



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LXV] WEDNESDAY, FEBRUARY 21, 2024 / PHALGUNA 2, 1945

Separate paging is given to this Part in order that it may be filed as a Separate Compilation.

PART IV-C

Statutory Rules and Orders (Other than those published in Parts I, I-A and I-L) made by Statutory Authorities other than the Government of Gujarat including those made by the Government of India, the High Courts, the Director of Municipalities, the Commissioner of Police, the Director of Prohibition and Excise, the District Magistrates and the Election Commission, Election Tribunals, Returning Officers and other authorities under the Election Commission.

GUJARAT ELECTRICITY REGULATORY COMMISSION (GERC) GANDHINAGAR

Gujarat Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2024.

NOTIFICATION NO. 08 OF 2024

GERC/2024/08/Legal/0466: In exercise of the powers conferred under Section 181 read with Sections 39, 40, 42, 61 and 86 of the Electricity Act, 2003 (36 of 2003), thereof and all other powers enabling it in this behalf, and after previous publication, the Gujarat Electricity Regulatory Commission hereby makes the following Regulations, namely Gujarat Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2024.

1. Short Title, Extent and Commencement

- 1) These Regulations shall be called the Gujarat Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2024.
- 2) These Regulations shall be applicable for Green Energy Open Access (GEOA) desire to avail by the Licensee, Green Energy Generator or Consumer who have contracted demand or sanctioned load of Hundred (100) KW or more, either through single connection or through multiple connections aggregating Hundred (100) kW or more located in same electricity division of a distribution licensee.

Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned load (kW/MW, KVA/MVA) with Discoms.

- 3) These Regulations will come into force from the date of their notification in the Official Gazette of Gujarat.
- 4) The Banking Charge specified in the Regulation 17.6 shall be effective from the date of notification of these Regulations up to 30th September 2024 and thereafter the banking charges for the period starting from 1st October 2024 and onwards shall be as decided by the Commission through a separate notification of Regulation.
- 5) These Regulations shall extend to the whole State of the Gujarat.

2. Objective

The objective of these Regulations is to provide non-discriminatory Open Access for Green Energy (Renewable Energy) for use of Intra-State Transmission System(s) (InSTS) and/or Distribution System(s) of licensee(s) in State including Intra-State Transmission or Distribution System(s), which are incidental to Inter-State Transmission of electricity, for grant of open access, methodology for the determination of Open Access Charges and Banking Charges etc. for Green Energy Open Access consumers.

3. Definitions

In these Regulations, unless the context otherwise requires,

- (a) "Act" means the Electricity Act, 2003 (36 of 2003) and Gujarat Electricity Industry (Reorganization and Regulation) Act, 2003.
- (b) "Applicant" means a consumer, trading licensee, distribution licensee or a Generating Company, Captive Generating Plant who has applied for seeking Green Energy Open Access, as the case may be.
- (c) "Appropriate Commission" means the Central Regulatory Commission referred to sub-Section (1) of Section 76 or State Regulatory Commission referred to Section 82 or Joint Commission referred to Section 83 of the Act, as the case may be.
- (d) "Banking" means the surplus green energy injected in the grid and credited with the distribution licensee energy by the Green Energy Open Access consumers and that shall be drawn along with charges to compensate additional costs; if any.
- (e) "Captive Generating Plant" (CGP) means a power plant set up by any person to generate electricity primarily for his own use and includes a power plant set up by any co-operative society or association of persons for generating electricity primarily for use of members of such co-operative society or association.
- (f) "Central Commission" means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act.
- (g) "Central Nodal Agency" means a Central Nodal Agency as notified by the Central Government to set up and operate a single window Green Energy Open Access system for Green Energy (Renewable Energy) as specified by Ministry of Power in the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022.
- (h) "Commission" means the Gujarat Electricity Regulatory Commission constituted under the Act.
- (i) "Consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under the Electricity Act, 2003 or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be.
- (j) "Developer" means the generating company who generate electrical energy from renewable sources of energy.
- (k) "Day Ahead Market (DAM)" means a market where Day Ahead Contracts are transacted on the Power Exchange(s).
- (l) "Entity" means any consumer who has contracted demand or sanctioned load of Hundred (100) KW or more either through single connection or through multiple connections aggregating Hundred (100) KW or more located in the same electricity division of a distribution licensee, except for captive consumers.

Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned load (kW/MW, KVA/MVA) with Discoms.

- (m) "Existing Open Access Consumer/Customer" means a person already availing open access for sourcing/supplying renewable (green) energy from/to the transmission system and/or distribution system of the licensees in the State under an existing agreement or Commission's Regulations/Orders on the date of coming into force of these Regulations.
- (n) "Fossil Fuel" means fuels such as coal, lignite, gas, liquid fuel, or combination of these as its primary source of energy, which are used in Thermal Generating Station for generating electricity.
- (o) "Green Energy" means the electrical energy from renewable sources of energy including hydro and storage (if the storage uses renewable energy) or any other technology as may be notified by the Government of India from time to time and shall also include any mechanism that utilizes green energy to replace fossil fuels including production of green hydrogen or green ammonia and any other sources as may be determined by the Central Government as per the provision of Clause G of sub-rule(2) of rule 4 of Electricity (Promoting Renewable Energy Through Green Energy Open Access), Rules 2022.
- (p) "Green Energy Open Access Consumer" means any person who has contract demand or sanctioned load of Hundred (100) kW or more, either through single connection or through multiple connections aggregating Hundred (100) kW or more located in same electricity division of a distribution licensee, shall be eligible to avail Green Energy through Open Access, who is supplied with electricity from green energy sources for his own use by a licensee or the Government or from its own Captive Generation Plant or by any other person engaged in the business of supplying electricity to the public under the Electricity Act, 2003 or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving green energy with the works of a licensee, the Government or such person, as the case may be.

Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned load (kW/MW, KVA/MVA) with Discoms availing power under Green Energy Open Access.

- (q) "Installation" means any composite portable or stationary electrical unit including electric wires, fittings, motors, and apparatus erected and wired by or on behalf of the consumer at the consumer's premises starting from the point of supply and includes apparatus that is available on his premises for being connected or envisaged to be connected to the installation but is for the time being not connected.
- (r) "Month" means a calendar month as per the Gregorian calendar.
- (s) "Obligated Entity" means the entities/person mandated under Clause (e) of sub-Section (1) of Section 86 of the Act to fulfill the Renewable Purchase Obligation, which includes distribution licensee, captive consumer / user, and open access consumer.
- (t) "Open Access" means the non-discriminatory provisions for use of transmission lines and/or distribution system or associated facilities with such lines or system by any licensees or consumers or a person engaged in generation in accordance with the Regulations specified by the Appropriate Commission.
- (u) "Person" shall include any company or body corporate or association or body of individuals, whether incorporated or not or artificial juridical person.
- (v) "Premises" include any land, building or structure.
- (w) "Rules" means Rules made under the Electricity Act, 2003 including Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and subsequent amendments.
- (x) "State Transmission Utility" means Board or Government company specified as such by the State Government under sub-Section (1) of Section 39 of the Act.
- (y) "State Nodal Agency" means the Nodal Agency for grant of open access in the State of Gujarat.

Gujarat State Load Dispatch Centre shall operate as the State Nodal Agency for grant of Short-Term Open Access to Intra-State Transmission System in conjunction with or without Distribution Network of Distribution Licensee of the State. The State Transmission Utility (STU) shall operate as a State Nodal

Agency for grant of Medium-Term and Long-Term Open Access to the Intra-State Transmission Network in conjunction with or without Distribution Network of Distribution Licensee of the State.

The Distribution Licensee shall operate as a Nodal Agency in co-ordination with the SNA for grant of Open Access for the cases wherein the inter-se location of drawl and injection points falls on the Distribution Network of the concerned Distribution Licensee.

- (z) “State Load Dispatch Centre” means State Load Dispatch Centre established under sub-Section (1) of Section 31 of the Act.
- (aa) “SERC” means the State Electricity Regulatory Commission.
- (bb) “Standby Arrangement” means Standby Arrangement provided by the distribution licensee in case the Green Energy Open Access consumer is unable to procure / schedule power from the generating sources with whom they have the arrangement to avail the supply due to outages of such generators, transmission assets and the like.
- (cc) “Standby Charges” means the charges applicable to green energy open access consumers against the standby arrangement provided by the distribution licensee, in case such green energy open access consumer is unable to procure/schedule power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission systems and the like.
- (dd) “Wheeling” means operation whereby the distribution system and associated facilities of transmission licensee or distribution licensee as the case may be, are used by another person for the conveyance of electricity on payment of charges determined under Section 62 of the Act.

4. Interpretation of Regulations

In the interpretation of these Regulations, unless the context otherwise requires:

- (i) Words and expressions used and not defined in these regulations but defined in the Act or Rules, the IEGC or State Grid Code or State Distribution Code or State Electricity Supply Code shall have the meaning assigned to them under the Act or Rules, IEGC or any other Regulations notified by the Commission as the case may be.
- (ii) The General Clauses Act, 1897 (10 of 1897) as amended from time to time, shall apply for the interpretation of these regulations as it applies for interpretation of an Act of Parliament.
- (iii) Words in the singular or plural term, as the case may be, shall also be deemed to include the plural or the singular term, respectively.
- (iv) The terms “include” or “including” shall be deemed to be followed by “without limitation” or “but not limited” to regardless of whether such terms are followed by such phrases or words of like import.
- (v) References herein to the “Regulations” shall be construed as a reference to these Regulations as amended or modified by the Commission from time to time in accordance with the applicable laws in force.
- (vi) The headings are inserted for convenience and may not be taken into account for the purpose of interpretation of these Regulations.
- (vii) References to the Statutes, Regulations or Guidelines shall be construed as including all statutory provisions consolidating, amending, or replacing such Statutes, Regulations or Guidelines, as the case may be, referred to.
- (viii) In case of inconsistency between any provisions of these regulations and any other regulations or order passed by the Commission, the principle of harmonious interpretation shall be applied. Even thereafter if inconsistency persist, the provisions of these Regulations shall prevail.

5. Scope

These Regulations shall be applicable for allowing Open Access to electricity generated from green energy sources as defined herein above in Regulation 3 of these Regulations, including the energy from non-fossil fuel based Municipal Solid Waste-to-Energy plant for use of Intra-State Transmission System (InSTS) or distribution system or both in the State including Intra-State Transmission System(s) (InSTS) and/or Distribution System (s) which are incidental to Inter- State Transmission of electricity.

6. Criteria for Allowing Green Energy Open Access

- I. The Long-Term Green Energy Open Access shall be allowed in accordance with the transmission planning criteria and distribution planning code stipulated in the State Grid Code.
- II. The Short-Term/Medium-Term Green Energy Open Access shall be allowed, if the request can be accommodated, by utilizing:
 - a. Inherent design margins;
 - b. Margins available due to variation in power flows and;
 - c. Margins available due to in-built spare transmission system capacity and/or distribution system capacity created to cater to future load growth;
- III. Installation of energy meter i.e., ABT complaint meter at generator end as well as at consumer end seeking open access for 1 MW and above. While in case of consumer seeking open access below 1 MW, installation of Special Energy Meter capable of energy recording on 15 minutes time block basis.
- IV. No dues of concerned licensee and/or SNA.

7. Categorization of Green Energy Open Access:

The Green Energy Open Access consumers shall be classified into the following categories based on the duration of use of the Intra- State transmission and/or distribution system:

- I. "Long-term Green Energy Open Access" means the right to use the intra-State transmission system and/or distribution system for a period exceeding 12 years but not exceeding 25 years.
- II. "Medium-term Green Energy Open Access" means the right to use the intra-State transmission system and/or distribution system for a period exceeding three months but not exceeding three years.
- III. "Short-Term Green Energy Open Access" means open access for a period up to one month at a time.

Provided that on expiry of granted Short-term Green Open Access, if such consumer/customer desires to avail the Short-Term Green Energy Open Access for further period, it shall require to file application for such period and such application shall be considered as fresh application and priority shall be fixed on the basis of date of such application.

8. Application procedure for Green Energy Open Access

- (1) All applications for Green Energy Open Access shall be made in the prescribed Form along with necessary documents, details, and fee if any, to be submitted to the Nodal agency in accordance with these Regulations.
- (2) All applicants seeking Green Energy 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 Green Energy Open Access is sought.

Notwithstanding anything contained in Regulation 8(2) above, a drawee entity (consumer /distribution licensee) shall be eligible to enter into Power Purchase Agreement (PPA) or any other bilateral agreement with more than one person within the quantum of Green Energy Open Access granted or sought by it.

9. Eligibility Criteria for applying Green Energy Open Access

- (I) The Consumer(s) who have contracted demand or sanctioned load of Hundred (100) KW or more, either through single connection or through multiple connections aggregating Hundred (100) kW or more located in same electricity division of a distribution licensee, shall be eligible for Open Access for sourcing Green Energy (RE) under these Regulations.

Provided that in case of captive consumers, there shall not be any load limitation in terms of contract demand/sanctioned load (kW/MW, KVA/MVA) with Discoms.

- (II) The minimum number of time blocks, which shall not be more than 12 time-blocks, for which the consumer shall not change the quantum of power consumed through Green Energy Open Access so as to avoid high variations in demand to be met by the distribution licensee.

- (III) Subject to the provisions of these Regulations and system availability, consumers, licensees and/or generating company shall be eligible for Green Energy Open Access to the Intra-State Transmission System of the State Transmission Utility or any Transmission Licensee(s) and/or Distribution System(s) of the Distribution Licensee within the State on payment of transmission, wheeling charges and other charges as may be determined by the Commission. The open access customer shall have to install ABT Compliant meters/Special Energy Meter 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.

Provided that Green Energy Open Access consumer seeking open access below 1 MW, shall be allowed based on installation of Special Energy Meter capable of energy recording on 15 minutes time block basis.

Provided that notwithstanding anything contained in these Regulations, any Green Energy (RE) Generating Company having subsisting Power Purchase Agreement (PPA) with the Distribution Licensee, shall not be entitled to Green Energy Open Access for the Green Energy (RE) capacity, for which PPA is entered into as well as for any capacity (quantum of power) for which Open Access is already granted, except in accordance with the terms of such PPA.

Provided further that, such Green Energy Open Access shall be available on payment of such charges as may be determined by the Commission from time to time.

- (IV) Every person, who has constructed a Captive Generating Plant (CGP) shall have the right to open access as per the provisions of Section 9 and other provisions of the Act read with Rules and Regulations framed under the Act and Order(s) of the Commission on the subject matter.
- (V) The person(s) who claim that it is having Intra-State Captive Generating Plant and utilize Green Energy generated from it for own use (captive use) through Green Energy Open Access shall require to provide the details of shareholding with voting rights owned by it/them in the captive generating plant and utilization of energy generated from such captive generating plant for their own (captive) use on annual basis, i.e. financial year basis to the distribution licensee in whose area of distribution of electricity, such captive consumer(s) is situated and obtained green energy open access for transmission/wheeling of energy from its captive generating plant for own use (self-consumption).

Provided that the consumers who are having captive Rooftop Solar Power Project upto 1 MW at its premises under the provisions of GERC (Net Metering Rooftop Solar PV Grid Interactive Systems) Regulations, 2016 and its amendments from time to time shall be exempted from providing the details of equity holding and consumption of energy for fulfillment of CGP criteria with the Distribution Licensee. However, they shall require to submit undertaking to the Distribution Licensee stating that Rooftop project is owned by them.

- (VI) The details and documents required to be submitted by the captive consumer(s) to the Distribution Licensee for verification and to the Commission for compliance of its captive status of generating plant and energy consumption on financial year basis as per Schedule I of these Regulations, latest by 31st October of the ensuing year, after completion of a financial year.

Explanation: For example, on completion of financial year 2023-24 (i.e. from 01.04.2023 to 31.03.2024), the details for proving captive status, generator and captive consumer(s) require to be submitted to the concerned distribution licensee latest by 31st October, 2024 as per Schedule I of these Regulations.

Provided further that the power generated from Captive Generating Plant and self utilized by captive user(s) who are located in more than one State fall under Inter-State generating plant, in that case the captive status shall be determined by Central Electricity Authority (CEA) as per Ministry of Power Notification dated 1st September, 2023.

- (VII) Failure to provide the above details to the distribution licensee within aforesaid time limit by concerned Captive Generating Plant and captive consumer, the distribution licensee shall approach to the Commission due to non-compliance of provision of Regulations and seek direction to take action according to provision of Regulations which includes the removal of captive status of such consumer and withdrawal of benefit of captive status like benefits of exemption from cross-subsidy surcharge, additional surcharge etc. for that financial year and recovery of these charges including late payment surcharge thereon from the defaulting entity.

- (VIII) On receipt of documents/evidence by the distribution licensee from the captive generating plant and captive consumer, the distribution licensee shall verify the same within 3 (three) months from the date of receipt of documents/evidence and on verification of documents/evidences, if the distribution licensee found that either generator or consumer has failed to prove the captive generating plant status and/or captive consumption status or found that there is sale of energy from the captive generating plant which qualify under third party sale, in that case, the distribution licensee shall approach to the Commission (GERC) to take action in accordance with law against such captive generating plant and/or captive consumer. The distribution licensee in the aforesaid cases of non-compliance of provisions of Act, Rules and Regulations for captive status of the generator and/or the consumption by the consumer raise the issue with regard to such non-compliance and approach to the Commission (GERC) to decide captive status of the generator and/or consumption by the consumer and claim the recovery of charges payable by such consumer on account of not fulfilling of captive status by the generator and/or consumption by the consumer which includes recovery of cross subsidy surcharge, additional surcharge, if any applicable, and other charges/benefits, if any availed by the person as captive generator and/or consumption by the consumer under the provision of these Regulations or Orders of the Commission. Failure to prove captive status by the generator and/or consumer on completion of financial year, they are treated as normal open access consumers, and consumption of energy by them as non-captive consumption and such consumer shall be liable to pay all charges as payable by the normal open access consumer. The concessional benefits which are granted for captive use of energy shall be withdrawn for the relevant year due to non-fulfillment of necessary conditions of Act, Rules, and these Regulations. Energy supplied from the generator and consumed by the consumer shall be considered as supply of electricity as normal consumer and not as captive consumer.
- (IX) The consumer seeking Green Energy Open Access shall obtain No Due Certificate and certificate related to availability of required metering infrastructure at consumption premise from the respective distribution licensee and submit the same along with application to the nodal agency.

10. Nodal Agency

- I. All the applications related to Green Energy Open Access shall be submitted to the portal set up by the Central Nodal Agency. The applications shall be routed to the State Nodal Agency (SNA) by the Central Nodal Agency.

Provided that SNA shall forward the Application to the concerned Distribution Licensee for the cases wherein the inter-se points of drawl and injection falls on the Distribution Network of the respective Distribution Licensee and concerned Distribution Licensee shall process the application in accordance with these Regulations.

Provided that, till such time, the procedures and formats are devised by Central Nodal Agency, the existing procedures / formats laid down by the respective State Nodal Agency for granting open access may be followed in the matter.

- II. Gujarat State Load Dispatch Centre shall operate as the State Nodal Agency for grant of Short-Term Open Access to Intra-State Transmission System in conjunction with or without Distribution Network of Distribution Licensee of the State. The State Transmission Utility (STU) shall operate as a State Nodal Agency for grant of Medium Term and Long Term Open Access to the Intra-State Transmission Network in conjunction with or without Distribution Network of Distribution Licensee of the State.

The Distribution Licensee shall operate as a Nodal Agency in co-ordination with the SNA for grant of open access for the cases wherein the inter-se location of drawl and injection points falls on the Distribution Network of the concerned Distribution Licensee.

- III. The State Nodal Agency shall coordinate with transmission licensees including STU and the Distribution Licensees to make available all relevant information regarding green energy open access to the public on the portal of the Central Nodal Agency.

11. Treatment for existing Green Energy (RE) Open Access consumer(s)

The Green Energy Open Access availed or to be availed by the consumer/generator/licensee for the RE generator (Green Energy Generator) which were commissioned prior to date of notification of these Regulations shall

continue to be governed by the relevant provisions of the Government Policy or the Order(s) of the Commission or Regulations notified by the Commission under the control period under which the RE generator (Green Energy Generator) was commissioned.

Provided that if the consumer/generator/licensee avail Green Energy Open Access from the RE Generator commissioned after notification of these Regulations shall be governed as per the provisions of these Regulations and/or Orders of the Commission as the case may be.

Provided further that in case of inconsistency between the provisions of Order(s) issued after notification of these Regulations, firstly the principle of harmonious interpretation shall be applied and even thereafter if inconsistency persist, the provisions of these regulations shall prevail.

Provided also that if Open Access for any additional Green Energy (RE) capacity is sought by any existing consumer(s)/generators/licensee in addition to existing Open Access capacity, such additional capacity shall be treated as new application for Green Energy Open Access to the extent of additional capacity commissioned after notification of these Regulations.

12. Allotment Priority

- (i) Distribution licensee shall have highest priority over other Green Energy Open Access consumers.
- (ii) Green Energy Open Access consumers shall have preference (priority) over normal Open Access consumers in the same category of open access.
- (iii) Amongst the Green Energy Open Access consumers, Long-Term Green Energy Open Access consumers shall have preference (priority) followed by Medium-Term Green Energy Open Access consumers and subsequently Short-Term Green Energy Open Access consumers, at any given time, subject to availability of spare transmission/distribution system capacity margins.

Provided that the decision for allowing the Green Energy Open Access shall be on the basis of first come first serve.

13. Procedure for grant of Green Energy Open Access

- I. The Green Energy Open Access applicant shall submit a complete application in all aspects, in the format as specified by Central Nodal Agency on the central portal set up by the Central Nodal Agency.
- II. The application shall be forwarded to the concerned State Nodal Agency by the Central Nodal Agency for further verification and the same shall be decided by the State Nodal Agency within 15 days from the date on which the application is received by State Nodal Agency from Central Nodal Agency. The following time schedules shall be followed for processing the Application:

Sr. No.	Particulars	Time-Line	Remarks
1	Date on which application is received by State Nodal Agency from Central Nodal Agency.	$T_0 = \text{Zero Date}$	
2	Acknowledgement of receipt of Application.	$T_0 = \text{Zero Date}$	The acknowledgement shall be provided immediately by electronic mode.
3	Acceptance of application by State Nodal Agency after confirming that all the relevant documents are furnished by the applicant including processing fees and BG.	$T_0 + 1 \text{ working day}$	In case the application is incomplete, the State Nodal Agency shall inform the same in writing rejecting the application and furnishing the details of the defects. After rectifying the defects, a fresh application shall be made.

Sr. No.	Particulars	Time-Line	Remarks
4	Forwarding of application to GETCO / concerned DISCOMs.	T ₀ + 3 working days	On acceptance of the application, the same shall be forwarded to GETCO / concerned DISCOMs for ensuring the system availability, metering infrastructure, no pending dues and that there is no subsisting PPA for the capacity for which the Green Energy Open Access is sought.
5	Intimation from GETCO/ DISCOMs.	T ₀ + 7 working days	<p>Upon the receipt of application GETCO/DISCOMs shall carry out the system study, to assess availability of other necessary infrastructure if required and confirmation of no pending dues.</p> <p>In case margin is available in the network and also availability of necessary infrastructure then GETCO/DISCOMs shall intimate to the State Nodal Agency about validity of the application.</p> <p>In case of LTOA, if system strengthening is required, GETCO/DISCOM shall intimate to the Applicant and the State Nodal Agency regarding the work involved for system strengthening.</p> <p>In case system strengthening is required, probable date of granting Green Energy Open Access shall be intimated to State Nodal Agency within the same time.</p> <p>In case intimation is not received within the specified time from GETCO/DISCOM as the case may be, the State Nodal Agency shall consider it to be deemed valid application.</p> <p>Provided that the system studies at the drawl point to ascertain the availability of necessary infrastructure is not required for a consumer of the licensee availing Open Access, subject to the applicant furnishing an undertaking that, he would not exceed the contract demand specified in his supply agreement with the licensee even after opting for Open Access.</p> <p>Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned</p>

Sr. No.	Particulars	Time-Line	Remarks
			load (kW/MW, KVA/MVA) with Discoms availing power under Green Energy Open Access.
6	Intimation by State Nodal Agency to the Applicant.	T ₀ +8 working days	<p>The State Nodal Agency shall intimate the Applicant, regarding the validity of the Application for grant of Green Energy Open Access within the time specified.</p> <p>In case Green Energy Open Access cannot be granted, the same shall be intimated by the State Nodal Agency to the Applicant within the above time furnishing the reasons in writing for non-grant of Green Energy Open Access sought.</p> <p>In case, State Nodal Agency fails to intimate the grant of Green Energy Open Access or otherwise, within the above specified time, the same shall be deemed to have been granted, to be subject to system availability.</p>
7	Submission of signed Agreement by the applicant for Medium-Term and Long-Term Green Energy Open Access.	T ₀ + 10 working days	<p>The applicant shall submit signed Transmission and/or Wheeling Agreement to the licensee to be executed and obtain due acknowledgment of the designated authority notified by the concerned licensee for such submission.</p> <p>In case the Applicant fails to submit the Transmission and/or Wheeling Agreement within the specified time, the Open Access granted is deemed to have been cancelled.</p>
8	Execution of agreement by licensee and return of the executed agreement to the applicant.	T ₀ + 13 working days	<p>The concerned authority will ensure for execution of Agreement with the Applicant within three days and also provide the copy of such executed Agreement and obtain due acknowledgment of the applicant.</p> <p>The time limit for signing of Transmission Agreement by GETCO and Wheeling Agreement by distribution licensee shall be three days in each case, where it is required to sign both Agreements.</p> <p>The Transmission and Wheeling Agreement to be executed in the standard format as the case may be; shall be prepared by State Nodal</p>

Sr. No.	Particulars	Time-Line	Remarks
			<p>Agency/ licensee(s) as approved by the Commission.</p> <p>The existing Wheeling/Transmission Agreement as modified and as get approved from the Commission for REC and Non-REC route projects in accordance with these Regulations shall be adopted.</p>
9	Submission of signed copies of the executed agreement/Undertaking by the applicant to SNA.	T ₀ + 15 working days	<p>Thereafter, the Applicant within two days of receipt of such executed Agreement(s) shall submit copy(ies) of signed Transmission and/or Wheeling agreement to the State Nodal Agency and the State Nodal Agency shall provide acknowledgement of receipt.</p> <p>In case GETCO/ DISCOMs fail to sign and execute the Transmission and/or Wheeling Agreement submitted by the applicant within the specified time above, the Transmission and/or Wheeling Agreement is deemed to have been executed.</p> <p>In case of deemed execution, the provisions of standard Agreement(s) approved by the Commission shall be applicable and binding.</p> <p>In case of deemed execution of agreement(s), the applicant is allowed transmission and / or wheeling of energy from the effective date subject to filing of an 'Undertaking' on affidavit that it shall avail the transmission and / or wheeling of energy and terms & conditions of the deemed approved Agreement(s) are binding on it.</p>
10	Effective date for wheeling.	In case the State Nodal Agency receives from the applicant the copy of the executed agreement(s)/ 'Undertaking on Affidavit with regard to deemed execution of agreement, as the case may be, the effective date for commencement of Green Energy Open Access of the applicant shall be the next date from the date of submission of signed copy of the agreement(s) / undertaking to the State Nodal Agency.	The applicant is allowed to wheel the energy from the effective date.

- III. An application for open access shall accompany with the non-refundable processing fee as specified in this clause alongwith necessary proof of it. The State Nodal Agency shall ensure that non-refundable processing fee of Rupees Fifty Thousand for Long-Term, and (ii) Rupees Twenty-Five Thousand for Medium-Term Green Energy Open Access and (iii) Rupees Five Thousand for Short-Term Green Energy Open Access shall be paid by the Applicant to the State Nodal Agency.
- IV. An application for a Short-Term Green Energy Open Access, for Green Energy Generating plant(s) or its/their generating unit(s) which are yet to be commissioned, shall be made not before two months prior to the commissioning date of such RE Generating plant(s) or its/their generating unit(s), to avoid unnecessary blocking of corridor.
- V. An application for Long-Term/Medium-Term Green Energy Open Access shall be accompanied by a Bank Guarantee (BG) of Rupees Fifty thousand (Rs. 50,000/-) for Green Open Access capacity less than 1 MW and Rupees One lakh per MW (Rs. 1,00,000/- per MW) for 1 MW & above which shall be kept valid and subsisting till the signing of agreement for transmission and/or wheeling of electricity and such BG shall be encashed by the Nodal Agency, if the application is withdrawn by the applicant prior to the signing of such agreement. On signing of the agreement for transmission and/or wheeling of electricity, the BG shall be returned within 25 working days to the applicant by the State Nodal Agency.
- VI. In case there is any material change with regards to the location of the injection point or quantum of power to be interchanged using the intra-State transmission and/or distribution system, a fresh application shall be made for the entire capacity to ascertain the system availability and such application shall be accompanied by relevant documents, application fees. Moreover, in case of Long-Term and Medium-Term Green Energy Open Access, bank guarantee shall be required for the additional capacity. It is also clarified that in case the additional capacity sought for cannot be accommodated in the existing network, the applicant is entitled for Green Energy Open Access to the extent of his original allotment.
- VII. The Bank Guarantee (BG) shall be refunded by the State Nodal Agency (SNA) within 25 working days; (i) from the date of submission of signed agreement by open access consumer to the State Nodal Agency (SNA), in case of deemed approval considered for open access; (ii) from the date of rejection of Application for open access on ground of non-availability of margin in the network by SNA and; (iii) from the date of rejection of application by SNA due to any deficiency or defect. In case of rejection of application on a ground of any deficiency or defect a fresh application to the Central Nodal portal shall be made by the applicant after curing the deficiency or defect.
- VIII. The State Nodal Agency shall communicate to the applicant through a recognized mode of communication regarding the grant of Green Energy Open Access or otherwise.
- IX. Further, during the pendency of application for grant of Green Energy Open Access, the applicant shall not inject any energy to the licensees' network and the licensee shall not be liable to pay any charges for the energy injected during such period.
- X. The Transmission Licensee(s), Distribution Licensee(s), SLDC and STU shall ensure proper coordination while arranging for Green Energy Open Access.
- XI. New Green Energy (RE) generating plant(s) or generating Unit(s) or generating company who has obtained connectivity on its name, applied for seeking Long-Term Green Energy Open Access and entered into agreement for wheeling and/or transmission on its name, shall commission such plant(s) or unit(s) within twenty-four months from the date of Green Energy Open Access Application, or the schedule date of commencement of open access/SCOD of the plant as specified in the respective PPA/transmission agreement/wheeling agreement, whichever is earlier, as case may be. Failing which, the Green Energy Open Access granted shall be deemed to have been cancelled, to avoid unnecessary blocking of the corridor.
- Provided that in case of project developer is ready for commissioning of the project with supporting documentary evidence but such projects are unable to commission due to non-availability of transmission/distribution network on account of failure of licensee, such generator or generating company has liberty to approach the Commission, preferably, prior to three (3) months from the date of the completion of timelines as specified above.
- XII. A Green Energy Open Access consumer shall enter into commercial agreements with generators or generating company, trading licensee, distribution licensee, as may be applicable, and such agreements shall include provisions pertaining to payment security mechanism.

- XIII. The State Nodal Agency shall host on its website the details of every application received from the Central Nodal Agency and the status of such application on a continuous basis, which shall be made available to the public.
- XIV. The State Nodal Agency/Distribution Licensee shall prepare procedure for grant of Green Energy Open Access consisting of documents, formats etc. required to be submitted for Green Energy Open Access in line with the provisions of Act, Rules, Regulations, Orders and Procedure followed by Central Nodal Agency, for smooth implementation of the Green Energy Open Access in the State and get approved from the Commission.

14. Procedure for applying for Day Ahead Green Energy Open Access Transactions.

The applicant shall apply to the Central Portal for Day Ahead Green Energy Open Access Transactions in the standard application format.

For the applications received by the State Nodal Agency from the Central Nodal Agency, before 13:00 hours of the day immediately preceding the day of scheduling for day-ahead Green Energy Open Access transaction, the State Nodal Agency shall check for congestion in the system and convey grant of approval or otherwise to the applicant through e-mail or fax, not later than 15:00 hours of the day immediately preceding the day of scheduling for day-ahead transaction, after ensuring that there is no subsisting PPA for the capacity sought under Green Energy Open Access.

Non-refundable processing fee of Five Thousand Rupees for each transaction shall be paid by the applicant, in manner as prescribed by the State Nodal Agency like by way of a demand draft or payment through electronic transfer in favour of the State Nodal Agency.

Provided that the actual operationalization of Green Energy Open Access shall be affected subject to payment by the applicant of the charges as specified in these Regulations and orders passed by the Commission from time to time, before 17:00 hours of the day immediately preceding the day of scheduling for day-ahead transaction.

Provided further that minimum 12 time-blocks for which the consumer shall not change the quantum of power consumed through open access so as to avoid high variations in demand to be met by the distribution licensee.

Where Green Energy Open Access is denied, the State Nodal Agency shall furnish reasons thereof to the applicant.

15. Utilization, Non-Utilization of service by Green Energy Open Access Consumers

- I. A medium-term/long-term consumer shall not relinquish his rights and obligations specified in the Green Energy Open Access agreement without prior approval of the State Nodal Agency/licensee. The relinquishment of such rights and obligations by a long-term and medium-term consumer shall be subject to payment of compensation, as per the provisions of these Regulations.
- II. Provided further that minimum 12 time-blocks for which the consumer shall not change the quantum of power consumed through open access so as to avoid high variations in demand to be met by the distribution licensee.

16. Energy Accounting

1) Inter-state transactions

In case of Green Energy Open Access carried out under inter-state transaction (including Inter-State RE Projects located in Gujarat & connected to ISTS network, supplying power to consumer in Gujarat) energy accounting shall be as per the CERC Regulations.

Provided that if the generator situated in the State of Gujarat and connected with Inter-State grid through the State grid and selling power outside/inside the State, the energy accounting for deviation settlement be carried out wherein the deviation charge shall be either (A) Reference Charge Rate or (B) Normal Rate of Charges for deviation, whichever is higher.

Explanation: Reference Charge Rate and Normal Rate of Charges shall have the meaning as defined in CERC DSM Regulations from time to time.

2) Intra-State transactions

Long-Term Open Access/Medium-Term Open Access/Short-Term Open Access:

The deviation charges shall be payable by the wind/solar generator as per the GERC (Forecasting and Scheduling and Related Matters for Solar and Wind Generation Sources) Regulations, 2019.

Provided that the Green Energy Generator (RE generator) other than solar, wind and Wind-Solar Hybrid generator which were commissioned under the respective RE tariff orders passed by the Commission from time to time and in operation shall be governed by the provisions of relevant orders of the Commission.

In case of intra-state transactions, forecast/schedule shall be replaced with actual metered data at the time of preparing post-facto schedule in energy accounting of wind and solar energy projects.

17. Energy Banking facility and Charges, Energy Settlement and Open Access Charges, Payment Security Mechanism and Relinquishment of Open Access Rights for Green Energy Open Access:

The provisions related to Green Energy Open Access charges, Energy Banking facility & Charges, Energy Settlement, Payment Security Mechanism and Relinquishment of Open Access Rights for Green Energy Open Access shall be as follows: -

1. Transmission charges;
2. Wheeling charges;
3. Cross subsidy Surcharge;
4. Additional Surcharge;
5. Standby Charges wherever applicable;
6. Banking facility and Charges;
7. Energy Settlement;
8. Other fees and charges such as SLDC fees, scheduling charges, deviation settlement (DSM) charges as per the relevant Regulations, Orders of the Commission, transaction charges and meter reading charges.
9. Payment Security Mechanism
10. Relinquishment and its Charges

17.1 Transmission Charges

Green Energy Open Access Consumer using transmission system shall pay the charges as stated hereunder:

17.1.1 For use of inter-State transmission system:

- (i) As specified by the Central Commission from time to time.

17.1.2 For use of intra-State transmission system:

The Transmission Charges for Long-Term, Medium-Term and Short-Term Green Energy Open Access shall be as determined by the Commission as per the prevailing provisions of the GERC (MYT) Regulations read with Orders passed by the Commission from time to time.

The applicable rate of Transmission Charge and transmission losses payable by Green Energy Open Access Consumer shall be specified by the Commission in its Tariff Order of Green Energy Technology based generation including projects like Wind, Solar, Wind-Solar Hybrid, Biomass, Bagasse, Hydro, Mini/Small/Micro Hydro, Municipal Solid Waste to Energy, Green Hydrogen and Green Ammonia based projects etc.

17.2 Wheeling Charges

- a. Wheeling charges payable to distribution licensee, by the Green Energy Open Access Consumer for usage of its system shall be as determined by the Commission in the tariff order from time to time:
 - i. 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:
 - ii. The rate of Wheeling Charge payable by Green Energy Open Access Consumer shall be specified by the Commission in its Tariff Order of Green Energy Technology based generation including projects like Wind, Solar, Wind-Solar Hybrid, Biomass, Bagasse, Hydro, Mini/Small/Micro hydro, Municipal Solid Waste to Energy based projects, Green Hydrogen and Green Ammonia based projects etc.

- iii. Wheeling Charge for Green Energy Open Access shall be computed in Rs. /kWh and it shall be charged on the energy wheeled.
- b. In addition to Wheeling Charge, Wheeling loss shall be applicable to green energy open access consumers or generator, as the case may be, seeking Green Energy Open Access and it shall be as determined by the Commission in the tariff order from time to time.

17.3. Cross Subsidy Surcharge

1. The Green Energy Open Access facility availed by a consumer shall be required to pay cross subsidy surcharge as provided in relevant Tariff Orders issued by the Commission from time to time; in addition to transmission and/or wheeling charges. Cross subsidy surcharge determined by the Commission on Per Unit basis shall be payable, on billing cycle basis, by the open access customers based on the actual energy consumed during the billing period through open access. The amount of surcharge shall be paid to the distribution licensee in whose area of supply such consumer is situated.
2. The Cross-subsidy surcharge shall be determined by the Commission in accordance with the provisions of Electricity Act, 2003 read with the principles and formula stipulated in the Tariff Policy notified by the Ministry of Power, Govt. of India.

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

Provided further that the cross-subsidy surcharge for Green Energy Open Access Consumer purchasing green energy, from a generating plant using green energy (renewable energy) sources, shall not be increased, during twelve years from the date of operating of the generating plant using renewable energy sources, by more than fifty percent of the surcharge fixed for the year in which open access is granted.

Provided also that Cross Subsidy Surcharge shall not be applicable in case power produced from a non-fossil fuel-based Municipal Solid Waste-to-Energy plant is supplied to the Green Energy Open Access Consumer.

3. The surcharge, determined by the Commission under clause (a) of sub-Section (1) of Section 86 of the Electricity Act, 2003 shall not exceed twenty per cent of the Average Cost of Supply.
4. The Cross Subsidy Surcharge payable by a consumer shall be such so as to meet the current level of cross subsidy within the area of supply of the distribution licensee.

17.4. Additional Surcharge

- i. The Green Energy Open Access consumers are required to pay the Additional Surcharge as determined by the Commission with consideration of provisions of Act, Rules, Regulations and Orders of the Commission from time to time. The Additional Surcharge levied on Green Energy Open Access consumer shall not be more than the per unit fixed cost of power purchase of the distribution licensee concerned.
- ii. The Additional Surcharge shall not be applicable to the Green Energy Open Access consumer to the extent of contract demand being maintained with the distribution licensee.

Provided that in case the quantum of Green Energy Open Access availed by the Green Energy Open Access consumer is more than the contracted demand / sanctioned load with the licensee and no fixed charge or demand charge is being paid or payable for additional quantum, in that case the Additional Surcharge determined by the Commission from time to time as per the Orders of the Commission shall be applicable for such additional quantum availed over the contracted demand / sanctioned load.

Provided that for a person availing Green Energy Open Access, the Additional Surcharge shall be linearly reduced from the value in the year in which Green Energy Open Access was granted so that, if it is continued to be availed by this person, the Additional Surcharge shall get eliminated within four years from the date of grant of Green Energy Open Access.

Provided further that such additional surcharges shall not be levied in case distribution/transmission access is provided to a person who has established a Captive Generation Plant for carrying the electricity to the destination of his own use.

Provided also that Additional Surcharge shall not be applicable in case power produced from a Municipal Solid Waste-to-Energy plant is supplied to the Green Open Access Consumer.

Provided further that additional surcharge shall not be applicable in case of electricity produced from offshore wind projects, which are commissioned upto December, 2032 and supplied to the Open Access Consumers.

17.5. Standby charges for drawl of power by Green Energy Open Access customer from distribution licensee

In case the green energy open access consumer is unable to procure/schedule power from the generating sources with whom they have the arrangement to procure power due to outages of generator, transmission systems and the like, standby arrangement shall be provided to Green Energy Open Access consumer by the distribution licensee of the area of its supply and the licensee shall be entitled to collect Standby charges as Ten Percent of the energy charges including FPPPA charges as applicable to consumer tariff category in the prevailing rates schedule specified in relevant Tariff Order passed by the Commission on year to year basis.

Provided that the standby charges shall be in addition to the applicable tariff on standby energy supplied by the Distribution Licensee to the Green Energy Open Access Consumer.

It is hereby clarified that in such situations the open access consumer has to take power from an alternate source like the distribution licensee and the charges for maintaining standby arrangements for such consumers should be reflective of the costs incurred by distribution licensee for providing these support services.

Provided further that the standby charges shall not be applicable, if the green energy open access consumer has given notice, in advance at least a day in advance before closure time of Day Ahead Market on "D – (minus) 1" day, "D being the day of delivery of power for standby arrangement to the distribution licensee.

Provided also that Green Energy Open Access consumers would have the option to arrange standby power from any other source.

17.6. Banking facility and charges

- (i). Banking facility shall be permitted to the consumers availing Green Energy Open Access.
- (ii). For the purpose of these Regulations, the banking means surplus green energy injected in the grid in 15 minutes time block basis and credited with the distribution licensee energy by the Green Energy Open Access consumers and that shall be drawn along with charges to compensate the distribution licensee by the open access consumer.
- (iii). The banking of energy shall be evaluated for energy accounting on 15 minutes time block basis. The difference between the injected energy from green energy generator available at consumption point and consumer's consumption in same 15 minutes time block basis shall be considered as banked energy.
- (iv). The consumption of banked energy shall be permitted on billing cycle basis in a manner specified as under:

In the billing cycle, the banked energy, if any, available during peak period (i.e. Time of Use -ToU period specified in the Tariff Orders of the Commission for respective distribution licensees from time to time) shall be allowed to be utilized during the peak period and the off-peak period (i.e. period other than peak period) by the Green Energy Open Access consumer.

Provided further that in case of the banked energy available during off-peak period (i.e. period other than the peak period) shall be utilized only during off-peak period by the green energy open access consumer.

- (v). The banking facility is an optional facility provided to the GEOA consumers. In case consumer choose not to avail the banking facility, the same shall be permitted on furnishing an Undertaking in this regard. Once such option is exercised by the consumer, the same shall not be permitted to change before completion of three years from date of operationalization of open access under such option. In case of banking facility is not desired to avail by GEOA consumer, the energy accounting shall be done in 15 minutes time block for open access energy accounting purpose. The surplus energy, if any, available after adjustment in 15 minutes time block basis shall be considered and qualify as inadvertent flow of energy and for that GEOA consumer shall not be entitled for REC to the extent of lapsed banked energy.

- (vi). The permitted quantum of banked energy by the green energy open access consumers shall be at least 30% of total consumption of electricity from the distribution licensee by the consumers during the billing period.
- (vii). When the generator situated in the State of Gujarat or in the other State, connected with the Inter-State Transmission System (ISTS) grid and directly supplying power to consumer(s) situated in the State of Gujarat who are only connected with Inter-State Transmission System/Grid but not connected with State Transmission Network and/or Distribution System of State, the provisions related to banking facility shall be governed as per applicable CERC Regulations read with MoP Rules.
- (viii). The Banking Charge at rate of Rs. 1.50 per unit shall be effective from the date of notification of these Regulations up to 30th September 2024. Thereafter, the banking charge for the period starting from 1st October 2024 and onwards as decided by the Commission and separately notified by the Regulation, shall be applicable.
- (ix). When the Green Energy generator is situated either in State of Gujarat or outside the State of Gujarat and connected with Inter-State Transmission System/Grid and supplying power to the consumer connected with Intra-State Transmission and/or Distribution System of the State, in that case, the banking facility shall be governed as per the applicable CERC Regulations read with MoP Rules.
- (x). The injection of energy from 'Green Energy' Generating Station to the grid shall also be subject to scheduling as per the GERC (Forecasting, Scheduling, Deviation settlement Mechanism and related matters of Wind and Solar Generating Stations) Regulations, 2019 as amended from time to time and relevant Orders of the Commission on different renewable energy based (Green Energy) projects.
- (xi). The credit for banked energy shall not be permitted to be carried forward to subsequent billing cycles and shall be adjusted during the same billing cycle in a manner specified under these Regulations.

Provided further that the unutilized surplus banked energy shall be considered as lapsed at the end of each billing cycle and the renewable energy generating station shall be entitled to get Renewable Energy Certificate (REC) to the extent of the lapsed banked energy.

17.7. In respect of consumers availing open access from Green Energy generating plants set up under various policies of the Government /Orders/Regulations of the Commission including these Regulations, following shall be the hierarchy for settlement of energy:

The Green Energy Open Access availed by the Green Energy Open Access consumer from the different Green Energy generating plants having different mechanism for energy accounting and involving set-off of the energy simultaneously in the same time block and/or daily basis and/or monthly basis/billing cycle basis, as the case may be in accordance with applicable Order/Regulations of the Commission/Government Policy, in such case, the priority for the energy accounting to be carried out by the SLDC/ALDC/Distribution Licensee for giving set-off against consumer's consumption shall be as under:

- 1) The treatment for settlement of energy wheeled/transmitted under long-term open access, medium-term open access or short-term open access from the renewable energy generator (green energy generator) shall be given as per the provisions of relevant Government Policy / Orders of the Commission on renewable energy generator under which such projects were set up or commissioned read with the wheeling/transmission agreement with the licensee.
- 2) The priority for the purpose of energy accounting for availing the Green Energy (RE) through LTOA/MTOA/STOA shall be as under:
 - (i) LTOA based purchased energy/wheeled energy shall have highest priority;
 - (ii) MTOA based purchased energy/wheeled energy shall have priority after LTOA energy;
 - (iii) STOA based purchased energy/wheeled energy shall have priority after MTOA energy;
 - (iv) Priority amongst same category of aforesaid open access cases, FIFO (First In First Out) principle shall be followed.
- 3) The surplus energy after giving consumption set-off in a 15 minute time-block basis shall be accounted as banked energy and the same shall be consumed by the consumer as per the provisions of these Regulations.

- 4) The banking facilities available, settlement of energy mechanism is provided different for different renewable energy generators in accordance with applicable Order/Regulations of the Commission/Government Policy.
- 5) If the total energy generated from the different RE sources cannot be accounted for and adjusted in the aforesaid manner, the surplus energy available has to be treated as lapsed energy eligible for RECs as specified in these Regulations for the projects qualified under these Regulations. While in case of projects which are commissioned prior to Notification of these Regulations, the treatment for surplus energy shall be as per the provisions of the relevant Government Policy, Commission Orders / Regulations read with transmission and/or wheeling agreement between the parties.
- 6) Green Energy Open Access will get priority over fossil fuel-based power.

17.8. Other Charges and Fees

17.8.1. Scheduling charges

The Green Energy Open Access consumers shall require to pay scheduling charge of Rs. 2000/ day/approval for Short-Term Open Access and in case of Long-Term Open Access and Medium-Term Open Access the same shall be as per Tariff Order of the Commission with regard to SLDC for respective year.

17.8.2. Renewable Energy Deviation Settlement Charges (RE-DSM)

The Green Energy Open Access consumers (RE generators) from wind and solar energy shall be governed by the GERC (Forecasting, Scheduling, Deviation Settlement and Related Matters of Solar and Wind Generation Sources) Regulations, 2019 notified by the Commission. They shall be liable to pay deviation charges as per aforesaid Regulations as case may be. While other RE technology-based generators shall be governed by the provision of relevant technology based tariff Order of the Commission, Government Policies under which such generators are commissioned or as decided by the Commission from time to time.

17.8.3. Transaction and Meter reading Charges

The Green Energy Open Access Consumer shall pay the monthly (a) Transaction charges of Rs. 3,000/- (Rupees Three Thousand only) for maintaining the transaction details to the State Nodal Agency and (b) Monthly Meter reading charges of Rs. 1,000/- (Rupees One thousand) to the concerned licensee(s) who carry out such meter reading.

17.9. Payment Security Mechanism

At the time of submissions of signed Agreement for transmission and/or wheeling of electricity, the Green Energy Open Access consumer seeking open access for Long-Term Open Access, Medium-Term Open Access, shall require to provide an irrevocable Revolving Letter of Credit or Bank Guarantee in favour of the agency responsible for collection of various charges specified in these Regulations for the estimated amount of various charges for a period of two months. While in case of Short-Term Open Access, the payment security shall be provided by the Green Energy Open Access customer in advance for the entire period for which open access is sought. In absence of valid payment security instrument as stated above to be provided by the green energy open access consumer, no open access shall be granted.

Such LC/BG must be available to the State Nodal Agency and/or, licensee during the entire period of Green Energy Open Access granted by them and avail by the open access consumer. Failure to provide above mentioned valid financial instruments as payment security to the State Nodal Agency, and/or licensee, the green energy open access granted shall be considered as deemed cancelled.

17.10. Relinquishment and its Charges

Option for relinquishment of Under-Utilization or Non-Utilization of open access capacity in intra-State transmission system/distribution systems by Green Energy Open Access consumers.

(1) Long-term access:

A long-term Green Energy Open Access consumer 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 the Stranded relinquishment capacity sought, as follows: -

(a) Long-term Green Energy Open Access consumer who has availed access rights for at least 12 years

- (i) Notice of one (1) year – If such a Green Energy Open Access consumer submits an application to the State Transmission Utility/Transmission Licensee and/or Distribution Licensee 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 Green Energy Open Access consumer submits an application to the State Transmission Utility/Transmission Licensee and/or Distribution Licensee 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 and/or wheeling charges for the stranded transmission capacity and/or Distribution Capacity requested for the period falling short of a notice period of one (1) year.

(b) Long-term Green Energy Open Access consumer 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 and/or wheeling charges (net present value) for the relinquishment of stranded transmission capacity and/or distribution capacity requested for the period falling short of 12 (twelve) years of access rights:

Provided that such a Green Energy Open Access consumer shall submit an application to the State Transmission Utility/Transmission Licensee and/or Distribution Licensee 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 Green Energy Open Access consumer submits an application for relinquishment of long-term access rights at any time at a notice period of less than one year, then such customer shall pay an amount equal to 66% of the estimated transmission charges and/or wheeling 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 and/or wheeling charges (net present value) for the relinquishment transmission capacity and/or distribution capacity requested 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 (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 Green Energy Open Access consumer for the relinquished transmission capacity and/or distribution capacity shall be used for reducing transmission charges payable by other long-term Green Energy Open Access consumer and medium-term Green Energy Open Access consumer in the year in which such compensation payment is due in the ratio of transmission charges and/or wheeling charges payable for that year by such long-term customers and medium-term Green Energy Open Access consumers.

(2) Medium-Term Green Energy Open Access consumers

A Medium-Term Green Energy Open Access consumer may relinquish rights, fully or partly, by giving at least 30 days prior notice to the nodal agency:

Provided that the Medium-Term Green Energy Open Access consumer relinquishing its rights shall pay applicable transmission charges and/or wheeling charges for the period of relinquishment or 30 days whichever is less.

(3) Short-Term Green Energy Open Access consumer

- (a) The Short-Term Open Access schedules accepted by the State 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 State Nodal Agency by the short-term Green Energy Open Access consumer:

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 and/or wheeling charges for the first two (2) days of the period for which the cancellation or downward revision of schedule, as the case may be, 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 these Regulations shall be payable for two (2) days or the period of cancellation in days, whichever is less.

18. Curtailment Priority

In case due to transmission/distribution system constraints or otherwise, it is necessary to curtail the service, the following priority shall be followed:

- a. The short-term open access consumer (other than Green Energy Open Access consumer) shall be curtailed first followed by short-term Green Energy Open Access consumers.
- b. Next, Medium-Term Open Access consumer (other than Green Energy Open Access consumer) followed by Medium-Term Green Energy Open Access consumer shall be curtailed.
- c. Next Long-Term Open Access consumer (other than Green Energy Open Access consumer) followed by Long-Term Green Energy Open Access consumer shall be curtailed.

Provided that within a category, the Green Energy Open Access consumers shall have equal curtailment priority and shall be curtailed on pro-rata basis.

Provided further that distribution licensees shall be curtailed as last resort.

19. Dispute Resolution:

All disputes and complaints relating to Green Energy Open Access shall be made to the concerned State Nodal Agency, i.e. SLDC/STU/Distribution Licensee as case may be, which may endeavor to resolve the grievance.

No application for open access shall be denied unless the applicant has been given an opportunity of being heard in the matter and all orders denying open access shall be speaking orders by the concerned nodal agency.

Appeal against an Order of the concerned nodal agency shall be preferred before the Commission, within a period of thirty days from the date of receipt of order as provided under sub-Rule (4) of Rule 7 of Green Energy Open Access Rules 2022 notified by MoP, GoI.

The Commission shall dispose the Appeal within a period of three months and the Order issued by it, shall be binding on the parties.

20. Metering

Green Energy Open Access consumer having contract demand of 1 MW and above shall have to provide four quadrant ABT compliant meters at the generator end, interface points, consumption place which shall conform to the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time.

Provided that the open access consumer who is also consumer of distribution licensee and demanding the green energy open access upto 1 MW shall be permitted by the licensee to install Special Energy Meter capable of energy recording on 15 minutes time block basis, specified by the CEA in its Regulations for fulfillment of the purpose of billing and energy accounting for green energy open access at consumption place as per the discretion of consumer.

The metering point as well as the interconnection point for grid connectivity shall be the nearest transmission/distribution licensee sub-station.

Above Meters shall always be maintained in good condition and shall be open for inspection by any person authorized by the State Transmission Utility, Distribution Licensee or the State Load Despatch Centre.

All the Green Energy Open Access consumers shall abide by the metering standards of CEA.

21. Reactive Energy Charge

In respect of Green Energy generator, the payment for the reactive energy charges shall be in accordance with provisions stipulated in the Electricity Grid Code notified by the Commission read with Tariff Order passed by the Commission from time to time.

Provided that when Green Energy Open Access consumer procuring power from the distribution licensee and simultaneously wheeling the power from Green Energy supplier in that case the Reactive Energy Charge shall be as per the applicable tariff orders for relevant class of consumers.

22. Compliance of Grid Code, Distribution Code, Regulations, Orders etc.

Green Energy Open Access consumers shall abide by the State Grid Code, Distribution Code and all other Codes and Standards, DSM Regulations and other Regulations and Orders of the Commission as applicable from time to time.

23. Collection and Disbursement of charges

The charges in respect of Green Energy Open Access consumers shall be payable directly to the State Nodal Agency and Distribution Licensees in accordance with the terms and conditions of payment as specified in these Regulations. The State Nodal Agency shall disburse the amount received to the appropriate licensees. In case of more than one distribution licensee is supplying in the same area, the licensee from whom the consumer is availing supply shall collect the Green Energy Open Access charges.

24. Information System:

- a) SLDC shall post the following information in a separate web page titled 'Green Energy Open Access Information' and also issue a monthly and annual report containing following information:
 - i. A status report on Long-Term consumers/Medium-Term/Short-Term Green Energy Open Access consumers.
 - ii. Floor rate for bidding in case of congestion.
 - iii. Peak load flows on EHV.
 - iv. Information regarding average loss in the transmission system as determined by the licensee on a monthly basis, and distribution loss as determined by the Commission in its respective tariff order.
- b) The information shall be updated on every change in status.
- c) All previous report shall be available in the web-archives.
- d) The SLDC shall host the above information on its website within one month from the date of notification of these Regulations.

25. Reports

The transmission/distribution licensee shall submit a monthly report to the Commission or as often directed by the Commission in the following format or other format:

Sr. No.	Name and address of the Green Energy Open Access/wheeling consumer	Point of injection	Point of drawal	Capacity allowed (MW)

26. Communication facility

Green Energy Open Access consumer shall have the requisite communication systems in place to facilitate seamless communication of Data/Orders/ information to/from the generator place to State Nodal Agency (SLDC), Distribution Licensee, Sub-SLDC, ALDC (Area Load Dispatch Center), and LMU (Load Management Unit) and from consumer place to distribution licensees on real time basis.

Provided that the data of generators having collective capacity of 1 MW and above shall be utilized by State Nodal Agency (SLDC) for energy accounting and real time grid management.

Provided further that the data of Green Energy Open Access consumer consists of the generators and the consumer of 100 kW to 1 MW shall be utilized by the Area Load Despatch Center (ALDC) who is also working as Load Management Unit (LMU) for energy accounting and real time load management and grid management.

27. Issue of Orders and Directions

Subject to the provisions of the Electricity Act, 2003 and these Regulations, the Commission may, from time to time, issue Orders and practice directions with regard to the implementation of these Regulations and procedures to be followed.

28. Power to give Directions

The Commission shall have power to issue such directions and orders from time to time as considered appropriate for implementation of these Regulations.

29. Power to Relax

The Commission may by general or special order, for reasons to be recorded in writing, and after giving an opportunity of hearing to the parties likely to be affected, may relax any of the provisions of these Regulations on its own motion or on an application made before it by an interested person.

30. Power to amend:

The Commission shall have power to add, vary, alter, suspend, modify, amend, or repeal any provisions of these Regulations from time to time.

31. Power to remove difficulties:

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by an order, make such provisions, not inconsistent with the provisions of the Electricity Act and these Regulations, as may appear to be necessary for removing the difficulty.

32. Interpreting Inconsistency

Whenever there is inconsistency between the provisions of the Government Policy, Commission's Order, Regulations, Rules and Act, in such cases, the prevailing provisions shall be as under:

- (i) Provisions of Act shall prevail over the other provisions, Rules, Regulations, Orders and Government Policy (ies),
- (ii) The provisions of Rules shall prevail over provisions, Regulations, Orders and Government Policy (ies),
- (iii) The provisions of Regulations prevail over order and Government Policy (ies), and;
- (iv) The provisions of Order shall prevail over the Government Policy (ies).

33. Saving Clauses

33.1 Save as otherwise provided in these Regulations, the GERC (Open Access) Regulations, 2011 and all subsequent amendments thereto shall stand repealed only to the extent, the provisions made out in these Regulations and as may be amended from time to time with regard to open access for availing green energy.

33.2 The existing consumer(s)/generators including green energy (RE) shall continue to be governed under the existing granted open access and they shall avail the Open Access for Green Energy (RE)/ customer/ licensee/ generator under existing open access Regulations, as per the existing agreements for the period specified in those agreements or Orders of the Commission for the period of granted open access.

33.3 The provisions of the GERC (Open Access) Regulations, 2011 which are not inconsistent with provisions under these Regulations or not covered under these Regulations shall be also applicable *mutatis mutandis* as part of these Regulations.

34. Notwithstanding such repeal

- a) Anything done or any action taken or required to be taken or purported to have been done or taken or permission granted, or any document or instrument executed, or any direction given under the repealed Regulations/Orders passed by the Commission shall, in so far as it is not inconsistent with the provisions of these Regulations, be deemed to have been done or taken under the corresponding provisions of these Regulations;
- b) As far as treatment of Open Access granted under the provisions of repealed GERC (Open Access) Regulations, 2005 and 2011 shall be governed as per the provisions of those Regulations till the period of Open Access granted under those Regulations.

Place: Gandhinagar.**Date: 20/02/2024.****Ranjeeth Kumar J., IAS****Secretary,**Gujarat Electricity Regulatory Commission
Gandhinagar, Gujarat

Schedule – I

Details shall be provided by the Captive Generating Plant/Captive Consumers on completion of financial year on affidavit to the distribution licensee in whose area such consumer is situated for verification and to the Commission for compliance of status of Captive Generating Plant(s) and Captive consumer(s) when said consumer consume energy transmitted and/or wheeled from their Captive Generating Plant situated either within the State or outside the State.

The captive consumer and Captive Generating Plant (CGP) including CGP set up by Holding Company and/or Subsidiary Company shall require to submit the details with regard to consumption of energy and equity shareholding with voting rights as prescribed under the Electricity Rules, 2005 framed under the Electricity Act, 2003 and amended from time to time on annual (Financial Year) basis to the distribution licensee for verification and to the Commission for compliance of CGP and captive consumer status along with necessary documents/evidence/proof stated in these Regulations readwith the provisions of the relevant Acts, Rules & Regulations framed thereunder, by 31st October of ensuing year after completion of financial year.

1. While applying for granting Green Energy Open Access, the generator shall submit their shareholding details with voting rights with supporting documents such as Memorandum of Associations, Articles of Associations etc., as case may be.
2. Change in equity shareholding in the Captive Generating Plant during the Financial Year, if any, amongst different persons, specifying the periods and quantum of change in shareholding.
3. Period of equity shareholding by the Captive Consumer(s) in the Captive Generating Plant and corresponding consumption towards the same during the financial year from the Captive Generating Plant.
4. Captive Generating Plant and captive consumer(s) shall file an affidavit in specified format giving details regarding their electricity generation, entity wise consumption and equity shareholding with voting rights of the Financial Year on or before 31st October of ensuing year.
5. The distribution licensee/Commission may take assistance of the concerned RLDC, SLDC for the verification of Captive status of Captive Generating Plant or captive consumer based on the affidavit along with necessary documents/evidence submitted by such Captive Generating Plant and captive consumer(s).
6. In case of change in shareholding pattern due to transfer of shareholding with voting rights etc. an undertaking is required to be provided by the person who acquires shareholding with voting rights from the forgoing captive user to the effect that in case of failure to comply with Rules framed for Captive Generating Plants, it shall be liable for payment of charges and other consequences.
7. Verification of Annual (Financial Year basis) consumption criteria:
 - a) Verification criteria of consumption by captive user shall be based on the net electricity generated from the generating unit(s) of a generating station and injected in the Grid, i.e. gross electricity generated less auxiliary consumption, identified for captive use and as recorded in four quadrant ABT compliant Energy Meter installed at the generating end of inter-connection with grid as well as energy recorded at consumption end, which are certified as per the energy accounting done by the RLDC/SLDC/Distribution licensee as the case may be.
 - b) The electricity injected by the Generating Plant for an identified captive user who is the equity shareholder/has ownership alone will qualify to be considered for captive generation and captive consumption.
 - c) Any sale/purchase agreement executed amongst the equity holders of the captive generating plant for inter se sale/purchase of energy generated from such generating plant shall be qualified as sale of energy to the consumer under third party sale and the same shall not be qualified as captive consumption (own consumption).
 - d) The energy supplied from the Captive Generating Plant even above 51% by way of inter-se sale/purchase agreement between the equity holders / owners namely other than the supply by the Generating Station to the identified captive users as per above sub clauses, if any, the same falls under third-party sale and does not qualify as captive consumption (own consumption).

- e) If the conditions specified under Rule 3 (1) of Electricity Rules 2005 as amended from time to time are not duly satisfied in terms of sub rule (2) of Electricity Rules, 2005, the entire quantum of supply to the identified captive user including in regard to 51% or in excess thereof being in contravention of the provisions of Electricity Rules, 2005 shall not be qualified for considering as captive use.
- f) The net electricity generation and consumption therefrom shall be determined on annual basis (Financial-Year basis) at the end of the year.

8. Verification criteria for consumption of electricity in respect to various types of captive consumers / users:

Verification criteria for consumption of electricity in respect to various types of captive consumers / users, shall be as follows:

Sr. No.	Type of captive consumer / user	Consumption Criteria
i.	Single Captive consumer / user, one person Company	The self-consumption shall not be less than 51% of the net electricity generated on an annual basis.
ii.	Partnership firm / Limited Liability Partnership (LLP)	The self-consumption shall not be less than 51% of the net electricity generated on an annual basis.
iii.	Association of Persons (AoP)	The captive consumers/users shall consume not less than 51% of the net electricity generated on annual basis for captive use in proportion to their shares in ownership in the power plant within a variation not exceeding 10%.
iv.	Company incorporated under Indian Company's Act	The self-consumption shall not be less than 51% of the net electricity generated from the power plant on an annual basis.
v.	Co-operative Society	Members of Society shall collectively consume not less than 51% of the net electricity generated from the power plant on annual basis.
vi.	Special Purpose Vehicle (SPV)	The captive consumers/users shall consume not less than 51% of the net electricity generated from power plant on annual basis for captive use in proportion to their shares in ownership in the power plant within the variation not exceeding 10%.

9. Manner of assessment of data related to generation from Captive Generating Plant and consumption by captive consumer(s) / user(s):

Manner of assessment of data related to generation from Captive Generating Plant and consumption by captive consumer(s) / user(s), shall be as follows:

Sr. No.	Location	Manner of assessment
i.	CGP and its captive consumers / user(s) are co-located and set up under Net Metering provisions.	The consumers who are having captive Rooftop Solar Power Project upto 1 MW at its premises under the provisions of GERC (Net Metering Rooftop Solar PV Grid Interactive Systems) Regulations, 2016 and its amendments from time to time shall be exempted from providing the details of equity holding and consumption of energy for fulfillment of CGP criteria with the Distribution Licensee. However, they shall require to submit undertaking to the Distribution Licensee stating that Rooftop project is owned by them.
ii.	CGP and its captive consumers / users are located within the State (but not co-located),	Based on actual generation from the CGP as per the data provided by the respective SLDC / ALDC / licensee and the actual consumption based on the meter reading at the consumer / user interface with the grid as provided by the concerned SLDC / ALDC and the distribution licensee in whose area the consumer(s) / user(s) are located.

Sr. No.	Location	Manner of assessment
iii.	The CGP and its captive consumer(s) / user(s) is/are located in different States	Based on actual generation from the CGP as per the data provided by the respective RLDC and the actual consumption, based on the meter reading at the consumer(s) / user(s) interface with the grid as provided by the concerned SLDC and the distribution licensee in whose area the consumer(s) / user(s) are located. Provided that the verification of captive status of such generating plant and consumption for Inter-State transactions shall be determined by Central Electricity Authority (CEA) as per the MoP, Electricity (Third Amendment) Rules, 2023 notified on 1 st September, 2023.

10. Verification criteria of equity shareholding with voting rights:

Verification criteria for equity shareholdings with voting rights for various types of CGP shall be as follows:

Sr. No.	Type of captive generating plant / user(s)	Criteria of Equity Shareholding with voting rights	Supporting Documents
i.	Captive generating plant owned by single consumer / user	The consumer / user shall hold not less than 26% of the equity share capital having voting rights throughout the year	(i) A certified copy of Share Register and Share Certificate and (ii) Certificate issued by the Chartered Accountant / CS (iii) balance sheet of the Company / Individual if any and (iv) Annual Audited Account.
ii.	Partnership firm/ Limited Liability Partnership (LLP) with 26% capital holding	Ownership in the captive plant shall be with respect to not less than 26% proprietary interest and control over the generating station or power plant on annual basis.	A certified copy of (i) Partnership Deed and (ii) Share Holding and (iii) return filed before the Registrar of Firms by Partnership firm to whomsoever applicable on annual basis as per provisions of the relevant Act.
iii.	Limited Liability Partnership Company (LLPC) with 26% equity shares with voting rights	Ownership in the captive plant shall be with respect to not less than 26% proprietary interest and control over the generating station or power plant on annual basis.	(i) A certified copy of Share Register and (ii) Share Certificate and (iii) Certificate from the Company Secretary and return filed before the Registrar of Companies, including Form MGT-7 or 7-A whichever is applicable and Form-AoC-4 to be furnished on annual basis as per provisions of the relevant Act.
iv.	Association of Persons (AoP)	The captive consumers / users shall hold in aggregate not less than 26% of the ownership / paid up equity share capital with voting rights throughout the year	(i) A certified copy of returns filed before the Registrar of Companies, including Form MGT-7 or 7-A whichever is applicable and Form-AoC-4, filed before Registrar of Firm or Registrar of Society on annual basis as per provisions of the relevant Act, (ii) Share Register showing equity share holding with voting rights of the members / shareholders of the Association of Persons in the Captive Generating Plant, (iii) a certificate from a registered Chartered Accountant, along with Audited Annual Account and Balance Sheet and (iv) Certificate from Company Secretary.

Sr. No.	Type of captive generating plant / user(s)	Criteria of Equity Shareholding with voting rights	Supporting Documents
v.	Cooperative Society	Members of society shall collectively satisfy not less than 26% of the ownership on annual basis.	(i) A certificate from the District Registrar of Cooperative Society, (ii) copy of Share Register of Co-Operative Society showing shareholding of respective shareholders (members) with voting rights for respective financial year.
vi.	SPV/ Company	The captive consumer(s) / user(s) shall hold in aggregate not less than 26% of the proportionate paid up equity share capital with voting rights of the units identified for captive use (i.e. the proportionate of the Equity of the company related to the generating unit or units identified as the CGP throughout the year.	A certified copy of (i) return filed before the Registrar of Companies, including Form MGT-7 or 7-A whichever is applicable and Form-AoC-4 to be furnished on annual basis as per provisions of the relevant Act, (ii) Certified copy of Share Register showing equity holding with voting right of the members of the SPV in the Captive Generating Plant as share holder(s) and; (iii) Memorandum of Associations, (iv) Articles of Association and a certificate from a registered Chartered Accountant and (v) Company Secretary.
vii.	CGP set up by Holding Company and consumption of energy from such CGP by Holding Company and/or Subsidiary Company.	The Holding Company shall comply the provisions of Section 2 (46) of the Companies Act 2013 and Subsidiary Company shall comply with the provisions of Section 2 (87) of the Companies Act, 2013.	(i) Annual Balance Sheet (ii) Form MGT7 (iii) Account of Company (Form AOC-4) filed under Companies Act and Rules by Holding Company and Subsidiary Company.
viii.	CGP set up by Subsidiary Company and consumption of energy from such CGP by Subsidiary and/or Holding Company.	The Subsidiary Company shall comply the provisions of Section 2 (87) of the Companies Act 2013 and Holding Company shall comply with the provisions of Section 2 (46) of the Companies Act, 2013.	(i) Annual Balance Sheet (ii) Form MGT7 (ii) Account of Company (Form AOC-4) filed under Companies Act and Rules by Subsidiary Company and Holding Company.

11. Consequence of failure to meet Captive consumer / user status:

- 11.1. If the CGP or Captive Consumer / user fails to meet the criteria of ownership and consumption, specified in Rule 3 of the Electricity Rule 2005, as amended from time to time, determined on annual basis, such CGP or Captive Consumer / user shall lose its Captive status for that year leading to imposition of Cross Subsidy Surcharge and Additional Surcharge, Late Payment Surcharge and such other charges as applicable on open access consumers.
- 11.2. The Captive consumer(s) / user(s) shall deposit in advance and maintain the same throughout the period desired to avail the captive status, the security deposit in the form of unconditional and irrevocable Revolving L.C. / Bank Guarantee equivalent to 51% of annual captive consumption to the concerned distribution licensee as payment security against estimated Cross Subsidy Surcharge and other charges, if any applicable, as may be decided by the Commission.

Provided that there shall be no exemption from Cross Subsidy Surcharge on the electricity consumed by non-Captive consumers.

12. Development of Online Portal by the Distribution Licensees for submission of documents by Captive users / Captive Generating Plant

The Distribution Licensees shall prepare detailed procedure with regard to the implementation of various provisions applicable to CGP and its verification, etc. and develop online portal for submission of requisite documents by the CGP holders and get it approved from the Commission, within 3 months, for ensuring seamless flow of information related to determination of captive status.

