

  
सत्यमेव जयते

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**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

No. L-7/105(121)/2007-CERC

Dated: 25<sup>th</sup> January, 2008

**NOTIFICATION**

In exercise of powers conferred by Section 178 of the Electricity Act, 2003 and all other powers enabling it in this behalf and after previous publication, the Central Electricity Regulatory Commission, hereby makes the following regulations, namely:-

**Short Title, Commencement and Application**

1. (1) These regulations may be called the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008.

(2) These regulations shall apply to the applications made for grant of <sup>1</sup>[short-term open access] for energy transfer schedules commencing on or after 1.4.2008 for use of the transmission lines or associated facilities with such lines on the inter- State transmission system.

## **Definitions**

2. (1) In these regulations, unless the context otherwise requires:
- (a) “Act” means the Electricity Act, 2003 (36 of 2003);
  - (b) <sup>2</sup>[“bilateral transaction” means a transaction for exchange of energy (MWh) between a specified buyer and a specified seller, directly or through a trading licensee or discovered at power exchange through anonymous bidding, from a specified point of injection to a specified point of drawl for a fixed or varying quantum of power (MW) for any time period during a month;]
  - (c) “collective transaction” means a set of transactions discovered in power exchange through anonymous, simultaneous competitive bidding by buyers and sellers;
  - (d) “Commission” means the Central Electricity Regulatory Commission referred to in Section 76 of the Act;
  - (e) “day” means a day starting at 00.00 hours and ending at 24.00 hours;
  - (f) <sup>3</sup>[“detailed procedure” means the procedure issued under regulation 4;]
  - (g) “Grid Code” means the Grid Code specified by the Commission under Clause (h) of sub-section (1) of Section 79 of the Act;
- [(g-a) “Intra-day transaction/contingency transaction” means the transaction which occurs on day (T) after the closure of day ahead transaction window and the delivery of

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<sup>1</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009

<sup>2</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>3</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

power is on the same day (T) or next day (T+1) and which are scheduled by Regional Load Despatch Centre or National Load Despatch Centre.]<sup>4</sup>

[(h) "Intra-State entity" means a person whose metering is done by the State Transmission Utility or the Distribution Licensee, as the case may be and the accounting is done by State Load Despatch Centre or any other authorized State Agency.]<sup>5</sup>

(i) ["long-term customer" means a person granted long-term access for use of the inter-State transmission system.]<sup>6</sup>

[(i-a) "medium-term customer" means a person granted medium-term open access for use of the inter-State transmission system." ]<sup>7</sup>

(j) "month" means a calendar month as per the British calendar;

[(j-a) National Load Despatch Centre Operating Charges (NLDC operating charges) or Regional Load Despatch Centre Operating Charges (RLDC operating charges) shall include the fees for scheduling, system operation, collection and disbursement of charges in respect of short term open access transactions for inter-State transmission of electricity

Provided that the operating charges collected by the nodal agency shall be in addition to the fees and charges specified by the Commission under sub-section (4) of Section 28 of the Act ]<sup>8</sup>

(k) "nodal agency" means the nodal agency defined in Regulation 5 of these regulations;

(l) <sup>9</sup>[Omitted]

(m) "power exchange" means the power exchange established with the prior approval of the Commission;

(n) "regional entity" means a person whose metering and energy accounting is done at the regional level;

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<sup>4</sup> Inserted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

<sup>5</sup> Substituted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

<sup>6</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>7</sup> Inserted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>8</sup> Inserted vide Third Amendment Regulations 2015, w.e.f. 15.05.2015

<sup>9</sup> Omitted vide Amendment Regulations 2009, w.e.f 29.5.2009.

[(n-a) “short-term open access” means open access for a period up to one (1) month at one time.]<sup>10</sup>

[(n-b) “short-term customer” means a person who has availed or intends to avail short term open access.]<sup>11</sup>

(o) “State Commission” means the State Electricity Regulatory Commission constituted under Section 82 of the Act and includes the Joint Commission constituted under Section 83 thereof;

[o-a) State Load Despatch Centre Operating Charges (SLDC operating charges) shall include the fees for scheduling, system operation, collection and disbursement of charges in respect of short term open access transactions for inter-State transmission of electricity;

Provided that the operating charges collected by the State Load Despatch Centre for short term open access transactions shall be in addition to fees and charges, specified by the respective State Commission under sub-section (3) of Section 32 of the Act;

Provided further that the SLDC operating charges as may be decided by the Commission in accordance with this regulation shall be applicable to the inter-State short term customers, only if the operating charges have not been notified by the respective State Commission]<sup>12</sup>

(p) “State network” means network owned by the State Transmission Utility, distribution licensee or any other person granted licence by the State Commission to construct, operate and maintain the transmission system;

(q) “State utility” means [ ]<sup>13</sup> a State Electricity Board, or Electricity Department of the State, or a State Government organization authorized to sell or purchase electricity on behalf of the State;

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<sup>10</sup> Inserted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>11</sup> Inserted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>12</sup> Added vide Third Amendment Regulations w.e.f. 15.05.2015

<sup>13</sup> Deleted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

- (r) “time block” means 15 minutes time period specified in the Grid Code for the purposes of scheduling and despatch; and
  - (s) “working day” means a day on which banks are open for business;
- (2) Words and expressions used in these regulations and not defined herein but defined in the Act or the [any other regulations made by the Commission]<sup>14</sup>, shall have the meaning assigned to them under the Act or the [any other regulations made by the Commission]<sup>15</sup>, as the case may be.

### **Scope**

3. [(1) The long-term-customer and the medium-term customer shall have priority over the short-term customer for use of the inter-State transmission system.
- (2) The short-term customer shall be eligible for short-term open access over the surplus capacity available on the inter-State transmission system after use by the long-term customer and the medium-term customer, by virtue of-
- (a) inherent design margins;
  - (b) margins available due to variation in power flows; and
  - (c) Margins available due to in-built spare transmission capacity created to cater to future load growth or generation addition.]<sup>16</sup>

### **Detailed Procedure**

4. [Subject to the provisions of these regulations, the Central Transmission Utility, till the Regional Load Despatch Centre is operated by it and thereafter the Government company or any authority or corporation notified by the Central Government under sub-section (2) of Section 27 of the Act: shall, after obtaining prior approval of the Commission, issue the detailed procedure to operationalise open access and on any residual matter not covered under these regulations.]<sup>17</sup>

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<sup>14</sup> Substituted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

<sup>15</sup> Substituted vide Second Am00endment Regulations 2013 w.e.f 11.9.2013.

<sup>16</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>17</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

### **Nodal Agency**

5. The nodal agency for bilateral transactions shall be the Regional Load Despatch Centre of the region where point of drawal of electricity is situated and in case of the collective transactions, the nodal agency shall be the National Load Despatch Centre.

### **Submission of [Short-term Open Access]<sup>18</sup> Application**

6. (1) An [short-term customer]<sup>19</sup> or the power exchange (on behalf of buyers and sellers) intending to avail of [short-term open access]<sup>20</sup> for use of the transmission lines or associated facilities for such lines on the inter-State transmission system, shall make an application to the nodal agency in accordance with these regulations.

(2) The application for a bilateral transaction shall contain the details, such as names and location of supplier and buyer, contracted power (MW) to be scheduled and interface at which it is referred to, point of injection, point of drawal, starting time block and date, ending time block and date, and such other information that may be required in the detailed procedure.

(3) The application for a collective transaction shall contain the requisite details in accordance with the detailed procedure.

### **Application Fee**

7. An application made for each bilateral transaction or the collective transaction shall be accompanied by a non-refundable fee of Rupees five thousand (Rs.5000/-) only:

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<sup>18</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009

<sup>19</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>20</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

Provided that the fee for bilateral transaction on the day of the application or on the day immediately following the day of the application may be deposited within three working days of submission of the application.

**Concurrence of State Load Despatch Centre for bilateral and collective transactions**

8. (1) Wherever the proposed bilateral transaction has a State utility or an intra-State entity as a buyer or a seller, concurrence of the State Load Despatch Centre shall be obtained in advance and submitted along with the application to the nodal agency. The concurrence of the State Load Despatch Centre shall be in such form as may be provided in the detailed procedure.

[(2) When a State utility or an intra-State entity proposes to participate in trading through power exchange(s), it shall obtain "No Objection" or "Prior Standing Clearance" from the concerned State Load Despatch Centre in such form as may be prescribed in the Detailed Procedure, specifying the aggregate MW up to which the State utility or intra-State entity may submit buy or sell bid(s) in the power exchange(s) taken together. The "No Objection" or "Prior Standing Clearance" issued by the State Load Despatch Centre shall not be exchange specific.]<sup>21</sup>

[(2A) No Objection or Prior Standing Clearance obtained by the State utility or intra-State entity from the State Load Despatch Centre can be used for collective transaction for day ahead on any Power Exchange(s) and/or for bilateral intra-day transaction/contingency transaction in OTC market or on the Power Exchange market:

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<sup>21</sup> Substituted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

Provided that while making application to SLDC for obtaining No Objection or Prior Standing Clearance for collective transactions for day ahead or for bilateral intra-day transaction/contingency transaction, the applicant shall declare that he agrees to ensure that aggregate quantum in each time block of 15 minutes for all the bid(s) in collective transactions (day ahead contracts on Power Exchange(s)) and/or for intra-day/contingency transactions (in OTC market and/or Power Exchange Market) shall not exceed the quantum for which No Objection or Prior Standing Clearance has been granted:

Provided further that the same clearance may be utilized for the day ahead bilateral transaction also, subject to limit of quantum and time as specified in the standing clearance:

Provided also that while granting Standing Clearance time period for the clearance may be defined either in time blocks of hours or on the basis of peak period or off-peak period or round the clock (RTC):

Provided also that where violations of the limit of quantum and time are reported by SLDC against any entity, the Commission may, after giving an opportunity of hearing, debar the said entity from transacting in power market for seven days.]<sup>22</sup>

(3) <sup>23</sup>[(a) For obtaining concurrence or 'no objection' or prior standing clearance an application shall be made before the State Load Despatch Centre who shall, acknowledge

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<sup>22</sup> Inserted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

<sup>23</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.



receipt of the application, either by e-mail or fax, or any other usually recognised mode of communication, within twenty four hours from the time of receipt of the application:

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

[Provided further that while making application to the RLDC/SLDC for obtaining concurrence for bilateral transactions (except for intra-day transaction/contingency transactions), an affidavit in the format prescribed in the Detailed Procedure, duly notarized, shall be submitted, along with the application, declaring that:

(i) There is a valid contract with the concerned persons for the sale or purchase, as the case may be, of power under the proposed transaction for which concurrence is applied for, and;

(ii) There is no other contract for sale or purchase, as the case may be, of the same power as mentioned in (i) above.

Provided further that while making application to the SLDC for obtaining no objection or prior standing clearance in case of collective transactions, the affidavit shall also include the declaration that there is no other contract for sale or purchase, as the case may be, of the same power for which no objection or prior standing clearance is applied for]<sup>24</sup>

(b) While processing the application for concurrence or 'no objection' or prior standing clearance, as the case may be, the State Load Despatch Centre shall verify the following, namely-

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<sup>24</sup> Initially added vide Second Amendment Regulations 2013 w.e.f 11.9.2013 and later substituted vide Third Amendment Regulations 2015 w.e.f. 15.05.2015

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

(ii) availability of surplus transmission capacity in the State network.

[(iii) submission of affidavit regarding existence of valid contract according to the second proviso to sub-clause (a) of clause (3) of this regulation with respect to bilateral transactions and according to the last proviso with respect to collective transactions.]<sup>25</sup>

[(c) Where the existence of necessary infrastructure, availability of surplus transmission capacity in the State network and submission of affidavit as required under provisos to sub-clause (a) of clause (3) of this regulation have been established, the State Load Despatch Centre shall convey its concurrence or no objection or prior standing clearance, as the case may be, to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, within three (3) working days of receipt of the application.]<sup>26</sup>

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

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<sup>25</sup> Added vide Second Amendment Regulations 2013 w.e.f 11.9.2013 and corrected by the Third Amendment Regulations w.e.f 15.05.2015

<sup>26</sup> Substituted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

<sup>27</sup>[(3A) In case the State Load Despatch Centre finds that the application for concurrence or 'no objection' or prior standing clearance, as the case may be, is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax, in addition to any other usually recognised mode of communication, within two (2) working days of receipt of the application:

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

(4) <sup>28</sup>[In case the application has been found to be in order but the State Load Despatch Centre refuses to give concurrence or 'no objection' or prior standing clearance as the case may be, on the grounds of non-existence of necessary infrastructure or unavailability of surplus transmission capacity in the State network, [or non-submission of the affidavit in accordance with relevant provisos to sub-clause (a) of clause (3) of this regulation]<sup>29</sup> such refusal shall be communicated to the applicant by e-mail or fax, in addition to any other usually recognized mode of communication, within the period of three (3) working days or seven (7) working days, as the case may be, from the date of receipt of the application, specified under clause (3), along with reasons for such refusal]:

Provided that where the State Load Despatch Centre has not communicated any deficiency or defect in the application within two (2) days from the date of receipt of application or refusal or concurrence or 'no objection' or prior standing clearance, as the case may be, within the specified period of three (3) working days or seven (7) working days, as applicable, from the date of receipt of the application, concurrence or 'no

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<sup>27</sup> Inserted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>28</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>29</sup> Inserted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

objection' or prior standing clearance, as the case may be, shall be deemed to have been granted:

[Provided further that where concurrence or 'no objection' or prior standing clearance, as the case may be, is deemed to have been granted by the State Load Despatch Centre, the applicant such as the State utility or the intra-State entity or short term customer as the case may be, shall submit to the nodal agency (concerned Regional Load Despatch Centre) in case of bilateral transactions and the power exchange in case of collective transactions for day ahead or for bilateral intra-day transaction/contingency transaction through power exchange, the following on affidavit in the format as provided in the detailed procedure at least three days in advance:

- (a) Declaring that the State Load Despatch Centre has failed to convey any deficiency or defect in the application or its refusal or concurrence or 'no objection' or 'prior standing clearance', as the case may be, within the specified time;
- (b) Declaring that necessary infrastructure for time-block-wise energy metering and accounting in accordance with the provisions of the Grid Code in force, is in place; and
- (c) enclosing the following documents:-
  - (i) a copy of the complete application made to the State Load Despatch Centre for seeking 'concurrence' or 'no objection' or 'prior standing clearance', as the case may be;
  - (ii) Deficiency or defect in the application, if any, communicated by the State Load Despatch Centre and the action taken to remove or rectify the defect or deficiency;
  - (iii) a copy of the acknowledgement, if any, given by the State Load

Despatch Centre, or any other evidence in support of delivery of the application to the State Load Despatch Centre;

- (iv) Necessary affidavit in accordance with provisos to the clause (3 a) of Regulation 8 of this Regulations.

Provided also that the Power Exchange shall forward the copy of the affidavit alongwith the documents received from the State utility or the intra-State entity or short term customer as the case may be, to the nodal agency (National Load Despatch Centre) at least two days before the delivery:

Provided also that the concerned Regional Load Despatch Centre in case of bilateral transaction and concerned power exchange in case of collective transaction for day ahead or for bilateral intra-day transaction/contingency transaction through power exchange shall forward the copy of the affidavit alongwith the documents to the concerned SLDC on the same day it is received.]<sup>30</sup>

**Procedure for Advance Scheduling for bilateral transactions**

9. (1) An application for advance scheduling for a bilateral transaction may be submitted to the nodal agency up to the fourth month, the month in which an application is made being the first month:

Provided that separate application shall be made for each month, and for each transaction.

- (2) (a) An application for inter-State scheduling during the fourth month shall be made up to the last day of the first month.

- (b) All applications received shall be taken up together for consideration.

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<sup>30</sup> Substituted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

(c) The nodal agency shall convey its acceptance or otherwise to the applicant latest by the fifth day of the second month.

(3) (a) An application for inter-State scheduling during the third month shall be made up to five (5) days prior to the close of the first month.

(b) All applications received shall be taken up together for consideration.

(c) The nodal agency shall convey its acceptance or otherwise to the applicant latest by the close of the first month:

Provided that while accepting the application, [short-term open access]<sup>31</sup> granted to any person prior thereto shall not be withdrawn.

(4) (a) An application for inter-State scheduling in the second month shall be made with the nodal agency up to ten (10) days prior to the close of the first month.

(b) All applications shall be taken up together for consideration.

(c) The nodal agency shall convey its acceptance or otherwise to the applicant five days prior to the last day of the first month:

Provided that while accepting the application, [short-term open access]<sup>32</sup> granted to any person prior thereto shall not be withdrawn.

(5) Wherever the nodal agency rejects an application, it shall convey its reasons to the applicant in writing.

### **Congestion management**

10. Where in the opinion of the nodal agency, grant of all applications at a particular stage of advance scheduling is likely to cause congestion in one or more of the transmission corridors to

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<sup>31</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.05.2009.

<sup>32</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009

be used, it shall conduct electronic bidding for grant of <sup>33</sup>[short-term open access] for the available surplus transmission capacity among the applicants at that stage, in accordance with the detailed procedure:

Provided that if any person does not participate in the bidding process he shall be deemed to have withdrawn his application.

**Procedure for scheduling of bilateral transactions on first-come-first served basis**

11. (1) The applications for grant of <sup>34</sup>[short-term open access] for the second month, received after the date specified in clause (4) of Regulation 9 and the applications for grant of <sup>35</sup>[short-term open-access] during the first month shall be considered on first-come-first-served basis, and such transactions shall be scheduled subject to availability of the required transmission capacity:

Provided that such applications shall reach the nodal agency at least four (4) days in advance of the date of the bilateral transaction:

Provided further that separate application shall be made for each transaction.

(2) All these applications shall be processed and decided within three (3) days of their receipt.

**Procedure for scheduling for day-ahead transactions**

12. All applications for bilateral transactions received within three days prior to the date of scheduling and up to 1500 hrs of the day immediately preceding the date of scheduling shall be clubbed and treated at par, and shall be processed after processing of the applications for collective transactions received till 1500 hrs.

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<sup>33</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.05.2009.

<sup>34</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.05.2009.

<sup>35</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.05.2009.

**Illustration:**

An application for scheduling a transaction on 25th day of a month, shall be processed on first-come-first-served basis only if such application is received till 21<sup>st</sup> day of that month. If the application is received on 22nd day or 23rd day or up to 1500 hrs on 24th day, it shall be treated only after processing of the applications for collective transactions received up to 1500 hrs on 24th day for scheduling on 25th day.

**Procedure for scheduling of transactions in a contingency**

13 [ In the event of a contingency, the buyer or on its behalf, a trader may locate, and the power exchange may offer its platform to locate, a source of power to meet short-term contingency requirements even after the cut-off time of 1500 hrs of the preceding day and apply to the nodal agency for short-term open access and scheduling and in that event, the nodal agency shall endeavour to accommodate the request as soon as may be and to the extent practically feasible, in accordance with the detailed procedure.]<sup>36</sup>

**Revision of Schedule**

14. <sup>37</sup>[(1) The short-term open access schedules accepted by the nodal agency in advance or on first-come-first-served basis may be cancelled or revised downwards on an application to that effect made to the nodal agency by the short-term customer:

Provided that such cancellation or downward revision of the short-term open access schedules shall not be effective before expiry of a minimum period of two (2) days:

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<sup>36</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.05.2009.

<sup>37</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.05.2009.



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

[(1A) Notwithstanding anything contained in clause (1) of this regulation, in case of forced outage of a unit of the generating station, the scheduling of power under Short Term bilateral transactions shall be regulated in accordance with Regulation 6.5 of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 as amended from time to time.]<sup>38</sup>

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

[(3) Any person seeking downward revision of short term open access schedule (including revision to zero schedule) shall pay the operating charges specified under Regulation 17 of these regulations corresponding to the number of days for which power has been scheduled and in case of cancellation, operating charges shall be payable in addition for two (2) days or the period of cancellation in days whichever is less.]<sup>39</sup>

Note: The provisions of this regulation shall also be applicable to the short-term customers granted short-term open access prior to 15.6.2009.

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<sup>38</sup> Inserted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

<sup>39</sup> Substituted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

**Curtailement in case of transmission constraints**

15. <sup>40</sup>[(1) The Regional Load Despatch Centre may curtail power flow on any transmission corridor by cancelling or re-scheduling any transaction, if in its opinion cancellation or curtailment of any such transaction is likely to relieve the transmission constraint on the corridor or to improve grid security:

Provided that subject to provisions of the Grid Code, while cancellation or curtailment of any transaction, among short-term, medium-term and long-term transactions, short-term transactions shall be cancelled or curtailed first, followed by medium-term and thereafter long term-transactions:

Provided further that while cancelling or curtailing any short-term transaction, bilateral transactions shall be cancelled or curtailed first followed by collective transactions.]

(2) In case of inter-regional bilateral transactions, approved schedule may be revised or cancelled by the Regional Load Despatch Centre, if the Central Government allocates power from a central generating station in one region to a person in the other region and such allocation, in the opinion of the Regional Load Despatch Centre, cannot otherwise be implemented because of congestion in inter-regional link. The intimation about such revision or cancellation shall, as soon as possible, be conveyed to the affected <sup>41</sup>[short-term customers].

(3) In case of curtailment of the approved schedule by the Regional Load Despatch Centre, transmission charges shall be payable pro-rata in accordance with the curtailed schedule:

Provided that operating charges shall not be revised in case of curtailment.

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<sup>40</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>41</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009

**[Transmission Charges**

16. (1) In case of bilateral and collective transactions, transmission charges for the energy approved at the regional periphery for transmission separately for each point of injection and for each point of drawal, shall be payable in accordance with the provisions of Central Electricity Regulatory Commission (Sharing of Inter State Transmission Charges and Losses) Regulations, 2010 as amended from time to time,

(2) The intra-State entities shall pay the transmission charges for use of the State network as fixed by the respective State Commission in addition to the charges specified under clauses (1) of this regulation:

Provided that where the State Commission has not determined the transmission charges for use of the state network in ` /MWh. The charges for use of respective State network shall be payable at the rate of ` 80/MWh for the energy approved:

Provided further that non-fixation of the transmission charges by the State Commission for use of the State network shall not be a ground for refusal of open access:

Provided also that the transmission charges payable for use of the State network shall be conveyed by State Load Despatch Centre to the concerned Regional Load Despatch Centre. These charges shall be displayed by the concerned State Load Despatch Centre and Regional Load Despatch Centre on their web sites:

Provided also that the transmission charges shall not be revised with retrospective effect.]<sup>42</sup>

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<sup>42</sup> Initially Substituted vide Amendment Regulations 2009 and later substituted vide Second Amendment Regulations 2013 w.e.f. 11.9.2013

### **Operating Charges**

17. [(1) Operating charges at the rate of ` 1000/-, per day or part of the day for each bilateral transaction for each of the Regional Load Despatch Centre involved and at the rate of ` 1000/- per day or part of the day for each State Load Despatch Centre involved shall be payable by the applicant.

(2) In case of collective transaction, operating charges shall be payable by the power exchange at the rate of ` 2000/- per day to the National Load Despatch Centre for each State involved and ` 1000/- per day for the State Load Despatch Centre involved for each point of transaction.]<sup>43</sup>.

(3) National Load Despatch Centre shall share the operating charges with the Regional Load Despatch Centres in such manner as may be decided by the Central Transmission Utility.

(4) All buyers within a State shall be clubbed together and all sellers within a State shall be clubbed together by the power exchange (with necessary coordination with the State Load Despatch Centre) and each of the groups shall be counted as a single entity by National Load Despatch Centre for levy of operating charges and for scheduling:

Provided that for levy of operating charges for State Load Despatch Centre and levy of the intra-State transmission charges, each point of injection or drawal in the State network shall be counted separately.

#### **Note 1**

The operating charges include fee for scheduling, system operation and collection and disbursement of charges.

#### **Note 2**

The operating charges collected by the nodal agency shall be in addition to the fees and charges specified by the Commission under sub-section (4) of Section 28 of the Act.

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<sup>43</sup> Substituted vide Third Amendment Regulations 2015, w.e.f. 15.05.2015

**Payment of transmission charges and operating charges**

18. In case of the bilateral transaction, the applicant shall deposit with the nodal agency transmission charges and operating charges within three (3) working days of grant of application and in case of collective transactions, the power exchange shall deposit with the nodal agency these charges by the next working day falling after the day on which its application was processed:

Provided that in case of the collective transactions, the transmission charges for use of State network and operating charges for State Load Despatch Centre shall be settled directly by the power exchange with respective State Load Despatch Centre.

**Default in payment of <sup>44</sup>[short-term open access] charges**

19. (1) In case of default in payment of the application fee or the charges specified under these regulations, the nodal agency may, in its discretion, decide not to schedule the transaction, or to cancel the scheduling of already scheduled transaction or not to entertain any application of such persons in future until such time the default is cured.

(2) Notwithstanding the above, the person committing default in payment shall pay simple interest at the rate of 0.04% for each day of default.

**Unscheduled Inter-change (UI) Charges**

20. (1) All transactions for State utilities and for intra-State entities scheduled by the nodal agency under these regulations, shall be accounted for and included in the respective day-ahead net interchange schedules of the concerned regional entity issued by the Regional Load Despatch Centre.

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<sup>44</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009

(2) Based on net metering on the periphery of each regional entity, composite UI accounts shall be issued for each regional entity on a weekly cycle and transaction-wise UI accounting, and UI accounting for intra-State entities shall not be carried out at the regional level.

(3) The [State agency]<sup>45</sup> designated for the purpose of collection / disbursement of UI charges from / to intra-State entities shall be responsible for timely payment of the State's composite dues to the regional UI pool account.

(4) Any mismatch between the scheduled and the actual drawal at drawal points and scheduled and the actual injection at injection points for the intra-State entities shall be determined by the concerned State Load Despatch Centre and covered in the intra-State UI accounting scheme.

(5) Unless specified otherwise by the concerned State Commission, UI rate for intra-State entity shall be 105% (for over-drawals or under generation) and 95% (for under-drawals or over generation) of UI rate at the periphery of regional entity.

[Provided that all payments on account of Unscheduled Interchange Charge (Deviation Charges) including Additional Unscheduled Interchange Charges (Deviation Charges) and interest and implications for all other aspects of Unscheduled Interchange (Deviation Charges), shall be regulated in accordance with the provisions of Central Electricity Regulatory Commission (Unscheduled Interchange charges and related matters) Regulations, 2009, as amended from time to time or any subsequent re-enactment thereof.]<sup>46</sup>

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<sup>45</sup> Replaced by Second Amendment Regulations 2013 w.e.f 11.9.2013

<sup>46</sup> Added vide Second Amendment Regulations 2013 w.e.f 11.9.2013

- (6) <sup>47</sup>[No charges, other than those specified under these regulations shall be payable by any person granted short-term open access under these regulations.]

### **Reactive Energy Charges**

21. (1) No separate reactive energy charge accounting for <sup>48</sup>[short-term open access] transactions shall be carried out at inter-State level:

Provided that the [State agency]<sup>49</sup> designated for the purpose shall be responsible for timely payment of the State's composite dues to the regional reactive charge account in accordance with the provisions of the Grid Code.

- (2) The reactive energy drawals and injections by the intra-State entities shall be governed by the regulations applicable within the State concerned.

### **Special Energy Meters**

22. [(1) Special Energy Meters shall be installed by the Central Transmission Utility for and at the cost of the regional entities and by the State Transmission Utility or the distribution licensee as the case may be, for and at the cost of the intra-State entities.]<sup>50</sup>

(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 Annexure – 2 to Chapter–6 of the Grid Code.

- (3) Special Energy Meters shall always be maintained in good condition.

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<sup>47</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>48</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009

<sup>49</sup> Replaced vide Second Amendment Regulations 2013 w.e.f 11.9.2013

<sup>50</sup> Substituted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

(4) Special Energy Meters for the regional entities shall be open for inspection by any person authorized by the Central Transmission Utility or the Regional Load Despatch Centre.

#### **Transmission losses**

23. [(1) The buyers and sellers of the electricity shall absorb energy losses in the transmission system as may be determined in accordance with Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 as amended from time to time and applied in accordance with the Detailed Procedure issued under the said regulations.

(2) The energy losses shall be accounted for by providing a differential between schedules at the points of supply and drawal of electricity.

(3) The applicable transmission losses shall be declared in advance and shall not be revised retrospectively.]<sup>51</sup>

#### **Compliance of Grid Code**

24. The buyers and sellers of energy shall comply with the provisions of the Grid Code in force from time to time.

#### **Collection and Disbursement of Transmission Charges and Operating Charges**

25. [(1) The Transmission charges and the operating charges payable by the persons allowed short-term open access shall be indicated by nodal agency while approving the Open Access. Transmission charges payable for Inter-State Transmission system and Transmission Charges for State network shall be indicated separately. Transmission

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<sup>51</sup> Substituted vide Second Amendment Regulations 2013 w.e.f 11.9.2013



Charges for the interstate transmission system and intra state transmission system and the Operating Charges of both for RLDC and SLDC shall be collected by the nodal agency in case of bilateral transactions. In case of collective transactions, nodal agency would collect the transmission charges for inter-State transmission system and operating charges of RLDC/NLDC. In the case of collective transactions, the transmission charges for State network and Operating charges for the SLDCs shall be directly settled by the Power Exchange(s) with respective SLDC.

(2) The transmission charges collected by the nodal agency for use of the transmission system other than State network, for a bilateral or collective transaction for each point of injection and each point of drawl shall be given to Central Transmission Utility (CTU) for disbursement. The CTU shall disburse these transmission charges to the long-term customers of the synchronously connected grid where the point of injection or point of drawal is situated, as the case may be, in proportion to the monthly transmission charges payable by them after making adjustments against Long-term Access to target region in accordance with the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2010 as amended from time to time.

(3) The operating charges payable by the persons allowed short-term open access shall be collected and disbursed by the nodal agency, except for operating charges for State Load Despatch Centre in the case of collective transaction.

(4) In case a State utility is the short-term customer, the operating charges and the transmission charges collected by the nodal agency shall not include the charges for use of the State network and the operating charges for the State Load Despatch Centre.

(5) The transmission charges for use of State network shall be disbursed to the State Transmission Utility concerned.

(6) The wheeling and other charges payable to distribution utilities shall be paid by the applicant seeking open Access in accordance with the Open Access Regulation of the concerned State Commission.]<sup>52</sup>

**[Short-term Open Access Not To Be Granted**

25A. When so directed by the Commission, the National Load Despatch Centre or the Regional Load Despatch Centre, as the case may be, shall not grant short-term open access for bilateral transaction (including transactions through Power Exchange ) to the entities and associates of such entities, who consistently and willfully default in payment of Unscheduled Interchange (Deviation) charges, transmission charges, reactive energy charges, congestion charges, fee and charges for National Load Despatch Centre or Regional Load Despatch Centre including the charges for the Unified Load Despatch and Communication Scheme and Unscheduled Interchange (Deviation) charges to SLDC by an intra-State entity for a short term inter-State transaction]<sup>53</sup>

**Redressal Mechanism**

26. <sup>54</sup>[All disputes arising under these regulations shall be decided by the Commission based on an application made by the person aggrieved.]

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<sup>52</sup> Substituted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

<sup>53</sup> Initially substituted vide the Amendment Regulations of 2009 and subsumed in Second Amendment Regulations 2013 w.e.f 11.9.2013

<sup>54</sup> Substituted vide Amendment) Regulations 2009, w.e.f 29.5.2009.

**<sup>55</sup>[Information System – National Load Despatch Centre and Regional Load Despatch Centres]**

27. National Load Despatch Centre and each Regional Load Despatch Centre shall post the following information on their websites in a separate web-page titled “Open access information”:

- a) These regulations;
- b) The detailed procedure;
- c) A list of bilateral transactions accepted by the nodal agency, to be displayed till the end of the month in which transactions are scheduled, indicating:
  - (i) Name of customers;
  - (ii) Period of the <sup>56</sup>[short-term open access] granted (start date and end date);
  - (iii) Point or points of injection;
  - (iv) Point or points of drawal;
  - (v) Transmission systems used (in terms of regions and States);
  - (vi) Accepted schedule (MW) with start time and end time;

**Note**

The status report shall be updated daily.

- d) Information regarding usage of the inter-regional links.
- e) The information regarding average regional energy losses for the previous 52 weeks.
- f) Transmission charges and applicable transmission losses for various State networks as informed by the [State Transmission Utility]<sup>57</sup> concerned.

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<sup>55</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>56</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

- g) The list of <sup>58</sup>[short-term open access] applications for advance scheduling received as the nodal agency which has not been accepted, along with reasons for denial, to be displayed till one month after the scheduling period.

<sup>59</sup>**[Information System – State Load Despatch Centres**

27A. Each State Load Despatch Centre, shall within 60 days of coming into force of these regulations, develop its website and post the following information on separate web-page titled “information on Inter-State Open Access”:

(a) List of bilateral transactions for which concurrence has been granted and list of entities to whom concurrence or “no objection” or prior standing clearance, as the case may be, has been granted till the end of the month in which such concurrence or no objection or prior standing clearance has been granted, indicating:

- (i) Name of customer;
- (ii) *Period of concurrence* or “no objection” or standing clearance, as the case may be, (start date and end date);
- (iii) Point or points of injection and drawal, and
- (iv) Accepted schedule (MW).

**Note**

The status report shall be updated daily.

- (b) Average transmission losses for the State network for the immediately preceding 52 weeks;
- (c) Applicable transmission charges and transmission losses for the State network;

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<sup>57</sup> Substituted vide Second Amendment Regulations 2013 w.e.f 11.9.2013

<sup>58</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.5.2009.

<sup>59</sup> Inserted vide Amendment Regulations 2009, w.e.f 29.5.2009.

- (d) List of applications where concurrence or “no objection” or standing clearance, as the case may be, was not granted, along with reasons for refusal, to be displayed till one month after the scheduling period given in the application; and
- (e) A list of applications pending for decision.]

### **Savings and Repeal**

28. (1) The provisions of the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2004 shall not apply to the <sup>60</sup>[short-term open access] customers whose applications are processed under these regulations.

(2) The provisions relating to long-term customers as contained in the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2004 shall continue to apply till Commission notifies separate regulations covering aspects relating to long-term customers.

(3) The provisions relating to short-term open access as contained in the Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2004 shall stand repealed on 1.4.2008.

Sd/-

(Ravinder)  
Chief (Engg.)

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<sup>60</sup> Substituted vide Amendment Regulations 2009, w.e.f 29.05.2009.

Note - The Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008 were published in Part III, Section 4, No. 10 of the Gazette of India (Extraordinary) dated 7.2.2008 and amended vide -

- (a) Amendment Regulations, 2009 published in Part III, Section 4, No. 86 of the Gazette of India (Extraordinary) dated 29.5.2009.
- (b) Corrigendum dated 24.07.2009
- (c) Second Amendment Regulations, 2013 published in Part III, Section 4, No. 237 of the Gazette of India (Extraordinary) dated 11.9.2013.
- (d) Third Amendment Regulations published in Part III, Section 4, No. 165 of the Gazette of India (Extraordinary) dated 15.05.2015