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Notification

Terms and Conditions of Intra-State Open Access Regulations, 2012

In exercise of the powers conferred under Section 42 read with Section 181 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling the Commission in this behalf, the Sikkim State Electricity Regulatory Commission hereby makes the following Regulations, for Open Access in the State.

CHAPTER 1 PRELIMINARY

1. Short Title and Commencement

- (1) These regulations may be called the Sikkim State Electricity Regulatory Commission (Terms and Conditions of Intra-State Open Access) Regulations, 2012.
- (2) These regulations shall come into force from the date of their publication in the official Gazette of Sikkim.

2. Extent of Application

These regulations shall apply to open access for use of intra-State transmission system and / or distribution systems in the State, including when such system is used in conjunction with inter-State transmission system.

3. Definitions

- (1) In these regulations, unless the context otherwise requires
- (a) "Act" means the Electricity Act, 2003 (36 of 2003);
 - (b) "Allotted Capacity" means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a long-term/medium-term customer on the intra-State transmission system and the expression "allotment of capacity" shall be construed accordingly;
 - (c) "Applicant" means a consumer, trader, distribution licensee or a generating company who has applied seeking connectivity or open access as the case may be
 - (d) "Central Commission" means the Central Electricity Regulatory Commission referred to in Section 76 of the Act;
 - (e) "Commission" means the Sikkim State Electricity Regulatory Commission;
 - (f) 'Consumer' shall carry the same meaning as in the Act, but shall be restricted to such consumers within the State of Sikkim to whom these regulations will apply.
 - (g) "Contracted load" means the load in kW/HP/kVA (kilo Watt/Horse Power/kilo Volt Ampere) which the distribution licensee has agreed to supply from time to time subject to the governing terms and conditions and is different from the connected load;
 - (h) "Day" means a day starting at 00.00 hours and ending at 24.00 hours;
 - (i) "Distribution licensee" means any person licensed under Part IV of the Act for distribution and retail supply of electricity in the State of Sikkim;
 - (j) "IEGC" means the 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;
 - (k) "Imbalance" in a time block for a generating station means its total actual generation minus its total scheduled generation and for a consumer or buyer means its total drawal minus its total scheduled drawal.
 - (l) "Long-term access" means the right to use the intra-State transmission system or distribution system for a period exceeding 12 years but not exceeding 25 years.
 - (m) "Medium-term open access" means the right to use the intra-State transmission system or distribution system for a period exceeding three months but not exceeding three years
 - (n) "Month" means a calendar month;
 - (o) " Nodal agency" means the Nodal agency defined in Regulation 12 of these

regulations;

- (p) “Open access” means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a generating company in accordance with these regulations and includes long-term access, medium-term open access and short-term open access.
 - (q) "Open access customer" means a consumer, trader, distribution licensee or a generating company who has been granted open access under these regulations.
 - (r) “Reserved Capacity” means the power transfer in MW between the specified point(s) of injection and point(s) of drawal allowed to a short-term customer on the transmission / distribution system depending on availability of transmission/distribution capacity and the expression "reservation of capacity" shall be construed accordingly;
 - (s) “Short-term open access” means open access for a period upto one month at a time;
 - (t) “SLDC” means the State Load Dispatch Centre established under subsection (1) of section 31 of the Act;
 - (u) "State Grid Code" means the State Grid Code Regulation, 2012 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;
 - (v) “State Transmission Utility (STU)” means the Government Company notified by the State Government under sub-section (1) of section 39 of the Act. This is presently the transmission wing of the Energy & Power Department of Sikkim;
 - (w) “Transmission licensee” means any person licensed under Part IV of the Act for transmission of electricity.
 - (x) “Transmission System Segment” means a part or whole of the transmission system from the point of injection to the point of drawal.
 - (y) "Wheeling" means the operation whereby the distribution system and associated facilities of a transmission Licensee or distribution Licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 62 of the Electricity Act 2003;
- (2) Words and expressions used in these regulations and not defined herein but defined in the Act or the IEGC or the State Grid Code shall have the meaning assigned to them under the Act or the IEGC or the State Grid Code as the case may be.

CHAPTER 2

CONNECTIVITY

4. Connectivity

- (1) A consumer having load of 1 MW and above or a Generating Station having capacity of 1 MW and above shall be eligible to obtain connectivity to the intra-State transmission system, unless already connected, and shall apply for connectivity, in accordance with the State Grid Code.
- (2) A Generating Station having installed capacity less than 1 MW shall be eligible to obtain connectivity to the Distribution system and shall apply for connectivity, unless already connected, in accordance with the State Grid Code.

5. Application procedure for Connectivity to intra-State transmission system

- (1) An applicant shall apply to the STU for connectivity in the Form prescribed in the detailed procedure to be laid down by the STU. The STU shall prescribe the procedure within a period of 60 days from the date of coming into force of these regulations.
- (2) The application shall be accompanied by a non-refundable fee of Rupees two lakhs drawn in favour of the State Transmission Utility in the manner as specified by the STU.
- (3) The application for connectivity shall contain details such as, proposed geographical location of the applicant, quantum of power to be interchanged that is the quantum of power to be injected in the case of a generating station including a captive generating plant and quantum of power to be drawn in the case of consumer, with the intra-State transmission system and such other details as may be laid down by the State Transmission Utility in the detailed procedure:

Provided that in cases where once an application has been filed and thereafter there has been any material change in the location of the applicant or change, by more than 10 percent in the quantum of power to be interchanged with the intra-State transmission system, the applicant shall make a fresh application, which shall be considered in accordance with these regulations.

6. Processing of Application and Grant of Connectivity by STU

- (1) On receipt of the application, the STU shall, in consultation and through coordination with other agencies involved in the intra-State transmission,

process the application and carry out the necessary interconnection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 and State Grid Code.

- (2) While granting connectivity, the STU shall specify the name of the sub-station or pooling station or switchyard where connectivity is to be granted. In case connectivity is to be granted by looping-in and looping-out of an existing or proposed line, the STU shall specify the point of connection and name of the line at which connectivity is to be granted. The STU shall indicate the broad design features of the dedicated transmission line and the timeframe for completion of the dedicated transmission line.

- (3) The applicant and all intra-State transmission licensees including the State Transmission Utility shall comply with the provisions of Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.

- (4) The applicant shall sign a connection agreement with the State Transmission Utility or intra-State transmission licensee owning the sub-station or pooling station or switchyard or the transmission line as identified by the STU where connectivity is being granted:

Provided that in case connectivity of a generating station, including captive generating plant or consumer is granted to the intra-State transmission system of an intra-State transmission licensee other than the State Transmission Utility, a tripartite agreement as provided in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 shall be signed between the applicant, the State Transmission Utility and such intra-State transmission licensee.

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

Provided further that provisions of this regulations shall not be applicable to energy exchange taking place under regulation 6(6) below.

- (6) A generating station, including captive generating plant which has been granted connectivity to the grid 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, which shall keep grid security in view while granting such permission. Commercial treatment of such infirm power from a generating station or a unit thereof, other than those based on non-conventional energy sources, the tariff of which is determined by the Commission, will be governed by the Regulations on Terms and Conditions of Tariff notified by the Commission from time to time. The power injected into the grid from other generating stations as a result of such testing shall be charged at the UI rates.

- (7) An applicant may be required by the State Transmission Utility to construct a dedicated line to the point of connection to enable connectivity to the grid, unless exempted by the Commission for reasons to be recorded in writing.
- (8) The STU shall convey its decision on grant of connectivity or otherwise within a period of 60 days from the date of receipt of application.

7. Application procedure for Connectivity to distribution system by a generating station

- (1) All eligible generating stations including a captive generating plant, seeking connectivity to a 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. The Distribution Licensee shall prescribe the procedure within a period of 60 days from the date of coming into force of these Regulations.
- (2) The Application shall be accompanied by a non-refundable fee of Rs. one lakh drawn in favour of the distribution licensee concerned, in the manner as specified by the licensee.
- (3) The application for connectivity shall contain details such as, proposed geographical location of the generating station, quantum of power to be injected and such other details as may be laid down by the distribution licensee concerned in the procedure.

8. Processing of Application and Grant of connectivity to distribution system by a generating station

- (1) On receipt of the application, the distribution licensee shall, in consultation

and through coordination with State Transmission Utility, 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.

- (2) 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.
- (3) 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 the 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 SLDC.
- (4) The applicant and the distribution licensee shall comply with the provisions of Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.
- (5) The applicant shall sign a connection agreement with the distribution licensee where connectivity is being granted.
- (6) The grant of connectivity shall not entitle an applicant to interchange any power with the grid unless it obtains long-term access, medium- term open access or short-term open access in accordance with the provisions of these regulations.

Provided further that provisions of these regulations shall not be applicable to energy exchange taking place under clause(7) below.

- (7) A generating station, including 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. The infirm power injected from such generating station into the transmission and/or distribution system shall be compensated to the extent of the actual fuel cost and secondary fuel cost as the case may be incurred by the generator.

CHAPTER 3

GENERAL PROVISIONS FOR OPEN ACCESS

9. Eligibility for Open Access and conditions to be satisfied

- (1) Subject to the provisions of these regulations, the licensees, generating companies, captive generating plants and consumers shall be eligible for open access to the intra-State transmission system of the State Transmission Utility or any transmission licensee on payment of transmission and other charges as may be determined by the Commission in accordance with Chapter 6 of the these regulations.
- (2) Subject to the provisions of these regulations, the licensees, generating stations, captive generating plants and consumers shall be eligible for open access to distribution system of a distribution licensee on payment of the wheeling and other charges as may be determined by the Commission in accordance with Chapter 6 of the these regulations.
- (3) Subject to the provisions of these regulations, open access shall be permissible to the consumers seeking open access for a capacity of 1 MW and above.

Provided that when a person, who has established a captive generating plant, opts for open access for carrying the electricity to the destination of his own use, the limitation of 1 MW shall not be applicable.

Provided further that duties of the distribution licensee with respect to such open access customers shall be of a common carrier providing non-discriminatory open access as per section 42(3) of the Act.

Provided that the Commission may allow open access to consumers seeking open access for capacity less than 1 MW at such time as it may consider feasible having regard to operational constraints and other factors.

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

Provided that, if the dispute regarding outstanding dues is pending with any Forum or Court and stay is granted by the competent authority, in that case the person shall be eligible for seeking open access.

- (5) The open access customer shall have to install Intra-state ABT Compliant

meters at their place for energy accounting and Remote Terminal Unit (RTU) to facilitate SLDC in real time monitoring, which shall be duly certified by the licensee concerned.

10. Special Provisions for existing distribution licensees

The distribution licensees using intra-State transmission system and/or the distribution systems in the State on the date of coming into force of these regulations under an existing arrangement shall be entitled to continue to avail Open Access on such transmission and/or distribution systems on the existing terms and conditions on payment of transmission charges and/or the wheeling charges and other applicable charges as may be determined by the Commission from time to time.

The existing distribution licensees shall, within 30 days of coming force of these regulations, furnish to the State Transmission Utility and the State Load Despatch Centre, details of use of their transmission system and/or the distribution system and the terms and conditions for such use.

11. Provisions for existing consumers and generating companies availing Open Access

1) The existing consumer or a generating company including existing sellers/CPPs other than the distribution licensees availing Open Access under agreements or government policy on the date of coming into force of these regulations shall submit to the State Transmission Utility and the State Load Despatch Centre details of capacity utilized, point of injection, point of drawal, duration of availing Open Access, peak load, average load and such other information as the State Transmission Utility or the State Load Despatch Centre may require, within 30 days of coming into force of these regulations.

2) The existing consumer or a generating company including existing sellers/CPPs under clause(1) above may continue to avail Open Access on the terms and conditions of the policy of the State Government or the agreement till the current validity of the policy / agreement. In cases where Open Access is currently being

availed under sub-clause (1) above, but which are not covered by any policy directive by the State Government or an existing agreement, Open Access shall be provided on payment of charges as per these regulations.

12. Criteria for granting long-term access or medium-term open access or short term open access

- (1) Before awarding long-term access, the State Transmission Utility shall have due regard to the augmentation required for the intra-State transmission system.
- (2) Medium-term open access or short-term open access shall be granted if the resultant power flow can be accommodated in the existing transmission system or the transmission system under execution: Provided that no augmentation shall be carried out to the transmission system for the sole purpose of granting medium-term open access or short-term open access:

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

CHAPTER 4

APPLICATION PROCEDURE AND APPROVAL

13. Categories of Open Access Consumers

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

- (1) System to which connected
 - (a) Intra-State transmission system
 - (b) Distribution system
- (2) Inter-se location of drawal and injection points
 - (a) Both within the same distribution system
 - (b) within the State of Sikkim but in different distribution systems when more distribution licensees are in existence
 - (c) In different States
- (3) Duration of Open Access
 - (a) Long-term access
 - (b) Medium-term open access
 - (c) Short-term open access

14. Application procedure for Open Access

- (1) All applications for open access shall be made in the prescribed Format in triplicate and submitted to the Nodal agency in accordance with these regulations.
- (2) All applicants seeking open access shall submit an undertaking of not having entered into Power purchase agreement (PPA) or any other bilateral agreement with more than one person for the capacity (quantum of power) for which open access is sought.
- (3) Subject to the provisions of these regulations, the Nodal agency, Application fee, Documents to accompany the application and time frame for disposal of application shall be as specified in the following Tables:

Table 1								
Open Access Customer connected to Distribution System								
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
1.	Short - Term Open Access (STOA)	Both within the same Distribution licensee	SLDC	2000	<ul style="list-style-type: none"> • Proof of payment of Application fee. • PPA or Sale-purchase agreement of power 	<ul style="list-style-type: none"> • As provided in Regulation 17 	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, and Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system operation charges 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level.
2.	Short - Term Open Access (STOA)	Both within Sikkim state but in areas of different Distribution Licensees	SLDC	5000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • Consent from the Distribution licensees concerned. • PPA or Sale-purchase agreement of power 	<ul style="list-style-type: none"> • As provided in Regulation 17 	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges as applicable. • Transmission charge (Intra-State) 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level in respect of both Distribution Licensees • Transmission loss in kind. (Intra-State)
3.	Short - Term Open Access (STOA)	Injection point in the intra-State transmission system within the state	SLDC	5000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • Consent from the Distribution licensees concerned. • PPA or Sale-purchase agreement of power 	<ul style="list-style-type: none"> • As provided in Regulation 17 	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable. • Transmission charge (Intra-State) 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level. • Transmission Loss in kind. (Intra-State)

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
4.	Short - Term Open Access (STOA)	In different States	RLDC of the region where consumer is located	As per CERC Regulation	<ul style="list-style-type: none"> • Proof of payment of Application fee, • Consent from the Distribution licensees concerned. • PPA or Sale-purchase agreement of power 	As per Central Commission's Regulation	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable. • Transmission Charge (Intra-State and Inter State). 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level. • Transmission Loss in kind. (Intra-State and Inter-State)
5.	Medium-Term Open Access (MTOA)	Both within the same Distribution licensee	SLDC	25000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • 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 intended date of MTOA. 	30	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Stand-by charges, if any • Imbalance and Reactive Energy Charges, as applicable. 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level.

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
6.	Medium Term Open Access (MTOA)	Both within Sikkim State but different Distribution Licensees	STU	50000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • 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 intended date of MTOA. • Consent from the distribution licensees concerned. 	40	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable. • SLDC fees and charges • Transmission charge (Intra-State) 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level in respect of both Distribution Licensees • Transmission loss in kind. (Intra-State)
7.	Medium-Term Open Access (MTOA)	Injection point in the intra-State transmission system within the State	STU	50000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • 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 intended date of MTOA. • Consent from the distribution licensees concerned. 	40	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable. • SLDC fees and charges • Transmission charge (Intra-State) 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level. • Transmission Loss in kind. (Intra-State)

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
8.	Medium -Term Open Access (MTOA)	In different States	CTU	As per CERC Regulation	<ul style="list-style-type: none"> • Proof of payment of Application fee, • 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 intended date of MTOA. • Consent from the SLDC's and Distribution licensees concerned as applicable. 	As per Central Commission's Regulation	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable. • SLDC fees and charges • Transmission Charge (Intra-State and Inter State). 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level. • Transmission Loss in kind. (Intra-State and Inter State).
9.	Long -Term Access (LTA)	Both within the same Distribution licensee	SLDC	25000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence showing that the connectivity shall be completed before intended date of LTA 	30	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable. 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level.

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
10.	Long - Term Access (LTA)	Both within Sikkim State but different Distribution Licensees	STU	50000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence showing that the connectivity shall be completed before intended date of LTA • Consent from the distribution licensees concerned. 	<ul style="list-style-type: none"> • 120 days where augmentation of transmission system is not required • 150 days, where augmentation of transmission system is required. 	<ul style="list-style-type: none"> • Wheeling Charge • Cross Subsidy surcharge, Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable. • SLDC fees and charges. • Transmission charge (Intra-State) 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level in respect of both Distribution Licensees • Transmission loss in kind. (Intra-State)
11.	Long - Term Access (LTA)	Injection point in the intra-State transmission system within the State	STU	50000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence showing that the connectivity shall be completed before intended date of LTA, • Consent from the Distribution licensee concerned. 	<ul style="list-style-type: none"> • 120 days where augmentation of transmission system is not required. • 150 days, where augmentation of transmission system is required. 	<ul style="list-style-type: none"> • Wheeling Charge • CrossSubsidy surcharge, Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable. • SLDCfees and charges • Transmission charge (Intra-State) 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level. • Transmission Loss in kind. (Intra-State)

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
12.	Long - Term Access (LTA)	In different States	CTU	As per CERC Regulation	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale-purchase agreement of power, • In case of generating station not already connected to grid, documentary evidence showing that the connectivity shall be completed before intended date of LTA, • Consent from the SLDCs and Distribution licensees concerned as applicable. 	As per Central Commission's Regulation	<ul style="list-style-type: none"> • Wheeling Charges • CrossSubsidy surcharge, Additional surcharge, if any • Imbalance and Reactive Energy Charges, as applicable. • SLDC fees and charges • Transmission Charge (Intra-State and Inter State). 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level. • Transmission Loss in kind. (Intra-State and Inter State).

Table 2								
Open Access Customer connected to Intra-State Transmission system								
S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
1.	Short - Term Open Access (STOA)	Both within the State (in the intra-State transmission system)	SLDC	5000	<ul style="list-style-type: none"> • Proof of payment of Application fee. • PPA or sale purchase agreement of power. 	As provided in Regulation 17.	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State), • Wheeling Charge, if applicable (ie. If fixed charge being paid by consumer could be attributed to wheeling/ distribution network related cost) • Cross-subsidy surcharge and additional surcharge if any 	<ul style="list-style-type: none"> • Transmission Loss in kind. (Intra-State).
2.	Short - Term Open Access (STOA)	Injection point in the distribution system within the State	SLDC	5000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • Consent from the Distribution licensee concerned. • PPA or Sale- purchase agreement of power 	As provided in Regulation 17.	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State), • Cross-subsidy surcharge and additional surcharge if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level. • Transmission Loss in kind. (Intra-State).

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
3.	Short - Term Open Access (STOA)	In different States	RLDC of the region where consumer is located	As per CERC Regulation	<ul style="list-style-type: none"> • Proof of payment of Application fee • Consent from the SLDCs and Distribution licensee concerned as applicable. • PPA or Sale- purchase agreement of power 	As per Central Commission's Regulation	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • Scheduling and system Operating Charges, as applicable • Transmission Charge (Intra-State), • Cross-subsidy surcharge and additional surcharge if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level, if applicable. • Transmission Loss in kind. (Intra-State and Inter State).
4.	Medium -Term Open Access (MTOA)	Both within the State (in the intra-State transmission system)	STU	25000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale- purchase agreement of power, • In case of generating station or consumer not already connected to grid, documentary evidence showing that the connectivity shall be completed before intended date of MTOA. 	30	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • SLDC fees and charges • Transmission Charge (Intra-State), • Cross-subsidy surcharge and additional surcharge if any 	<ul style="list-style-type: none"> • Transmission Loss in kind. (Intra-State).

S. No.	Period	Inter-se location of drawal and injection	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of	Applicable Charges	Applicable Losses
5.	Medium-Term Open Access (MTOA)	Injection point in the distribution system within the State	STU	25000	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale- purchase agreement of power, • In case of generating station or consumer not already connected to grid, documentary evidence showing that the connectivity shall be completed before intended date of MTOA, • Consent from the Distribution licensee • concerned. 	30	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • SLDC fees and charges. • Transmission Charge (Intra-State), • Cross-subsidy surcharge and additional surcharge if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level. • Transmission Loss in kind. (Intra-State).
6.	Medium-Term Open Access (MTOA)	In different States	CTU	As per CERC Regulation	<ul style="list-style-type: none"> • Proof of payment of Application fee, • PPA or Sale- purchase agreement of power, • In case of generating station or consumer not already connected to grid, documentary evidence showing that the connectivity shall be completed before intended date of MTOA, • Consent from the Distribution licensee concerned. 	As per Central Commission's Regulation	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • SLDC fees and charges. • Transmission Charge (Intra-State), • Cross-subsidy surcharge and additional surcharge if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level. • Transmission Loss in kind. (Intra-State and Inter State).

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
7.	Long - Term Access (LTA)	Both within the State (in the intra-State transmission system)	STU	50000	<ul style="list-style-type: none"> • Proof of payment of Application fee, Bank Guarantee, • PPA or Sale- purchase agreement of power, • In case of generating station or consumer not already connected to grid • Documentary evidence showing that the connectivity shall be completed before intended date of LTA 	<ul style="list-style-type: none"> • 120 days where augmentation of transmission system is not required. • 150 days, where augmentation of transmission system is required. 	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • SLDC fees and charges • Transmission Charge (Intra- State), • Cross-subsidy surcharge and additional surcharge if any 	<ul style="list-style-type: none"> • Transmission Loss in kind. (Intra- State).
8.	Long - Term Access (LTA)	Injection point in the distribution system within the State	STU	50000	<ul style="list-style-type: none"> • Proof of payment of Application fee, Bank Guarantee, • PPA or Sale- purchase agreement of power, • In case of generating station or consumer not already connected to grid • Documentary evidence showing that the connectivity shall be completed before intended date of LTA • Consent from the Distribution licensee concerned. 	<ul style="list-style-type: none"> • 120 days where augmentation of transmission system is not required. • 150 days, where augmentation of transmission system is required. 	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • SLDC fees and charges. • Transmission Charge (Intra-State), • Wheeling Charge, if applicable (ie. If fixed charge being paid by consumer could be attributed to wheeling/ distribution network related cost) • Cross-subsidy surcharge and additional surcharge if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level. • Transmission Loss in kind. (Intra-State).

S. No.	Period	Inter-se location of drawal and injection point	Nodal agency	Application fee (Rs.)	Documents to accompany the application	Time frame for disposal of application (days from the receipt of application)	Applicable Charges	Applicable Losses
9.	Long - Term Access (LTA)	In different States	CTU	As per CERC Regulation	<ul style="list-style-type: none"> • Proof of payment of Application fee, Bank Guarantee, • PPA or Sale- purchase agreement of power, • In case of generating station or consumer not already connected to grid • Documentary evidence showing that the connectivity shall be completed before intended date of LTA • Consent from the Distribution licensee concerned. 	As per Central Commission's Regulation	<ul style="list-style-type: none"> • Imbalance and Reactive Energy Charges, as applicable. • SLDC fees and charges • Transmission Charge (Intra- State), • Cross-subsidy surcharge and additional surcharge if any 	<ul style="list-style-type: none"> • Distribution loss in kind at relevant voltage level. • Transmission Loss in kind. (Intra-State and Inter State).

15. Procedure for Long-Term Access

- (1) **Involving inter-State transmission system:** Notwithstanding anything contained in clauses (2) and (3) herein below, procedure for inter-State long-term Access shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 or its statutory re-enactments as amended from time to time:

Provided that in respect of a consumer connected to a distribution system seeking inter-State Long-term 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.

- (2) **Involving only intra-State transmission system:** Subject to the provisions of clause (1) herein above, intra-State Long-term Access involving intra- State transmission system shall be in accordance with the provisions of sub-clause (a) to (l) herein below:

- (a) The application for grant of long-term access shall contain details such as name of the entity or entities from whom electricity is proposed to be procured or to whom to be supplied along with the quantum of power and such other details as may be laid down by the State Transmission Utility in the detailed procedure.

Provided that in case augmentation of transmission system is required, the applicant shall also have to bear the charges for the same, as per these regulations.

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 intra-State transmission system, a fresh application shall be made, which shall be considered in accordance with these regulations.

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

- (c) The application shall be accompanied by a bank guarantee of Rs 10,000/- (ten thousand) per MW of the total power to be transmitted. The bank guarantee shall be in favour of the nodal agency, in the manner laid down under the detailed procedure.
- (d) The bank guarantee of Rs. 10,000 /- (ten thousand) per MW shall be kept valid and subsisting till the execution of the long-term access agreement, in the case when augmentation of transmission system is required, and till operationalization of long-term access when augmentation of transmission system is not required.
- (e) The bank guarantee may be encashed by the Nodal agency, if the application is withdrawn by the applicant or the long-term access rights are relinquished prior to the operationalisation of such rights when augmentation of transmission system is not required.
- (f) The aforesaid bank guarantee will stand discharged with the submission of bank guarantee required to be given by the applicant to the State Transmission Utility during construction phase when augmentation of transmission system is required, in accordance with the provisions in the detailed procedure.
- (g) On receipt of the application, the Nodal agency shall, in consultation and through coordination with other agencies involved in intra-State transmission 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 access is arrived at within the timeframe specified in clause 3 of Regulation 12 herein above:
Provided that in case the Nodal agency 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 Nodal agency shall specify the intra-State transmission system that would be required to give long-term access. In case augmentation to the existing intra-State transmission system is required, the same will be intimated to the applicant.
- (i) While granting long-term access, the Nodal agency shall communicate to the applicant, the date from which long-term access shall be granted and an estimate of the transmission charges likely to be payable based on the prevailing costs, prices and methodology of sharing of transmission charges specified by the Commission.

- (j) The applicant shall sign an agreement for long-term access with the State Transmission Utility in case long-term access is granted by the State Transmission Utility, in accordance with the provision as may be made in the detailed procedure. While seeking long-term access to an intra-State transmission licensee, other than the State Transmission Utility, the applicant shall sign a tripartite long-term access agreement with the State Transmission Utility and the intra-State transmission licensee. The long-term access agreement shall contain the date of commencement of long-term access, the point of injection of power into the grid and point of drawal from the grid and the details of dedicated transmission lines, if any, required. In case augmentation of transmission system is required, the long-term access agreement shall contain the time line for construction of the facilities of the applicant and the transmission 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 access, the Nodal agency shall inform the State Load Despatch Centre so that it can consider the same while processing requests for grant of short-term open access, received under these regulations.
- (l) On the expiry of the period of long-term access, the same shall stand extended on a written request by the consumer, to the State Transmission Utility, 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 access shall stand terminated on the date upto which it was initially granted.

- (3) **Within the same distribution system:** The procedure specified in clause (2) above shall, mutatis mutandis, apply to cases of long-term access when the point of injection and the point of drawal are located in the same distribution system.

16. Procedure for Medium-Term Open Access

- (1) **Involving inter-State transmission system:** Notwithstanding anything contained in clauses (2) and (3) herein below, procedure for inter-State medium-term open access shall be as per Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 or its statutory re-enactment as amended from time to time:

Provided that in respect of a consumer connected to a distribution system seeking inter-State medium-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.

- (2) **Involving only intra-State transmission system:** Subject to the provisions of clause (1) herein above, intra-State medium-term open access involving intra-State transmission system shall be in accordance with the provisions of 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.

(b) On receipt of the application, the Nodal agency shall, in consultation and through coordination with other agencies involved in intra-State transmission, process the application and carry out the necessary system studies as expeditiously as possible so as to ensure that the decision to grant or refuse medium-term open access is made within the timeframe specified in clause (3) of Regulation 12 herein above:

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

(c) On being satisfied that the requirements specified under clause (2) of Regulation 10 are met, the Nodal agency shall grant medium-term open access for the period stated in the application:

Provided that for reasons to be recorded in writing, the Nodal agency may grant medium-term open access for a period less than that sought for by the applicant:

Provided further that the applicant shall sign an agreement for medium-term open access with the State Transmission Utility, in accordance with the provision as may be made in the detailed procedure. While seeking medium-term open access to an intra-State transmission licensee, other than the State Transmission Utility, the applicant shall sign a tripartite medium-term open access agreement with the State Transmission Utility and the intra-State transmission licensee. The medium-term open access 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 dedicated transmission lines required, if any, the bank guarantee required to be given by the applicant and other details in accordance with the detailed procedure.

(d) Immediately after grant of medium-term open access, the Nodal agency shall inform the State Load Despatch Centre so that it can consider the same while processing requests for short-term open access received under these regulations.

(e) 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.

(3) **Within the same distribution system:** The procedure specified in clause (2) above shall, mutatis mutandis, apply to cases of medium-term open access when the point of injection and the point of drawal are located in the same distribution system.

17. Procedure for Short-Term Open Access

(1) **Involving inter-State transmission system:** Notwithstanding anything contained in clauses (2) to (3) herein below, procedure for inter-State short-term Open Access shall be as per Central Electricity Regulatory Commission (Open Access in inter-State Transmission) Regulations, 2008, or its statutory re-enactments, as amended from time to time:

Provided that in respect of a consumer connected to a distribution system seeking 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.

- (2) **Involving only intra-State transmission system:** Subject to the provisions of clause (1) herein above, intra-State short-term Open Access shall be in accordance with the provisions of sub clause (a) to (f) herein below:

(a) Open Access in advance

- (i) Application may be submitted to the Nodal agency seeking short-term open access upto 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 Nodal agency shall be on the prescribed form given containing such details as capacity needed, generation planned or 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 Nodal agency. The application shall be accompanied by a non-refundable application fee in cash or by demand draft in favour of the officer so notified by Nodal agency.
- (iv) An application for grant of open access commencing in any month may be submitted in a cover marked "Application for Short-Term Open Access – in advance" upto 15th day of the preceding month.

For example, application for grant of open access commencing in the month of July shall be received upto 15th day of June.
- (v) Nodal agency shall acknowledge receipt of the application by indicating time and date on "ACKNOWLEDGEMENT" to the applicant.
- (vi) A consumer of distribution licensee intending to avail open access shall also furnish a copy of his application to the distribution licensee of his area of supply.

- (vii) Based on the type of transactions Nodal agency shall take a decision on the applications for short-term open access in the manner provided herein below.
- (viii) 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 21 of these regulations.
- (ix) Nodal agency shall check transaction for congestion of any element (line and transformer) of transmission and distribution system involved in transaction.
- (x) Nodal agency shall convey grant of open access or otherwise along with schedule of payments to the consumer latest by 21st day of such preceding month.
- (xi) Nodal agency shall assign specific reasons if open access is denied under sub-sub clause (x).

(b) Day-Ahead Open Access

- (i) An application for grant of day-ahead open access may be received by Nodal agency within three days prior to the date of scheduling but not later than 1300 Hours of the day immediately preceding the day of scheduling for day-ahead transaction.

For example, application for day-ahead transaction on 25th day of July shall be received on 22nd day or 23rd day or upto 1300 hours on 24th day of that month.

- (ii) Nodal agency shall check for congestion and convey grant of approval or otherwise by 1800 hours of the day immediately preceding the day of scheduling. All other provisions of application for short-term open access shall apply.

(c) Procedure for scheduling transaction in a contingency

In the event of a contingency, the buying utility may locate a source of power to meet short-term contingency requirement even after the cut-off time of 1300 hrs of the preceding day and apply to the Nodal agency for open access and scheduling and in that event, the Nodal agency shall endeavour to accommodate such request as soon as and to the extent practically feasible, in accordance with the detailed procedure.

(d) 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.

Till SLDC establishes infrastructure for electronic bidding, such applications shall be dealt as first come first serve basis.

- (ii) The decision of SLDC in respect of an expected congestion shall be final and binding.
- (iii) SLDC shall convey information of congestion and decision for invitation of bidding indicating floor price through an e-mail / SMS notice, to the applicants .
- (iv) SLDC shall also display the bidding information on its website.
- (v) The floor price of transmission and wheeling charges determined on the basis of relevant order of the Commission shall be indicated in the notice.
- (vi) The Bids shall be accepted upto the bid closing timell as indicated in bidding invitation. 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) Open access customers, 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 bids which are incomplete, vague in any manner or not found in conformity with the 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.
- (e) The reserved capacity by a short-term open access customer is not transferable to others.
 - (f) The capacity available as a result of surrender or reduction or cancellation of the reserved capacity by the State Load Dispatch Centre, may be reserved for any other short-term open access customer in accordance with these regulations.
 - (g) 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.
- (2) **Within the same distribution system:** The procedure specified in clause (2) above shall, mutatis mutandis, apply to cases of short-term open access when the point of injection and the point of drawal are located in the same distribution system.

18. Consent by STU, SLDC or Distribution Licensee

- (1) **Inter-State open access:** STU In the case of application for grant of long-term access and medium-term open access and SLDC in the case of grant of short-term open access shall convey its consent or otherwise as per the provisions respectively of Central Electricity Regulatory Commission (Grant of Connectivity, Long-term 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, or their statutory re-enactments, as amended from time to time. In case of applicant connected to the distribution licensee, the said distribution licensee shall convey its consent or otherwise within 3 days of receipt of the request of the applicant.

(2) Intra-State Open Access

- (a) In respect of a consumer connected to a distribution system seeking Open access, such consumer shall be required to submit the consent of the distribution licensee concerned. 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 three (3) working days of receipt of the application.
- (b) 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,
 - (ii) Availability of capacity in the distribution network, and.
 - (iii) Availability of communication facility to transmit real-time data to SLDC.
- (c) 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 three (3) working days of receipt of the application.
- (d) In case the Nodal agency finds that the application for consent is incomplete or defective in any respect, it shall communicate the deficiency or defect to the applicant by e-mail or fax or by any other usually recognised mode of communication, within two (2) working days of receipt of the application:
- (e) 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 three (3) working days from the date of receipt of the application, along with reasons for such refusal:
- (f) Where the distribution licensee has not communicated any deficiency or defect in the application within two (2) days from the date of receipt of application, or refusal or consent within the specified period of three (3) working days from the date of receipt of the application consent shall be deemed to have been granted.

19. Consideration of applications from defaulters

Notwithstanding anything contained in these regulations, the Nodal Agency shall be at liberty to summarily reject an application for Open Access on the ground of non-compliance of the provisions of these regulations, more specifically the provisions relating to timely payment of the charges leviable hereunder.

20. Application by eligible entities other than consumers

The procedure for submission of the application and processing the same as laid down in this chapter in respect of the consumers shall, mutatis mutandis, be applicable to the electricity trading licensees, distribution licensees and the generating companies and open access customers who are not consumers.

21. Allotment Priority

- (1) The priority for allotment of open access in intra-State transmission system shall be decided on the following criteria:
 - i) 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.
 - ii) The long-term access applicants shall have the priority next to the distribution licensee.
 - iii) The medium-term open access applicants shall have the priority next to the long-term access applicants.
 - iv) The short-term open access applicants shall have the priority next to the medium-term open access applicants.
 - v) Allotment priority for short-term open access applicants shall be decided subject to capacity availability.
 - vi) An existing open access customer shall have the priority higher than new open access applicants under respective category provided the former applies for its renewal thirty days prior to the expiry of existing term of open access.
 - vii) 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.

viii) Subject to clauses (i) to (vii) above, the decision for allotment of capacity for open access shall be based on the basis of first come first served.

CHAPTER 5

SUBMISSION OF DETAILED PROCEDURE

- 22.** (1) Subject to the provisions of these regulations, the State Transmission Utility shall submit the detailed procedure to the Commission for approval within 60 days of notification of these regulations in the Official Gazette:

Provided that prior to submitting the detailed procedure to the Commission for approval, the State Transmission Utility shall make the same available to the public and invite comments by putting the draft detailed procedure on its website and giving a period of one month to submit comments;

Provided further that while submitting the detailed procedure to the Commission, the State Transmission Utility shall submit a statement indicating as to which of the comments of stakeholders have not been accepted by it along with reasons thereof.

(2) The detailed procedure submitted by the State Transmission Utility shall, in particular, include—

- (a) The proformae for application of connectivity and the connection agreement, referred to regulation 6 and 8 above.
- (b) The proformae for application of long-term access and medium-term open access and LTA/MTOA agreements.
- (c) Any other issues, including Bank Guarantee for construction, payment mechanisms for application fee etc., necessary for implementation of these regulations.

CHAPTER 6

OPEN ACCESS CHARGES

23. Transmission Charges

Open Access customer using transmission system shall pay the charges as stated hereunder:

- (1) For use of inter-State transmission system:
As specified by the Central Commission from time to time.
- (2) For use of intra-State transmission system:

(i) By Long-Term and Medium-Term Open Access Customers:

The Total Transmission Cost (TTC) as determined by the Commission in the Annual Transmission Tariff Order of the STU shall be shared by all long-term and medium-term open access customers on monthly basis (including existing Distribution Licensees) in the ratio of their allotted capacities, in accordance with the following formula:

Monthly Transmission Tariff (MTT) = $TTC / (ACs \times 12)$ (in Rs./MW/month);

Where;

TTC = Total Transmission Cost determined by the Commission for the transmission system for the concerned year (in Rs), and

ACs = sum of capacities allocated to all long-term and medium-term open access customers in MW.

Provided that Monthly Transmission Tariff shall also be shared by a Generating Company if power from such Generating Company is sold to a consumer outside the State of Sikkim, to the extent of capacity contracted Outside the State:

Provided further that the transmission tariff payable by any long-term or medium-term open access customer utilizing the transmission system for part of a month shall be determined as under:

Transmission Tariff =

$TTC / (ACs \times 8760)$ (in Rs./MWh); Where;

TTC = Total Transmission Cost determined by the Commission for the transmission system for the relevant year (in Rs), and

ACs = sum of capacities allocated to all long-term and medium-term open access customers in MW.

Provided that where a dedicated transmission system used for open access has been constructed for exclusive use of an open access customer, the transmission charges for such dedicated system shall be worked out by transmission licensees 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 by other persons or purposes.

(ii) By Short-Term Open Access Customers:

Transmission Charges payable by a Short-Term Open Access customer shall be at a rate one-fourth of the transmission charges applicable to the Long-Term / Medium-Term customer, as described above.

Transmission charge payable by Short-term open access customers =
 $\frac{1}{4} \times$ Rate of transmission charge payable by long-term / medium-term open access customers

Provided that the Transmission charges payable by Short-term open access customers for use of the system for part of a day shall be as follows:

(a)	Upto 6 hours in a day in one block	=	$(\frac{1}{4} \times \text{short-term open access rate})$
(b)	More than 6 hours and upto 12 hours in a day in one block	=	$(\frac{1}{2} \times \text{short-term open access rate})$
(c)	More than 12 hours upto 24 hours in one block	=	Short-term open access rate

Provided that transmission charges for short-term open access shall be payable on the basis of maximum capacity reserved for such customer.

24. Scheduling and system operation charges

Scheduling and system operation charges shall be payable by the Open Access customers at the following rates:

(1) In respect of inter-State open access

(a) Long-term access and Medium-term open access

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

(b) Short-term open access

- (i) Regional Load Despatch Centre and State load dispatch centre fees and charges as specified by the Central Commission.

(2) In respect of intra-State open access

(a) Long-term access and medium-term open access

Long-term access and medium-term open access customers shall be liable to pay SLDC fees and charges determined by the Commission under sub-section (3) of section 32 of the Act.

(b) Short-term open access

A composite operating charge @ Rs.2,000/- per day or part of the day shall be payable by a short-term open access customer for each transaction to the SLDC or as determined by the Commission from time to time.

The operating charge includes fee for scheduling and system operation, energy accounting, fee for affecting revisions in schedule on bonafide grounds and collection and disbursement of charges.

25. Wheeling Charges

Wheeling charges payable to distribution licensee, by an open access customer, for usage of its system shall be as determined by the Commission in the tariff order from time to time:

The Commission shall specify the wheeling charge of Distribution Wires Business of the Distribution Licensee in its Order passed under sub-section (3) of Section 64 of the Act. The distribution licensee shall segregate the accounts for the consumer service (retail supply) business and its wire business and submit the same to the Commission.

Provided that the charges payable by a Distribution System User under this Chapter may comprise any combination of fixed/demand charges, and variable charges, as may be stipulated by the Commission in such Order.

Provided that Wheeling charges shall be payable on the basis of scheduled energy.

Provided also that an open access customer connected to the STU system shall be liable to pay the wheeling charges determined under this regulation, if such customer was paying wheeling charges directly or indirectly before availing open access.

26. Cross Subsidy Surcharge

- (1) If open access facility is availed of by a subsidising consumer of a distribution licensee of the State, then such consumer, in addition to transmission and/or wheeling charges, shall pay cross subsidy surcharge determined by the Commission. Cross subsidy surcharge determined on Per Unit basis shall be payable, on monthly basis, by the open access customers based on the actual energy drawn during the month through open access. The amount of surcharge shall be paid to the distribution licensee of the area of supply from whom the consumer was availing supply before seeking open access.
- (2) The Cross subsidy surcharge shall be determined by the Commission in accordance with the principles and formula stipulated in the Tariff Policy.

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

27. Additional Surcharge

- (1) An open access customer, receiving supply of electricity from a person other than the distribution licensee of his area of supply, shall pay to the distribution licensee an additional surcharge on the charges of wheeling, in addition to wheeling charges and cross- subsidy surcharge, to meet out the fixed cost of such distribution licensee arising out of his obligation to supply as provided

under sub-section (4) of section 42 of the Act.

- (2) This additional surcharge shall become applicable only if the obligation of the licensee in terms of power purchase commitments has been and continues to be stranded or there is an unavoidable obligation and incidence to bear fixed costs consequent to such a contract. However, the fixed costs related to network assets would be recovered through wheeling charges.
- (3) The distribution licensee shall submit to the Commission on six monthly basis, a detailed calculation statement of fixed cost which the licensee is incurring towards his obligation to supply.

The Commission shall scrutinize the statement of calculation of fixed cost submitted by the distribution licensee and obtain objections, if any, and determine the amount of additional surcharge:

Provided that any additional surcharge so determined by the Commission shall be applicable only to the new open access customers.

- (4) Additional surcharge determined on Per Unit basis shall be payable, on monthly basis, by the open access customers based on the actual energy drawn during the month through open access:

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

28. Other charges

The regulatory charges, congestion charges and any other charges imposed by Central Commission and/or State Commission shall be payable by all the open access customers.

CHAPTER 7
SCHEDULING, METERING, REVISION AND LOSSES

29. Scheduling

- (1) Notwithstanding anything contained in the succeeding clauses of this regulation, scheduling of inter-State open access transactions shall be as specified by the Central Commission.
- (2) Subject to the foregoing clause, intra-State open access transactions in respect of all customers and all generating stations irrespective of the capacity shall be scheduled by SLDC in accordance with the provisions of the State Grid Code.

30. Metering

- (1) In case of all open access customers and all generating stations irrespective of capacity, ABT compliant Special Energy Meters shall be installed by the State Transmission Utility or the distribution licensee as the case may be, for and at the cost of the customer.
- (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.
- (3) Special Energy Meters shall always be maintained in good condition.
- (4) Special Energy Meters shall be open for inspection by any person authorized by the State Transmission Utility or the State Load Despatch Centre.
- (5) All the open access customers shall abide by the metering standards notified by CEA vide its notification dated 17th March, 2006 as amended from time to time.

31. Revision

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

32. Energy Losses

(1) Transmission losses

(a) Inter-State transmission:

- (i) Long-term access and medium-term open access: The buyers of electricity shall bear apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Commission.
- (ii) Short-term Open Access: The buyers and sellers of electricity shall absorb apportioned energy losses in the transmission system in accordance with the provisions specified by the Central Commission.

(b) Intra-State transmission:

The energy losses in the transmission system of the Transmission Licensee, as determined by the Commission from time to time in accordance with the terms and conditions of Tariff Regulations, shall be borne by the Transmission System Users in proportion to their scheduled usage of the intra-State transmission system.

(2) Distribution loss

The system losses for the distribution system shall be determined by the Commission for various voltage levels in their tariff orders for the applicable year and shall be apportioned in proportion to the scheduled energy by the open access customers and shall be payable in kind at relevant voltage level.

CHAPTER 8

IMBALANCE CHARGES

33. Imbalance Charge

The entitlement at the drawal point for any 15 minute time block shall be worked out after considering the Transmission and Distribution losses as determined by the Commission in the Tariff Order for that year.

(1) **Open Access customer who is not a consumer of the Licensee:**

When the Open Access customer is not a consumer of the licensee, the mismatch of scheduled entitlement and actual drawal for any 15 minutes time block shall be met from the grid and will be paid / charged as under:

(a) Overdrawal

UI charges + Congestion charges, if any, as notified by CERC from time to time;

Or

Highest tariff for any permanent consumer category at that point of time (including PLEC), approved by the Commission in its Tariff Order for that year;

Whichever is higher, will be paid by the Open Access customer to the distribution licensee.

However, the overdrawal will be loaded with the intra-State T&D losses determined by the Commission in its Tariff Order for that year, before calculating the payable amount.

(b) Underdrawal

In the event of underdrawal for any 15 minute time block, the Open Access customer will be paid by the distribution licensee as under:

UI charges,

Or

Applicable lowest tariff for any permanent category / sub-category determined by the Commission in its Tariff Order for that year,

Or

The purchase/sale price of the open access customer,

Whichever is the lowest.

- (c) Non drawal of scheduled power due to unscheduled energy power cut or failure of transmission/distribution system:

If an Open Access customer is unable to draw the scheduled energy due to unscheduled cut or failure of transmission / distribution system of the licensee, the power injected will be treated as banked power and the Open Access customer will be allowed to draw the same within a period of 15 days with an advance notice of 48 hours to the licensee. The power will in no case be drawn during peak load hours, unless banked during peak load hours. In case the Open Access customer is unable to draw the banked power, then he will be paid by the licensee as per (b) above.

(2) Open Access customer who is a consumer of the Licensee:

A consumer will be allowed to draw the total load equivalent to the sum of scheduled entitlement as an Open Access customer, limited to actual injection, and sanctioned Contract Demand as a consumer of the distribution licensee (sum of these two being admissible drawal), provided the Open Access consumer has taken permission to draw the open access power above the sanctioned contract demand. Out of the recorded drawal, the scheduled entitlement as an Open Access customer will first be adjusted and the balance will be treated towards sanctioned Contract Demand of the consumer. The recorded maximum drawal will be accounted for / charged as under:

- (a) When the recorded drawal of a consumer exceeds the admissible drawal or sanctioned contract demand as the case may be, the consumer will be liable to pay demand surcharge.
- (b) When the recorded drawal of a consumer is less than the schedule entitlement as an Open Access customer, it will be treated as a case of under drawal as per 1(b) above.

The consumer will, however, be governed by the General Conditions of Tariff and relevant Schedule of Tariff approved by the Commission.

(3) Open Access by a Generator / Trader:

a) Over injection

Any over injection than scheduled by the Generator / Trader will be treated as per 1 (b) above.

b) Under injection

Any under injection than scheduled will be treated as per 1(a) above.

Provided that if the under injection persists for 2 days continuously, the SLDC will give notice to the generator/trader for revision of its schedule. If the generator/trader does not revise the schedule and under injection continues for another 2 days, no scheduling will be allowed to the generator/trader for next 3 days. Thereafter, scheduling will be allowed only when a revised schedule is submitted by the generator/trader. The generator/trader will however be liable to pay the Open Access charges for the full reserved capacity for the entire period.

(4) Non evacuation of power due to break down of evacuation system of the licensee:

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

(a) Inter-State sale:

The schedule given by the generator will be passed on to NRLDC by the SLDC. The share of licensee from the central sector projects will be adjusted accordingly and the energy scheduled by the generator to be fed will be delivered to the purchaser/utility. If the licensee is unable to evacuate power from the generator due to failure of evacuation system of the licensee, the generator will pay to the licensee at the tariff rate

charged to the purchaser for the energy which could not actually be evacuated by the licensee due to breakdown of evacuation system of the licensee. However, the generator will be compensated by the licensee for Open Access transmission and wheeling charges, if any, paid to the licensee during the period of non-evacuation of power from the generator.

(b) Sale to the Distribution Licensee within the State:

The payment to the generator will be made as per the agreement.

(c) Intra-state sale:

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

- i) The purchaser will pay to the generator at the tariff agreed to between them.
- ii) The generator will pay to the licensee for the energy supplied by the licensee to the purchaser, at the rate agreed between the generator and the purchaser.
- iii) The generator will be compensated by the licensee for payment of Open Access transmission and wheeling charges, if any, paid by the generator during non-evacuation of power.

After expiry of 6 blocks, the energy drawn by Purchaser / Open Access customer will be charged for the mismatch as per provision in Regulation 33 (1) above.

CHAPTER 9

COMMERCIAL MATTERS

34. Billing, Collection and Disbursement

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

(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 within 3 days from the grant of the short-term open access by the Nodal agency.

(b) Long-term 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 STU/SLDC directly to the open access customer connected to STU and to the distribution licensee in respect of the customers connected to the distribution system, before the 3rd working day of the succeeding calendar month.

(2) Intra-State transactions

- (a) The transmission charges and wheeling charges in respect of short term Open Access customers shall be payable to SLDC who shall pass on these charges to STU and distribution licensee respectively within a period of three days. These

charges in respect of medium and long term open access customers shall be payable directly to respective licensees;

- (b) The surcharge and additional surcharge shall be payable directly to the distribution licensee in whose area of supply the consumer availing Open Access is located;
- (c) The Operation Charges in respect of Open Access customers shall be paid to the State Load Despatch Centre; and
- (d) The Reactive Energy Charges and Unscheduled Interchange Charges as determined by SLDC shall be paid to the distribution licensee in whose area of supply the consumer availing Open Access is located.

35. Late payment surcharge

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 thereunder, a late payment surcharge at the rate of 1.25% per month shall be levied.

36. Default in payment

- (1) Non-payment of any charge or sum of money payable by the open access customer under these regulations (including imbalance charges) shall be considered non-compliance of these regulations and shall be liable for action under section 142 of the Act in addition to action under section 56 of the Act. The STU or any other transmission licensee or a 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.
- (2) In case of default in payment of charges due to the Load Despatch Centre, the Load Despatch Centre concerned may refuse to schedule power to the defaulting open access customer and direct the licensee concerned to disconnect such customer from the grid.

37. Payment Security Mechanism

In case of long-term 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.

CHAPTER 10

INFORMATION SYSTEM

38. Information system

The State Load Dispatch Centre shall post the following information on its website in a separate web page titled "Open access information" and also issue a monthly and annual report containing such information.

- (1) A status report on the current long-term access, medium term open access customers and short term open access customers indicating:
 - a. Name of open access customer;
 - b. Period of open access granted (date of commencement and date of termination);
 - c. Point of injection;
 - d. Point of drawal;
 - e. Transmission system/distribution system used, and
 - f. Open access capacity used.

The above mentioned details shall be provided by STU to State Load Dispatch Centre.

- (2) Peak load flows and capacity available including the reserve capacity on all EHV lines and HV lines emanating from EHV sub - stations.
- (3) The information regarding average loss in transmission and distribution system as determined by the Commission in Tariff Order for the applicable year.
- (4) The information shall be updated upon any change in status.

CHAPTER 11
MISCELLANEOUS

39. Under-Utilisation or Non-Utilisation of open access capacity in intra-State transmission system

(1) **Long-term access:** A long-term customer may relinquish the long-term access rights fully or partly before the expiry of the full term of long-term access, by making payment of compensation for stranded capacity as follows:-

(a) **Long-term customer who has availed access rights for at least 12 years**

(i) Notice of one (1) year :- If such a customer submits an application to the State Transmission Utility at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights, there shall be no charges.

(ii) Notice of less than one (1) year :- If such a customer submits an application to the State Transmission Utility at any time less than a period of 1 (one) year prior to the date from which such customer desires to relinquish the access rights, such customer shall pay an amount equal to 66% of the transmission charges for the stranded transmission capacity for the period falling short of a notice period of one (1) year.

(b) **Long-term customer who has not availed access rights for at least 12 (twelve) years: –**

Such customer shall pay an amount equal to 66% of the estimated transmission charges (net present value) for the stranded transmission capacity for the period falling short of 12 (twelve) years of access rights:

Provided that such a customer shall submit an application to the State Transmission Utility at least 1 (one) year prior to the date from which such customer desires to relinquish the access rights:

Provided further that in case a customer submits an application for relinquishment of long-term access rights at any time at a notice period of less than one year, then such customer shall pay an amount equal to 66% of the estimated transmission charges (net present value) for the period

falling short of a notice period of one (1) year, in addition to 66% of the estimated transmission charges (net present value) for the stranded transmission capacity for the period falling short of 12 (twelve) years of access rights.

(c) The discount rate that shall be applicable for computing the net present value as referred to in sub-clause (a) and (b) of clause (1) above shall be the discount rate to be used for bid evaluation in the Central Commission's Notification issued from time to time in accordance with the Guidelines for Determination of Tariff by Bidding Process for Procurement of Power by distribution Licensees issued by the Ministry of Power.

(d) The compensation paid by the long-term customer for the stranded transmission capacity shall be used for reducing transmission charges payable by other long-term customers and medium-term customers in the year in which such compensation payment is due in the ratio of transmission charges payable for that year by such long-term customers and medium-term customers.

(2) **Medium-term Open Access customers** - A medium-term open access customer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the Nodal agency:

Provided that the medium-term open access customer relinquishing its rights shall pay applicable transmission charges for the period of relinquishment or 30 days whichever is lesser.

(3) **Short-term open access customer**

(a) 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 open access 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:

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.

- (b) 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.
- (c) In case of cancellation, operating charges specified in Regulations 21 of these regulations shall be payable for two (2) days or the period of cancellation in days, whichever is less.

40. Computation of capacity availability for open access

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

- (a) Available open access capacity of a transmission system segment: = $(DC-SD-AC) + NC - ND$

Where,

DC=Designed capacity of the transmission segment in MW,
SD = Sustained demand (peak load experienced) in MW recorded in the Segment,
AC = Already allotted capacity, but not availed in MW
NC = New capacity in MW expected to be added and
ND = New Demand expected to be added.

- (b) Available open access capacity of a sub-station: = $(TC-SP- AC)+NC - ND$

Where,

TC= Transformer capacity of the sub- station in MVA,
SP= Sub-station peak in MVA,
AC= Already allotted capacity but not availed in MVA,
New transformer capacity in MVA expected to be added and

ND = New Demand expected to be added.

(c) The STU shall update these values on a quarterly basis on the first calendar day of the first month of the quarter and publish it on their website.

(2) The appropriate distribution licensee shall determine the available capacity for allotment for the portion of the distribution system over which open access has been requested for.

41. Curtailment Priority

When, because of constraints or otherwise, 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 access customers. SLDC shall frame guidelines for curtailment of open access customers.

42. Powers to Remove Difficulties

If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Dispatch Centre, intra-State licensees and the open access customer, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing difficulties.

43. Power to Amend

The Commission may, at any time add, vary, alter, modify or amend any provision of these Regulations.