The grant of connectivity shall not entitle an applicant to interchange any power with the 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.
- 5.11. A generating station, including a captive generating plant which has been granted connectivity to the distribution system shall be allowed to undertake testing including full load testing by injecting its infirm power into the grid before being put into commercial operation, even before availing any type of Open Access, after obtaining permission of

the State Load Despatch Centre and the Distribution Licensee, who shall keep grid security in view while granting such permission.

Provided that a unit of a generating station, including a captive generating plant which has been granted connectivity to the grid shall be allowed to inject infirm power into the grid during testing including full load testing before its Commercial Operation Date for a period not exceeding six months from the date of first synchronization after obtaining prior permission of the State Load Despatch Centre and the Distribution Licensee.

Provided further that the Commission may allow extension of the period for testing including full load testing, and consequent injection of infirm power by the unit, beyond six months, in exceptional circumstances on an application made by the Generating Company at least two months in advance of completion of six month period.

Provided also that the onus of proving that the injection of infirm power from the unit(s) of the generating station is for the purpose of testing and commissioning shall lie with the Generating Company, and the SLDC shall seek such information on each occasion of injection of power before COD. For this, the generator shall provide the SLDC sufficient details of the specific testing and commissioning activity, its duration and intended injection etc.

Provided that the commercial treatment of such infirm power from a generating station or a unit thereof, other than those based on non-conventional energy sources, will be governed by the MERC (Multi Year Tariff) Regulations, 2011, as in force from time to time. The power injected as a result of such testing into the grid from other generating stations for which tariff has not been determined by the Commission, shall be charged either at the System Marginal Price or any other intra-State ABT settlement charges as identified under the intra-State ABT mechanism operating in the State from time to time or at the average power purchase cost of Long term power purchase as approved by the

Commission for the preceding year in the Retail Tariff Order of the Distribution Licensee, whichever is lower, to which the generator is connected.

Provided that before injecting infirm power, the generating station including captive generating plant, shall have an agreement with a Distribution Licensee to supply infirm power.

Provided further that in case the generator does not have an agreement for sale of power with any Licensee then the charges for such infirm power injected into the grid shall be reduced to zero and this infirm power shall be credited to the Distribution Licensee to whom the generator is connected.

- 5.12. The generator or a consumer already connected to the distribution system or for which connectivity is already granted under the present arrangement shall not be required to apply for connectivity for the same capacity. However, in case of extension of capacity of generator including captive generating plant or increase in power requirement of the consumer, including captive user it shall be required to make fresh application for modification to the connectivity provisions under this Regulation.

Provided that the connectivity already established does not entitle any interchange of power with the grid unless the Generator obtains Long-term Open Access or Medium-term Open Access or Short-term Open Access as the case may be.

- 5.13. The Distribution Licensee shall convey its decision on grant of connectivity within a period of 30 days from the date of receipt of application.

Part C: GENERAL PROVISIONS FOR OPEN ACCESS

6. Agreements

- 6.1. A Connection and Use of Distribution System Agreement shall be in the Form provided in Annexure II herein upon grant of Open Access in accordance with these Regulations.

Provided that this Regulation shall also be applicable in case Open Access is applied to obtain supply from a Power Exchange in accordance with Regulation 3.1.

Provided that the Distribution Licensee shall put up the said Form of the Connection and Use of Distribution System Agreement on its internet website, in downloadable format, within sixty (60) days from the date on which such consumer/ person becomes eligible for Open Access or within sixty (60) days from the grant of licence, whichever is later, to enable such consumer/ person to obtain supply through Open Access in accordance with these Regulations:

- 6.2. The Distribution Licensee shall give to the eligible consumer / person notice of not less than two (2) days prior to signing of the 'Connection and Use of Distribution System Agreement' -
- (a) confirming completion of all works and fulfilment of all requirements under the Act and these Regulations for grant of Open Access to such consumer/ person;
 - (b) intimating the date and time of the final meter reading of the consumer's premises, if applicable; and
 - (c) intimating the date and time of termination of the agreement of supply, if applicable, and commencement of the Connection and Use of Distribution System Agreement.

7. Access to premises and property

- 7.1. No person other than the Authorised Representative of the Distribution Licensee or any other person authorised under the Act and the Rules and Regulations laid down there under shall be authorised to operate, handle or remove any electrical plant, electric lines

or meter or break, remove, erase or otherwise interfere with the seals, name plates and distinguishing numbers or marks affixed on the property of the Distribution Licensee in the Consumer's premises:

Provided that such Authorised Representative shall not perform any of the aforesaid acts except in the presence of the Consumer or his representative:

Provided further that the Distribution Licensee shall provide prior intimation of the visit of the Authorised Representative to the Consumer's premises, except where there is reason to believe that any person is indulging in unauthorized use of electricity and/ or is committing an offence of the nature provided in Part XIV of the Act on such premises.

- 7.2. Where an inspection of premises is being carried out on a presumption of unauthorised use of electricity or an offence under Part XIV of the Act on such premises, the visit by the officer designated by the State Government under section 126 of the Act or by the officer authorised by the State Government under section 136 of the Act, as the case may be, shall be recorded in a log book to be maintained by the Distribution Licensee along with the name of such officer and details of the visit to the Consumer's premises:

Provided that, where possible, two independent witnesses shall be taken for the visit and a report prepared by such officer, on the findings of the visit to the Consumer's premises, shall be signed along with his remarks, if any, by the Consumer and/ or his representative and by such witnesses:

Provided also that the refusal of the Consumer or his representative to sign on the report shall also be recorded in the said report:

Provided also that a copy of the inspection report shall be provided to the Consumer.

8. Category of Open Access

8.1. Categories of Open Access Consumers

The application procedure, application fees and the time frame of processing request by eligible consumers seeking Open Access shall be based on the following criteria

8.1.1. Inter-se location of drawal and injection points

- (a) Both within the same distribution system
- (b) Within the State but in different distribution systems
- (c) In different States

8.1.2. Duration of Open Access

(a) Long term Open Access

The persons availing or intending to avail access of distribution system for a period exceeding 12 years but not exceeding 25 years shall be the long-term Open Access users.

Provided that the existing long term beneficiaries of the Distribution system shall be deemed to be the Long-term Open Access users of the particular system

(b) Medium-term Open Access

The person availing or intending to avail access of distribution system for a period exceeding 3 months but not exceeding 3 years shall be termed as Medium term Open Access users

(c) Short-term Open Access

The person availing or intending to avail access of distribution system for a period not exceeding one (1) month shall be termed as Short-term Open Access users.

Provided further that the short-term and medium-term Open Access user shall be eligible and re-eligible to obtain Open Access after expiry of his term.

9. Application procedure for Open Access

9.1. All applications for Open Access shall be made in the prescribed Form and submitted to the Nodal agency along with application fees and any other charges as may be specified by the Commission from time to time, in accordance with these Regulations.

9.2. The Nodal agency, Documents to accompany the application and time frame for processing the application shall be as specified in the following Tables :

Consumer connected to Distribution System					
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Documents to accompany the application	Time frame for processing the application (days from the receipt of application)
1.	Short Term Open Access	Both within the same Distribution Licensee	Distribution Licensee on whose Distribution System the Consumer is connected to	Proof of payment of Application fees, PPA or Sale-purchase agreement of power, copy of latest consumer bill in case the applicant is a consumer of Distribution Licensee	<ul style="list-style-type: none"> • Ten (10) working days in case STOA applied for first time. • Five (5) working days on subsequent STOA applications.
2.		Both within the State but in areas of different Distribution Licensees	Distribution Licensee on whose Distribution System the Consumer is connected to	Proof of payment of Application fees, PPA or Sale-purchase agreement of power, copy of latest consumer bill in case the applicant is a consumer of Distribution Licensee	<ul style="list-style-type: none"> • Ten (10) working days in case STOA applied for first time. • Five (5) working days on subsequent STOA applications.
3.		Injection point in the intra-State transmission system within the State	Distribution Licensee on whose Distribution System the Consumer is connected to	Proof of payment of Application fees, PPA or Sale-purchase agreement of power, copy of latest consumer bill in case the applicant is a consumer of Distribution Licensee	<ul style="list-style-type: none"> • Ten (10) working days in case STOA applied for first time. • Five (5) working days on subsequent STOA applications.

Consumer connected to Distribution System					
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Documents to accompany the application	Time frame for processing the application (days from the receipt of application)
4.		In different States	RLDC of the region where consumer is located	Consent from concerned SLDCs and Distribution Licensees as applicable, Proof of payment of Application fees, PPA or Sale-purchase agreement of power, copy of latest consumer bill in case the applicant is a consumer of Distribution Licensee	As per Central Commission's Regulation
5.		Consumer opting to avail power supply from a Power Exchange	Distribution Licensee on whose Distribution System the Consumer is connected to	Proof of payment of Application fees, Power Exchange related documents, copy of latest consumer bill in case the applicant is a consumer of Distribution Licensee	<ul style="list-style-type: none"> • Ten (10) working days in case STOA applied for first time • Five (5) working days on subsequent STOA applications
6.	Medium-Term Open Access	Both within the same Distribution Licensee	Distribution Licensee on whose Distribution System the Consumer is connected to	Proof of payment of Application fees, PPA or Sale-purchase agreement of power, in case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA	Thirty (30) days
7.		Both within the State but in areas of different Distribution Licensees	Distribution Licensee to on whose Distribution System the Consumer is connected to	Proof of payment of Application fees, PPA or Sale-purchase agreement of power, in case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA, consent from the other Distribution Licensee	Sixty (60) days

Consumer connected to Distribution System					
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Documents to accompany the application	Time frame for processing the application (days from the receipt of application)
8.		Injection point in the intra-State transmission system within the State	Distribution Licensee on whose Distribution System the Consumer is connected to	Proof of payment of Application fees, PPA or Sale-purchase agreement of power, in case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA	Sixty (60) days
9.		In different States	CTU	Proof of payment of Application fees, PPA or Sale-purchase agreement of power. In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of MTOA, Consent from concerned SLDCs/STUs and Distribution Licensees as applicable	As per Central Commission's Regulation
10.	Long Term Access	Both within the same Distribution Licensee	Distribution Licensee on whose Distribution System the Consumer is connected to	Proof of payment of Application fees, PPA or Sale-purchase agreement of power. In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA	Thirty (30) days
11.		Both within the State but in areas of different Distribution Licensees	Distribution Licensee on whose Distribution System the Consumer is connected to	Proof of payment of Application fees, PPA or Sale-purchase agreement of power, In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA, consent from concerned	<ul style="list-style-type: none"> • One hundred twenty (120) days where augmentation of distribution system is not required • One hundred eighty (180) days, where augmentation of distribution system is required.

Consumer connected to Distribution System					
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Documents to accompany the application	Time frame for processing the application (days from the receipt of application)
				Distribution Licensees	
12.		Injection point in the intra-State transmission system within the State	Distribution Licensee on whose Distribution System the Consumer is connected to	Proof of payment of Application fees, PPA or Sale-purchase agreement of power, In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA, Consent from concerned Distribution Licensee	<ul style="list-style-type: none"> • One hundred twenty (120) days where augmentation of distribution system is not required. • One hundred eighty (180) days, where augmentation of distribution system is required.
13.		In different States	CTU	Proof of payment of Application fees, PPA or Sale-purchase agreement of power, In case of generating station not already connected to grid, documentary evidence for completion of the connectivity showing that the same shall be completed before intending date of LTOA, Consent from concerned SLDCs/STUs and Distribution Licensees as applicable	As per Central Commission's Regulation

Provided that where a consumer of Distribution Licensee is connected to the transmission system seeking Intra-State Transmission Open Access, the operating charges or any other charge as stipulated by the Commission for the concerned Distribution Licensee shall be payable by the Consumer to the Distribution Licensee in whose licence area that consumer is located.

Provided that in case the injection and drawal points are in the areas of different Distribution Licensees of the State, the consumer has to seek the consent of both the

Distribution Licensees to comply with the requirement of Regulation 9.2 of these Regulations.

Provided that the consents as received from both the Distribution Licensees shall be submitted by the consumer to the SLDC

10. Procedure for Long Term Open Access

10.1. Involving Inter-State transmission system:

Notwithstanding anything contained in Regulation 10.2 herein below, the procedure for Inter-State Long-term Open Access shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Open Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 as in force from time to time:

Provided that in case of a consumer connected to a distribution system seeking inter-State long-term Open Access, the SLDC/STU, before giving its consent to the RLDC as required under the Central Commission's Regulations, shall require the consumer to submit the consent of the Distribution Licensee concerned in accordance with Regulation 13 hereof.

10.2. In the Distribution system:

Subject to the provisions of Regulation 10.1 herein above, the procedure for Long term Open Access when the point of injection and/or the point of drawal are located in the same distribution system shall be in accordance with the provisions of sub-clause (a) to (l) herein below:

(a) The application for grant of Long-term Open Access shall contain details such as name of the entity or entities from whom electricity is proposed to be procured along with the quantum of power in MW and such other details as may be laid down by the

Distribution Licensee in the detailed procedure. A model application form for Long term Open Access is provided at Annexure-IV.

In case where augmentation of distribution system is required for granting Open Access, if the quantum of power has not been firmed up in respect of the person to whom electricity is to be supplied or the source from which electricity is to be procured, the applicant shall indicate the quantum of power it proposes to be interchanged using the distribution system;

Provided further that in case augmentation of distribution system is required, the applicant shall have to bear the cost for the same as per these Regulations, even if the source of supply or off-take is not identified, where such charges are not being recovered from the Generating Station as provided for in Regulation 5.7.

Provided also that the exact source of supply or destination of off-take, as the case may be, shall have to be firmed up and accordingly notified to the Distribution Licensee at least two (2) years prior to the intended date of availing long-term Open Access, or such time period estimated by Distribution Licensee for augmentation of the distribution system, whichever is lesser, to facilitate such augmentation;

Provided further 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 distribution system, a fresh application shall be made, which shall be considered in accordance with these Regulations.

- (b) The applicant shall submit the basis for assessment of power to be interchanged using the distribution system and power to be transmitted to or from various entities or regions to enable the Distribution Licensee to plan the distribution system in a holistic manner.
- (c) The application shall be accompanied by a bank guarantee of Rs 10,000/- (Rupees Ten thousand) per MW of the total power to be transmitted. The bank guarantee shall

be in favour of the Distribution Licensee, in the manner laid down under the detailed procedure.

Provided that in case of Renewable energy based transaction the bank guarantee shall be at the rate of Rs. 5000/- (Rupees five thousand) per MW of the total power to be transmitted.

- (d) The bank guarantee as provided at Regulation 10.2.(c) above, shall be kept valid and subsisting till the execution of the long-term Open Access agreement, in the case when augmentation of distribution system is required, and till operationalisation of long-term Open Access when augmentation of distribution system is not required.
- (e) The bank guarantee may be encashed by the Distribution Licensee, if the application is withdrawn by the applicant or the long-term Open Access rights are relinquished prior to the operationalisation of such rights when augmentation of distribution system is not required.
- (f) The aforesaid bank guarantee will stand discharged with the submission of bank guarantee that is required to be submitted by the applicant to the Distribution Licensee during construction phase when augmentation of distribution system is required, in accordance with the provisions in the detailed procedure.
- (g) On receipt of the application, the Distribution Licensee shall, in consultation and through coordination with other agencies involved in 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 specified in Regulation 9.2 herein above:

Provided that in case the Distribution Licensee faces any difficulty in the process of consultation or coordination, it may approach the Commission for appropriate directions.

- (h) Based on the system studies, the Distribution Licensee shall specify the distribution system that would be required to give long-term Open Access. In case augmentation

to the existing distribution system is required, the same will be intimated to the applicant.

- (i) While granting long-term Open Access, the Distribution Licensee shall communicate to the applicant, the date from which long-term Open Access shall be granted and an estimate of the wheeling charges.
- (j) The applicant shall sign the Connection and Use of Distribution System Agreement for long-term Open Access with the Distribution Licensee in case long-term Open Access is granted by the Distribution Licensee, in accordance with the provision as may be made in the detailed procedure. The long-term Open Access agreement shall contain the date of commencement of long-term Open Access, the point of injection of power into the grid and point of drawal from the grid and the details of dedicated distribution lines, if any, required. In case augmentation of distribution system is required, the long-term Open Access agreement shall contain the time line for construction of the facilities of the applicant and the Distribution Licensee, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.
- (k) Immediately after grant of long-term Open Access, the Distribution Licensee shall inform the State Load Despatch Centre so that it can consider the same while processing requests for scheduling of power, received under this agreement.
- (l) On the expiry of the period of long-term Open Access, the same shall stand extended on a written request by the consumer, to the Distribution Licensee, submitted at least six months prior to such expiry, mentioning the period for which extension is required:

Provided that in case no written request is received from the consumer within the timeline specified above, the said long-term Open Access shall stand terminated on the date up to which it was initially granted.

11. Procedure for Medium Term Open Access

11.1. Involving Inter-State transmission system

Notwithstanding anything contained in Regulation 11.2 herein below, the procedure for inter-State medium-term Open Access shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Open Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 as in force from time to time:

Provided that in case of a consumer connected to a distribution system seeking Inter-State medium-term Open Access, the SLDC/STU, before giving its consent to the RLDC as required under the Central Commission's Regulations, shall require the consumer to submit the consent of the Distribution Licensee concerned in accordance with Regulation 13 hereof.

11.2. In the distribution system:

Subject to the provisions of Regulation 11.1 herein above, the procedure for medium term Open Access when the point of injection and/or the point of drawal are located in the same distribution system shall be in accordance with the provisions of sub-clause (a) to (f) herein below.

- (a) The application for grant of medium-term Open Access shall contain such details as may be laid down under the detailed procedure and shall, in particular, include the point of injection into the grid, point of drawal from the grid and the quantum of power for which medium-term Open Access has been applied for. A model application form for medium term Open Access is provided at Annexure-IV.
- (b) 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.

Note: For example, application for grant of medium term Open Access commencing for Jan 1st shall be received up to 31st day of July of the previous year.

Similarly, the application for grant of medium term Open Access if submitted on 31st day of July of the previous year shall not be for a period commencing 1st August of the subsequent year.

- (c) On receipt of the application, the Distribution Licensee shall process the application and carry out the necessary system studies pertaining to the aspects referred to in Regulation 13.1 (i) and (ii) as expeditiously as possible so as to ensure that the decision to grant or refuse medium-term Open Access is made within the timeframe specified in Regulation 9.2 herein above:
- (d) On being satisfied that the requirements specified under Regulation 9.2 are met, the Distribution Licensee shall grant medium-term Open Access for the period stated in the application:

Provided that for reasons to be recorded in writing, the Distribution Licensee may grant medium-term Open Access for a period less than that sought for by the applicant:

Provided further that the applicant shall sign the Connection and Use of Distribution System Agreement for medium term Open Access with the Distribution Licensee, in accordance with the provision as may be made in the detailed procedure. The Connection and Use of Distribution System Agreement 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 drawal from the grid, the details of distribution network, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.

- (e) Immediately after grant of medium-term Open Access, the Distribution Licensee shall inform the State Load Despatch Centre so that it can consider the same while processing requests for scheduling requests received under these Regulations.

- (f) On expiry of the period of the medium-term Open Access, the medium-term consumer shall not be entitled to any overriding preference for renewal of the term.

12. Procedure for Short Term Open Access

12.1. Supply of electricity involving Inter-State Transmission System where the applicant is connected to the Distribution System:

Notwithstanding anything contained in Regulation 12.2 of these Regulations, the procedure for inter-State short-term Open Access shall be as per Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 as in force from time to time:

Provided that in respect of a consumer connected to a distribution system seeking Inter-State short-term Open Access, the SLDC, before giving its consent to the RLDC as required under the Central Commission's Regulations, shall require the consumer to submit the consent of the Distribution Licensee concerned in accordance with Regulation 13 hereof:

Provided further that the Distribution Licensee shall provide its consent in case there are no undisputed claims against the consumer.

12.2. Supply of electricity involving the Distribution System:

The procedure specified herein below shall apply to cases of Short-term Open Access when the point of injection and/or the point of drawal are located in the same distribution system.

12.2.1. Open Access in advance

- (i) Application may be submitted to the Distribution Licensee seeking short-term Open Access up to the fourth month, considering the month in which an application is made being the first month.

- (ii) Separate application shall be made for each month and for each transaction in a month.
- (iii) The application to the Distribution Licensee shall be on the prescribed form given in Annexure – III [format ST-1] containing such details as capacity needed, generation planned or quantum of power purchase contracted, point of injection, point of drawal, duration of availing Open Access, peak load, average load and such other additional information as may be required by the Distribution Licensee. The application shall be accompanied by a non-refundable application fees in cash or by cheque or by demand draft in favour of the officer so notified by Distribution Licensee.
- (iv) An application for grant of Open Access commencing in any month may be submitted in a cover marked “Application for Short-Term Open Access – in advance” up to 10th day of the preceding month.

For example, application for grant of Open Access commencing in the month of July shall be received up to 10th day of June.
- (v) Distribution Licensee shall acknowledge receipt of the application by indicating time and date on “Acknowledgement” to the applicant.
- (vi) Based on the type of transactions the Distribution Licensee shall take a decision on the applications for short-term Open Access in the manner provided herein below.
- (vii) All applications received under sub-sub-clause (iv) above shall be taken up for consideration together and processed as per allotment priority criteria specified under Regulation 15 of these Regulations.
- (viii) Distribution Licensee shall check the transaction for congestion in the distribution network

- (ix) Distribution Licensee shall convey grant of Open Access or otherwise as per prescribed form in Annexure III [FORMAT-ST2] along with schedule of payments to the consumer latest by 19th day of such preceding month.
- (x) Distribution Licensee shall assign specific reasons if Open Access is denied under sub-sub clause (ix).

Provided that no application shall be rejected unless the applicant has been given an opportunity of being heard.

12.2.2. Day-Ahead Open Access

Day-ahead transactions shall be permitted, in case there is availability of surplus capacity in the Distribution Licensee's system, which has been expressly surrendered wholly or partly, or not in use for more than three days in past

- (i) An application for grant of day ahead Open Access may be received by Distribution Licensee within two (2) 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 on 23rd day or up to 13:00 hours on 24th day of that month.

- (ii) Distribution Licensee shall check for congestion and convey grant of approval or otherwise in the same format of Annexure III [FORMAT-ST2] as provided in sub-sub-clause (ix) of Regulation 12.2.1 above. All other provisions of application for short-term Open Access shall apply.

12.2.3. 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.
- (iii) SLDC shall convey information of congestion and decision for invitation of bidding indicating floor price on format of Annexure III [FORMAT-ST3], as provided at Annexure III, to the applicants.
- (iv) SLDC shall also display bidding information on its internet website.
- (v) The floor price of transmission and wheeling charges determined on the basis of relevant order of the Commission shall be indicated in Annexure III [FORMAT-ST3].
- (vi) The Bids shall be accepted on format [FORMAT-ST4], as provided at Annexure III, up to the “bid closing time” as indicated in bidding invitation as provided at Annexure III [FORMAT-ST3]. Modification / amendment to a bid, once submitted shall not be entertained.
- (vii) If any consumer does not participate in bidding process, his application shall be deemed to have been withdrawn and shall not be processed.
- (viii) SLDC shall not entertain any request for extension of time/date for submission of bids.
- (ix) The bidders shall quote price (rounded-off to whole number) in denomination in which floor price has been determined.
- (x) The quoted price shall be arranged in descending order and allocation of available capacities shall be accorded in such descending order until the available capacity is exhausted.
- (xi) In case of equal price quoted by two or more consumers, the allocation from the residual available capacity at any stage under sub-sub-clause (x) above shall be made in proportion to capacity being sought by such consumers.

- (xii) All consumers, in favour of whom full capacities have been allotted, shall pay the highest price obtained from bids.
- (xiii) The consumers, who are allotted less capacity, shall pay the price as quoted by them.
- (xiv) SLDC shall reject bid which are incomplete, vague in any manner or not found in conformity with bidding procedure.
- (xv) The successful bidder, in favour of whom the capacities have been allocated, shall pay transmission charges, wheeling charges, as the case may be, determined by bidding under sub-sub clause (xii) or (xiii) of this clause.

12.2.4. The reserved capacity by a short-term Open Access consumer is not transferable to others

12.2.5. The capacity available as a result of surrender or reduction or cancellation of the reserved capacity by the SLDC, may be reserved for any other short-term Open Access consumer in accordance with these Regulations:

Provided that as a result of surrender or reduction or cancellation by any consumer, in case the congestion does not persist in the said distribution line, the SLDC shall convey the status to the Distribution Licensee. The Distribution Licensee on receipt of congestion-free status from the SLDC shall then offer the distribution line for Open Access under provision of Regulation 12 above.

12.2.6. On expiry of the period of the short-term Open Access, the short-term consumer shall not be entitled to any overriding preference for renewal of the term.

13. Consent by Distribution Licensee

13.1. Before giving consent for Open Access, and subject to the other provisions of these Regulations, a Distribution Licensee shall verify the following :

- (i) Existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code in force, and
- (ii) Availability of capacity in the distribution network.

13.2. Inter-State Open Access :

In case where the applicant is connected to the distribution system and the application for grant of long-term Open Access, medium-term Open Access and short-term Open Access is for availing power from another State, the Distribution Licensee shall convey its consent or refusal to grant consent, either to the STU and/or the SLDC, under the provisions of Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Open Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 and Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, respectively as in force from time to time.

13.2.1. The Distribution Licensee shall convey its consent or refusal to grant consent, as under:

- a) Within 3 working days of receipt of the request of the applicant in case of Short term Open Access
- b) Within 5 working days of receipt of the request of the applicant in case of Medium term Open Access and Long term Open Access

Provided that refusal to grant consent shall be recorded with reasons.

13.3. Intra-State Open Access:

- (a) While processing the application from a generating station seeking consent for Open Access, the Distribution Licensee shall verify the following, namely-

(i) Existence of infrastructure necessary for time-block-wise energy metering and accounting in accordance with the provisions of the State Grid Code in force, and

(ii) Availability of capacity in the distribution network.

13.4. Where existence of necessary infrastructure and availability of capacity in the distribution network has been established, the Distribution Licensee shall convey its consent to the applicant by e-mail or fax or by any other usually recognised mode of communication, within five (5) working days of receipt of the application.

13.5. In case the Distribution Licensee 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 usually recognised mode of communication, within three (3) working days of receipt of the application.

13.6. In case the application has been found to be in order but the Distribution Licensee refuses to give consent on the grounds of non-existence of necessary infrastructure or unavailability of surplus capacity in the distribution network, such refusal shall be communicated to the applicant by e-mail or fax or by any other usually recognized mode of communication, within the period of five (5) working days from the date of receipt of the application, along with reasons for such refusal.

13.7. Consumer availing supply from Power Exchange:

Subject to Regulation 13.1, the Distribution Licensee shall provide its consent immediately, in case there are no undisputed claims pending against the consumer.

14. Allotment Priority

14.1 The priority for allotment of Open Access in distribution system shall be decided on the following criteria:

- (a) A Distribution Licensee shall have the highest priority in allotment of Open Access capacity irrespective of whether the Open Access request is for long-term, medium-term or short-term.
- (b) The long-term Open Access applicants shall have the priority next to the Distribution Licensee.
- (c) The medium-term Open Access applicants shall have the priority next to the long-term Open Access applicants.
- (d) The short-term Open Access applicants shall have the priority next to the medium-term Open Access applicants.
- (e) Allotment priority for short-term Open Access applicants shall be decided subject to capacity availability.
- (f) 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 applicant having next lower priority shall be taken up for consideration.

Part D: OPEN ACCESS CHARGES

15. Billing

15.1 The bill for supply of electricity to the consumer shall be raised by the Supplier and such bill shall separately and clearly indicate the following:

- (i) Charges for supply of electricity, in accordance with the terms and conditions of the Supply agreement, if any
- (ii) Transmission charges, if applicable;
- (iii) Wheeling charges, if applicable;

- (iv) Any other charge or other sum recoverable from the consumer under the Act or these Regulations or under any other law for the time being in force.

15.2 The bill for use of the distribution system for wheeling of electricity shall be raised by the Distribution Licensee on the Supplier/Open Access consumer whosoever is located in the Distribution Licensee's area of supply and shall separately and clearly indicate the following:

- (i) Wheeling charges, recovered or recoverable from consumers in accordance with Regulation 16.1 below;
- (ii) Cross-subsidy Surcharge, recovered or recoverable from consumers in accordance with Regulation 17 below;
- (iii) Additional surcharge on the charges of wheeling, recovered or recoverable from consumers in accordance with Regulation 18 below; and
- (iv) Any other charge or other sum recoverable from the Consumer under the Act or these Regulations or under any other law for the time being in force:

15.3 In case the Generator or the Licensee has accessed the distribution system for sale to an eligible consumer or a Licensee or on the Power Exchange, the bill for use of the distribution system for wheeling of electricity shall be raised on the generator or the Licensee and shall separately and clearly indicate the following:

- (i) Wheeling charges, recovered or recoverable from consumers in accordance with Regulation 16.1 below;
- (ii) Cross subsidy surcharge, in case the generator or Licensee sells power to the consumer of the Distribution Licensee and is not being recovered by the Distribution Licensee from the consumer under Regulation 17.1;
- (iii) Additional surcharge on the charges of wheeling, in case the generator or Licensee sells power to the consumer of Distribution Licensee and not being recovered by the Distribution Licensee from the consumer under Regulation 18.1;

(iv) Any other charge or other sum recoverable from the generator or Licensee under the Act or these Regulations or any other law for the time being in force:

15.4 The bills under this Regulation 15 shall be issued on a monthly basis.

15.5 The bills issued under this Regulation 15 shall be payable within such period as may be specified in the Electricity Supply Code.

16. Wheeling Charges

Open Access customer using distribution system shall pay the wheeling or Dedicated Distribution facility charge, as the case may be, as under:

16.1 Wheeling charges payable to the Distribution Licensee by an Open Access customer for usage of their system shall be determined under the Maharashtra Electricity Regulatory Commission (Multi Year Tariff) Regulations, 2011 as in force from time to time:

Provided that the Wheeling charges shall be payable on the basis of actual energy flow including charges for part of a day:

Provided that the charges payable by a user of the Distribution System User under this Regulations may comprise of any combination of fixed/demand charges, and variable charges, as may be stipulated by the Commission from time to time:

Provided further that where a dedicated distribution system used for Open Access has been constructed for exclusive use of an Open Access customer, the wheeling charges for such dedicated system shall be worked out by Distribution Licensee for their respective systems and got approved by the Commission and shall be borne entirely by such Open Access customer till such time the surplus capacity is allotted and used for by other persons or purposes.

16.2 Dedicated Distribution facility charge payable to the Distribution Licensee shall be applicable in case the distribution network is owned by the Open Access consumer and the network is maintained by the Distribution Licensee:

Provided that the Distribution Licensee shall submit full details of the calculation of Dedicated Distribution facility charge within the area of supply of such Distribution Licensee together with its application for determination of tariff submitted to the Commission in accordance with section 62 of the Act:

Provided further that the Dedicated Distribution facility charge may be determined by the Commission in the Retail Tariff Order or any other general or specific Order issued by the Commission:

Provided also that till the time the Dedicated Distribution facility charge is determined by the Commission, the Distribution Licensee shall levy 50% of the Wheeling charge at the voltage level at which the consumer is connected, as Dedicated Distribution facility charge, as determined under Regulation 16.1 above:

Provided further that a consumer who pays a Dedicated Distribution facility charge, it shall not be charged Wheeling charge under Regulation 16.1 above.

17. Cross subsidy Surcharge

17.1 Every consumer of a Distribution Licensee who has been granted Open Access in accordance with these Regulations shall be liable to pay a Cross subsidy surcharge, as may be stipulated, as a condition for availing of Open Access:

Provided further that the Commission may fix a lower surcharge in the situation of shortages and load shedding by the Distribution Licensee:

Provided further that such surcharge shall not be leviable in case Open Access is provided to a person who has established a captive generating plant, in respect of his captive generation, for carrying the electricity to a destination of his own use.

17.2 Cross subsidy surcharge determined on Per Unit basis shall be payable, on monthly basis, by the Open Access consumers based on the actual energy drawn at the consumption end during the month through Open Access. The amount of surcharge shall be paid to the Distribution Licensee with whose Distribution System the Consumer is connected to..

17.3 The formula for the purpose of determination of Cross-subsidy surcharge shall be as under:

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

Where,

S is the surcharge

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

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

D is the Wheeling charge in per kWh basis

L is the Distribution System Losses as stipulated by the Commission in accordance with Regulation 25.2 of these Regulations for the applicable voltage level, expressed as a percentage:

Provided that in case the above formula gives negative value of surcharge, the same shall be zero:

Provided that 'L' shall be the losses at the voltage level of the consumer category and shall include the transmission losses corresponding to the source of power purchase component 'C':

Provided further that the concessions to the applicable surcharge, if any, in case the open consumer purchases power from a Renewable source of energy, shall be stipulated by the Commission from time to time.

Provided further that the Commission may, if required, revisit the formula and modify the same by general or special Order.

- 17.4 The Cross-subsidy surcharge payable to the Distribution Licensee by an Open Access consumer shall be determined by the Commission in the Tariff Order of the Distribution Licensees or any other Order issued by the Commission:

Provided further that as and when the Cross subsidy reduction road map is specified the surcharge to be levied on Open Access consumers shall be revised by the Commission.

- 17.5 The Distribution Licensee shall submit full details of the calculation of cross subsidy surcharge within the area of supply of such Distribution Licensee together with its application for determination of tariff submitted to the Commission in accordance with the provisions of clause (d) of sub-section (1) of section 62 of the Act.

18. Additional Surcharge

- 18.1 An Open Access consumer, receiving supply of electricity from a person other than the Distribution Licensee of his area of supply, shall be liable to pay to the Distribution Licensee an additional surcharge on the charges of wheeling , to meet 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, as may be stipulated by the Commission.
- 18.2 This additional surcharge shall become applicable only if it is conclusively demonstrated, when due to the Open Access being granted or having been granted, the obligation of the Distribution 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.

18.3 The Distribution Licensee may submit to the Commission a detailed calculation statement of fixed cost which the Distribution Licensee is incurring towards his obligation to supply along with its Tariff Petition and also shall submit its separate petition for truing up of on yearly basis based on actual expenses incurred vis-à-vis those approved by the Commission, for the prudence check and approval of the Commission.

18.4 The Commission may determine category wise additional surcharge to be recovered by Distribution Licensee from Open Access consumers, if any, based on the following principles:

- (i) The cost must have been incurred by the Distribution Licensee or is expected, with reasonable certainty, to be incurred on account of such consumer; and
- (ii) The cost has not been or cannot be recovered from the consumer, or from other consumers who have been given supply from the same assets or facilities, or from other Consumers, either through wheeling charges, standby charges or such other charges as may be approved by the Commission in exercise of powers under section 64 of the Act:

Provided that the additional surcharge so determined by the Commission shall be applicable to all the consumers who have availed Open Access to receive supply from a source other than the Distribution Licensee to which they are connected.

18.5 Additional surcharge determined on per Unit basis shall be payable, on monthly basis, by the Open Access consumers based on the actual energy drawn during the month through Open Access:

19. Standby charges for drawal of power by Open Access customer from Distribution Licensee

19.1 In the event of termination of supply by the Supplier or in case of outages of generator supplying to Open Access consumer, the Distribution Licensee shall provide Standby supply to meet the requirement of load catered through Open Access until such time as alternative arrangements for supply has been arranged by the Open Access consumer.

Provided that such Standby supply would continue to be provided by the Distribution Licensee at day ahead request from the Open Access consumer.

Provide that the Open Access consumer shall for that supply be liable to pay energy charges either at UI charge or the System Marginal Price identified under the Intra-state ABT mechanism or the temporary tariff of the Distribution Licensee on which consumer is connected as provided in the Tariff schedule approved by the Commission, whichever is higher.

Provided further that if a consumer opts for Open Access to avail 'Non-firm power' from a Renewable energy generator as defined in MERC (Terms and conditions for determination of RE Tariff) Regulations, 2010, as amended from time to time, such energy transaction would be exempted from Standby supply charge:

Provided also that Open Access customers would have the option to arrange stand-by power from any other source.

19.2 The event of Standby supply provided by Distribution Licensee would not qualify as an event of 'Imbalance charge' under provisions of Regulation 26.

20. Security Deposit

20.1 Except where the Consumer chooses to purchase the meter, the Distribution Licensee may require the Consumer to provide security for the price of the meter, in accordance with the provisions of clause (b) of sub-section (1) of section 47 of the Act:

Provided that in no case shall the amount of the security exceed the price of the meter.

20.2 The Distribution Licensee may require the Applicant to provide security equivalent to one month billing for wheeling charge, cross-subsidy surcharge and additional surcharge on charges of wheeling, calculated in accordance with the terms and conditions of the Connection and Use of Distribution System Agreement.

Provided that in case of Short term Open Access the Distribution Licensee shall collect the security deposit commensurate with the duration of Open Access instead of one month billing as provided at Regulation 20.2.

20.3 Where the security deposit from the Applicant under Regulation 20.2 is required at the commencement of the Connection and Use of Distribution System Agreement, such security deposit under Regulation 20.2 shall be calculated based on estimated use of the distribution system for wheeling of electricity:

Provided that the amount of the security deposit may be adjusted when the amount of additional security required or surplus security held exceeds ten (10) per cent of the balance held with the Distribution Licensee.

20.4 The security under this Regulation 20 may, at the option of the person giving such security, be by way of cash (including cheque and demand draft), irrevocable letter of credit or unconditional bank guarantee issued by a scheduled commercial bank:

Provided that where the security deposit is in the form of cash, it shall earn interest at a rate equivalent to the bank rate of the Reserve Bank of India:

Provided further that the security shall be deposited within fifteen (15) days from the date of receipt of notice from the Distribution Licensee.

21. Compliance with State Grid Code

21.1 It shall be the duty of all Consumers and all Suppliers to comply with the State Grid Code, as may be specified, to the extent made applicable to them:

Provided that failure of the Consumer and/ or Supplier to comply with the State Grid Code shall render such Consumer and/ or Supplier, as the case may be, liable to consequences for contravention of the Act:

Provided further that failure of the Consumer and/ or Supplier to comply with the State Grid Code may also render such user liable to revocation of the Connection and Use of Distribution System Agreement:

21.2 Every person who has been granted Open Access in accordance with these Regulations shall comply with the provisions of the Balancing and Settlement Code, to the extent made applicable to them:

Provided that every such person may be required to pay such charges as may be provided in the Balancing and Settlement Code including charges for unscheduled use of the transmission system and unscheduled interchange of electricity.

Part E: SCHEDULING, METERING, REVISION AND LOSSES

22. Scheduling

22.1 Scheduling of Inter-State Open Access transactions shall be as per IEGC, as in force from time to time.

22.2 Intra-State Open Access transactions in respect of consumers of load 1 MW and above and all generating stations irrespective of the capacity shall be scheduled by SLDC in accordance with the provisions of the State Grid Code.

22.3 Renewable Energy generating plants identified as 'Non-firm power' under the MERC (Terms and conditions for determination of RE Tariff) Regulations, 2010, as amended from time to time, shall be exempted from scheduling till such time the Commission

amend this condition by amendment in Regulation or through any general or specific Order .

23. Metering and Communication

23.1 In case of Open Access consumer and all generating stations irrespective of their capacity, Special Energy Meters shall be installed by the Distribution Licensee, for and at the cost of the consumer

Provided that such meters may be procured from the Distribution Licensee or from any supplier duly approved by the Distribution Licensee in accordance with specification made in compliance with Central Electricity Authority (Installation and Operation of Meters) Regulation, 2006 and its amendment from time to time.

Provided also that the specification to be issued by the Distribution Licensee should be compatible with SLDC's requirement for energy accounting.

Provided further that the Distribution Licensee should notify the particulars of at least two meter manufacturers from whom the consumers can purchase and install the Special Energy Meters that shall have provisions to meet billing requirements of Distribution Licensee.

23.2 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 State Grid Code.

23.3 The obligations of the Distribution Licensee and the Consumer as regards installation of meter, maintenance, testing of meter and dealing with defective, lost and burnt meters shall be the same as specified by the Commission for Distribution Licensees and consumers respectively in the Electricity Supply Code and Standards of Performance Regulations.

23.4 The Distribution Licensee shall be responsible for reading the consumer's meter at intervals of at least once in every two months:

Provided that the authorized representative of the Supplier shall be entitled to be present at the time of meter reading:

Provided further that the authorized representative of the Distribution Licensee shall be entitled to access the premises of the consumer for meter reading, inspection and testing at such times and in such manner as in the case of the Distribution Licensee's own consumers in accordance with the Act and the Electricity Supply Code.

23.5 Special Energy Meters shall be open for inspection by any person authorized by the Distribution Licensee or the SLDC

23.6 All the Open Access customers shall abide by the metering standards of CEA. Provided that all the metering points for provision of Open Access for the consumers shall comply with the State Metering Code.

Provided that such metering points which are not defined in the State Metering Code shall be defined by SLDC to facilitate Energy accounting for the State

23.7 The SLDC shall specify the specifications of RTU-DC and verify its installation for real time monitoring.

Provided that the RTU-DC shall be open for inspection by any person authorised by the Distribution Licensee and/or the SLDC

23.8 The Energy meter data shall communicate on-line to SLDC for the purpose of energy accounting

- 23.9 The Open Access consumer shall provide for or bear the cost of communication to be defined by Distribution Licensee and/or SLDC for real time communication between the Open Access consumer and the Distribution Licensee and/or SLDC.
- 23.10 The responsibility of providing the energy meter data to SLDC for the purpose of Energy accounting shall jointly be addressed by the Open Access consumer and the Distribution Licensee to whom the consumer is connected
- 23.11 In case of a Generating Company opting for Open Access it shall ensure visibility of its generation at the SLDC for the purpose of real time monitoring
- 23.12 An Open Access consumer shall have the facilities of telephone/mobile, fax and email. The details of their communication systems shall be provided to the Distribution Licensee and / or SLDC.

24. Revision

- 24.1 Revision of scheduled energy shall be permitted in accordance with the provisions of IEGC or the State Grid Code as the case may be.

25. Losses

25.1 Transmission losses:

25.1.1 Inter-State transmission:

25.1.1.1 Long-term Open Access and medium-term Open Access: The buyers shall bear apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Commission.

25.1.1.2 Short-term Open Access: The Open Access customer shall absorb energy losses in the transmission system in accordance with the provisions specified by the Central Commission.

25.1.2 Intra-State transmission:

The transmission losses for the Intra- State system, as determined by the Commission shall be applicable for Open Access transactions.

Provided that the schedule to be submitted by Open Access consumer shall consider the approved Intra-State transmission loss.

Provided that the energy settlement shall be done based on the actual loss in the Intra-State transmission system.

25.2 Distribution System loss

The technical losses for the distribution system shall be determined by the Commission for various voltage levels for the applicable year, based on prudence check of the submissions of the Distribution Licensee during their Tariff determination process and shall be apportioned in proportion to the actual energy drawal by the Open Access consumers and shall be payable in kind at relevant voltage level or any other methodology as may be stipulated by the Commission from time to time:

Provided that the Open Access consumer shall be levied with only the technical losses in the system and shall not be levied with any part of the commercial losses:

Provided that transmission loss would not be applicable in case the point of injection and point of drawal are in the distribution system.

Part F: IMBALANCE AND REACTIVE ENERGY CHARGES

26. Imbalance Charge

26.1 Scheduling of all transactions pursuant to grant of long-term Open 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 State Grid Code/Commission's Orders for Intra-State transactions.

26.2 Settlement of Energy at Drawal Point in respect of Open Access Consumer: Deviations between the schedule and the actual injection and/or drawal in respect of Open Access consumer shall be settled as under:

26.2.1 Over drawal:

The over drawal by an Open Access consumer shall be settled at higher of the below two options:

- (i) The System Marginal Price (SMP) or any other Intra-State ABT settlement charges as identified under the Intra-State ABT mechanism operating in the State from time to time or,
- (ii) The temporary tariff as identified in the Tariff schedule as determined by the Commission from time to time for the concerned Distribution Licensee.

26.2.2 Under drawal:

In the event of under drawal the Open Access consumer will not be paid any charges by the Distribution Licensee:

Provided that if any penal charges are levied under the Inter-State UI mechanism this charge shall be recovered by the Distribution Licensee from the Open Access consumer on a pro-rata basis.

26.2.3 Non drawal of scheduled power due to failure of Intra-state Transmission and/or distribution system

If an Open Access consumer is unable to draw the scheduled energy due to failure of the Intra-state transmission system and/or network of the Distribution Licensee, the power injected will be treated as Banked Power and the Open Access consumer will be allowed to draw the same within a period of 3 months with an advance notice of 48 hours to the Distribution Licensee:

Provided that this power shall be used by the Open Access consumer in the same time block(s) in which the power has been banked:

Provided that in case the Open Access consumer is unable to draw the banked power within the stipulated time period of 3 months then the energy shall be treated as lapsed.

26.3 Out of the recorded drawal, the scheduled entitlement as an Open Access customer will first be adjusted and the balance will be treated towards Contract Demand of the consumer. The variation in recorded maximum drawal will be accounted for/charged as under: -

26.3.1 When over drawal is identified on the contract demand as a consumer of the Distribution Licensee, the extent of over drawal after reconciliation under Regulation 26.3 above, would be levied as demand surcharge on the consumer in a manner similar to the provision of the retail tariff applicable to such consumer. Settlement of energy over drawal of a consumer will be as per Regulation 26.2.1 above.

26.3.2 When the recorded drawal of a consumer is less than the scheduled entitlement as an Open Access customer, it will be treated as a case of under drawal as per Regulation 26.2.2 above.

Provided that the consumer will, however, be governed by the Maharashtra Electricity Regulatory Commission (Multi Year Tariff) Regulations, 2011 as in force from time to time, and the Schedule of Tariff approved by the Commission from time to time.

26.4 Deviations between the schedule and the actual injection and/or drawal in respect of Open Access taken by a Generating Company / Trading Licensee shall be settled as under:

26.4.1 Over injection

a) If any over injection than that scheduled by the generator/trader leads to benefit of the grid then such over injection will be settled either at UI charge applicable under the Inter-state ABT mechanism or the SMP or any other intra-

State ABT settlement charges as identified under the Intra-State ABT mechanism operating in the State from time to time or at the weighted average cost of Long-term power purchase sources excluding Renewable sources and Liquid fuel based generation of the Distribution Licensee, whichever is lower.

- b) If any over injection than that scheduled by the generator/trader is detrimental to the grid, then for such over injection the OA generator/trader shall pay to the state pool either at UI charge applicable under the Inter-state ABT mechanism or the SMP or any other intra-State ABT settlement charges as identified under the intra-State ABT mechanism operating in the State from time to time, whichever is higher:

Provided that the Distribution Licensee being the Nodal agency, shall levy and collect such charge from the Open Access generator/trader/Member of Power Exchange and pay into the state pool account as identified under the intra-State ABT mechanism.

26.4.2 Under injection

Any under injection than scheduled, to be complied by the Open Access generator, will be met from the grid and will be paid for by the generator/trader to the Distribution Licensee at UI charge applicable under Inter-state ABT mechanism or the SMP or any other intra-State ABT settlement charges as identified under the intra-State ABT mechanism operating in the State from time to time, whichever is higher. In addition, the congestion charge, if any as identified either by RLDC and/or SLDC to fulfil the obligations of the Open Access Generator will also be payable to the Distribution Licensee:

Provided that distribution loss would not be loaded on any generator/trader if it is connected directly to the intra-State transmission system:

Provided further that if the under injection persists for 2 days continuously, the SLDC shall give notice to the generator/trader for revision of its schedule. If the generator/trader fails to inject according to the Open Access schedule in such a case the generator/trader should immediately revise the schedule or else it shall be liable to for the penalty identified under Maharashtra Electricity Regulatory Commission (Multi Year Tariff) Regulations, 2011 as in force from time to time. The generator/trader will however be liable to pay the Open Access charges for the full reserved capacity for the entire period.

26.4.3 As and when the Generators in the State are declared as participants of Intra-state ABT regime, the following would be applicable:

- a) Any generation up to 105% of the declared capacity in any time block of 15 minutes and aggregated averaging up to 101% of the average declared capacity over a day shall not be construed as gaming and the generator shall be entitled to UI charges identified as the SMP or any other Intra-State ABT settlement charges as identified under the Intra-State ABT mechanism operating in the State from time to time or lowest variable cost of generation, whichever is lower, for such excess generation above the declared capacity of Scheduled Generation (SG).
- b) For any generation beyond the prescribed limits, the State Load Despatch Centre shall investigate so as to ensure that there is no gaming, and if gaming is found by the State Load Despatch Centre, the corresponding UI charges due to the generating station on account of such extra generation shall be reduced to zero and the amount shall be adjusted in UI account of beneficiaries in the ratio of their capacity share in the generating station.

26.5 Failure to evacuate power owing to breakdown of evacuation system of the Licensee in respect of Open Access taken by a Generating company / Trading Licensee will be dealt with as under:

26.5.1 Inter-State sale

- a) The schedule given by the Open Access generator/trader will be passed on to RLDC by the SLDC. The share of the Distribution Licensee from the sources outside the State will be adjusted accordingly and the energy scheduled by the Open Access generator/trader will be delivered to the purchaser identified by the Open Access Generator/trader.
- b) If the Distribution Licensee is unable to evacuate power scheduled by the Open Access generator/trader owing to failure of evacuation system of the Distribution Licensee, the Distribution Licensee shall pay to the Open Access generator/trader to the extent of average cost of the long term power purchase as approved in the Tariff order of the Distribution Licensee, for the energy which could not actually be evacuated by the Distribution Licensee due to breakdown of evacuation system of the Distribution Licensee.

26.5.2 Intra-State sale

The Open Access generator shall be paid by the Distribution Licensee for the energy supplied by the Distribution Licensee to the purchaser only to the extent of either the UI charge applicable under the Inter-state ABT mechanism or at the SMP or any other Intra-State ABT settlement charges as identified under the Intra-State ABT mechanism operating in the State from time to time or at the contracted supply rate, whichever is lower.

Provided that in either case, the generator/trader will not be liable to pay Open Access transmission and wheeling charges for the State System in the period when power is not being evacuated

- 26.6 Payment of imbalance charges shall have a high priority and the concerned constituents (including the Licensees or the Open Access customers as the case may be) shall pay the indicated amounts within seven (7) days of the issue of the statement, into a State imbalance pool account operated by the SLDC. The person who has to receive the money

on account of imbalance charges would then be paid out from the State imbalance pool account, within three (3) working days.

- 26.7 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. Persistent payment defaults, if any, shall be reported by the SLDC to the Commission, for initiating remedial action.
- 26.8 The Regulation 26 shall not be applicable in case an Open Access consumer arranges supply from Renewable Energy generating plant identified as 'Non –firm power' in the MERC (Terms and conditions for determination of RE Tariff) Regulations, 2010, as amended from time to time.

Provided further that the provisions of banking arrangements for Renewable Energy generating plant identified as 'Non –firm power' in the MERC (Terms and conditions for determination of RE Tariff) Regulations, 2010, as amended from time to time shall continue to be applicable, as stipulated by the Commission in various Orders from time to time:

Provided that the till banking arrangement is modified by the Commission for sourcing power from Wind Generation Plant, the existing banking arrangement shall be applicable with following conditions:

- (1) Banking of energy delivered to the grid for self-use and or sale to third party shall be allowed any time of the day and night subject to the condition that surplus energy (energy delivered into the grid but not consumed) at the end of the financial year shall not be carried over to the next year.
- (2) Credit for energy injected should be provided strictly on the basis of Time of Day (ToD) tariff slots:
- (3) The surplus energy at the end of the year, limited to 10% of the net energy delivered by the developer to the grid during the year shall be purchased by the

Utility at the lowest TOD slab rate for HT energy tariff applicable on the 31st March of the financial year in which the power was generated:

- (4) In the event of unforeseen and force majeure conditions, surplus energy at the end of the year in excess of the 10% limit specified above shall be purchased by the Utility at a rate equivalent to the weighted average fuel cost for the year as determined by the Commission in the Tariff Order. The payment of surplus energy shall be made to the developer/owner and not to consumer in case of third party sale.

Provided that the till banking arrangement for sourcing power from Solar Generation Plant is stipulated by the Commission, the banking arrangement as applicable for Wind Generating plant shall also be applicable for Solar Power Plants.

27. Reactive Energy Charge

- 27.1 In respect of Open Access consumer having a load of 5 MW or above, the payment for the reactive energy charges by Open Access consumers shall be in accordance with provisions stipulated in the State Grid Code.
- 27.2 In respect of Open Access consumers of load less than 5 MW, reactive energy charges shall be calculated on Power Factor basis as specified by the Commission.

Part G: COMMERCIAL MATTERS

28. Billing, Collection and Disbursement

Billing in respect of the charges payable under these Regulations shall be made as per the following procedure:

- 28.1 Inter-State transactions:
- (a) **Short-term Open Access**

- (i) Collection and disbursement of transmission charges for use of CTU and STU systems and operating charges payable to RLDCs and SLDCs towards short-term Open Access shall be made by the nodal RLDC in accordance with the procedure specified by the Central Commission.
- (ii) The short-term Open Access customer connected to distribution system of a Distribution Licensee shall pay to such Distribution Licensee the charges payable to the Distribution Licensee in accordance with Regulation 15.2.

(b) Long-term Open Access and Medium-term Open Access

- (i) Billing, collection and disbursement of charges payable to RLDC including Unified Load Despatch and Communication Scheme shall be in accordance with the procedure specified by the Central Commission.
- (ii) Bills towards the charges payable to SLDC shall be raised by the SLDC directly to the Open Access consumer connected to the STU or to the distribution network of the Distribution Licensee, before the 3rd working day of the succeeding calendar month.
- (iii) Distribution Licensee shall raise the bill with the Open Access customer connected to it in accordance with Regulation 15.3 on receipt of bill from SLDC.
- (iv) Open Access consumer connected to the distribution network shall pay the charges in accordance with Regulation 15.2. The Distribution Licensee shall disburse the amount payable to STU/SLDC on a monthly basis.
- (v) Open Access customer connected to the STU shall pay the bills in accordance with Regulation 15.2

28.2 Intra-State transactions:

(a) Short-term Open Access

The short-term Open Access customer connected to distribution system of a Distribution Licensee shall pay the charges payable to the Distribution Licensee in accordance with Regulation 15.2

(b) Long-term and Medium-Term Open Access

The SLDC shall communicate to Distribution Licensee the details of the bills due to them by the 3rd day of the succeeding calendar month. The Distribution Licensee shall separately indicate the charges and raise the bill with the Open Access customer, together with the charges receivable by it, if any, before the 5th day of the above month. The Open Access customer shall pay the charges in accordance with Regulation 16 of these Regulations. The Distribution Licensee shall disburse the charges payable to SLDC on a monthly basis.

29. Late Payment surcharge

- 29.1 In case the payment of any bill for charges payable under these Regulations is delayed by an Open Access customer 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 percent (%) per month shall be levied.

30. Default in payment

- 30.1 Non-payment of any charge or sum of money payable by an Open Access customer under these Regulations shall be considered non-compliance of these Regulations. The Distribution Licensee may discontinue Open Access after giving customer an advance notice of fifteen days without prejudice to its right to recover such charges by suit.

In case of default in payment of charges due to the SLDC, it may refuse to schedule power to the defaulting Open Access customer and direct the Distribution Licensee to disconnect such customer from the grid.

31. Payment Security Mechanism

- 31.1 In case of long-term Open Access and medium-term Open Access, the applicant for Open Access will open an irrevocable 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.

32. Flexibility to change points of Injection and Drawal

32.1 The Long-term Open Access consumer shall have the flexibility to change the point of injection and/or point of drawal twice in a year subject to the results of system impact studies to be carried out by the concerned Distribution Licensee at the behest of such consumers.

Provided that while providing this flexibility to the applicant the rights of existing consumers shall not be adversely affected.

32.2 A consumer availing medium-term Open Access for one full year may also change entry and/or exit points twice, subject to feasibility.

32.3 The Distribution Licensee may allow a short-term Open Access consumer to change the point or points of injection in case of any contingency arising from outage of generation or its associated network, provided it is technically feasible.

Provided that this change would be permitted only once during tenure of the Open Access period.

Provided that in case of long-term Open Access and medium term Open Access the application by the existing Open Access consumer for change in point of injection and/or drawal shall be submitted at least three (3) months in advance to the Distribution Licensee.

Provided that the second change would be permitted only after a lapse of 6 months from the first change being made effective. All expenses incurred by the Distribution Licensee to carry out such studies shall be reimbursed in full by such consumers.

Provided any change in the point of injection and/or the point of drawal would be permitted only if there is no change in the quantum of power to be transacted under Open Access

Provided further that due to such change being effected in the point of injection of a Renewable energy generating plant except for the plant who is identified as ‘Non firm power’ under MERC (Terms and conditions for determination of RE Tariff) Regulations, 2010, as amended from time to time, who is connected or intends to get connected to the network of Distribution Licensee and intends to sell such power to an eligible person as specified in Regulation 3.1 or to a Licensee, and if such power is not drawn by the intended beneficiary then all such energy would be treated as lapsed energy with the incumbent Distribution Licensee:

Provided also that in case of Renewable Energy generating plant identified as ‘Non firm power’ under MERC (Terms and conditions for determination of RE Tariff) Regulations, 2010, as amended from time to time, if such power is not drawn by the intended beneficiary, then such energy shall be treated as Banked energy and the treatment shall be as stipulated by the Commission from time to time.

Part H: INFORMATION SYSTEM

33. Information system

33.1 Every Distribution Licensee shall maintain an internet based information system giving the following details:

- (a) The form of application, the procedure and manner of submitting the application form and the fees required to accompany the application form.
- (b) The form of the Connection and Use of Distribution System Agreement;
- (c) The Wheeling charge and Cross-subsidy surcharge, as may be stipulated by the Commission; and
- (d) A status report on long-term Open Access, medium term Open Access and the current short-term Open Access customers indicating:
 - (i) Name of customer;
 - (ii) Period of Open Access granted (date of commencement and date of termination);

- (iii) Point of injection;
- (iv) Point of drawal;
- (v) Transmission system / distribution system used;
- (vi) Open Access capacity used, and
- (vii) Schedule of Open Access period for each day in case of Limited Short term Open Access consumers

Provided that in case of sale/purchase of power through a Power Exchange the drawal/injection points shall be in accordance with the provisions of CERC (Power Market) Regulation, 2010.

- 33.2 Peak load flows and capacity available including the reserve capacity of HV lines emanating from EHV sub-stations and HV lines of the distribution system

Part I: OPEN ACCESS TO GENERATING STATION CONNECTED TO DISTRIBUTION SYSTEM

34. Applicability

- 34.1 A generating station connected to a distribution system seeking Open Access shall have to follow, except in respect of the case covered under Regulation 36.1, the same procedure as applicable for a consumer seeking Open Access under different scenarios, namely long-term Open Access, medium-term Open Access and short-term Open Access. Such generating station shall also be liable to pay the same application fees, and other Open Access charges except the cross subsidy surcharge and additional surcharge as are applicable to a consumer seeking Open Access.
- 34.2 A generating station seeking Open Access shall make an application in the prescribed format to the Distribution Licensee to which it is connected.

35. Processing of application

The Distribution Licensee, while processing the application of such a generating station, shall follow the following procedure.

35.1 While processing the application from a generating station seeking Open Access, the Distribution Licensee shall verify the following, namely-

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

35.2 Where existence of necessary infrastructure and availability of surplus capacity in the distribution network has been established, the Distribution Licensee shall convey its approval within the timelines indicated in Regulation 9.2 herein above as applicable to a consumer:

Provided that in case the necessary infrastructure is not available, the Distribution Licensee shall intimate such Generating Company or Licensee of the technical requirements, details of works to be carried out, charges to be paid and estimated time period for completion of works in order to provide or enable such Generating Company to give such supply. The Distribution Licensee shall be entitled to recover all expenses reasonably incurred to provide Open Access under this Regulation from such Generating company:

Provided further that while determining the expenses to be recovered from the Generating Company, the Distribution Licensee shall take into account the details of the works planned to be undertaken in accordance with the investment plan of the Distribution Licensee to be submitted as part of the application for determination of tariff made in accordance with the provisions of sub-section (1) of section 64 of the Act.

- 35.3 In case the Distribution Licensee finds that the application 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 usually recognised mode of communication as under:
- a) Within seven (7) working days of receipt of from the date of receipt of the application, in case of long term and medium term Open Access
 - b) Within four (4) working days of receipt of the application in case of short term Open Access
- 35.4 In case the application has been found to be in order but the Distribution Licensee refuses to give approval for Open Access on the grounds of non-existence of necessary infrastructure or unavailability of surplus capacity in the distribution network, such refusal shall be communicated to the applicant by e-mail or fax or by any other usually recognized mode of communication, along with reasons for such refusal as under:
- a) Within the period of seven (7) working days from the date of receipt of the application, in case of long term and medium term Open Access
 - b) Within a period of five (5) working days from the date of receipt of application in case of short term Open Access
- 35.5 The Generating station shall pay the wheeling charge to the Distribution Licensee as determined by the Commission. The treatment of deemed generation in case of non availability of distribution system shall be settled mutually between the generating station and the Distribution Licensee:

Provided that wheeling charges would not be applicable in case the dedicated lines are owned by the Generating stations.

Provided further that incase the dedicated lines are maintained by the Distribution Licensee, then the Distribution Licensee shall levy the Dedicated Distribution facility charge on the Open Access generator.

Part J: MISCELLANEOUS

36. Obligations of a Transmission Licensee

- 36.1 Where the consumer or person, having been granted Open Access under these Regulations, obtains supply of electricity from a connection to the intra-State transmission system of a Transmission Licensee and the distribution system of the Distribution Licensee is not used for the supply of electricity to such consumer or person, the provisions of the Connection and Use of Distribution System Agreement shall not be applicable.
- 36.2 The following Regulations shall apply in the circumstances referred to in Regulation 36.1:
- (i) the connection to the intra-State transmission system shall be provided based on the principles for allocation of capacity specified in the MERC (Transmission Open Access) Regulations, 2013;
 - (ii) the Transmission Licensee shall bill the Transmission System User, along with the transmission charges, for cross-subsidy surcharge, as applicable, based on the rates stipulated by the Commission and intimated to the Transmission Licensee by the Distribution Licensee;
 - (iii) the Transmission Licensee shall require the Transmission System User to deposit security towards one (1) month equivalent of cross-subsidy surcharge;
 - (iv) the Transmission Licensee shall make payment to the Distribution Licensee of the amount collected from the Transmission System User on account cross-subsidy surcharge and applicable deposits;
 - (v) the Transmission Licensee shall inform the Distribution Licensee of any change in the status of the consumer, based on information in the possession of the Transmission Licensee, which may be relevant in the determination of the cross-subsidy surcharge;
 - (vi) the Transmission Licensee shall be entitled to disconnect the consumer for any reason for which disconnection is permitted under the provisions of the Act;

- (vii) the obligations of the Distribution Licensee under the Connection and Use of Distribution System Agreement shall not apply
- (viii) The Consumer of a Distribution Licensee availing Open Access exclusively on Interstate transmission system shall also pay the same surcharge as applicable under this Regulation
- (ix) The Consumer of a Distribution Licensee availing Open Access by connecting directly to the Intra-state transmission system without involving Distribution Licensee's network shall be liable to pay the same surcharge as applicable under this Regulation
- (x) The Consumers availing Open Access through an interphase directly connected to the Intra-state transmission system without involving the Distribution Licensee's network shall be liable to pay the same surcharge as applicable under this Regulation

Explanation – for the purpose of this Regulation, the term “Transmission System User” shall have the same meaning as specified in the MERC (Transmission Open Access) Regulations, 2013.

Provided that Wheeling charges would not be applicable in case of all such Open Access consumers whose drawal points are connected to the Intra-state transmission system and if the Open Access consumer receives supply from a Generating Company whose injection point is connected to the Inter-state or Intra-state transmission system. Such Open Access consumers would be liable to pay only the applicable transmission charges to the transmission Licensee whose network has been accessed under the Transmission Open Access Regulation.

Provided further that wheeling charges would not be applicable in case of all Generating stations which have either dedicated transmission lines, connecting to the Intra-state transmission system, and such dedicated transmission lines would have the same meaning as defined under section 2(16).

37. Curtailment Priority

37.1 Subject to any technical constraints in the operation of the State grid, if it becomes necessary to curtail the Open Access service of the customers, subject to the requirements of State Grid Code, the Open Access to a Distribution Licensee shall be the last to be curtailed. Among others, short-term Open Access customers shall be curtailed first, followed by the medium-term Open Access customers followed by long-term Open Access customers.

Provided that among short term Open Access transactions, bilateral transactions will be cancelled or curtailed first, followed by collective transactions.

38. Existing contracts

38.1 Anything done or any action taken or purported to have been done or taken including any existing contract or document or instrument issued or executed prior to the notification of these Regulations and which relates to the use of the distribution system shall be deemed to be valid and binding only in so far as it is not inconsistent with the Act.

Provided that a consumer on completion of his Open Access period would be recognised and billed in a manner similar to all other consumers of the Distribution Licensee, there would be no change in his status and would receive similar services as provided by the Distribution Licensee prior to the Open Access period.

39. Disputes

39.1 Any dispute under these Regulations Open Access shall be adjudicated upon by the Commission.

Provided that the Commission shall take into account the report of the Committee referred to below for adjudication of the dispute.

1. Committee

- (i) The Commission shall constitute a Committee, to be known as the 'Open Access Monitoring and Review Committee', comprising of one member each of SLDC, the incumbent Distribution Licensee, one person from the Commission's staff and an authorised Consumer Representative. The Committee shall monitor the progress of Open Access in the Licensees area of operation and should meet at least once in a month.
- (ii) The Distribution Licensee shall provide information on Open Access granted, the applications pending / rejected by them, etc., to the Committee.
- (iii) Open AccessThe Committee shall submit their observations / suggestion on the current Regulation at least once in every Six (6) months.

40. Force Majeure

40.1 Nothing contained in these Regulations shall be taken as requiring a Distribution Licensee to grant connectivity, consent or Open Access if it is prevented from so doing, by the occurrence of any Force Majeure event. Force Majeure events are:

- (i) Natural phenomenon including but not limited to floods, cyclone, droughts, earthquake and epidemics;
- (ii) War (whether declared or undeclared), mutiny, invasion, armed conflict or act of foreign enemy in each case involving or directly affecting India, revolution, riot, insurrection or other civil commotion, act of terrorism or sabotage in each case within India;
- (iii) nuclear explosion, radioactive or chemical contamination or ionizing radiation directly affecting the generation station, captive generating plant or the consumer, inter-state transmission system or intra-state transmission system or any facility or system that is integral to and substantial for the performance of obligations.
- (iv) any event or circumstances of a nature analogues to any events set forth above within India.

Provided that the Distribution Licensee shall within fifteen (15) days from the occurrence of such a Force Majeure event notify the applicant / Open Access user.

41. Exemption

- 41.1 Nothing contained in these Regulations shall apply to a local authority engaged in the business of distribution of electricity before the appointed date.
- 41.2 Nothing contained in these Regulations shall apply to consumers who have migrated from one Distribution Licensee to another Distribution Licensee operating in the same area of distribution

42. Power to Amend

- 42.1 The Commission may, at anytime, amend any provisions of these Regulations.

43. Powers to Remove Difficulties

- 43.1 If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by general or specific order, make such provisions, not inconsistent with the provisions of the Act, as may appear to be necessary or expedient for the purpose of removing difficulties.

44. Repeal and Savings

- 44.1 Save as otherwise provided in these Regulations, the Maharashtra Electricity Regulatory Commission (Distribution Open Access) Regulations, 2005, shall stand repealed from the date of notification of these Regulations.
- 44.2 Notwithstanding such repeal, anything done or purported to have been done under the repealed Regulations shall be deemed to have been done or purported to have been done under these Regulations.
- 44.3 Open Access customers to the distribution system in the State on the date of coming into force of these Regulations under an existing agreement / contract shall be entitled to

continue to avail such access to the distribution system on the same terms and conditions, as stipulated under such existing agreement/contract. Such persons are eligible to avail long-term Open Access or medium-term access or short term Open Access under these Regulations on expiry of such existing agreement/contract.

Provided that the wheeling charge, cross-subsidy surcharge, additional surcharge, stand-by charge and any other charge as determined by the Commission under this regulation would be applicable to all Open Access consumers.

- 44.4 Nothing contained in these Regulations shall invalidate the Commission's powers to exempt, by order in writing along with reasons, any Licensee or consumer or person engaged in generation or a person whose premises are situated within the area of supply of a Distribution Licensee from the application of any or all of the conditions for availing Open Access:

Provided that the Commission shall, as far as practicable, give reasonable opportunity to any interested or affected party to make representations before granting such exemption.

- 44.5 Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Act for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it deems fit.

Mumbai,

Date: , 2013

Secretary,

Maharashtra Electricity Regulatory Commission

ANNEXURE I

[See Regulation 4.1 of MERC (Distribution Open Access) Regulation 2013]

FORM OF APPLICATION FOR OPEN ACCESS

To

[Name of Distribution Licensee &
Address]

Sub: Open Access to Distribution System

I/ We, (name of applicant), require access to your distribution system for the purpose of obtaining supply of electricity in accordance with sub-section (47) of Section 2 read with sub-sections (2) and (3) of Section 42 of the Electricity Act, 2003 and the Regulations specified thereunder.

In this regard, I/ We request you to kindly enter into a Connection and Use of Distribution System Agreement with me/ us and with (name of Generating Company)/ (name of Licensee) for connection to and use of your distribution system based on the particulars given overleaf.

I/ We declare that I/ We am/ are eligible to obtain open access to your distribution system in accordance with the provisions of the Act and the regulations specified by the Commission in this regard.

I/ We hereby agree to comply with the provisions of the Act, the regulations specified by the Commission and the terms and conditions of the Connection and Use of Distribution System Agreement.

Dated:

Signature of applicant

Present address

Enclosures: Particulars/ documents accompanying the application

1. **Current status of applicant:** Consumer/ Intending consumer
2. **Particulars for connection to Consumer:**
 - a) Consumer No.:
 - b) Meter No.:
 - c) Date on which present agreement for supply is to be terminated:
 - d) Whether any application for increase/ reduction of demand is pending: (Yes \No)
 - e) If response to (d) above is “Yes”, application no. and date of application
 - f) Load applied for with Generating Company or Licensee intending to give
 - g) supply, including peak load and average load
 - h) Required duration of Connection and Use of Distribution System Agreement
3. **Particulars for connection to intending Consumer or person requiring supply within area of supply of Distribution Licensee:**
 - a) Name of applicant and, where applicant is not the owner of premises, name of owner of premises
 - b) Address of premises to which access is to be provided
 - c) Purpose of usage of electricity
 - d) Load applied for with Generating Company or Licensee intending to give supply, including peak load and average load
 - e) Name, address, telephone number and e-mail ID of the Licensed Electrical Contractor who will carry out the wiring works within the premises
 - f) Required duration of Connection and Use of Distribution System Agreement
4. **Particulars for connection to Generating Company or Licensee, against application by consumer/ intending consumer:**

As provided by the Distribution Licensee based on technical requirements relating to connection to the distribution system.

ANNEXURE II

[See Regulation 6 of MERC (Distribution Open Access) Regulation 2013]

FORM OF CONNECTION AND USE OF DISTRIBUTION SYSTEM AGREEMENT

This agreement is made on the _____ day of _____ 20__ between,-

- (i) _____(Name)_____ of _____(Address)_____ (hereinafter referred to as the “Distribution Licensee”);
- (ii) _____(Name)_____ of _____(Address)_____ (hereinafter referred to as the “Consumer”); and
- (iii) _____(Name)_____ of _____(Address)_____ (hereinafter referred to as the “Supplier”):

Whereas the Distribution Licensee is the holder of a licence to operate and maintain a distribution system for supplying electricity to consumers in the area of supply specified in his licence:

Whereas the Consumer is eligible to access and has been allowed access to the distribution system of the Distribution Licensee in accordance with the provisions of the Act and the Distribution Open Access Regulations:

Whereas the Supplier is eligible to use and has been allowed use of the distribution system of the Distribution Licensee for the purpose of wheeling of electricity in accordance with the provisions of the Act and the Distribution Open Access Regulations:

This agreement sets out the rights and obligations of the parties in respect of:

- a) The provision of connection to the distribution system by the Distribution Licensee to the Consumer and the payment for such connection by the Consumer;

- b) the obligations of the Consumer in respect of such connection to the Distribution System of the Wheeling Distribution Licensee;
- c) the provision of the distribution system by the Wheeling Distribution Licensee for use by the Supplier for wheeling of electricity and the payment for such use by the Supplier; and
- d) the obligations of the Supplier in respect of the use of the distribution system provided by the Distribution Licensee.

The parties agree as follows:

Part A: General

1. Definitions

In this agreement, unless the context otherwise requires-

- a) “**Act**” means the Electricity Act, 2003 (36 of 2003);
- b) “**Authorised Representative**” means all officers, staff or representatives of the Distribution Licensees or the Supplier, discharging functions under the general or specific authority of the Distribution Licensees or the Supplier, as the case may be;
- c) “**Balancing and Settlement Code**” means such code as may be developed by the State Load Despatch Centre and approved by the Commission for the balancing of energy accounts and settlement of differences between energy scheduled and actual energy among the users of the grid in the State of Maharashtra;
- d) “**Board**” means the Maharashtra State Electricity Board;
- e) “**Commission**” means the Maharashtra Electricity Regulatory Commission;
- f) “**Connection**” means the joining of the premises of the Consumer with the distribution system of the Distribution Licensee so as to enable the transfer of electricity between such premises and the distribution system;
- g) “**Connection Point**” means the physical point at which the premises of the Consumer is connected to the distribution system;
- h) “**Contract demand**” means demand in kilovolt ampere (KVA) or megavolt ampere (MVA) as entered into in this Connection and Use of Distribution System Agreement and is the contracted value for transfer of electricity through the Connection Point. The Contract demand can have different values for export and import of electricity through the Connection Point;
- i) “**Dedicated distribution facilities**” means such facilities, not including a service-line, forming part of the distribution system of the Distribution Licensee which are clearly and

solely dedicated to the supply of electricity to a single consumer or a group of consumers on the same premises or contiguous premises;

- j) “**Distribution Open Access Regulations**” means the Regulations specified by the Commission under clause (p), clause (q) and clause (zp) of sub-section (2) of section 181 of the Act;
- k) “**Electricity Supply Code**” means the Regulations specified by the Commission under clause (u), clause (v), clause (w), clause (x) and clause (zp) of sub-section (2) of Section 181 of the Electricity Act, 2003;
- l) “**Energise**” means the movement of any isolator, breaker or switch or the addition of any fuse or meter whereby active power or reactive power can be imported into or exported from the Consumer’s premises through the Connection Point and the terms “**De-Energise**” and “**Re-Energise**” shall be construed accordingly;
- m) “**Licensed Electrical Contractor**” means an electrical contractor licensed by the State Government for the purpose of carrying out electrical works;
- n) “**Meter**” means a set of integrating instruments used to measure, record and store the amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which include whole current meter and metering equipment, such as current transformer, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories and also includes prepayment meters;
- o) “**Point of Supply**” means the point at the outgoing terminals of the cutouts fixed in the premises of the Consumer:

Provided that, in case of a Consumer with HT installation, the point of supply means the point at the outgoing terminals of the Distribution Licensee’s metering cubicle placed before such Consumer’s apparatus:

Provided further that, in the absence of any metering cubicle or where the metering is on the LT side of the HT installation, the point of supply shall be the incoming terminals of such Consumer’s main switchgear;

- p) “**Rules**” means the rules, as may be prescribed, under Section 178 and Section 180 of the Act and the Regulations, as may be specified, under Section 177 of the Act;

- q) **“Supplier”** means a Generating Company or Licensee, as the case may be, giving supply of electricity to a consumer or to a person requiring supply, whose premises are situated within the area of supply of a Distribution Licensee, by using the distribution system of the Distribution Licensee, pursuant to this agreement;
“Supplier” shall also mean a Member of such Power Exchange that is functioning in compliance with CERC (Power Market) Regulation, 2010 and its amendment from time to time;
- r) **“Supply Agreement”** means the agreement or arrangement for supply of electricity between the Supplier and the consumer on such terms and conditions (including tariff) as may be agreed between the parties thereto;

Words or expressions used herein and not defined shall have the meanings assigned to them under the Act, the Rules or the Regulations.

2. Compliance with Act, Rules and Regulations

- 2.1. All parties to this agreement shall comply with the provisions of the Act and the rules and Regulations laid down there under. Where any provision of this agreement is inconsistent with the provisions of the Act and/ or the rules or Regulations laid down there under, the provisions of the Act, rules or Regulations, as the case may be, shall take precedence to the extent of such inconsistency.

3. Compliance with State Grid Code and Balancing and Settlement Code

- 3.1. All parties to this agreement shall comply with the provisions of the State Grid Code and the Balancing and Settlement Code, to the extent applicable to them.

4. Term of agreement

- 4.1. This agreement shall commence from the date and time of commencement, as provided in the agreement and shall continue for such duration as may be agreed between the parties, unless terminated in accordance with clause 5 herein.

5. Termination of agreement

- 5.1. Any party intending to terminate this agreement shall give the other parties not less than thirty (30) days prior written notice of termination of this agreement:

Provided that termination shall be subject to settlement of all dues of the Distribution Licensees in accordance with the Act, the Regulations and this agreement.

- 5.2. The Distribution Licensees may terminate this agreement and disconnect the Consumer in the following circumstances, in accordance with the provisions of the Act:-
- a) the Consumer defaults in the payment of any charge or any other sum due from him as provided under Section 56 of the Act;
 - b) the Consumer does an act referred to in sub-section (3) of Section 163 of the Act; or
 - c) the disconnection is authorized under any other provision of the Act, the rules and Regulations made there under and/ or any other law for the time being in force
- 5.3. The Supply Distribution Licensee shall give a fifteen (15) days prior written notice of termination of this agreement to the Supplier where:-
- a) the Supplier defaults in the payment of any charge or any other sum due from him in accordance with the Act, the Regulations and this agreement;
 - b) where the Supplier fails to perform any of his obligations under this agreement which is likely to result in a loss to the Distribution Licensees;
 - c) where the Supplier becomes insolvent.
- 5.4. The Supplier shall, within the notice period under clause 5.3 above, remedy or remove the cause or causes stated in the notice failing which the Distribution Licensee may terminate this agreement from the date stated in the notice.
- 5.5. Notwithstanding anything contained in this clause 5, where termination of agreement results in disconnection of the consumer, it shall be only for the reasons authorized by the Act.
- 5.6. The reconnection of a disconnected consumer shall be in accordance with the provisions of the Act and the Regulations.

6. Dispute resolution

- 6.1. Each party shall use all reasonable endeavours to resolve any disputes through bilateral mechanisms that may be mutually agreed upon.
- 6.2. Where any dispute between
- a) The Distribution Licensee and the Consumer; or
 - b) The Distribution Licensee and the Supplier
- under this agreement cannot be bilaterally resolved, it shall be resolved in accordance with the Distribution Open Access Regulations.

7. Force Majeure

- 7.1. If either party is unable wholly or partly to perform on time any obligation under this agreement by reason of occurrence of a Force Majeure Event, that obligation shall be suspended, without liability, so far as the party's ability to perform is affected by the Force Majeure Event.
- 7.2. A party affected by a Force Majeure Event shall use all reasonable endeavours to remove the effect of each Force Majeure Event affecting its performance of this agreement.
- 7.3. Subject to clause 7.2, if a party considers that a circumstance has arisen which constitutes or is likely to constitute or result in a Force Majeure Event, it shall as soon as reasonably practicable thereafter give to the other party, notice containing particulars of the Force Majeure Event including-
 - a) its nature and likely duration,
 - b) the obligations affected by it and the nature and extent of its effect on those obligations; and
 - c) the steps taken to remove, overcome or minimize its effect.

Provided further the Force Majeure conditions shall be implemented in accordance with Distribution Open Access Regulation

8. Representations and warranties

- 8.1. The Supplier represents and warrants that –
 - a) he is a Generating Company or Licensee who is supplying to or intends to supply to an eligible person requiring supply, in accordance with the provisions of the Act and the Distribution Open Access Regulations
 - b) he is 'Member' of the Power Exchange, that is functioning under CERC (Power Market) Regulation, 2010 and its amendment from time to time
- 8.2. The Consumer represents and warrants that -
 - a) he is a consumer or a person requiring supply and whose premises are situated within the area of supply of the Distribution Licensees and who is eligible for open access to the distribution system in accordance with the provisions of the Act and the Distribution Open Access Regulations; or
 - b) he is a Generating Company or Licensee who is supplying to or intends to supply to an eligible consumer or person requiring supply, in accordance with the provisions of the Act and the Distribution Open Access Regulations.
- 8.3. The Distribution Licensee represents and warrants that they hold and will continue to hold a licence to distribute electricity for the duration of the agreement.

9. Changes to agreement

- 9.1. The parties agree to negotiate in good faith any amendments to this agreement that may be reasonably required as a result of experience gained in the introduction of open access in the State.

PART –B CONNECTION

10. Agreement to Connect

- 10.1. This agreement shall be entered into pursuant to an application made by:
- a) a consumer; and
 - b) a person requiring supply, whose premises are situated in within the area of supply of a Distribution Licensee.

for access to the distribution system of the Distribution Licensee in accordance with the provisions of the Act and the Distribution Open Access Regulations.

- 10.2. Subject to the terms and conditions of this agreement, the Distribution Licensee agrees to the Consumer's premises being connected and remaining connected to the distribution system at the Connection Point and to the Connection Point remaining Energised for the term of this agreement, except where authorized under the Act or the Distribution Open Access Regulations.
- 10.3. The Consumer shall take all reasonable precautions as regards his connection to the distribution system of the Distribution licensee to prevent any adverse effect on the:
- (a) Use of the distribution system of the Distribution licensee;
 - (b) Quality and reliability of supply of electricity through the distribution system of the Distribution licensee; and
 - (c) Safety of the Distribution Licensee's works and personnel, as may be required of the Consumer in accordance with the Regulations specified under Section 53 of the Act.

11. Processing of applications

- 11.1. Upon receipt of an application under clause 10.1 above, the Distribution licensee shall, where the applicant is not an existing consumer, send his Authorised Representative to:
- a) study the technical requirements of making connection to the distribution system; and
 - b) inspect the premises which is to be connected, with prior intimation to the consumer
- 11.2. The Authorised Representative shall, in agreement with the applicant, fix the position of the mains, cut-outs or circuit breakers and meters and sanction the load for the premises:

Provided that the service position shall normally be at an accessible location and the meter shall be fixed at a height so as to enable convenient reading of meter and to protect the meter from any adverse weather conditions.

- 11.3. After an inspection referred to in clause 11.1 above is carried out, the Distribution licensee shall intimate the applicant of the details of any works that are required to be undertaken for giving connection, the charges to be borne by the applicant thereon in accordance with clause 13 below and list of outstanding documents and consents/ statutory permissions required to be obtained by the applicant.
- 11.4. Upon receipt of a duly complete application accompanied with the required charges, and availability of suitable piece of land or room and all other consents and permissions as may be required in accordance with clause 12 below, the Distribution licensee shall sanction and carry out or may also permit to be carried out the works required to energise the connection point.
- 11.5. The Distribution licensee shall give, the Consumer, not less than two (2) days prior notice of any tests for energising the connection and shall, immediately after energising the connection, notify the Consumer of the time and date of connection of the facility.
- 11.6. The Consumer shall not, prior to receipt of such notification under clause 11.5 above, perform any act so as to import electricity from or export electricity to the distribution system through the Connection Point.
- 11.7. The works undertaken to provide the connection to the distribution system shall be maintained by the Distribution licensee over the term of this agreement.
- 11.8. The Distribution licensee shall be entitled to use such works to provide a connection to any other eligible person or to provide supply to any consumer of such Distribution licensee, except if such use is detrimental to the connection to the Consumer or to the use of distribution system in relation to such Consumer.

12. Rights of Way and Access Conditions

- 12.1. The applicant shall grant to the Distribution licensee all consents that the applicant is empowered to give as are required by the Distribution licensees for carrying out of works to give access to the distribution system.
- 12.2. Where, in the opinion of the Wheeling distribution licensee, the connection requires the installation of a distribution transformer on the applicant's premises, the applicant shall make available to the Distribution Licensee, by way of lease, for the term of this agreement, a suitable piece of land or a suitable room within such premises for such works:

Provided that this provision shall apply only where the quantum of electricity sought to be transferred through Open Access exceeds 1 megawatt.

Provided that the aforesaid lease, shall be for a period of 99 years or the period of Open Access, whichever is less and lease rent shall be payable at the rate of Rs. 1 per year.

- 12.3. Notwithstanding anything contained in clause 12.2 above, where the provision of land or room is required under the Development Control Rules of the local authority or by any appropriate authority of the State Government, the terms and conditions for use of such land or room shall be as determined under the said Rules or by the said authority.

13. Principles for levy of charges

- 13.1. Where the connection entails works of laying a service-line from the distributing main to the applicant's premises, the Distribution Licensee shall be authorized to recover all expenses incurred on such works from the applicant based on the schedule of charges approved by the Commission under the Electricity Supply Code.
- 13.2. Where the connection entails works of installation of dedicated distribution facilities, the Distribution Licensee shall be authorized to recover all expenses reasonably incurred on such works from the applicant based on the approved schedule of charges.
- 13.3. Where the connection entails works, not being works referred to in clause 13.1 or clause 13.2 above, the Consumer shall be entitled to the recoverable amount of such facilities, as certified by a Chartered Accountant, following the same principle as specified in the Electricity Supply code for the Distribution licensee's own consumers, upon termination of this agreement:

Provided that where such facilities have been provided by the Consumer, then such facilities may be retained by the Consumer upon termination of this agreement:

Provided however that where the termination of this agreement is due to the Consumer's failure to pay any sum under Section 56 of the Act, the Distribution Licensee, in addition to the rights available under that Section, shall be entitled to adjust such sums due from the recoverable amount of facilities to which the Consumer is entitled under this clause 13.5 or to retain facilities of such recoverable amount as to cover such sums due from such Consumer to the Distribution Licensee.

Explanation – for the purpose of this Regulation, the term “recoverable amount” shall have the same meaning as provided in Accounting Standard (AS) 28: “Impairment of Assets” of the Institute of Chartered Accountants of India

- 13.4. Where the Wheeling Distribution Licensee permits an applicant to carry out works for the connection through a Licensed Electrical Contractor, the Wheeling Distribution Licensee shall be entitled to only recover charges for supervision undertaken by the Wheeling

- distribution licensee up to a maximum of 15 per cent of the cost of labour that would have been employed by the Wheeling Distribution Licensee in carrying out such works.
- 13.5. On completion of all works under this clause 13, the Wheeling Distribution Licensee shall notify the Supply Distribution Licensee about completeness of work under this clause 13

14. Change of name

- 14.1. A connection may be transferred in the name of another person upon death of the Consumer or in case of transfer of ownership or occupancy of the premises, upon application for change of name by the new owner or occupier:

Provided that such change of name shall not entitle the applicant to require shifting of the connection to a new premises.

- 14.2. The application for change of name shall be accompanied by such charges of the Distribution Licensee, as are approved under the Electricity Supply Code.

- 14.3. The application under clause 14.1 shall be accompanied by:

- (i) consent letter of the transferor for transfer of connection in the name of transferee;
- (ii) in the absence of a consent letter, any one of the following documents in respect of the premises: (a) proof of ownership of premises; (b) in case of partition, the partition deed; (c) registered deed; or (d) succession certificate;
- (iii) photocopy of licence / clearance with respect to the purpose for which electricity is being supplied to the premises, if required by statute;
- (iv) processing fee or receipt thereof.

- 14.4. The Distribution Licensee shall communicate the decision on change of name to the applicant, for change of name within two (2) months from the date of application for change of name:

Provided where the Distribution Licensees disallows or refuses to the change of name, it shall do so after affording the applicant for change of name a reasonable opportunity of being heard in the matter:

Provided further that the Distribution Licensees shall communicate the reasons of refusal in writing to the applicant for change of name.

- 14.5. Any charge or any sum other than a charge due to the Distribution Licensee which remains unpaid by a deceased Consumer or erstwhile owner / occupier of premises, as the case may be, shall be a charge on the premises transmitted to the legal representatives / successors-in-law or transferred to the new owner / occupier of premises, as the case may be, and the same shall be recoverable by the Distribution Licensees as due from such legal representatives or successors-in law or new owner / occupier of the premises, as the case may be:

Provided that, except in the case of transfer of connection to a legal heir, the liabilities transferred under this clause 14.5 shall be restricted to maximum period of six months of the unpaid charges due to the Distribution Licensees in accordance with Section 56 of the Act and this agreement.

15. Wiring of Consumer's Premises

The work of wiring at the premises of the Consumer beyond the point of connection shall be carried out by the Consumer and shall conform to the standards specified in the Indian Electricity Rules, 1956 until the introduction of any rules or Regulations for the same under the provisions of the Act.

16. Limitation on Demand and Export

- 16.1. The Consumer shall not import or export electricity through the Connection Point exceeding the Contract Demand (Import or Export, as applicable) as agreed from time to time, without the prior written consent of the Distribution Licensee.
- 16.2. If the Contract Demand (Import or Export, as applicable) is exceeded, the Distribution Licensee may give notice to the Consumer setting out details and requesting the Consumer to remedy the situation within seven (7) days of receipt of the notice, failing which the Distribution Licensee shall have the right to impose such penalty as may be stipulated by the Commission, in addition to any other right available to the Distribution Licensees under the Act.

17. Power Factor / Harmonics

- 17.1. It shall be obligatory for the Consumer to maintain the average power factor of his load at levels prescribed by the Indian Electricity Rules, 1956 with such variations, if any, adopted both by the Distribution Licensee, in accordance with Rule 27 of the Indian Electricity Rules, 1956 and in accordance with the relevant orders of the Commission.

- 17.2. It shall be obligatory for the Consumer to control harmonics of his load at levels prescribed by the IEEE STD 519-1992, and in accordance with the relevant orders of the Commission.
- 17.3. The Distribution Licensee, may require the Consumer, within a reasonable time period, which shall not be less than three (3) months, to take such effective measures so as to raise the average power factor or control harmonics of his installation to a value not less than the prescribed norm:

Provided that the Supply Distribution Licensee may charge penalty or provide incentive for low / high power factor and for harmonics, in accordance with relevant orders of the Commission.

18. Access to premises

- 18.1. No person other than an Authorised Representative of the Distribution Licensee or any other person authorised under the Act and the rules and Regulations made there under shall be authorised to operate, handle or remove any electrical plant, electric lines or meter or break, remove, erase or otherwise interfere with the seals, name plates and distinguishing numbers or marks affixed on such property of the Distribution Licensee placed in the Consumer's premises:

Provided that such Authorised Representative of both the Distribution Licensee shall not perform any of the acts under this clause 18 except in the presence of the Consumer or his representative:

Provided further that the Distribution Licensees shall provide prior intimation to the Consumer of the visit of the Authorised Representative to the Consumer's premises, except where the Distribution Licensee has reason to believe that any person is indulging in unauthorized use of electricity and/ or is committing an offence of the nature provided for in Part XIV of the Act on such premises.

- 18.2. The Consumer shall permit entry into his premises for the authorized representatives of the Distribution Licensee to read, inspect, test, install, remove or replace the meters or to Energise or De-Energise the Connection Point.

19. Meters

- 19.1. Meter specifications

- a) Every Consumer shall install or have installed a correct meter in accordance with the Regulations made in this behalf by the Authority under Section 55 of the Act:

Provided that every Consumer who is either:

- (i) a consumer with contract as permitted under Regulation 3.1 of MERC (Distribution Open Access) Regulation, 2013 and its amendment from time to time; or
- (ii) **a person requiring supply, whose premises are situated within the area of supply of the Distribution Licensee**, with a contract demand as permitted under Regulation 3.1 of MERC (Distribution Open Access) Regulation, 2013 and its amendment from time to time; or
- (iii) a Generating Company or Licensee;

shall install or have installed a Special Energy Meter:

19.2. Supply and Cost of Meter

- a) The Consumer may elect to purchase a meter from the Distribution Licensee or from any supplier of correct meters in accordance with specifications laid down by the Authority in the Regulations made under Section 55 of the Act:

Provided that till the Regulations are specified by the Authority under Section 55 of the Act, the Consumer may purchase the meter in accordance with specifications laid down by the Distribution Licensee:

Provided further that where the Consumer elects to purchase the meter from a supplier other than the Distribution Licensee, the Distribution Licensee shall be entitled to test the correctness of the meter prior to installation:

Provided also that a Consumer who elects to purchase a meter from the Distribution Licensee shall purchase such meter from the Distribution Licensee at such price as may be approved by the Commission under the Electricity Supply Code.

- b) Except where the Consumer elects to purchase a meter, the Distribution Licensee may require the Consumer to provide security for the price of the meter in accordance with the provisions of clause (b) of sub-section (1) of Section 47 of the Act:

Provided that in no case shall the amount of the security exceed the price of the meter:

Provided that where the security deposit is in the form of cash, it shall earn interest at a rate equivalent to the bank rate of the Reserve Bank of India Consumer

19.3. Lost / burnt meters

- 19.3.1 Any complaint to the Distribution licensee regarding a lost meter shall be accompanied by a copy of the First Information Report (FIR) lodged with the concerned police station
- 19.3.2 The Connection Point shall be Re-Energised after installation of a new meter, and after payment of the price of the meter, the cost of other apparatus, and any other approved charges of the Distribution Licensee.
- 19.3.3 Where, upon a complaint by the Consumer or inspection by the Authorised Representative of the Distribution Licensee, the meter is found to be burnt, it shall be replaced and the Connection Point shall be Re-Energised as soon as possible:
- Provided that the Distribution Licensee may recover the price of the meter from the Consumer.
- 19.3.4 Except in the case of a burnt meter or a lost meter, the Distribution Licensee shall not be authorized to recover the cost of the meter more than once during the term of this agreement.

19.4. Testing of meter

- 19.4.1 The Distribution Licensee shall be responsible for periodic testing of the meter
- 19.4.2 The consumer may, upon payment of the approved testing charges, request the Distribution Licensee to test the accuracy of the meter
- Provided that the Consumer may require the Distribution Licensee to get the meter tested at such facility as may be approved by the Commission
- 19.4.3 The Distribution Licensee, shall provide a copy of the meter test report to the Consumer within a period of two (2) months from the date of request for testing of the meter by the Consumer
- 19.4.4 In the event of the meter being tested and found to be beyond the limits of accuracy prescribed in the Indian Electricity Rules, 1956, till the Regulations are specified by the Authority under Section 55 of the Act, the Supply Distribution Licensee shall refund the testing charges paid by the Consumer and intimate the Supplier of the results of the test to enable adjustment in the bill of the consumer:
- Provided that the amount of any such excess or short billing shall be adjusted between the Supply Distribution Licensee and the Supplier, as the case may be.

PART –C USE OF DISTRIBUTION SYSTEM

20. Use of Distribution System

- 20.1 The Distribution licensee, shall allow the use of distribution system for wheeling of electricity, in a non-discriminatory manner, on terms and conditions that are no more onerous than those applicable to other comparable users of the distribution system of the Distribution Licensee.
- 20.2 The Supplier shall make reasonable use of the distribution system of the Wheeling Distribution Licensee, in a manner that does not, as a result of such use, adversely affect:-
- a) Use of the distribution system by other users of the Wheeling Distribution Licensees;
 - b) Quality and reliability of supply of electricity to consumers of the Wheeling Distribution Licensee; and
 - c) Safety of the Distribution Licensee's works and personnel, as may be required of the Supplier in accordance with the Regulations specified under Section 53 of the Act.

21. Quality and reliability of supply

- 21.1 The Distribution licensee shall maintain the standards for quality and reliability of supply of electricity over its distribution system, rectification of faults and other consumer complaints pertaining to the distribution system, in accordance with the Standards of Performance Regulations.
- 21.2 The Supplier recognizes that the quality and reliability of supply of electricity shall be affected by conditions prevailing in the distribution system that may be beyond the control of the Distribution Licensee:

Provided that where the supply of electricity is adversely affected due to conditions affecting the distribution system within the control of the Distribution Licensee, the Distribution Licensee shall be liable to pay compensation to the affected person, of such amount and within such time period as may be specified in the Standards of Performance Regulations:

Provided further that where such compensation is payable to the consumer, the Supplier shall be entitled to claim such compensation as a representative of the affected consumer and the benefit of the amount of such compensation so received from the Distribution Licensee shall be passed on by the Supplier to the affected consumer by way of adjustment in the bill for supply of electricity.

22. Information exchange

22.1 The Distribution Licensee and the Supplier agree to use their reasonable endeavours to provide each other, in a timely manner, such information in respect of the open access consumers and their connection to and use of distribution system as either of them may possess and as the other may reasonably require to carry out their obligations under the Act, the Rules, the Distribution Open Access Regulations or this agreement:

Provided further that the provision of information under this clause shall be subject to the obligations of both parties to maintain confidentiality of such information being requested for, under the Act or any other law for the time being in force.

22.2 The Distribution Licensee and the Supplier agree to take reasonable steps to ensure that all information provided by either of them to the other under this agreement is accurate and complete.

23. Co-ordination of services

23.1 The Distribution Licensee and the Supplier agree to coordinate their functions to facilitate the supply of electricity to the consumer in accordance with this clause 23

23.2 Meter Reading

23.2.1. The Distribution Licensee, shall be responsible for reading the consumer's meter at intervals of not longer than once in every two months:

Provided that the Authorized Representative of the Supplier is entitled to be present at the time of meter reading by the Distribution Licensee or his Authorised Representative:

Provided further that the Authorized Representative of the Distribution Licensee shall be entitled to access the premises of the consumer for meter reading, inspection and testing at such times and in such manner as in the case of the Distribution Licensee's own consumers in accordance with the Electricity Supply Code.

23.2.2. The Distribution Licensee shall provide the meter reading data to the Supplier within a period of two (2) days from the date of meter reading.

23.2.3. In case of a defective meter, the results of the test taken, shall be communicated to the Supplier to enable him to make an adjustment in the consumer's bill:

Provided that, subject to the provisions of Part XII and Part XIV of the Act, the consumer's bill shall be adjusted for a maximum period of three months prior to the

month in which the dispute has arisen, in accordance with the results of the test taken, subject to furnishing the test report of the meter along with the assessed bill:

Provided also that in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out **as per this clause 23.2.3 and**, in case of tampering, the assessment shall be carried out in accordance with Section 126 or Section 135 of the Act, depending on the circumstances of the case:

Provided further that where the meter has stopped recording, the consumer shall be billed for the period for which the meter has stopped recording, up to a maximum period of three (3) months, based on the average metered consumption for the twelve (12) months prior to the month in which the billing is contemplated:

Provided that the consumer or Supplier may require the Supply Distribution Licensee to carry out testing of the meter subject to payment of charges for testing as are applicable to the Supply Distribution Licensee's own consumers under the Electricity Supply Code.

23.3 Rectification of fault

23.3.1. The Distribution Licensee shall be responsible for the rectification of faults in the distribution system affecting the supply of electricity by the Supplier to the consumer:

Provided that the Distribution licensee shall rectify faults in the distribution system so affecting the supply of electricity to the consumer within the time limits as may be specified by the Commission in the Standards of Performance Regulations, except in the circumstances where an exemption is allowed in accordance with the Standards of Performance Regulations.

23.4 Change of name

23.4.1. The application for change of name shall be made by the consumer to the Supplier:

Provided that the Supplier shall inform the Distribution Licensee of such application for change of name immediately upon receipt of such application.

Provided that the application shall be dealt with in the manner and within the timeframe specified in the Distribution Open Access Regulations.

23.5 Disconnection of supply

23.5.1. Where the Distribution Licensee has received a request for disconnection of the consumer from the Supplier, the Distribution Licensee shall effect the disconnection as soon as reasonably practicable after receipt of such request and, in no case, later than one (1) week from the receipt of such request:

Provided that the Supplier may request for such disconnection only for the reasons for which disconnection is authorized under the Act:

Provided further that where the Supplier has requested for disconnection for any reason for which disconnection is not authorized under the Act, the Supplier shall indemnify the Distribution Licensee for any loss or damage suffered by the Distribution Licensee on account of giving effect to such request.

23.6 Inspection and assessment

23.6.1. Where the Supplier has any reasonable grounds to believe that an offence of the nature provided for in Part XII or Part XIV of the Act is being committed on the premises to which supply is being given, he shall promptly inform the Distribution Licensee.

23.6.2. Notwithstanding anything contained in this agreement, where the Distribution Licensee has reasonable grounds to believe that an offence of the nature provided in Part XII or Part XIV of the Act is being committed on the premises to which supply is being given, the Distribution Licensee may take such steps, in accordance with the Act and the rules and Regulations laid down there under, as it deems necessary:

Provided that the Distribution Licensee shall endeavour to inform the Supplier of such alleged offence and the proposed steps before they are taken and, in any case, shall inform the Supplier immediately after taking such steps.

24. Payments for services

24.1 Billing

24.1.1 The Distribution Licensee shall bill the Supplier for the services provided under this agreement on a monthly basis. Bills shall be issued by the tenth (10th) day of each month for charges payable for the previous month.

24.1.2 The Supplier shall pay for the charges within such period as may be specified in the Electricity Supply Code.

24.1.3 The Supplier shall be required to pay the following charges, in accordance with the Act and the Distribution Open Access Regulations:

- a. Wheeling charges for use of the distribution system in accordance with terms and conditions specified under the Tariff Regulations;
- b. Amount payable on account of cross-subsidy surcharge, where applicable, in accordance with the Distribution Open Access Regulations;
- c. Amount payable on account of additional surcharge on charges of wheeling, where applicable, in accordance with the Distribution Open Access Regulations; and
- d. Any other sums that may be recoverable from the Supplier under the Act or any other law for the time being in force

24.2 Obligation to pay

24.2.1 The Supplier shall be obliged to pay for the charges billed by the Distribution Licensee in accordance with the Act, the Distribution Open Access Regulations and this agreement, irrespective of whether or not the same charges have been recovered from the consumer under the Supply Agreement.

24.3 Delayed payment charges

24.3.1 Any delay in payment of charges shall attract a late payment surcharge at the rate of 1.25 percent (%) per month

25. Security deposits

38.1. The Distribution Licensee shall be entitled to security equivalent to one month's billing for wheeling charge, cross-subsidy surcharge and additional surcharge on charges of wheeling, in accordance with clause 24.1 above.

38.2. Where the security deposit is required at the commencement of this agreement, it shall be calculated based on estimated use of the distribution system for wheeling of electricity:

Provided that the amount of the security deposit may be adjusted when the amount of additional security required or surplus security held exceeds ten (10) per cent of the balance held with both the Distribution Licensees.

38.3. The Distribution Licensee shall also be entitled to security from the Supplier equivalent to one (1) month's cost of supply for electricity wheeled using the distribution system of the Distribution Licensee, in accordance with the Act, the Distribution Open Access Regulations and this agreement:

Provided that such security shall be for enabling the Distribution Licensee to give supply of electricity to consumers of such Supplier in the event of unforeseen disruption or termination of supply by such Supplier on account of bankruptcy, insolvency or any other reason:

Provided further that in the event of unforeseen disruption or termination of supply by the Supplier, the Distribution Licensee shall provide standby supply to meet the requirement of load catered through Open Access until such time as such security is exhausted or alternative arrangements for supply have been entered into, whichever occurs earlier. The stand by supply would be charged and settled as per the provisions of Distribution Open Access Regulations and its amendments from time to time

- 38.4. The security deposit may, at the option of the Supplier, be by way of cash (including cheque and demand draft), irrevocable letter of credit or unconditional bank guarantee issued by a scheduled commercial bank:

Provided further that where the security deposit is in the form of cash, it shall earn interest at the bank rate of the Reserve Bank of India:

Provided also that the security shall be deposited within fifteen (15) days from the date of receipt of notice from the Distribution Licensee.

Mumbai,
Dated: ,2013

Secretary,
Maharashtra Electricity Regulatory Commission

Application for Grant of Short Term Open Access							
(To be submitted by Short Term Open Access Applicant)							
1	Customer Application No.:				Date:		
2	Name of the Applicant						
3	Consumer No.:				Existing Supplier (if any):		
4	Meter No.:				Connection Type:		
5	Address for Correspondence:						
	Phone no:	(off.)	(Res.):		(Fax):		
	E-mail id:					Mobile no.	
6	Contract details (Agreement / MoU details)						
	Applicant type	Buyer / Seller / Trader / Captive Generator / Renewable Energy Generator					
	With	No.	date	Valid up to	Capacity in the Contract (MW)	Capacity if contracted to other source (MW)	No. of days Open Access Applied
	Buyer						
	Seller						
	Power Exchange						
5	Coordinator details						
	Name and Designation:						
	Phone no:	(off.)	(Fax):		Mobile		
	Email id:						
6	Capacity applied						
	Period			Time period			Capacity (MW)
	From (Date)	To (date)	From (hrs.)	To (hrs.)			
7	Details of PPA / PSA / MoU		Date of PPA / PSA / MoU		Validity period		Capacity
	Name & Address of Parties				Commencement	Expiry	MW
	Seller	Buyer					
8	Injecting utility details						
	Name :						
	Point of Injection :						
	Name of the concerned Discom / Licensee :						
	Details (path to the nearest sub-station) :						

	Meter No.:	
9	Drawing utility details	
	Name:	
	Point of Drawl:	
	Name of the concerned Discom / Licensee:	
	Details (path to the nearest sub-station):	
	Meter No.:	
10	Name of the trader, if any:	
11	Details of application fee payment:	

12. It is hereby, certified that:

- a) All utilities (including buyer, seller and trader) to the transaction shall abide by the provisions of the MERC (Transmission Open Access) Regulation, 2013 and/or MERC (Distribution Open Access) Regulation, 2013 as the case may be and its amendment from time to time
- b) I hereby authorise SLDC to process said application, in case open access capacity allotted, for day-ahead scheduling in accordance with the provisions of Intra-state ABT
- c) The applicant hereby agrees to keep SLDC, _____ (name of the Distribution Licensee) indemnified at all times and undertakes to indemnify, defend and save SLDC and _____ (name of the Distribution Licensee) from any damages, losses, claims and actions relating all transactions under this approval
- d) The applicant hereby agrees to ensure that total bid in the Power Exchange and with Traders does not exceed the granted quantity
- e) (Insert in case of Intra-state Trader) M/s _____ has a valid license (ref. no _____ issued by _____ and valid up to _____) for Intra-state Trading and will abide by MERC (Trading Licence Conditions) Regulations, 2004 and its amendment from time to time
- f) (Insert in case of Inter-state Trader) M/s _____ has a valid license (ref. no _____ issued by _____ and valid up to _____) for Inter-state Trading and will abide by CERC (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009 and its amendment from time to time

13. The provisions of the 'Procedure for reservation of transmission capacity to Short-term Open Access users' issued by SLDC are hereby agreed

Place :

Signature :

Date:

Name and Designation:

Enclosure:

- (i) Non refundable application fee in the form of _____
- (ii) Self certified copy of PPA / PSA / MoU entered between parties (buyer and seller) of transaction stating contracted power, period of transaction, point (s) of injection and drawal, etc.

For use of Distribution licensee (with reference to application submitted by Applicant)	
Distribution licensee's ref. no.	Date
Distribution licensee approval / refusal no.	
Remarks (reasons for refusal to be provided)	

(Distribution licensee may also enclose supporting documents for the reasons of refusal duly signed on each page)

Further Distribution licensee on approval of application may forward to SLDC all papers for scheduling the Open access

For use of SLDC (with reference to application submitted by Applicant)	
SLDC ref. no.	Date
SLDC approval / refusal no.	
Remarks (reasons for refusal to be provided)	

(SLDC may also enclose supporting documents for the reasons of refusal duly signed on each page)

ACKNOWLEDGEMENT

(for office use only)

APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS

(A) < to be filled by the customer >

1	Customer Application No.		Date	
2	Period of Transaction			
3	Nature of Customer*	<i>< seller/buyer/captive user/trader(on behalf of seller/buyer/captive user) ></i>		

< In terms of power transfer>*

4	Customer Name			
5	Registration Code		Valid up to	

< Registration code shall be as provided by Distribution licensee >

(B) < to be filled by Distribution licensee >

Date and Time of Receipt of Application	
--	--

Place

Signature (with stamp)

Date

Name & Designation

ACKNOWLEDGEMENT

(to be issued by Distribution licensee to the customer immediately on receipt of application duly filled in)

APPLICATION FOR GRANT OF SHORT-TERM OPEN ACCESS

(A) < to be filled by the customer >

1	Customer Application No.		Date	
2	Period of Transaction			
3	Nature of Customer*	<i>< seller/buyer/captive user/trader (on behalf of seller/buyer/captive user) ></i>		

< In terms of power transfer>*

4	Customer Name			
5	Registration Code		Valid up to	

< Registration code shall be as provided by Distribution licensee >

(B) < to be filled by Distribution licensee >

Date and Time of Receipt of Application	
--	--

Place

Signature (with stamp)

Date

Name & Designation

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

FORMAT - ST2

APPROVAL FOR SHORT-TERM OPEN ACCESS

(to be issued by Distribution licensee)

	Distribution licensee Approval No.	/ (R-0)	Date
--	---	----------------	-------------

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

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

< In terms of power transfer>*

4	Customer Name			
5	Registration Code		Valid up to	

6	Details of Transaction Party's to Distribution system		
		Injecting Entity	Drawee Entity
	Name of Entity		
	Status of Entity*		
	Utility in which it is embedded		

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

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

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

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

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

10. The approval is subject to provisions of MERC (Distribution Open) Regulations, 2013 and any other relevant regulation/order/code as amended and applicable from time to time. < only in case of approval >

11. No approval is being granted on account of <only in case of rejection>

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

Place

Signature (with stamp)

Date

Name & Designation

Enclosures

(1) Schedule of payments *< only in case of approval >*

(2) If any

Copy to along with enclosures

(1) Customer

(2) Officer in charge of transmission substation involved in transaction.

(3) Officer in charge of distribution substation involved in transaction.

(4) Any other concerned.

ENCLOSURE to FORMAT - ST2

SCHEDULE OF PAYMENTS

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

1	Distribution Licensee Approval No.	/ (R-0)	Date	
----------	---	---------	-------------	--

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

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

< In terms of power transfer>*

4	Customer Name			
5	Registration Code		Valid up to	

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

(2) Inter-State Network			
Transmission Charges			
Intervening inter-State Licensee(if any)			
Total Monthly Payment Amount (Rs.)			

Place

Signature (with stamp)

Date

Name & Designation

*** Tentative on the basis of MWh mentioned in application which may vary on actual operation.**

FORMAT- ST3

CONGESTION INFORMATION AND INVITATION OF BIDDING

(to be invited by SLDC)

SLDC Bidding Invitation No. _____

Date _____

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

<* In terms of power transfer>

4	Customer Name			
5	Registration Code		Valid up to	

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

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

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

(a) Bid Invitation Date		Time			
(b) Bid Submission Date		Time			
(c) Bid Opening Date		Time			
(d) Bids Invited for					
Intra-State Network Corridor		Congestion Period		Margin/Capacity Available for Bidding	Floor Price
Sub-station	Electric	Date	Hours		

	Line/Link	From	To	From	To	MW	Rs./kWh
Name of Transmission System							
Name of Distribution System							

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

Place

Signature (with stamp)

Date

Name & Designation

To: Customers with their reference's < as provided by customers at sl.no. 1 on FORMAT-ST1 >

FORMAT - ST4

BID PROPOSAL

(to be submitted by the customer to SLDC)

Ref: SLDC Bidding Invitation No. _____

Date _____

To: SLDC,

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

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

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

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

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

Place

Signature (with stamp)

Date

Name & Designation

MODEL APPLICATION FORM FOR LONG TERM / MEDIUM TERM OPEN ACCESS**(To be submitted by Open Access Applicant)**

Application No:

Dated:

1. Name of the Applicant:**2. Address for Correspondence:**

Phone Numbers < > Fax No. < > E-Mail < >

3. Applicant Type: (Buyer / Seller / Trader/ Captive Generator)**4. Agreement /MOU/Consent Letter Details:**

With	Reference No	Date	Valid Up to	Maximum Demand (MW)
Buyer				
Seller				

5. Coordinator Details:

Name:		
Designation:		
Phone Numbers:	(Off)	(Res)
	(Fax)	(Mobile)
	Email ID:	

6. Type of Open Access: (Captive or Third party)

(If Captive usage, provide Chartered Accountant Certificate, exhibiting capital structure and compliance with regard to requirements under Electricity Act 2003 read with the Electricity Rules, 2005)

7. Details of Power Transfer requirement

- i. Quantum of power to be transmitted (MW)
- ii. Peak load to be transferred (MW)
- iii. Average load to be transferred (MW)

8. Expected date of commencement of Open Access.

9. Open Access Period Required:

Period		Time		Capacity (MW)
From Date	To Date	From Hours	To Hours	

10. Details at Entry Point:

Name of injecting utility / party / generating station		
Type and generating capacity		
Voltage level		
Point of injection (Name of Sub-station – Distribution / Transmission licensee)		
Name of location and Discom in whose area located		
Metering arrangement		
Meter details		
a.	Class of Accuracy	
b.	TD Interval	
c.	Parameters	
i.		
ii.		
iii.		
iv.		

11. Details at Exit Point (Drawl utility/Consumer details):

Name of user		
Point of exit		
Voltage level		
Source of feeding for Exit Point (Name of Sub-station - Discom / MERC)		
Name of location and Discom in whose area located		
Metering arrangement		

Meter details		
A	Class of Accuracy	
B	TD Interval	
C	Parameters	
i.		
ii.		
iii.		
iv.		

12. Is the Consumer at the Exit point an existing consumer of distribution licensee: (Yes or No)

(If yes provide the consumer number and Contracted Maximum Demand (CMD), Category, whether the open access is for partial load or for full load)

13. Details of PPAs / Contracts and MOU

- i. For Power to be injected
- ii. For Power to be Drawn
- iii. For Balancing and Mismatch power requirement
- iv. For Inter-State Transmission Open Access if involved
- v. Agreement with traders if any in above transaction

14. In case of Generating Station

- i. Name of the Promoter
 - ii. Generation Capacity
 - iii. Location of the Generation plant
 - iv. No. of Units & Capacity of each unit
 - v. Type of fuel
 - vi. Base load station or peaking load station
 - vii. If peaking load, then what is the estimated hours of running
 - viii. If it is a hydro plant, then whether is a Run of the river / Reservoir / Multi-purpose / Pump storage
- MU generation in an year in case of Hydro plant
- ix. Specify the step-up generation Voltage 400kV or 220 kV or any other voltage
 - x. In case of Hydro Station, whether it is a identified project of CEA

15. Details of Application Fee (Non-refundable):

i.	Name of the Bank	
ii.	Draft No. & Date	
iii.	Amount	
iv.	Payable at Bank	

16. Any other information:

It is hereby certifying that

1. All utilities (including buyer, seller and trader) to the transaction shall abide by the provisions of the MERC (Transmission Open Access) Regulation, 2013 and/or MERC (Distribution Open Access) Regulation, 2013 as the case may be and its amendment from time to time
2. The buyer and seller have entered into commercial agreement for the proposed transaction. Payment of the Long Term Open Access charges (if not paid) shall be made by me.
3. The applicant hereby agrees to keep the (name of the Distribution licensee) indemnified at all times and undertakes to indemnify, defend and save the (name of the Distribution licensee) harmless from any and all damages, losses, claims and actions relating to injury to or death of any person or damage to property, demands, suits, recovering costs and expenses, court costs, attorney fees, and all obligations by or to third parties, arising out of or resulting from the transactions under his approval.
4. We shall execute the Long-Term Open Access agreement after receiving the approval from the (name of the Distribution licensee) with in the 30 days failing which(name of the Distribution licensee) has right to cancel the approval without any further notice.
5. (Insert in case of Intra-state Trader) M/s has a valid license (ref. no issued by and valid up to) for Intra-state Trading and will abide by MERC (Trading Licence Conditions) Regulations, 2004 and its amendment from time to time
6. (Insert in case of Inter-state Trader) M/s has a valid license (ref. no issued by and valid up to) for Inter-state Trading and will abide by CERC (Procedure, Terms and Conditions for grant of trading licence and other related matters) Regulations, 2009 and its amendment from time to time

Signature of the Applicant

Place:

Name:

Date:

Designation: