RAJASTHAN ELECTRICITY REGULATORY COMMISSION, JAIPUR

Petition No. 2264/2024

In the matter of the Rajasthan Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2025.

Coram:

Dr. Rajesh Sharma, Chairman
Sh. Hemant Kumar Jain, Member

Date(s) of hearing: 16.01.2025 and 27.02.2025

Date of Order: 21.05.2025

Memo on Statement of Objects & Reasons and consideration of comments/ suggestions, received from various stakeholders:

Background:

1. The Rajasthan Electricity Regulatory Commission ('RERC' or the 'Commission'), in the exercise of the powers conferred by Section 86(1) (e) read with Section 181 of the Electricity Act, 2003 (Act 36 of 2003) had prepared the following draft Regulations (hereinafter referred to as 'the draft Regulations'), namely:

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

2. These Draft Regulations, along with the Explanatory Memorandum and Public Notices, were placed on the Commission's website to invite comments from interested persons. Comments/suggestions were also invited through Public Notices published in the following newspapers on the dates indicated next to each.

(1)	Dainik Bhaskar	:	01.10.2024
(2)	Rajasthan Patrika	:	01.10.2024
(3)	The Times of India	:	01.10.2024

3. The last date for the interested persons/ public to submit comments/suggestions was 18.10.2024. Subsequently, the last date was

extended to 28.10.2024. Thirty-eight (38) stakeholders mentioned at **Annexure-I** offered their comments/suggestions on the Draft Regulations and Explanatory Memorandum, which the Commission considered while finalising the Regulations.

4. The matter was heard on 16.01.2025 and 27.02.2025. The list of the stakeholders who were present during the hearing is included in **Annexure-II**.

5. The main comments and views expressed by the stakeholders through their written submissions and during the hearing and the Commission's analysis/views thereon have been summarised in the following paragraphs. The comments/suggestions have been grouped/categorised depending on their nature and relevance.

6. All the suggestions given by the stakeholders have been considered, and the Commission has attempted to elaborate all the suggestions and the Commission's views/ decisions on each suggestion in the Statement of Object & Reasons. However, in case any suggestion is not specifically elaborated, it does not mean that the same has not been considered. Further, the change in syntax/phrase/addition of word(s)/ rewording related changes have also been suitably incorporated, wherever necessary.

Part I
Preliminary

Regulation 2: Definitions:

Commission's Proposal:

" (i) In these regulations, unless the context otherwise requires ,

a. "Act" means the Electricity Act, 2003 (36 of 2003);
b. ……...
c. "Banking" means the surplus green energy injected in the grid and credited with the distribution licensee by the Green Energy Open Access consumers and that shall be drawn along with charges to compensate additional costs; if any;

d. *"Central Nodal Agency" means the Nodal Agency as notified by the Central Government to set up and operate a single window green energy open access system for renewable energy as per the Rules;*

e. *……..*

f. *"Entity" means any consumer who has contracted demand or sanctioned load of one hundred kW or more either through single connection or through multiple connections aggregating one hundred kW or more located in the same electricity division of a distribution licensee, except for captive consumers. However, in case of captive consumers, there shall not be any load limitation.*

g. *"Existing Consumer" means a person already availing open access for sourcing/supplying Renewable energy to the transmission system and/or distribution system of a licensee in state under an existing agreement or GoR policy on the date of coming into force of these Regulations.*

h. *……*

i. *"Green Energy/Renewable Energy" means the electrical energy from renewable sources of energy including hydro, pumped Storages Hydro generation, energy storage system and storage (if the storage uses only renewable energy), Municipal Solid Waste-to-Energy based generation, biomass and bagasse based co-generation plants or any other technology as may be notified by the GOI from time to time and shall also include any mechanism that utilizes renewable energy to replace fossil fuels including production of green hydrogen or green ammonia;*

j. *"Green Energy Open Access Consumer" means any person who has contract demand or sanctioned load of 100 kW or more, either through single connection or through multiple connections aggregating one hundred (100) kW or more located in same electricity division of a distribution licensee, shall be eligible to take Green Energy through Open Access (captive consumers shall not have any load limit) or such other limit as may be specified by Commission from time to time, who are supplied with electricity from green energy sources for their 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 including captive 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. There shall be no limit of supply of power for the captive consumers taking power under Green Energy Open Access:*

k. *"Obligated Entity" means the entities mandated under Clause (e) of subsection (1) of Section 86 of the Act to fulfill the Renewable Purchase Obligation, which includes distribution licensee, captive consumer / user and open access consumer;*

l. *"Open Access" means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with the Regulations specified by the Appropriate Commission.*

m. *"Person" shall include any company or body corporate or association or body of individuals whether incorporated or not, or artificial juridical person;*

n. *"Rules" means Rules made under the Electricity Act 2003 including Electricity (Promoting Renewable Energy Through Green Energy Open Access)Rules, 2022 and subsequent Amendments.*

o. *……*

p. *"State Transmission Utility" means the Board or the Government company specified as such by the State Government under sub-section (1) of section 39 of the Act;*

q. *"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;*

r. *"Wheeling" means the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 52 of the Act;*

(ii) ……"

Stakeholders' Comments/Suggestions:

7. The stakeholders have mainly submitted as follows:

7.1 The Definition of State Nodal Agency may be added as under:

"Rajasthan State Transmission Utility (STU) shall operate as the State Nodal Agency (SNA) for grant of long-term and medium-term green energy open access and Rajasthan State Load Despatch Centre (SLDC) shall operate as the State Nodal Agency (SNA) for grant of short-term green energy open access."

7.2 The definitions of 'Entity' and Existing Consumer' may be changed as follows:

"f. 'Entity' means following:
I. Consumer who has contracted demand or sanctioned load of one hundred kW ……...
II. Generator who produces Green Energy/Renewable Energy (including RE Captive Generating plant) and intends to avail open access."

"g. "Existing Consumer/ generator" means a person already availing open access for sourcing/supplying Renewable energy ……"

7.3 It is requested not to include the highlighted provision *"or such other limit as may be specified by commission from time to time"* in the definition of the GEOA Consumer to provide regulatory certainty to such consumers.

7.4 The definitions of 'Entity' and 'Green Energy Open Access Consumer', are the same and may be combined into a single definition in the regulation.

7.5 Solar, wind, hybrid with or without ESS may also be added in the definition of "Green Energy/ Renewable Energy".

7.6 The Hybrid Energy Generation Plant (wind+solar) may also be included in the definition of Green Energy Generation Plants.

7.7 A new definition of 'Hybrid Capacity' may be added as under:

> *"Hybrid capacity" shall be the highest capacity of either sources i.e. solar or wind or any other sources which may be defined as RE source by MNRE."*

7.8 The definition of 'Green Energy/ Renewable Energy' may be modified such that all the existing technologies qualify as RE sources as follows:

> *"i. Green Energy/Renewable Energy" means the electrical energy from renewable sources of energy including solar, wind and wind solar hybrid, hydro, pumped Storages Hydro generation, energy storage system and storage……"*

7.9 The definition of the "Captive Generating Plant" may be included as under to ensure proper regulatory treatment and complain for captive power plants:

> "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 in line with Electricity Rules 2005 and as emended from time to time."

7.10 Consumers with contract demand or sanctioned load less than 1 MW are getting benefit under Net Metering scheme and to address grid stability issues, consumers having sanctioned load more than 1MW should only be allowed under Green Energy Open Access.

7.11 The definition of the 'Obligated Entity' may be amended to include the designated consumers defined under the Energy Conservation Act, 2001 as follows:

> *"(o) "Obligated Entity" means the entities mandated under Clause (e) of subsection (1) of Section 86 of the Act* ***or designated consumers as***

mentioned under Section 14 (e) of the Energy Conservation Act 2001 which are mandated *to fulfil Renewable Purchase Obligation, which includes distribution licensee, captive consumer/ user and open access consumer".*

7.12 The definition of 'Banking' may be substituted as below:

> *"Banking means the surplus green energy injected in the grid in* ***15 min-time block basis*** *and credited with the distribution licensee by the Green Energy Open Access consumers and that shall be drawn along with charges to compensate additional costs; if any"*

7.13 Since consumers are already paying the fixed charges based on the quantum of contract demand availed and an alternate arrangement is already available with the consumer for drawing power upto that capacity. Accordingly, Standby charges should only be levied for the energy being sourced above the contract demand with Discom. Therefore, the definition of standby charges may be revised as follows:

> *"Standby Charges" means the charges applicable to green energy open access consumers against the standby arrangement provided by the distribution licensee* ***above the contract demand limit/Sanctioned load,*** *in case such green energy open access consumer is unable to procure/schedule power from the generating sources with whom they hove the agreements to procure power due to outages of generator, transmission systems and the like;*

Commission's Analysis/decision:

8. Regarding the suggestion to add the definition of the State Nodal Agency (SNA), we observe that it is sufficiently clear from a plain reading of Regulation 6 of the draft Regulations. Therefore, in our view, there is no need to include the definition of SNA separately. Consequently, no changes are required in the draft Regulations on this account.

9. As regards the suggestion of adding the definition of Captive Generating Plant (CGP) for clarity, we accept the suggestion, and the following new definition of CGP shall be added as 2(i)(d) in the finalised Regulations:

> *"d. Captive generating plant" 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 cooperative society or association;"*

However, it is further clarified that other modalities, such as compliance etc., shall be according to the Electricity Rules, 2005.

10. One of the stakeholders has also suggested modifying the definitions of 'Entity' and 'Existing consumer' given in the draft Regulations for clarity. After considering the suggestion, we agree to it, and the definitions have been amended and shall be incorporated in the finalised Regulations as follows:

> *" g. "Entity" means following:*
>
> *(i) Consumer who has contracted demand or sanctioned load of one hundred kW or more either through single connection or through multiple connections aggregating one hundred kW or more located in the same electricity division of a distribution licensee, except for captive consumers. However, in the case of captive consumers, there shall not be any such lower load limitation.*
>
> *(ii) Generator who produces Green Energy/Renewable Energy (including RE Captive Generating plant) and intends to avail open access;"*
>
> *"h. "Existing Consumer/Generator" means a person already availing open access for sourcing/supplying Renewable energy to the transmission system and/or distribution system of a licensee in state under an existing agreement or GoR policy on the date of coming into force of these Regulations;"*

11. Several stakeholders have requested to amend the definition of "Green Energy/ Renewable Energy" for better clarity. After considering the suggestion, the Commission considers it appropriate to amend the definition of Green Energy/Renewable Energy given in the draft Regulations as follows:

> *"i. "Green Energy/Renewable Energy" means the electrical energy from renewable sources of energy including wind,solar,hydro, pumped Storages Hydro generation, energy storage system and storage (if the storage uses only renewable energy), Municipal Solid Waste-to-Energy based generation, biomass and bagasse based co-generation plants or any other technology as may be notified by the GOI from time to time and shall also include any mechanism that utilizes renewable energy to replace fossil fuels including production of green hydrogen or green ammonia;"*

12. Regarding the suggestion of modifying the definition of banking on a 15-minute time block basis, it is clarified that the banking mechanism provided

under draft Regulation 11.6 is amply clear; therefore, no further changes are required in the draft Regulation on this account.

13. Several stakeholders have also requested to incorporate the provisions for promoting Green Hydrogen/ Ammonia plants and Renewable Hybrid Projects. In consideration of the Rajasthan Integrated Clean Energy Policy 2024 issued by the State Govt for promotion of Green Hydrogen/Green Ammonia and Renewable Hybrid Energy Projects, the Commission accepts the suggestion and accordingly the following new definitions shall be added in the finalised Regulations:

> *"j. "Green Hydrogen / Green Ammonia" means Hydrogen / Ammonia produced by using Renewable Energy; including Renewable Energy which has been banked and the Hydrogen/Ammonia produced from biomass.*
>
> *Provided that Green Hydrogen / Green Ammonia can be manufactured by a developer by using Renewable Energy from a co-located Renewable Energy plant, or sourced from a remotely located Renewable Energy plants, whether set up by the same developer, or a third party or procured renewable energy from the Power Exchange; "*
>
> *"o. "Renewable Hybrid Energy Project" means a renewable energy project where the rated capacity of generation from one renewable energy source is at least 25% of the rated capacity of generation from other renewable energy source(s), having a single point of injection or maximum two points of injection into the grid ;"*

Regulation 3: Criteria for allowing Green Energy Open Access (GEOA)

Commission's Proposal:

14. Commission in the draft Regulations proposed as under:

> *"**3. Criteria for allowing Green Energy Open Access***
> *i. The long-term GEOA shall be allowed in accordance with the transmission planning criteria and other relevant provisions stipulated in the State Grid Code and distribution plan as prepared by the Distribution Licensee.*
>
> *ii. The Short-Term/Medium Term 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;*
>
> *Provided that any consumer may elect to purchase green energy either up to a certain percentage of the consumption or its entire consumption and*

they may place a requisition for this with their distribution licensee, which shall procure such quantity of green energy and supply it and the consumer shall have the flexibility to give separate requisition for solar and non-solar Green Energy.

Provided also that any requisition for green energy from a distribution licensee shall be for a minimum period of one year.

Provided also that the quantum of green energy shall be pre-specified for at least one year.

Provided also that the green energy purchased from distribution licensee or from Renewable Energy sources other than distribution licensee in excess of Renewable Purchase Obligation of obligated entity shall be counted towards Renewable Purchase Obligation compliance of the distribution licensee.

Provided also that the Accounting of renewable energy supplied at distribution licensee level shall be on a monthly basis."

Comments received:

15. The stakeholders have mainly submitted as under:

15.1 The Proposed regulation overrides the regulation 26(3) of the RERC (Terms and Conditions for Open Access) Regulations, 2016 (hereinafter referred to as the 'RERC OA Regulations,2016') according to which total electricity drawl from all sources including open access and Distribution Licensee is restricted up to the total sanctioned contract demand with the Distribution Licensee except for captive consumer for which the open access is allowed over and above the contract demand to the extent of captive power supply subject to availability of transmission and/or distribution system. If these provisions are made applicable to the Green Energy Open Access Regulations 2024, then, except where the existing consumer requests additional contract demand for allowing short/medium/long-term GE open access, no examination or checking of the availability of the transmission and distribution system is required, as the consumer will not be drawing additional power with the GEOA. Therefore, the draft Regulation 3 should be applicable for new consumers or where existing consumers request additional contract demand with GEOA. Therefore, Regulations 3(i) and (ii) should apply to the new consumer or where an existing consumer with GEOA requests additional contract demand.

15.2 The draft Regulations have a condition that green energy purchased from a distribution licensee or Renewable Energy sources other than a distribution licensee in excess of the Renewable Purchase Obligation ('RPO') of the obligated entity shall be counted towards RPO compliance of the distribution licensee, and this condition may be removed. From a Net-Zero perspective, many consumers may work on scenarios to achieve up to 100% green energy consumption for their production and operations. If the benefits of renewable energy attributes are passed on to the Discom, in that case, consumers aiming for a net-zero condition won't be able to claim its energy consumed as green energy.

15.3 Most obligated entities or consumers have their own RE-100 Targets and compliances, which can only be met by using 100% green energy. Hence, any excess green energy or green attributes counted towards the RPO Obligation should remain with the obligated entity or the consumer.

15.4 The Eligibility Criteria for Green Open Access Power Purchases through Renewable Energy generating plants and Green Power Purchases through the respective Distribution Licensee through the Green Power Tariff may be defined separately, or Clause 21 of the draft Regulations pertaining to the Green Energy Tariff may provide more clarity.

15.5 The second last proviso of Reg 3(ii) may be deleted, as most of the consumers sourcing power from open access not only purchase RE to fulfil their RPO, but also for their voluntary commitments under global Net Zero/SBTi standards. When Discom claims the renewable attributes, the power delivered to the customer will turn into brown power, resulting in no RE benefits for them. Therefore, this clause should be deleted.

15.6 Discom may not be allowed to claim RPO against any excess RE power purchased by the obligated entity over and above its RPO due to the following reasons:

(i) Recently, the Bureau of Energy Efficiency (BEE) issued a Carbon Credit Trading Scheme that allows obligated entities to trade issued carbon certificates in a voluntary or compliance market against excess renewable energy. This initiative will provide equal opportunities for all participants to benefit from the green attributes associated with purchased or generated green electricity. Obligated entities may trade carbon certificates issued for excess renewable energy acquired beyond their RPO compliance. This approach will ensure the commercial viability of such projects and encourage industries to meet their energy needs with non-conventional energy sources. Allowing distribution companies (Discoms) to take advantage of the green attributes linked to excess renewable energy procured by obligated entities beyond their compliance obligations is unfair and unjustifiable. This policy will indirectly discourage the addition of new renewable capacity in the state of Rajasthan.

(ii) All industrial factories procuring electricity are under the open access regime are liable for RPO compliance. In the case of green hydrogen and its derivative industries, they have to utilize 100% of green power to certify their produced hydrogen as 'green'. If the green attributes of excess renewable power procured beyond RPO compliance by such factories are claimed by Discom against their RPO, in that case, it will then be impossible for developers of green hydrogen and its derivatives to certify their hydrogen, produced by utilising excess power, as 'green'. This will jeopardise the commercial viability of such projects.

15.7 Further, a provision may also be incorporated for the grant of long-term open access where system strengthening of the transmission/ distribution system is required in line with regulation 10 (7) and 10(8) of the RERC Open Access Regulations, 2016. In such cases, the cost

estimate & likely completion schedule shall be intimated to the OA customer. The customer should accordingly deposit the estimated amount for works to the STU and the concerned Distribution Licensee, as the case may be. In view of the above provision, the complete cost of a dedicated transmission system, if developed for the exclusive use of the OA consumer, should be recovered from the OA consumer in advance.

Commission's Analysis/decision:

16. Regarding the request to incorporate separate eligibility criteria for obtaining Renewable Energy from distribution licensees and Renewable Energy-generating plants, it is noted that these are clearly outlined in Regulations 3 and 21; therefore, no changes are needed in the draft Regulations on this account.
17. It is also submitted by one of the stakeholders that if there is a need to strengthen the existing transmission/distribution system due to the capacity addition of RE plants established as per the system study undertaken by STU/Discom, the expenses for such system strengthening should be borne by the consumer. In our view, this suggestion merits our acceptance in the interest of equity. Accordingly, the following new proviso will be added below the main provision of regulation 3(i) of the draft regulations:

> *"Provided that in case a need for strengthening of the existing transmission/distribution system on account of capacity addition of RE plants is established as per the system study undertaken by STU/Discom, the expenses towards the system strengthening shall be borne by the concerned entity."*

18. Furthermore, several stakeholders have requested that Discoms may not be allowed to claim RPO for any excess RE power purchased by the obligated entity beyond its RPO, to enable the users to utilise such green energy for carbon trading and their net-zero targets. The Commission agrees with the

suggestion and accordingly decides to amend the fourth proviso to Regulations 3(ii) of the draft regulations shall be amended as follows:

> *" Provided also that the green energy purchased from distribution licensee or from Renewable Energy sources other than distribution licensee in excess of Renewable Purchase Obligation of obligated entity and not utilized by such entity in any other manner shall be counted towards Renewable Purchase Obligation compliance of the distribution licensee."*

Regulation 4: Categorisation of Green Energy Open Access (GEOA)

Commission's Proposal:

19. Commission in the draft Regulations proposed as under:

> *"**4: Categorisation of Green Energy Open Access(GEOA)***
>
> *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 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 basis of date of such application."*

Comments received:

20. The stakeholders have mainly submitted as follows:

20.1 The "medium-term GEOA" may be redefined to span 1-3 years to encourage longer consumer commitments and provide Discom stability. Frequent short-term GEOA applications may be discouraged by implementing progressively increasing charges for transmission and wheeling for repeated transactions within a financial year. The Maharashtra ERC has also approved a similar provision.

20.2 The draft regulations may be aligned with the CERC GNA regulations, allowing short-term open access up to eleven (11) months.

20.3 CERC, vide notification No. 98 dated 17.02.2017, has defined the tenure of different categories of open access as follows:

> *"(l) "long-term Access" means the right to use the inter-State Transmission system for a period exceeding 7 years;"*
> *"(o) Medium-Term Open Access means the right to use the inter-State Transmission system for a period equal to or exceeding 3 months but not exceeding 5 years;"*

Furthermore, the report of the Standing Committee on Energy (2021-22) presented in the Seventh Lok Sabha, as well as the Ministry of Power (MoP), recommended a shorter duration for Power Purchase Agreements (PPAs) rather than a long term. The MoP recommended reducing the PPA tenures to 5-10 years. Appreciating the merits behind this, it is requested that the Commission also consider reducing the tenure of Long-Term PPAs as defined by the Central Commission's notification.

20.4 Recurring Short Term Open Access (STOA') transactions create uncertainty in demand planning and power procurement for the Discoms. Hence, consumers entering into frequent recurring STOA transaction must be enabled to move to MTOA to ensure better recovery of charges, demand planning and power procurement by the Discoms. The enabling ecosystem should ensure timely augmentation of the State Transmission Utility (STU)/Discom infrastructure and the granting of Medium Term Open Access (MTOA') to OA consumers. The Regulations should require the State Nodal Agency to examine the nature and frequency of such recurring STOA transactions for which the existing proviso to regulation 4 of the draft RERC GEOA Regulations 2024 may be amended as follows:

> *"Provided that on expiry of granted short term Green Open Access, if such consumer 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 basis of date of such application.* ***Further, the state nodal agency***

(SNA) should examine the nature and frequency of recurring STOA transactions; if any, the consumers should be enabled to move to MTOA."

20.5 Commission is requested to review the timelines for open access in line with other States and also consider the ease of doing business for the RE generators and consumers. The one month period for allowing Short Term Green Energy Open Access is very short considering the overall time required for seeking and granting final approval. The following changes are proposed:

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~~ 5 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~~ Eleven (11) months but not exceeding 5 years

iii. "Short-term Green Energy Open Access" means open access for a period up to ~~one month~~ eleven (11) months at a time."

20.6 The proposed periods in these categories range from 3 years to 12 years and may require clarification. For the long-term category, the period is set from 12 to 25 years, while in the medium category, it spans from 3 months to 3 years. A duration of one (1) month is considered short, therefore, clarification may be needed regarding the extent to which an extension is possible.

Commission's Analysis/decision:

21. The stakeholders request to redefine the term of GEOA and align with GNA Regulations or otherwise has been considered. Consequently, an enabling proviso shall be added below the existing proviso of reg 4(iii) of the draft Regulations as follows:

"Provided further that the period for Long Term, Medium Term and Short Term Green Energy Open Access may be appropriately revised by the Commission as and when required through a separate order."

22. Regarding the stakeholder's suggestion of enabling the consumers to move to MTOA in case of recurring STOA transactions, it is stated that the power requirement for MTOA is for a longer-term period as compared to STOA for

which adequate opportunity is to be made available to the network owner transmission/ distribution Licensee for checking the available system margins. Therefore, such an upgrade will not be appropriate. Therefore, stakeholders' request in this regard is not acceptable, and therefore, no change is required in the draft Regulations in this regard.

Regulation 5: Eligibility Criteria for applying GEOA:

Commission's Proposal:

23. Commission in the draft Regulations proposed as under:

> "***5. Eligibility Criteria for applying GEOA***
>
> *i. Subject to the provisions of these Regulations and system availability, consumers shall be eligible for open access to the intra-state transmission system of the State Transmission utility or any transmission licensee/s and distribution system/s of the distribution Licensee/s within the State.*
>
> *Provided that notwithstanding anything contained in these Regulations, any RE generating company having subsisting Power Purchase Agreement (PPA) with the Distribution Licensee, shall not be entitled to Open Access for the RE capacity, for which PPA is entered into, except in accordance with the terms of such PPA and also for such capacity (quantum of power) for which Open Access is already granted.*
>
> *Provided further that, such open access shall be available on payment of such charges as may be determined by the Commission from time to time.*
>
> *Provided also that such entities having been declared insolvent or bankrupt or having outstanding dues against them for more than 2 months of billing of the distribution/Transmission licensee or having a case of unauthorized use of electricity/ theft against them at the time of application, shall not be eligible for Open Access.*
>
> *ii. Every person, who has constructed a captive generating plant, shall have the right to open access as per the provisions of Section 9 of the Act read with rules & Regulations covered under the Act and orders of the Commission on the subject matters from time to time.*
>
> *Provided that consumers who have contract demand or sanctioned load of 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 take Green Energy through Open Access under these Regulations.*
>
> *Provided further that there shall be no limit with respect to contracted load or sanctioned load for the captive use of energy by the consumer opting under Green Energy Open Access. However, this shall be on payment of charges and on such terms & conditions as may be decided by the Commission.*

Comments received:

24. The stakeholders have mainly submitted as follows:

24.1 Lowering the threshold to 100 kVA with single or multiple connections will result in more consumers being eligible for Open Access. Consequently, Discom/SLDC will need to manage a larger number of applications, handle wheeling agreements, and will have to ensure compliance with metering and accounting requirements. Discom will encounter significant challenges in managing real-time load balancing and forecasting demand, as customers will frequently switch between procuring power from Discom and from green energy sources. Therefore, Discom will need to invest further in grid management technologies. The shift of consumers to GEOA may also lead to surplus power for Discom, leaving them with expensive long-term PPAs that may not be fully utilised. In light of these challenges, this threshold limit may be reviewed in consultation with the Discom.

24.2 According to Section 9(I) of the Electricity Act, 2003, captive generation is delicensed with no restrictions on capacity. As per the Green Energy Open Access Rules 2022, a captive consumer can install a renewable energy (RE) power plant of any capacity within or outside their premises, irrespective of the limitations of contract demand or sanctioned load. Therefore, no restrictions on capacity for captive renewable power plants should be imposed, whether installed inside or outside their premises in any regulation or procedures. Consequently, the proposed second proviso of Regulations 5.ii may be amended as follows:

> *"Provided further that there shall be no limit with respect to contracted load or sanctioned load for the captive use of energy by the consumer opting under Green Energy Open Access/ captive m solar power plant installed behind the meters. However, this shall be on payment of charges and on such terms & conditions as may be decided by the Commission."*

24.3 Consumers cannot receive round-the-clock power from individual renewable energy (RE) sources, such as wind and solar. Therefore, they may have to engage with hybrid RE sources or multiple RE sources to

meet their continuous RE demand. It is important to clarify that consumers can utilise Green Energy Open Access to source power from multiple injection sources, provided that the total drawl from the system during each time block remains within the permitted GEOA capacity. Additionally, it should also be clarified that in such transactions, charges will only be levied towards a single GEOA to prevent ambiguity. Furthermore, if multiple GEOA arrangements are made to source power from different RE sources, it will not only waste the limited transmission corridor but will also impose an additional financial burden on consumers due to the duplication of open access charges that will have to be paid for the same transmission corridor.

24.4 To promote small LT consumers with a contract demand of less than 100 kW, they may be allowed to aggregate their capacity and form a society, co-operative society, or trust to establish a captive solar plant with a minimum capacity of 100 kW. Such a society or trust, consisting of the same set of residential or small industrial consumers, may be treated as a deemed consumer for the purpose of obtaining approvals and meeting eligibility criteria for green energy open access under these Regulations, in accordance with the Rule 3(1)(a) of the Electricity Rules, 2005. Further, to expedite solar plant installations by the cooperative societies, respective permissions should be given to the nodal agencies for the smooth implementation of solar plants.

24.5 It is suggested to establish a collective captive solar plant for these consumers, where each consumer would receive solar benefits in proportion to their installed capacity under green energy open access. This can be implemented by forming a cooperative society of the consumers (under The Rajasthan Co-operative Act, 2001), with benefits accruing to members based on their contributions or solar capacity.

24.6 Further, clarification is also needed for the smooth implementation of the installation of an open access solar plant for consumers who have other meters connected to a main meter. The current regulation has an

ambiguity around such systems and hence, places like residential societies, malls, hospitals, etc are unable to get open access. It is requested to remove that condition and allow smooth implementation of open access.

24.7 As per the proposal, it has been clearly mentioned that there will be no limit with respect to contracted load or sanctioned load for the captive use of energy by the consumer opting under Green Energy Open Access. It should be clarified that a captive generator may install a higher capacity at a generating station, which may be solar, wind, or hybrid.

Illustration: If Peak AC capacity of the Project or connectivity is 100 MW then captive generator cannot inject more than 100 MW at any point of time during the day. However, Captive Generator may install more than 100 MW of capacity at generating station either solar or wind or hybrid (Say 100 MW Solar + 100 MW Wind) in order to give maximum PLF to the Consumer. This will also help in grid load management.

24.8 Minimum time blocks for the quantum of uniform power purchase through renewable energy plants may be defined to avoid significant variations in demand. Additionally, NOC certifications and other conditions required from the respective Distribution Licensee to protect their interests are requested.

24.9 The eligibility criterion, procedures for metering, connectivity, scheduling, captive status of generating plant, different for consumers with connected load as below may also be clearly defined :

i. greater than 1 MW
ii. between 500 kW and 1 MW,
iii.between 100 kW to 500 kW

24.10 The eligibility criterion may also define the annual audit and certification process for the captive status of intra-state captive generating plants, as power purchases through these plants are not subject to cross-subsidy charges.

24.11 RE Policy 2023 specifically caps the maximum capacity of a power plant with respect to the contract demand of a captive consumer. However, the draft mentions that there shall be no load limitation on captive consumers. Therefore, it is requested to clarify whether the oversizing of the power plant beyond the consumer's contract demand is allowed. What charges shall be borne by the captive consumer in such a case if allowed? How shall such charges be calculated and applied? An illustration would be helpful, just like the banking illustration given.

24.12 There has been ambiguity in interpreting the provisions laid down in the MoP Rules 2022 and the draft Regulations related to the capacity for contracted open access versus the contract demand.

24.13 Banking has already been restricted to not exceeding 30% of the power sourced from the state utility in a particular calendar month, which limits the sizing of the contract capacity for open access. Any excess generation or banked energy will go inadvertently and will lapse. The Commission may kindly clarify that for a green energy open access consumer, there will be "NO" upper limit for the contracting Open Access Capacity vis-à-vis its Contract Demand.

24.14 Due to the limit on contracting renewable power through open access up to the contract demand, the consumer will shift the majority of their load from renewables. However, as per the MoP GEOA Rules, 2022 there is no capacity limit for the installation of RE plants. Additionally, other States are adhering to GEOA Rules. Hence, there is no limitation on tying up open access capacity. It is requested that there should not be any capacity restriction for the procurement of RE power. Therefore, the proposed clause may be amended in line with the GEOA Rules and the following provisos may be added after the second proviso to the regulation 5.ii:

> *"Provided further that there shall be no limit with respect to contracted load or sanctioned load for the captive use of energy by the consumer opting*

under Green Energy Open Access. However, this shall be on payment of charges and on such terms & conditions as may be decided by the Commission.

Provided also that there shall be an upper limit with respect to payment of charges pertaining to contracted load or sanctioned load for the use of renewable energy by the consumer opting under Green Energy Open Access for the production of green hydrogen, green ammonia and its other derivatives. However, such charges shall be as per Orders by the Commission."

24.15 A clarification is needed as to whether a consumer with a minimum contract demand of 100 kW is only allowed to avail open access or a consumer with a sanctioned load of 100 kW and contract demand of less than 100 kW (say 5 kW or zero kW) is also allowed to avail green energy open access. As per the regulatory landscape as practiced in various states, contract demand and sanctioned load have completely different meanings. Sanctioned load is based on estimated load requirements. However, contract demand is based on the actual load requirement of any industrial consumer. Industrial consumers usually increase/decrease their contract demand as per their actual load requirements within the allowed sanctioned load. Equal treatment to sanctioned load and contract demand in eligibility criteria for availing green energy open access will attract unnecessary litigations which may arise due to different interpretations. It is requested to clearly define the criteria for availing green energy open access against contract demand and sanctioned load of interested open access consumers.

24.16 To expand access to green energy, the minimum demand threshold may be lowered from 100 kW to include smaller consumers, such as SMEs. Furthermore, a tiered eligibility and fee structure for GEOA is requested to simplify access and reduce costs for SMEs with loads between 50-100 kW to promote faster green energy adoption among SMEs and growth across various enterprise scales.

24.17 The Commission is requested to consider allowing OA consumer to source power from RE-based power plants up to 100% of their contract demand under regulation 5 of the draft Regulations.

24.18 The maximum permissible capacity of eligible individual new renewable energy-based captive power plant including renewable energy-based plant installed behind the meter, should be limited to 200% of the contract demand, subject to the technical feasibility and acceptance by the Transmission/Distribution Licensee.

24.19 It is also submitted that consumers opting for installation of additional RE captive capacity over and above the contracted capacity, shall have to pay the fixed charges for the additional RE capacity installed over and above the sanctioned contract demand from Discom along with any other applicable charges.

24.20 In order to ensure adequate storage capacity to supply reliable power, such RE projects (excluding Hydro Projects)should be mandated to install Battery Energy Storage System(BESS)for minimum 20% of the energy generated by the RE captive plant. This may be further extended after due studies.

24.21 DSM (Deviation Settlement Mechanism) charges, to be recovered either from renewable energy generators or from the drawl entity, may be recovered according to the guidelines of existing DSM Regulations or as amended from time to time. Furthermore, a specific provision should be inserted to empower the SNA for the timely recovery of charges. Regulation 4(7) of the RERC OA Regulations, 2016, which is reproduced below, may be included.

> *"4(7) A person having been declared insolvent or bankrupt or having outstanding dues against him for more than 2 months billing of Transmission or Distribution Licensee, shall not be eligible for open access."*

24.22 Provisions of Regulations 9(i) and 9(iii) require a more detailed explanation of their implementation; otherwise, they would act as a significant deterrent to STOA. The overall intent of the Regulations should be to provide Discoms the visibility into the power consumed through open access (OA) while avoiding high variations in demand that the Discoms must meet. The Regulations should specify the minimum

number of time blocks during which the OA consumer should not change OA demand. This is also in line with the prevailing practice in other states like Gujarat and Karnataka, where the emphasis is on the utilisation rather than non-utilisation of STOA.

24.23 The Commission is requested to issue provisions governing the production of green hydrogen and green ammonia in the state using renewable energy. These provisions will go a long way towards establishing the State as the most attractive state with a combination of attractive RE Policy and Regulatory Framework for promoting the development of Green Hydrogen/derivatives projects. This will not only facilitate investments in the state but also provide the benefits of local employment generation and SGST benefits to the State Government.

24.24 The draft Regulations do not explicitly state any upper limit for the installed AC capacity of renewable energy plants. It is unclear whether regulation 92 from previous RERC RE Tariff Regulations, 2020 is still applicable. Clarification is needed on whether the new Regulations impose any upper limit on the contracted demand for AC capacity, or whether the provisions of Regulation 92 of the RERC RE Tariff Regulations, 2020 will continue to apply under the new regulatory framework.

Commission's Analysis/decision:

25. The stakeholder's suggestion to review the threshold limit cannot be accepted, as one of the Regulations' primary objectives is to promote open access. In addition, other States have adopted similar threshold limits. Therefore, there is no requirement of any changes on this account.

26. Regarding the suggestion to define the annual audit and certification process for captive stations, we direct the Discoms to carry out CPP verification process as per Rule 3 read with SC judgement and guidelines

issued by the Central Electricity Authority (CEA) in this regard. If need be may approach Commissions for approval of the guidelines prepared by them.

27. Several stakeholders have raised concerns about the clarity of capacity limits. We have considered their suggestion, and in our view, there will be a lower limit of 100 kW in case of GEOA for third-party sale; however, for captive consumers, there will be no such lower limit. Further, a CPP may avail power from its captive power plant without any restriction; however, as an open access consumer, it has to have connectivity commensurate with its load requirement and the capacity of the captive plant. In its absence, the transmission and distribution system may be subjected to overload, leading to higher losses and disruption in power supply because of congestion. Therefore, in our consideration, there has to be a limit in terms of the contract demand and such limit should be construed accordingly. Accordingly, the relevant provisions have been reworded to include 'no such lower limit'.

28. Several stakeholders during the hearing submitted that the State Govt has issued the 'Rajasthan Integrated Clean Energy Policy 2024' where several promotional measures have been included regarding storage and capacity limits for Green Hydrogen/Green Ammonia Plants. They requested that similar provisions be included in the Regulations. Some stakeholders have requested to raise the individual plant size to 200% of the contract demand. We have carefully considered the comments of the stakeholders and, accordingly, suitably incorporated the following provisos below the existing second proviso to regulation 5.ii:

> *"Provided also that new RE projects on the STU network (excluding hydro projects) with an installed capacity of over 5 MW or as may be specified by the Commission will be mandated to install ESS (of at least 2 hours storage) for a minimum of 5% of the RE capacity.*
>
> *Provided also that maximum permissible capacity of individual new renewable energy based captive power plant including renewable energy based plant installed behind the meter shall be allowed upto 200% of the contract demand.*
>
> *Provided also that Renewable Energy based captive power plants having capacity above 100% contract demand and upto 200% of contract demand shall be required to install Battery Energy Storage System (BESS) for*

a minimum 20% of the energy generated by the additional capacity RE captive plant, i.e., capacity beyond the 100% of the contract demand.This percentage of Energy to be stored may further be reviewed by the Commission through a separate order from time to time. The operation of such storage capacity shall be as directed by SLDC/Distribution Licensee through a separate order.

Provided also that for the associated Green Hydrogen/Ammonia plant the peak power generation capacity of wind/solar/hybrid plant (with or without storage facility) shall be allowed as per the State Govt. Policy".

29. As regards the suggestion of the stakeholders regarding allowing the society or trust to set up captive solar plant of a minimum capacity of 100 kW, the same is already governed by the rule 3(I)(a) of the Electricity Rules, 2005 and in our view, there is no requirement of change in the draft Regulation.

30. Further, the request of stakeholders for providing a minimum time block quantum of uniform power purchase is agreed. Accordingly, a new seventh proviso to the draft Regulations has been added as follows:

"Provided also that green energy open access consumer shall not change the quantum of power consumed through open access within 12-time blocks, so as to avoid high variation in demand to be met by the distribution licensee."

31. As regards the suggestion of the stakeholders, allowing the society or trust to set up as captive plants, it is stated that there exists a suitable framework under the Electricity Rules, 2005.

32. As regards the clarification sought regarding upper limit on the contracted AC capacity, it is stated that provisions of regulation 92 of the RERC RE Tariff Regulations, 2020 will continue to apply unless otherwise specifically allowed by the Commission under the new regulatory framework as well.

Regulation 6: Nodal Agency

Commission's Proposal:

33. Commission in the draft Regulations proposed as under:

*"**6. Nodal Agency***

i. All the applications related to green energy open access shall be submitted through 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 the application received through Central Nodal Agency by SNA shall be processed as per procedure & formats devised by SNA.

Provided also that the application shall be disposed of within 15 days from the date of receiving the same from CNA.

ii. *Rajasthan State Transmission Utility (STU) shall operate as the State Nodal Agency (SNA) for grant of long-term and medium-term green energy open access and Rajasthan State Load Despatch Centre (SLDC) shall operate as the State Nodal Agency (SNA) for grant of short-term green energy open access.*

iii. *The STU shall submit detailed procedures covering, but not limited to, timelines, Bank Guarantee, fees, Rejection, Energy Accounting, Settlement and other matters incidental thereto, required for smooth operation of Green Energy Open Access, for the approval of the Commission [along with required formats for granting GEOA within 30 days from the notification of these Regulations.*

iv. *The SNA 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."*

Comments received:

34. The stakeholders have mainly submitted as follows:

34.1 The procedure and format to be issued by the SNA/STU need to be presented for stakeholder consultation. After incorporating all comments received from stakeholders, they need to be filed with the Commission for approval.

34.2 The MoP GEOA Rules, 2022, and their amendments have provided a fail-safe mechanism for green energy open access consumers. The open access application should be deemed approved if the relevant nodal agency fails to meet the timeline specified in the Rules. The Commission is urged to align the draft Regulations with the MoP GEOA Rules, 2022.

34.3 As per the draft Regulations, applications will be routed through the Central Nodal Agency (CNA') and processed by the State Nodal Agency ('SNA'). The processing will be based on the SNA's notified procedures and formats (STU & SLDC). The SNA must expeditiously provide the procedures and formats and make them available online.

34.4 For short-term open access with the generator connected to interstate transmission system (ISTS), whether connected in the same state or another state, which is to be processed as per CERC Regulations, and energy accounting is to be done according to the schedule approved by Web Based Energy Scheduling (WBES)/Regional Energy Account (REA). It may be clarified which will be the Central Nodal Agency.

34.5 It may also be clarified what will be the role of the distribution licensee (Discom) with respect to the State Nodal Agency.

34.6 A fast-track approval process may be implemented for projects with significant environmental benefits, such as advanced energy storage and green hydrogen initiatives.

34.7 To ensure the faster adoption of green energy, the Commission is also suggested to introduce the time limits for the Discom / Regulatory bodies to process so that there is no unnecessary delay in processing files such as long term open access (LTOA) agreements.

Commission's Analysis/decision:

35. The draft Regulations already contain provisions providing that the procedures are to be prepared by the STU, which shall be consistent with the procedures notified by the central nodal agency and the Green Energy Open Access Rules.

36. All Green Energy Open Access applications shall be uploaded to the portal established by the Central Nodal Agency. The Central Nodal Agency shall route the applications to the SNA. Thereafter, SNA shall forward the application to the appropriate Distribution Licensee in cases where the inter-se points of drawl and injection fall on the Distribution Network of the respective Distribution Licensee, and the concerned Distribution Licensee shall process the application in accordance with these Regulations.

37. Regarding Discom's role with respect to SNA, in our view the Distribution Licensee shall operate in coordination with the SNA to grant open access in

cases wherein the inter-se location of drawl and injection points falls on the Distribution Network of the concerned Distribution Licensee.

Regulation 7: Treatment for existing Consumers:

Commission's Proposal:

38. Commission in the draft Regulations proposed as under:

> "***7: Treatment for existing Consumers***
>
> *The existing consumer(s)/generators may continue to avail the RE under open access as per the existing agreements or government policy for the period specified in those agreements or policies.*
>
> *Provided that the existing consumers/generators shall continue to pay the applicable charges as specified in their respective agreements or as may be determined by the Commission from time to time.*
>
> *Provided further that Green Energy Open Access for the subsequent period in respect of such consumer(s)/generator(s) shall be governed by provisions of these Regulations.*
>
> *Provided also that if Open Access for any additional RE capacity is sought by such existing consumer(s)/generator(s) in addition to the capacity already contracted under open access, the same shall be treated as new application for Green Energy Open Access to the extent of additional capacity sought."*

Comments received:

39. The stakeholders have mainly submitted as follows:

39.1 It may be clarified that if a new consumer is added to an existing open access generating unit, it will be treated with the same old terms as applicable at the time of the generating station's COD and will not be treated with the terms of a new Open Access / PPA.

39.2 The existing set of consumers and generators must be given a one-time opportunity to consider converting their current open access agreements to the GEOA. It is proposed to add a new third proviso to regulation 7 of the draft Regulations, as below:

> *"Provided that the existing consumers/generators shall be eligible to convert their existing open access agreements under the Green Energy Open Access for the remaining validity of their existing agreements on a one-time basis."*

39.3 The procedure for acceptance of additional capacity over and above the capacity sanctioned by the existing consumer should also be made clearer.

Commission's Analysis/decision:

40. Some of stakeholders suggested for clarification regarding the existing RE generator commissioned prior to the notification of these regulations, in our view these shall continue to be governed by the provisions of relevant Government Policy/ Order(s) of the Commission or Regulations notified by the Commission under the control period under which RE Generator got commissioned. Further, the third proviso to the regulation 7 also clarifies that if Open Access for any additional Green Energy (RE) capacity is sought by any existing consumer (s) / generators/licensee in addition to the capacity already contracted under Green Energy Open Access, it shall be treated as new application for grant of Green Energy Open Access to the extent of additional capacity commissioned after notification of these regulations. Thus, Regulation 7 read with the proviso gives ample clarity regarding the applicability of these regulations and therefore, no modifications are required.

41. Further, for the sake of clarity second proviso of regulation 7 of the draft Regulations shall also be appropriately amended as follows:

> *"Provided further that Green Energy Open Access for the period subsequent to their respective agreements in respect of such consumer(s)/generator(s) shall be governed by provisions of these Regulations."*

42. As regards the suggestion of allowing one-time opportunity to the existing consumer/generators, the Commission is of the view that such flexibility is desirable, if GEOA is to be facilitated in the State. We accept the suggestion of the stakeholders. Accordingly, a new proviso shall be added as the fourth proviso below the existing third proviso to regulation 7 as follows:

> *"Provided also that the existing consumers/generators shall be eligible to convert their existing RE based open access agreements under the Green Energy Open Access for the remaining validity of their existing agreements*

on a one-time basis and shall be governed by the provisions of these Regulations."

Regulation 8: Allotment priority

Commission's Proposal:

43. Commission in the draft Regulations proposed as under:

> *"**8. Allotment priority***
>
> *i. Distribution Licensees shall have highest priority.*
>
> *ii. GEOA consumers shall have preference over normal Open Access consumers.*
>
> *iii.Among the GEOA consumers, long-term GEOA consumers shall have preference followed by Medium term and subsequently short-term, at any given time, subject to availability of spare transmission/distribution system capacity margins.*
>
> *Provided that the decision to allow green energy open access shall be based on a first-come, first-served basis."*

Comments received:

44. The stakeholders have mainly submitted as follows:

44.1 As per the proposed Regulations, GEOA consumers shall have preference over normal open access consumers. However, such preferential treatment for GEOA consumers may lead to a decline in demand for non-renewable energy, which could further result in stranded assets for non-conventional generators. To create a fair competitive market under open access, a ratio between GEOA consumers and normal OA consumers may be adopted.

44.2 In the allotment priority, the interse priority of categories based on 'first come-first served' and period should also be made clear.

Commission's Analysis/decision:

45. The intent behind giving preference to GEOA consumers over normal Open Access consumers aligns with the National renewable energy objectives and policies promoting green energy. In this regard, it is to state that there cannot be a differentiation amongst RE generators in the same category of Open

Access based on existing RE generators and new RE generators. The open access application, after the existing open access expires, is to be treated as a fresh application only. Therefore, the priority for grant of RE open access in the same category of open access shall be governed by the priority of receipt of application for grant of open access under the respective category of Open Access. However, for more clarity, the existing regulation 8(ii) of the draft Regulations shall be reworded as follows:

> *"ii. GEOA consumers shall have preference over normal Open Access consumers within the same respective open access category."*

Regulation 9: Non-Utilization of open access service by Open Access Consumers:

Commission's Proposal:

46. Commission in the draft Regulation proposed as under:

> "***9. Non-Utilization of open access service by Open Access Consumers***
>
> *i. In the event of inability of the short-term open access consumer to utilize for more than four hours, full or substantial part of the capacity allocated to him, such a short-term open access consumer shall inform the respective SLDC of his inability to utilise the capacity, along with reasons therefore and may surrender the use of capacity allocated to him. However, such short-term consumer shall bear full transmission and /or wheeling charges based on the original reserved capacity and the period for which such capacity was reserved.*
>
> *ii. A medium-term/long-term consumer shall not relinquish or transfer his rights and obligations specified in the open access agreement without prior approval of the state nodal agency. The relinquishment or transfer of such rights and obligations by a long-term/medium term consumer shall be subject to payment of compensation, as provided in the procedure to be approved by the Commission.*
>
> *iii. The State Nodal Agency may cancel or reduce the capacity allocated to a short-term open access consumer to the extent it is underutilized, when such a short-term open access consumer under-utilizes the allocated capacity more than 2 times in a month with duration of under utilization exceeding 2 hours each time or fails to inform the distribution licensee of his inability to utilize the allocated capacity. Such cancellation shall be resorted to after giving due notice.*
>
> *iv. The surplus capacity available as a result of its surrender by the short-term open access consumer under clause (i) above or reduction or cancellation of capacity by the SLDC under clause (iii) above, may be allocated to any other short-term open access consumer in the order of pending applications based on the point of injection and drawl."*

Comments received:

47. The stakeholders mainly submitted as follows:

47.1 All consumer/generator meters data with 15-minute time blocks will have to be communicated/integrated to SLDC's State Transmission Operation Management System (STOMS) Centre either through Discom's STOMS Centre or directly. This will require a considerable investment to implement state-of-the-art technology and build necessary infrastructure for monitoring unutilized capacity by an STOA consumer, along with its duration, and thereafter allotting this unutilized capacity to the other consumer.

47.2 For renewable energy (RE) sources, non-utilization should be based on availability at the consumer's end rather than generation schedules or injection at the generation end, as RE output can vary due to natural and technical factors. Underutilization / non-utilization will be assignable to the consumer's plant failure/outage without intimation to the Discom within, say, 1/2 hours of occurrence. Further, surrender of capacity under regulation 9(i) should be for the part of the day of intimation or the days indicated in the intimation only. Consumers should not incur any transmission and wheeling charges for RVPN's transmission/distribution outages. The annual inspections may verify underutilization due to RE equipment issues (e.g., derating, outages).

47.3 This clause may be deleted as such a condition is impossible to comply with while sourcing power from wind and solar-based generation due to the real-time variability in the availability natural resources. Further, transmission charges are already being collected for the quantum of corridor booked for short-term Transactions. Hence, it should be left to the discretion of the consumer to utilise it as needed.

47.4 Considering the intermittent nature of RE sources and many factors beyond the control of the generator, the provision related to GEOA

under-utilisation may be kept and requested to modify the regulation 9(iii) of the draft regulations as follows:

> *"iii. The State Nodal Agency may cancel or reduce the capacity allocated to a short-term open access consumer to the extent it is underutilized when such a short-term open access consumer* ***under-utilizes the allocated capacity more than 4 times in a month with duration of under utilization exceeding 4 hours each time or*** *fails to inform the distribution licensee of his inability to utilize the allocated capacity. Such cancellation shall be resorted to after giving due notice."*

47.5 Renewable Energy sources (solar and wind) are intermittent in nature. Consumers can only schedule power based on forecasting. Further, consumers taking Short Term Open Access (STOA)/ Temporary General Access (TGNA) are paying transmission charges and SLDC operating charges to the extent of the capacity for which STOA/ TGNA has been taken. Hence, this clause should not apply to Renewable Energy (solar and wind) projects.

47.6 The assignment or transfer of all or part of marginal capacity by the captive consumer may be permitted from one consumption point to another under the same legal entity, regardless of the Distribution Licensee within the state of Rajasthan, with no relinquishment charges, particularly for LT consumers and OA consumers utilising GEOA with a contracted load or sanctioned load of 100 kW and above. The provision for recovering breakout or relinquishment charges could render such transactions unviable for consumers; therefore, these charges should be reasonable to limit consumer risks. Furthermore, clarity on the quantum of such charges or costs is also required.

47.7 Conditions may be distinguished in the event of unavailability of the grid at the customer end to avoid disputes with the Distribution Licensee, as it will provide clarity and avoid conflicts, ensuring fair treatment to consumers and Distribution Licensees. Compensation charges/mechanisms should also be aligned with the RERC OA Regulations, 2016. Consistency with existing Regulations ensures fairness and predictability. Further, to discourage the over-injection and to

ensure fair compensation to the Distribution Licensee, the following sub-clause may be added for cases of power injection beyond the allocated capacity:

> *"Any injection of extra power into the system over and above the allocated capacity/revised allocated capacity after surrender/revised allocated capacity on account of under-utilization shall be considered as free energy to the Distribution Licensee."*

47.8 Renewable energy sources like wind and solar are inherently variable and unpredictable, which makes it difficult to consistently utilise the reserved open access capacity, leading to potential underutilisation and associated penalties due to their inherent nature. According to clause iv of regulation 9, the SLDC can allocate any surplus capacity resulting from a surrender to other short-term open access consumers. This provides ample opportunity for optimum utilisation of the available capacity. Therefore, it is requested to delete the proviso to clause 9(i) imposing charges on short-term consumers based on surrendered capacity. Accordingly, clauses 9.(i), 9(iii) and 9(iv)of the draft regulations are suggested to be deleted, and the following provisions are proposed:

> *"9 i. A medium-term/long-term consumer shall not relinquish or transfer his rights and obligations specified in the open access agreement without prior approval of the state nodal agency. The relinquishment or transfer of such rights and obligations by a long-term/medium term consumer shall be subject to payment of compensation, as provided in the procedure to be approved by the Commission.*
>
> *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".*

47.9 For a medium-term/long-term consumer, the compensation calculation methodology for relinquishment or transfer may be prescribed for certainty in the methodology. Gujarat and Karnataka follow similar practices in the GEOA Regulations.

47.10 Since the draft Regulations provide that the application shall be disposed of within 15 days, Green Energy Open Access applicants

should be required to submit an NOC from the Concerned Distribution Licensee along with their application.

47.11 Further, a provision related to compensation payable for surrender of long-term/medium-term open access capacity should also be incorporated in line with regulation 14 of the RERC OA Regulation, 2016.

47.12 Any liability of the charges must not be imposed on the consumers if the consumer has already surrendered the capacity, as the capacity would be provided to other consumers. Further, there may be various instances where short-term open access consumers may under-utilise the allocated capacity more than 2 times a month, which may exceed 2 hours due to plant shutdown, unit outage, operational difficulties, fire or other hazardous situations, etc. Any cancellation due to such incidents may disrupt the ease of doing business for the consumers, which is against the objective of providing open access. Further, if the consumer is already liable to pay penalties for non-utilization, it should not be liable for curtailment. If at all, the consumer is liable for curtailment, a prior written consent from the consumer must be obtained prior to such curtailment. It is requested to amend the clause as under:

> *"9. Non-Utilization of open access service by Open Access Consumers*
>
> *i. In the event of inability of the short-term open access consumer to utilize for more than four hours, full or substantial part of the capacity allocated to him, such a short-term open access consumer shall inform the respective SLDC of his inability to utilise the capacity, along with reasons therefore and may surrender the use of capacity allocated to him. ~~However, such short-term consumer shall bear full transmission and /or wheeling charges based on the original reserved capacity and the period for which such capacity was reserved.~~*
>
> *ii. A medium-term/long-term consumer shall not relinquish or transfer his rights and obligations specified in the open access agreement without prior approval of the state nodal agency. The relinquishment or transfer of such rights and obligations by a long-term/medium term consumer shall be subject to payment of compensation, as provided in the procedure to be approved by the Commission.*
>
> *iii. The State Nodal Agency may cancel or reduce the capacity allocated to a short-term open access consumer to the extent it is underutilized, when such a short-term open access consumer under-utilizes the allocated capacity more than 2 times in a month with duration of under utilization*

exceeding 2 hours each time or fails to inform the distribution licensee of his cancellation shall be resorted to after giving due notice.

iv. The surplus capacity available as a result of its surrender by the short-term open access consumer under clause (i) above or reduction or cancellation of capacity by the SLDC under clause (iii) above, may be allocated to any other short-term open access consumer in the order of pending applications based on the point of injection and drawl."

47.13 It may also be clarified that less than 4 hours of capacity can be surrendered for the short-term category consumer. It may further be clarified whether medium-term and long-term category consumers can surrender either full or partial capacity.

47.14 Provisions of regulation 14 of the RERC OA Regulations, 2016 need to be applicable from the date of capacity surrender or cancellation of capacity.

47.15 Underutilisation of GEOA should be objectively defined with respect to a target or normative utilization factor as per the granted GEOA. Open Access Utilisation Factor (OAUF) may be defined as under:

OAUF= Sum (t, OA_DS (t)) / GEOA * 24 * d

Where,
t-Time block of the day
d-Number of days in a month
OA DS(t)-Drawal schedule of the GEOA consumer for time block t (MW)
GEOA - Green Energy Open Access granted (MW)
(In case of variable GEOA, the above equation may be modified appropriately)

47.16 Underutilisation of GEOA should be defined with respect to monthly varying target for OAUF. Monthly variation is important to account for seasonality in RE generation, particularly that from solar and wind energy sources.

47.17 Rights to unused or excess open access should be mandatorily relinquished back to the state nodal agency. Provisions for its transfer to a third party could encourage withholding of transmission capacity to either earn rent from it or influence economic outcomes for the sector. Compensation for such a transfer of rights should be substantial enough to discourage squatting on the transmission network capacity.

47.18 The broad framework for the surrender or compensation process should be specified in the regulations. Subsequently, the nodal agency should outline the detailed process for the Commission's approval.

47.19 For long-term and medium-term consumers, both the timelines and charges should be specified for the transfer or relinquishment of connectivity in the GEOA Procedure. In the event that the connectivity is to be utilized or transferred within the same group company (i.e., a parent utilizes or transfers the connectivity of the subsidiary or affiliates, or vice versa), then some details shall be specified by the applicant during the filing of the connectivity application process. In such a case, there should be no charges applicable on the utilization or transfer of connectivity.

Commission's Analysis/decision:

48. As regards the suggestion of amending regulation 9(iii) in view of the intermittent nature of RE sources and to increase RE adoption, we accept the suggestion and Regulation 9(iii) shall be amended as under:

> *"iii. The State Nodal Agency may cancel or reduce the capacity allocated to a short-term open access consumer to the extent it is underutilized when such a short-term open access consumer under-utilizes the allocated capacity more than 4 times in a month with duration of under utilization exceeding 4 hours each time or fails to inform the distribution licensee of his inability to utilize the allocated capacity. Such cancellation shall be resorted to after giving due notice. "*

49. As regards the suggestion of the stakeholders to provide a compensation mechanism for non-utilisation of open access service capacity, we are of the view that, for the sake of clarity and streamlining the relinquishment, appropriate provisions in line with the RERC OA Regulations,2016 may have to be added. Accordingly, the sub regulation 9.ii is reworded appropriately and the following new sub-regulation 9(v) shall be added in the finalised Regulations as follows:

> *"v. The relinquishment or transfer of such rights and obligations by a long-term/medium term entity shall be subject to payment of compensation, as provided below:*

(1) A long term green energy open access entity who has availed open access rights for at least 12 years may relinquish the long term open access rights fully or partly before the expiry of the full term of long term open access, by making payment of compensation for stranded capacity as under:

(a) If a long term green energy open access entity submits an application to the Nodal Agency at least 1 (one) year prior to the date from which such customer desires to relinquish the open access rights, he shall be liable to pay no charges;

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

(2) A long term green energy open access entity, who has not availed open access rights for at least 12 (twelve) years, shall pay an amount equal to 66% of the transmission and wheeling charges, as applicable on the date on which the application for relinquishment of the open access right is made, for the stranded transmission and/or distribution capacity for the period falling short of 12 (twelve) years of open access rights subject to a maximum period of three years.

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

Provided further that in case such an open access entity submits an application for relinquishment of long term open access rights at any time at a notice period of less than one year, then such open access entity shall pay an amount equal to 66% of the transmission and wheeling charges, as applicable on the date from which the open access right is relinquished, for the period falling short of a notice period of one (1) year, in addition to 66% of the transmission and wheeling charges, as applicable on the date on which the application for relinquishment of the open access right is made, for the stranded transmission and/or distribution capacity for the period falling short of 12 (twelve) years of open access rights subject to a maximum period of three years.

(3) A medium term green energy open access entity may relinquish open access rights, fully or partly, by giving at least 30 days prior notice to the Nodal Agency and such medium term open access entity shall pay applicable transmission and wheeling charges for the period of relinquishment or 30 days, whichever is less.

(4) No refund shall be made by the Distribution/ Transmission Licensee to an open access customer who has created the system at his own cost for availing open access irrespective of whether he avails the open access for full term or partly."

Regulation 10: Energy Accounting :

Commission's Proposal:

50. Commission in the draft Regulation proposed as under:

> ***"10.*** **Energy Accounting**
> ***i. Inter-state transactions****:*
>
> *In case of Green Energy Open Access carried out under inter-state transaction, energy accounting shall be as per the CERC Regulations.*
>
> *Notwithstanding anything contrary contained in any other Regulations time being in force, if the generator situated in the State of Rajasthan and connected with the State grid and selling power outside 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 for deviation shall have the meaning as defined in CERC DSM Regulations from time to time.*
>
> ***ii. Intra-state transactions:***
>
> *Long Term Access/Medium-Term Open Access/Short-Term Open Access:*
>
> *The deviation charges shall be payable by the generator as per the RERC (Forecasting and Scheduling and Related Matters for Solar and Wind Generation Sources) Regulations, 2017 as amended from time to time.*
>
> *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.*
>
> *Provided further that mechanism for energy settlement may be provided in the procedure to be approved by the Commission.*

Comments received:

51. The stakeholder mainly submitted as follows:

51.1 Energy Accounting of the RE Projects is key, however, it is not clear who will formulate the said Procedure and put up before the Commission for their approval. Further, the provisions of the said Procedure need to be in line with the provisions of the Rajasthan Renewable Energy Policy, 2023. The procedure to be issued under this Regulation need to be put up for stakeholder consultation and the same need to be filed before the Commission for their approval after incorporating all the comments received from stakeholders.

51.2 According to regulation 10, the deviation charges payable by the generator as per the RERC (Forecasting, Scheduling, Deviation

Settlement and Related Matters of Solar and Wind Generation Sources) Regulations, 2017 (RERC F&S Regulations 2017), which currently apply only to solar and wind generators above 5 MW. However, as per the draft Regulations 2024, GEOA can be availed by consumers with a 100 kW load. Further, according to Regulation 30 of the RERC OA Regulations, 2016, will continue to apply to the GEOA transaction. This will lead to inconsistency since the RERC OA Regulations 2016 have a separate provision for deviations from the schedule. A situation will arise where generators above 5 MW will comply with F & S Regulations, and smaller generators and consumers will comply with deviation norms prescribed in the RERC OA Regulations 2016. The three Regulations (draft GEOA 2024, RERC OA Regulations, 2016 and F&S Regulations 2017) need to be reconciled, as failing to do so will complicate scheduling and deviation settlement for all consumers eligible for GEOA. Also, clarification is needed on whether scheduling and deviation will apply to consumers below 5 MW. It is suggested that scheduling only be limited to OA capacities up to 1 MW.

51.3 CERC is the appropriate Commission for inter-state transactions. However, the Commission is to expand and spell out in clear terms what all will be included in the energy accounting, for example, deviation settlement, scheduling, dispatch, etc. Non-expansion of this clause will leave scope for ambiguity and will no not be beneficial for any stakeholders. The Commission may consider bringing a suitable amendment to the Regulation. Relevant part of TNERC Regulations is reproduced as under:

> "***23. Treatment of inter-state transaction. –***
>
> *(1) When the generator situated in the State of Tamil Nadu or in the other State, connected with Inter-State Transmission system (ISTS) grid and directly supplying power to consumers situated in the State of Tamil Nadu who are only connected with Inter-State Transmission System/ Grid but not connected with State Transmission Network and/or Distribution System of the State, the transaction shall be governed as per the applicable CERC Regulations read with MoP Rules ."*

51.4 To simplify the green energy adjustment, the requirements for scheduling and forecasting may be waived for customers with captive solar installations below 15 MW. This will help reduce costs and make it easier for smaller consumers to adopt green energy better.

51.5 As per regulations energy consumption of the consumer may consist of:

(i) supply from existing OA for RE power (including captive PP),

(ii) supply from GEOA (including new captive PP),

(iii) supply from other OA ,

(iv)stand by supply arranged by consumer and

(v) supply from Discom (including standby supply).

Energy adjustment on the lines of regulation 25 of the RERC OA Regulations, 2016, needs to be specified.

Commission's Analysis/decision:

52. Regarding the stakeholder's suggestion on deviation charges, the Commission notes that these Regulations provide that the RERC F & S Regulations, 2017, shall govern the Green Energy Open Access for wind and solar generators. Conversely, another renewable energy technology-based generator commissioned under the respective RE tariff Order shall be governed by the provisions of the relevant Commission's order for the respective RE sources.

53. Furthermore, the Commission notes that the RERC F & S Regulations, 2017 provide that the deviation charges concerning Wind/Solar generators connected with the intra-State Grid and selling power outside the State shall be governed by the framework established by the CERC Regulations. Therefore, the applicability of DSM charges for wind and Solar generators shall be determined according to the provisions of the RERC F & S Regulations

2017 as amended from time to time, and no further modifications or clarifications are required in the Regulation.

54. Commission further notes from the CERC DSM Regulations', 'Contract Rate' is relevant to the deviation charges for the Renewable Energy power plants. Therefore, non-obstinate provision and explanation to the regulation 10 of the draft Regulations shall be reworded as follows:

> *"Notwithstanding anything contrary contained in any other Regulations time being in force, if the generator situated in the State of Rajasthan and connected with the State grid and selling power outside the State the energy accounting for deviation settlement be carried out, wherein the deviation charge shall be either (A) Contract Rate or (B) Normal Rate of Charges for deviation, whichever is higher.*
>
> *Explanation: Contract Rate and Normal Rate of Charges for deviation shall have the meaning as defined in the CERC DSM Regulations from time to time."*

55. Regarding the stakeholder suggestion related to energy adjustment, the draft Regulations already provide that a mechanism for energy settlement shall be provided in the procedure to be prepared by the SNA and approved by the Commission after due consultation. Therefore, no change is required in the draft Regulations on this account.

Regulation 11: Charges for Green Energy Open Access :

Commission's Proposal:

56. Commission in the draft Regulation proposed as under:

> "**11. Charges for Green Energy Open Access**
> *The charges payable by the Green Energy Open Access consumers shall be as follows:*
> *i. Transmission Charges*
> *ii. Wheeling Charges*
> *iii. Cross subsidy charges*
> *iv. Additional surcharge*
> *v. Banking Charges*
> *vi. Standby charges, wherever applicable*
> *vii. Reactive Energy Charges.*
> *viii. Other fees and charges such as SLDC fees and scheduling charges, deviation settlement (DSM) charges as per the relevant Regulations or orders of the Commission.*

ix. *Any other charges as may be decided by the Commission from time to time*

11.1 Transmission Charges

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

1.1.1 For use of inter-State transmission system:

As specified by the Central Commission from time to time.

1.1.2 For use of intra-State transmission system:

The determination of Transmission Charges for Long-Term, Medium-Term and Short-Term open access shall be determined by the Commission as per the prevailing provisions of the RERC Tariff Regulations from time to time. The applicable rate of Transmission Charge payable by Green Energy Open Access Consumer shall be specified by the Commission in its Tariff Order.

11.2 Wheeling Charges

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 subject to provisions of RERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2020 as amended from time to time.

11.3 Cross Subsidy Surcharge

a. *The Green Energy Open Access facility availed by a consumer shall be required to pay cross subsidy surcharge as provided in relevant Tariff Order 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.*

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

   Provided further that the Commission may not increase cross-subsidy surcharge for Green Energy Open Access Consumer purchasing green energy, from a generating plant using green energy (renewable energy) sources, 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 Open Access Consumer;

   Provided also that Cross-Subsidy Surcharge shall not be applicable if green energy drawn through green energy open access is utilized for production of green hydrogen and green ammonia.

b. *Cross-Subsidy Surcharge shall not exceed 20% of the Average supply cost.*
c. *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.*

11.4 Additional Surcharge

The Additional Surcharge shall not be applicable to the Green Energy Open Access consumer for the quantum of Green Energy Open Access availed if the fixed charge is being paid by such Green Energy Open Access consumer to the distribution licensee for the quantum of Green Energy Open Access availed up to contract demand / sanctioned load with the 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 further that such additional surcharges shall not be levied in case green energy open access is provided to a person who has established a Captive Generation Plant for carrying the electricity to the destination of his own use.

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

Provided also that Additional Surcharge shall not be applicable if green energy is utilized for production of green hydrogen and green ammonia.

11.5 Standby charges for drawl of power by Green Energy Open Access consumer 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 agreements 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 and the licensee shall be entitled to collect Standby charges as specified by the Commission.

Provided that the applicable standby charges shall be Twenty-Five per cent of the energy charges applicable to consumer tariff category.

Provided further 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.

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 (DAM) 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.

11.6 Banking :

i. The terms and conditions of Banking specified in these Regulations shall be applicable for both existing Renewable Energy based plants and new Renewable Energy based plants during the application of control period of these Regulations.

ii. For availing the banking facility, the Renewable Energy based captive power plant shall install ABT compliant Special Energy Meters (SEMs), capable of energy accounting for each block of 15 minutes.

iii. Banking of Energy subject to a maximum ceiling of 25 % of the energy injected by Renewable Energy Captive Generating Station during the month or 30% of the total monthly consumption of electricity from the distribution licensee by the consumer, whichever is higher, at consumption end shall be allowed only for captive consumption within the State:

Provided that no banking facility shall be allowed for Renewable Energy plants supplying power to third party under open access and for the Renewable Energy plant installed behind the meter:

Provided further that for availing Banking Facility, Renewable Energy Captive Generating Station shall enter into Wheeling and Banking Agreement with Distribution Licensee.

Provided also that the banking shall be allowed on annual basis.

Provided also that the banking as well as withdrawal of banked energy shall be subject to scheduling as required.

Provided also that in a month the energy injected after accounting for losses shall be set off against the energy drawn from the Discom in the same month except excess energy drawn during the peak hours in the month declared by Distribution Licensee from time to time. The excess energy, if any, shall be carried forward to next month subject to limits specified above, after adjusting the banking charges.

Provided also that the Commission through a separate order may allow banking on the basis of Time of Day tariff slots.

Illustration:

If in any month, 1000 units of energy have been injected after accounting for losses and the total monthly consumption of electricity from the Distribution licensee by the consumer is 900 units out of ·which excess units consumed in peak hours are 100. Then excess injected energy to be considered for the particular month

shall be 200 units (1000-(900-100)) and the same shall be carried forwarded to next month as it is within the banking energy limit (higher of the 25% of 1000 units or 30% of 900 units). The banked energy considered for next month will be 200 x (1-8%) = 184 units. The Discom will raise the bill for excess 100 units of energy consumed during peak hours as per applicable tariff.

Explanation: The excess energy drawn during the peak hours in a month = (Total energy drawn during the peak hours in the month Total energy injected during the peak hours in the month).

If during the next month, 1000 units of energy have been injected after accounting for losses and the total monthly consumption of the electricity from the Discom by the consumer is 750 units out of which excess units consumed in peak hours are 100, the excess energy injected to be considered for that particular month shall be 350 units (1000- (750-100)). Out of excess energy of 350 units, only 250 units (higher of the 25% of 1000 unit or 30% of 750) shall be banked and carried forwarded to next month, remaining 100 units (350-250) shall lapse. Accordingly, 230 (250 x (1- 8%)) +184 (Banked during previous month) equal to 414 units shall be carried forward to the next month. The Discom will raise the bill for excess 100 units of energy consumed during peak hours as per the applicable tariff.

If during the next month, 1000 units of energy have been injected after accounting for losses and the monthly consumption of the electricity from the Discom by the consumer is 1500 units out of which excess units consumed in peak hours are 200 units then the energy consumed during off peak hours in that particular month shall be (1000-(1500- 200) = -300 units. In this case the above excess drawn 300 units will be adjusted against previously banked 414 units and balance 114 units will be carried forward to the next month. The Discom will raise the bill for excess 200 units consumed during the peak hours as per the applicable tariff.

iv. *Unutilized banked energy at the end of financial year shall lapse and the renewable energy captive generating plant shall be entitled to get Renewable Energy Certificates to the extent of the lapsed banked energy in accordance with rules/regulations framed by the MoP/CERC.*

v. *Banking charges at the rate of 8% of banked energy would be payable in kind and shall be adjusted against the banked energy before withdrawal, or any such other rate or in monetary terms or their combination thereof, as may be specified by the Commission through a separate order.*

***Illustration:** If 100 Units of energy have been banked at the consumption end after accounting for losses, the Captive consumer will be able to draw 92 units of banked energy and 8 units will be deducted as banking charges."*

Comments received:

57. The stakeholder mainly submitted as follows:

57.1 Transmission Charges should be payable to the transmission licensee by the Green Energy Open Access Consumer for the usage of its system.

57.2 The payment of charges using captive under GEOA must be clarified, and it must be limited to the applicable transmission and wheeling charges on the installed capacity only.

57.3 The transmission charges for supplying RE Power outside the state by injecting RE Power at the nearest GSS of the STU Network connected with the CTU network may be determined. These charges may be kept reasonable (concessional) in comparison to Normal transmission charges for open access to power at the STU network.

57.4 The exemptions may be provided in charges for three (3) years to promote open access to green energy in the country. Further, there should be provisions to promote banking for the maximum utilisation of extensive sources of green energy generation in Rajasthan.

57.5 The government should provide rebates on transmission and wheeling charges for captive consumers to encourage the faster adoption of green energy. Various states, including Chhattisgarh, have implemented similar measures to facilitate this.

57.6 It is requested that the Commission exclude the expression "*Any other charges as may be decided by the Commission from time to time*" from the provision of regulation 11(ix) to provide certainty about the applicable charges to GEOA consumers.

57.7 Latest tariff orders do not clarify the OA charges applicable at the Low Tension (LT) level, leading to ambiguity regarding the financial viability for such consumers. It is requested that the OA charges applicable at the LT level be included in the upcoming FY tariff orders. Revisions in OA charges (including transmission charges, wheeling charges, transmission

losses, and wheeling losses) for the use of the transmission/distribution system of a transmission licensee or distribution licensee, as the case may be, have significant financial impacts, especially for long-term open access consumers, and increase the risk due to volatility. Therefore, the OA charges provided under the tariff order for Green Energy Open Access consumers should remain unchanged for a minimum period of five years.

57.8 The provisions of the Rajasthan Investment Promotion Scheme 2024 and Rajasthan Integrated Clean Energy Policy 2024 regarding the waiver of Transmission Charges on the RE Integrated Storage project and BESS should be included.

57.9 To Boost Open Access Growth, it is requested to:

- Reduce Transmission and Wheeling Charges: Lowering these charges can significantly reduce the cost of open access.
- Expand Cross-Subsidy Surcharge Waivers: Applying this waiver to a broader range of green energy projects can make open access more attractive.
- Simplify the Application Process: Reducing administrative burdens can prevent delays.
- Encourage Renewable Procurement: Promoting renewable energy procurement by large organizations can expand the market.
- Enhanced Policy and Regulatory Support: Clear, supportive policies provide a solid foundation for sustainable open access growth.

57.10 It is requested to consider the following provision under Regulation 11. i. of this Draft Regulation.

> *"Transmission Charges for WSH Project shall be levied on the Hybrid of Capacity of such WSH project.*
>
> *Illustration: If the company develops 100 MW WSH hybrid project which include 100 MW Wind and 100 MW Solar then Transmission Charges shall be levied on hybrid capacity i.e. 100 MW and not on total aggregate capacity i.e. 200 MW."*

57.11 Green hydrogen and green ammonia producers may be allowed to maintain the lowest minimum demand with the Discom (thus fulfilling

the Discom's consumer requirements) and pay the minimum demand charges for drawing power through open access, as they are essentially utilising the Discom's wire business. Necessary charges for transmission and wheeling power will also be paid.

57.12 The Discom may be encouraged to procure renewable energy for the supply to green hydrogen and derivatives production units located in the state, as allowed under the Odisha Green Energy Open Access Regulations 2023.

57.13 A simplified Cross Subsidy Surcharges (CSS) approach is suggested to incentivize long-term open access (OA) by fixing CSS for long-term consumers, thus avoiding complex implementation linked to the renewable energy source's start date.

57.14 Developers of long-term renewable projects (25 years) could face a significant cost increase after 12 years, making such projects less attractive for long-term investment. Therefore, Commission should increase cross subsidy surcharges for GEOA consumer during 25 years from COD.

57.15 The cross-subsidy surcharge may increase due to general cost increases, including those arising from higher power purchases. Therefore, the CSS should be reviewed in absolute terms to allow for a limited increase that accounts for such cost changes over the years. To provide regulatory certainty to the RE project developer, the annual increase in CSS may be capped. However, any decrease in CSS should be passed on. Alternatively, the regulation may specify that the surcharge does not increase in real terms (i.e., in terms of constant prices) compared to the year of the first grant of GEOA. Such a real price condition can help safeguard against the impact of changes in the general price level, which is likely to rise across most cost components, including power purchases, O&M costs, and others.

57.16 As per the Electricity (Amendment) Rules, 2024, Additional Surcharges (AS) should be eliminated within four years from the date of open access approval. The recommendation is to gradually phase out AS over time, with an emphasis on compensating Discom through standby and banking charges. Therefore, third and fourth proviso may be added in regulations 11.4 as below:

> *"Provided that the additional surcharge levied on any Open Access Consumer shall not be more than the per unit fixed cost of power purchase of the distribution licensee concerned:*
>
> *Provided that for a person availing Open Access, the additional surcharge shall be linearly reduced from the value in the year in which 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 General Network Access or Open Access:"*

57.17 The new regulations suggest that, under the clause concerning additional surcharges, Green Energy Open Access above the contracted demand or sanctioned load is permissible. However, this provision lacks explicit detail. It is requested that confirmation be provided on whether open access consumers are allowed to draw power exceeding their contracted demand and, if so, the specific terms and conditions applicable to such transactions.

57.18 While determining these charges, it may be an objective to maintain balance so that there is no significant disparity in charges between captive consumers and non-captive consumers using sustainable renewable energy power.

57.19 Discoms currently under-recover fixed costs through the fixed charges levied on consumers. The additional surcharge determined by the Commission compensates for excess contracted generation capacity and helps cover the fixed costs. Since Open Access consumers already pay wheeling charges, this adds complexity to the accounting. For transparency and sustainability in the distribution sector, it is recommended to revise the provision stating that GEOA consumers

should pay either the fixed charge or the additional surcharge, whichever is higher.

57.20 It should be clarified that additional surcharges shall not be levied on the GEOA solely based on contracted capacity and shall not be imposed as long as the drawl does not exceed the contract demand.

57.21 It may be clarified whether additional charges will be levied on green hydrogen and its derivatives developers if they avail green energy under open access more than their contract demand/sanctioned load and are not paying any fixed charges corresponding to such additional demand over and above the existing contract demand or sanction load.

57.22 Additional surcharges should be specified in the policy, or they can be waived. It is necessary to specify the charges and losses separately for Green Open Access Captive consumers. For third-party sales, the charges and losses should be minimised to NIL to enhance viability and promote the clean energy. Regarding Interstate Transmission, as connectivity to CTU is not available, consumers connected to STU should receive concessions from STU to CTU transmission.

57.23 A banking facility should be provided allowing the renewable energy generators to store excess power in the grid for future use, thereby enhancing the viability of renewable projects. The policy addresses wheeling charges (the cost of transmitting electricity over the grid), aiming to reduce these costs for renewable energy transactions to encourage participation. It addresses the calculation and application of wheeling charges (costs for using the transmission infrastructure) and any applicable cross-subsidy charges to make open access more financially feasible, with cross-subsidy charges exempted irrespective of the contract demand of the consumer.

57.24 The Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022, notified by the Ministry of Power, along with

its subsequent amendments, only provide for a defined set of charges that may be levied on green energy open access consumers. Therefore, the removal of Point no. (ix) is essential to avoid levying any additional charges.

57.25 Consumers, opting for installation of additional RE captive capacity over and above the contracted capacity, should pay the fixed charges for the additional RE capacity installed over and above the sanctioned contract demand from Discom along with any other applicable charges.

57.26 Standby charges of 25% of the energy charges are unreasonable specially for those consumers who are partial consumers of alternate energy and already paying all relevant OA and infrastructure charges to the distribution licensee. It is requested that the incidence of standby charges be removed for such consumers.

57.27 The Regulations' provisions imply that a standby supply to green energy open access shall be provided as a Discom obligation without its specific contract demand. Furthermore, this regulation overrides the provision of regulation 13(3) of the RERC OA Regulations, 2016, regarding temporary supply tariffs and the fixed charges for a minimum of 42 days in a year. These should be indicated in the Regulations.

57.28 For a representative industrial consumer in Rajasthan, 25% of the energy charge is approximately 1.8 Rs/unit, which is a relatively nominal charge. Standby service affects the Discom's power procurement, and they must be adequately compensated for providing both planned and unplanned standby services. In this regard, the Punjab and Maharashtra ERCs have developed innovative frameworks for standby charges. In Punjab, monthly fixed commitment charges apply for standby services even if standby power is not availed. Here, the monthly commitment charge ranges from Rs. 35/kVA to Rs. 60/kVA. For unplanned standby power, the charge is 1.25 times the tariff. With day-

ahead notice, the charge matches the tariff. Maharashtra ERC has a similar system for captive consumers, but the charges are higher. The commitment charge is about 25% of the applicable demand charges. Additionally, when planned standby power is utilized, the consumer must pay an additional charge of 75% of the demand charges, and 125% extra for unplanned standby for demand exceeding the contract demand.

57.29 The standby charges should not apply to the GEOA consumer for the quantum of green energy open access availed up to the contract demand/sanctioned load with the licensee. Furthermore, the applicable standby charges should not exceed the ten percent of the energy charges for the consumer tariff category, in line with MoP's Green Energy Open Access Rules, 2022.

57.30 The draft Regulations allow consumers to avoid standby charges if advance notice is given a day before the Day-Ahead Market (DAM) closure (D-1). Considering the availability of the Real-Time Market (RTM) for balancing power deficits, It is proposed that the advance notice period may be reduced to two hours before the actual delivery. It may also be clarified whether the Commission would consider aligning the notice period with modern market operations.

57.31 It is essential to distinguish the cause of the outage so that the Distribution Licensee can be reasonably notified in advance. For outages attributable exclusively to the transmission system of the Transmission Licensee or the Distribution Licensee, it is unfair to hold the consumer liable for standby charges, rather, the responsibility of arranging power from other sources should lie with the Transmission Licensee or Distribution Licensee. Standby charges should not be levied on the consumer in such cases. In addition draft Regulations provided that consumers access would have option to arrange standby power from the other sources, the mechanism for such processes may be clarified. Any standby energy procurement should not require the GEOA

to seek further regulatory approvals, such as NOC or additional contract capacity. This would be impractical given the short timeframes typically associated with outages. The Regulations should explicitly state that the Green Energy Open Access (GEOA) consumer is exempt from seeking such approvals in these circumstances. Additionally, GEOA consumers should not be subject to any extra charges beyond what they would normally pay if the outage had not occurred.

57.32 Standby charges should apply only if there is an outage in the system that is attributable to the generator. However, transmission and distribution systems are not under the control or scope of the generator or consumer. Therefore, since these cases fall under the control of transmission/Discom utilities, no standby charges should apply. Furthermore, if the generating source is affected by Force Majeure events, standby charges should not be applicable.

57.33 Standby charges should not apply if a fixed charge is being paid by Green Energy Open Access Consumers to the distribution Licensee for the GEOA availed up to the contract demand/Sanctioned Load. The maximum levy of standby charges should be restricted to ten percent of the normal tariff applicable to the consumer tariff category as per the MoP Green Energy Open Access Rules, 2022.

57.34 Standby charges of 25% are unreasonable, especially for consumers who partially use alternate energy and are already paying all relevant OA and infrastructure charges to the distribution licensee. It is requested that the incidence of standby charges may be removed.

57.35 Standby charges may be reduced from 25% to 10%, similar to MoP, GoI Rules for the GEOA. Furthermore, green energy open access consumers may also be allowed to arrange standby power only from renewable energy sources.

57.36 Green energy generation depends on the sun or wind resources, which are not available at all times of the day and are subject to the

availability of nature's resources. It may be clarified that standby charges may not apply until the drawl of the consumer exceeds its contract demand.

57.37 Consumers already pay the fixed charges based on the contract demand utilised, and an alternative arrangement is available for them to draw power up to that capacity. Consequently, standby charges may be applied only for the energy sourced above the contract demand with Discom. Also, according to the MoP Green Energy Open Access (GEOA) Rules, 2022:

(i) If the consumer submits the requirement for Standby power on or before D-I day (where D is the delivery day), then such a consumer shall get the standby Arrangement from the DISCOM at applicable tariff with no incremental charges (i.e., standby charge). Commission is requested to adopt the MOP Rules and levy no standby charge.

(ii) Alternatively, for immediate requirements, the standby arrangements should be made available up to 1.25 times of the applicable tariff.

57.38 It is requested that the applicability of standby charges to the consumer availing open access from RE projects be clarified. As RE Projects are variable in terms of sourcing power, in fact, solar projects cannot produce energy during night hours. Therefore, in both cases, when power is variable and the RE project produces no power at all, the consumer is bound to take power from the Discom, maintaining its contract demand. It is requested that:-

(i) Standby charges should not apply to solar projects, as these projects do not generate power during night hours. Therefore, such consumers should not be required to provide prior notice when availing power from the Discom while maintaining their contract demand.

(ii) Standby charges should not apply to consumers availing open access from renewable energy projects if the generator injects power according to the schedule provided by it to the State Load Dispatch Centre (SLDC). Minor deviations from the schedule should not be treated as a power outage or non-availability of power.

57.39 According to the draft Regulations customers with loads of 100 kW or more will primarily fall under the LT category. Open access charges and losses for the LT category are not defined in Rajasthan. Clarity may be provided on these charges and losses.

57.40 It is not possible for the Nodal Agency to verify the "outages of generator, transmission systems and the like" for all GEOA consumers. This provision may be misused, especially during periods with expected high market prices, when it would be lucrative to sell the green energy on the power exchanges and seek standby power. The Nodal Agency should monitor all cases of such 'prior information' regarding the unavailability of green energy and requests for standby power. A proviso may be added specifying penal action for the misuse of the standby provision. Another alternative would be to link the standby charges to market prices, thus providing correct economic signals and preventing any misuse of the provision.

57.41 The first illustration given below reg 11.6(iii) needs correction and elaboration. In this, 1000 units should represent the adjusted GE injection (i.e., GE injection available at the consumer end = Green Energy (GE) injection at the generation end less transmission and wheeling losses, further modified by the availability of the transmission and distribution system), and 900 units should reflect the drawal from Discom (without adjustment for adjusted GE injection and banked GE but after adjusting for other open accesses). Furthermore, the adjusted GE injection and drawl from Discom should be aggregated based on their determination on a time-block basis. Further, RECs should apply to lapsed energy, factoring in monthly and annual limits, minus energy

used for RPO obligations. Additionally, REC should logically be available for lapsed energy at the end of the month (i.e., injection beyond the permissible limit of deviation) plus lapsed energy at the end of the financial year, less the quantum of such GE considered by an obligated entity for RPO obligation.

57.42 The Discom needs to lay down a thorough procedure for settling banked energy. The process for issuing RE certificates, including their validity period, value, and eligible criteria, should also be detailed.

57.43 Commission should clarify whether the banking facility will be allowed for group captive generators. Most states have now restricted banking to monthly basis. Punjab ERC has specified annual banking in its GEOA Regulations, however, banking is disallowed during its peak agricultural season, i.e., from June to September. The Commission should undertake load analysis to understand whether Rajasthan has such peak seasons across the year, and disallow banking during the same, to avoid undue stress on the Discom.

57.44 Banking charges of 8% in-kind are highly concessional and do not fully compensate Discom for the costs incurred by them. The Prayas (Energy Group) study in Karnataka, analysing 120 consumers and 68 pooling substations for wind and solar, recommend that the banking charge be levied at 10-12% in-kind on the energy wheeled (not energy banked) or 0.3-0.4 Rs/kWh of wheeled energy to adequately compensate the Discom. Typically, GEOA consumers bank excess energy into the grid during the day and withdraw it in the evening or night, with FY23 market prices during daytime around 6 Rs/unit and evening prices in Rajasthan ranging between 8 to 10 Rs/unit. It is suggested to start with a banking charges12% in-kind be levied on banked energy while conducting a more rigorous study.

57.45 A captive consumer willing to install a renewable energy-based captive power plant, whether located at a distance or behind the

meter, should not be differentiated. Consequently, the facilities available to distantly located captive renewable power plants should also be extended to those installed behind the meter. However, where developers invest and a third party consumes the power, the absence of a banking facility is justifiable. Moreover, the requirement to execute wheeling and banking (W&B) agreements should only apply when power is wheeled from a distantly located renewable power plant to the point of consumption. It should not be mandated for a co-located/behind-the-meter captive renewable plant.

57.46 The Commission may allow banking facility as per the MoP GEOA Rules 2022, which the permitted quantum of banked energy by the Green Energy Open Access consumers as at least thirty percent (30%) of the total monthly consumption of electricity from the distribution licensee by the consumers.

57.47 It is requested to consider allowing the excess energy drawn during the peak hours as well, while calculating the adjusted banked energy to be carried forward to the next month.

57.48 Clause 11.6 related to the Banking may be modified as under:

> *The terms and conditions of Banking specified in these Regulations shall be applicable till 31.03.2030 for both existing Renewable Energy based plants and new Renewable Energy based plants getting commissioned up to 31.03.2026~~ during the application of control period of these Regulations.~~*
>
> .....
>
> *iv. Unutilized banked energy at the end of financial year shall lapse and the renewable energy captive generating plant shall be entitled to get Renewable Energy Certificates to the extent of the lapsed banked energy in accordance with rules/regulations framed by the MoP/CERC.*
>
> *Further for the RE Generating Station who are selling power under Open Access/Captive and have not registered under REC mechanism as per the CERC REC Regulation and its amendment from time to time, provided further the power is sold from such RE Generating station for RPO compliance of their Open Access Consumer Captive Users, in this case the unutilized banked energy at the end of financial year from such RE Generating Station shall be considered as deemed purchase by DLs at APPC rate or any other rate as specified by the Commission through a separate Order.*

57.49 Considering the provisions of Banking under the RERC RE Tariff Regulations, 2020, it is requested that Banking proposed in these Regulations should also be applicable for the projects commissioned/ to be commissioned up to 31.03.2026 under the Rajasthan Renewable Energy Policy 2023. Also, consider extending the Annual Banking after FY 2029-30 up to the useful life of the project commissioned or to be commissioned up to 31.03.2026.

57.50 Under Regulation 93.6 A of the RERC RE Tariff Regulations 2020, banking provisions were to remain applicable until 31.03.2030 for projects commissioned up to 31.03.2026. The new Regulations are silent on this provision. It is requested to clarify whether the banking validity clause from the RERC RE Tariff Regulations 2020 Regulations remains applicable under the new Regulations or if it has been superseded.

57.51 It is also proposed that the Distribution Company (Discom) purchase unutilised energy at the latest Solar Energy Corporation of India (SECI)-discovered renewable energy tariff. This approach would benefit both the Discom and the generators by preventing the lapsing of valuable renewable energy.

57.52 Commission may clarify that the banking shall be available to both intra state as well as inter-state transmission system connected renewable energy project as MoP GEOA Rules, 2022 states that captive consumer can install the plant anywhere in India.

57.53 Renewables are infirm source of generation and there is seasonal variation in generation from them. Almost 50-55% of the wind energy is generated during the four (4) months of the year, from June to September. Thus, it is necessary to allow 50% Banking in these months in order to utilise the entire energy by the Consumer. Commission may consider Additional Banking Changes for this.

57.54 Further, many industries require RTC Green power as part of their sustainability initiatives. Hence, to encourage consumers to install more

RE projects and use RE Power, the Commission should allow the drawing of peak/ off-peak TOD slots. Banked Energy in peak TOD Slots, for which the Commission may fix the additional banking charges limited to 2%. It is suggested that the fifth proviso to regulation 11.6(iii) may be amended as under :

> *"Provided also that in a month the energy injected after accounting for losses shall be set off against the energy drawn from the Discom in the same month, ~~except excess energy drawn during the peak hours in the month declared by Distribution Licensee from time to time~~.*
>
> *Provided further that, the energy whether banked during peak / off-peak TOD slots shall be permitted to be drawn during off-peak TOD slot only by paying the banking charges as specified in this Regulation and energy banked during peak/off-peak TOD slots shall be permitted to be drawn to peak TOD slots by paying additional banking charges in kind in addition to the banking charges as specified in this Regulation."*

57.55 The Commission should clearly define the Time-of-Day slots for 25 years, as a significant investment is involved in setting up the project. Clarity on Time-of-Day slots is a must. Thus, sixth Proviso to Regulation 11.6(iii) may be amended as under :

> *"Provided also that the Commission through a separate order may allow banking on the basis of Time of Day tariff slots. Further, the Time-of-Day slots defined by Commission shall be valid for 25 years from project COD."*

57.56 Further, Commission should clearly define the continuity of banking for 25 years for taking strategic investment decisions, and the following new Proviso may be added:

> *"Banking should be applicable for the period of 25 Years from the COD of the Captive Project."*

57.57 It is requested to consider allowing banking facility for the life cycle of RE projects, which typically span 25 years, or at least for the duration of the grant of LTOA.

57.58 As per MoP's Green Energy Open Access Rules, 2022, the permitted quantum of banked energy by the Green Energy Open Access consumers should be at least thirty percent of the total monthly consumption of electricity from the distribution licensee by the

consumers. The banking option may be further extended to the consumer with the following options:

i. Surplus RE Power can be allowed for sale in power exchange
ii. Surplus RE Power can be purchased by Discom in case of requirement of Discom with an appropriate tariff (Latest bidding tariff/average of last year bidding tariff)
iii. Surplus RE Power can be stored through Energy Storage Systems and used for self-use or sale to Discom/Power Exchange during peak hours.

57.59 Standby charge waivers or discounts may be offered for community-based projects, such as solar cooperatives. Time-of-day discounts may be introduced for green energy consumed during off-peak hours. A publicly accessible dashboard may be established to display real-time GEOA utilization, grid losses, and availability by region. Cross-subsidy surcharges may be reduced or removed for rural and semi-urban GEOA consumers, especially those in the educational and healthcare sectors. Partnership with R&D centers be explored for pilot projects integrating advanced technologies, like AI in grid management and green hydrogen storage. A self-service portal may be developed with standardized templates to expedite GEOA applications, especially for short-term users.

57.60 Banking for the third-party transactions may be allowed, as in Andhra Pradesh, Karnataka, and Tamil Nadu States. Additionally, the control period may be defined. The RERC RE Tariff regulations, 2020 do not specify any commissioning timeline; they mention a control period. The Commission may clarify this ambiguity.

57.61 Furthermore, the validity of the banking period should be explicitly stated. The sixth proviso to 11.6(iii) is an open-ended provision that grants the Commission the authority to change the banking procedure at any time in the future, which could impact the ongoing contracts of

consumers and generators. The Commission should establish clear banking guidelines, any changes should be reflected in this regulation only.

57.62 Banking is a vital aspect for the commercial viability of Renewable Energy Generating Projects, such as those based on solar or wind energy, operating under open access. Therefore, restrictions should not apply to any form of open access, including captive or third-party models. Additionally, third-party transactions offer significant advantages to the state utility and should be encouraged. Consequently, as long as the generator or consumer benefits from Renewable Energy Certificates (RECs), banking should be available for both captive and non-captive entities. Moreover, if a generator qualifies as a Captive Generating Plant (CGP) and utilizes the banking facility during the year but is later deemed a defaulter due to non-compliance with either requirement, all banking transactions will be reversed. This would be unjust, given that the generator has already compensated for the non-compliance by paying Open Access (OA) Charges applicable to non-captive entities.

57.63 Banking of energy is already restricted to 30% of the overall power consumption from the State utility. Thus, further restrictions/conditions on the scheduling of banking and the drawl of banked energy will be contrary to reasonableness provided under section 19(6) of the Constitution. Further, as per regulations, power banked in a particular month will be adjusted in the next month. The banked energy is unutilised at the end of the year shall get lapsed. This means for the first month, there will be no banked energy to be drawn, and similarly, for the last month, any energy banked will get lapsed and cannot be utilised. Thus, in such a case, the power banked in the last month of the year should be allowed to be carried forward to the next month (1st month of next year), and if there is some surplus of the previous year, then it should be declared lapsed.

57.64 RE project has a useful life of 25 years, and its sizing for any open access consumer is done based on the consumer's load profile and the prevailing banking regulations. It is requested to include the following provisions:

> *"Further, the RE projects which got commissioned during the control period of this regulation, should be granted the banking facility as defined in these regulations for a period of 25 years from the project COD."*

57.65 As regards Clause 11.6(iii), it is requested that the Commission may share the draft Wheeling and Banking Agreement (WBA). Further, it is requested that such WBA should have a validity period of 25 years from the project COD.

57.66 As per the MoP GEOA Rules, there is no restriction imposed on a drawing of banked energy. Hence, the banked energy should be allowed to be withdrawn during off-peak as well as peak hours, with an additional 2% banking charge for the units withdrawn during peak hours. Further, regulation 11.6 (iii) may be substituted as under:

> *Provided also that in a month the energy injected after accounting for losses shall be set off against the energy drawn from the Discom in the same month.* ***Banked energy during off peak hours will be allowed to be withdrawn during peak hours by imposing additional 2% banking charges.*** ~~*except excess energy drawn during the peak hours in the month declared by Distribution Licensee from time to time.*~~ *The excess energy, if any, shall be carried forward to next month subject to limits specified above, after adjusting the banking charges.*
>
> *Provided also that the Commission through a separate order may allowbanking on the basis of Time of Day tariff slots.* ***Further, the Time-of-Day slots defined by Commission shall be valid for 25 years from project COD.***

57.67 Regarding Clause 11.6(iv), under the Electricity Rules 2005, the captive consumer is required to consume a minimum of 51% of the total generation in a year. Therefore, if the captive user is unable to utilize the entire generation, then such energy shall be permitted to be sold under third-party sale to consumers whose customer numbers can be included in the executed Wheeling and Banking Agreement. It is proposed to substitute regulation with the following11.6 (iv):

*"Unutilized banked energy at the end of financial year **shall be allowed to sale under third party sale to the consumers whose consumer number can be added in the Wheeling Banking Agreement, in case the banked energy is not utilised for third party sale then such unutilised banked energy** shall lapse and the renewable energy captive generating plant shall be entitled to get Renewable Energy Certificates to the extent of the lapsed banked energy in accordance with rules/regulations framed by the MoP/CERC".*

57.68 Commission may clarify whether mentioned limits upto 25% of energy injected by renewable captive generating station during the month or upto 30% of the total monthly consumption of electricity from the distribution licensee on banking will be applicable for all renewable projects including solar, wind, BESS (with stored renewable), hydro or not? Also, it is requested that RERC share the justification (with mathematical computations) for setting up 25% or 30% limits, instead of 10% or 20% or some lower limit. The limits of 25% or 30% are on the higher side, and it will impose a huge risk to the National Grid by inducing more intermittency. It is also requested to share the justification for levying 8% banking charges only, not 15% or more. GWs of banking of excess renewable power will impose a huge risk to the local Grid.

57.69 Banking for the excess electric units generated should be upgraded to 30%, and charges for it should be reduced to NIL and carried forward to a month-on-month basis. Banking facility should also be allowed for third-party sales consumers. A green energy open access policy imposing 8% charges should be waived or minimised in favour of green open access for captive consumers. Banking for peak hours and off-peak hours should be specified.

57.70 The majority of these Banking provisions are progressive and provide for increasing the adoption of renewable energy. A maximum ceiling of 100% (instead of 25%) may be considered for banking energy injected by a Renewable Energy Captive Generating Station. This will be considered a milestone for enabling the commercial and industrial sector to adopt renewable energy. Considering banking energy is only

allowed for captive generating stations, increasing the banking limit may be considered.

57.71 It is suggested to adopt the principle adopted by the Odisha ERC while framing their Promotion of Renewable Energy through Green Energy Open Access, Regulations 2023. In their said Regulations, the SERC has allowed the treatment of unutilised banked energy as deemed purchase by GRIDCO on the expiry of the banking cycle. Accordingly, Commission is treatment of considering the unutilised banked energy would be unfair to the RE Generators as the cost of such power would not be realised by the generator while once it is injected into the grid, the cost of such power is ultimately realised at the consumption end instantaneously. Thus, considering the principle of fair and equitable justice, it is requested that the unutilised banked energy may be deemed procured by the concerned Discom as brown power. The RE Generator may be allowed to seek RECs against such brown power purchased by the Discom.

57.72 It is requested that the banking limit be increased to 40% for industries with seasonal operations, which would allow them to store more energy during high-production periods. Seasonal industries, such as agriculture and food processing, would benefit from flexible storage capacities that align with their unique production cycles.

57.73 It is suggested to allow more utilisation of solar by allowing banked energy adjustment (after adjustment in 15-minute time slots) as follows :

> *Green energy generation in Peak hours to be adjusted in peak and non peak hours Green energy generated in non-peak or normal hours to be adjusted only in non-peak / normal hours.*

57.74 There should not be any percentage limit on the banked energy quantum. Furthermore, adjustment of banked energy may be allowed until the end of the Financial Year (i.e., 31st March) so that if the consumer is not receiving the benefit in a particular month, they may be able to carry it forward to the next month. This will help some

consumers, such as hotels, educational institutions, and seasonal food processing industries, having variations in their energy consumption during different months, to utilise maximum green energy. It is also proposed that the requirement for scheduling and forecasting be waived for customers with captive solar below 15 MW, which will reduce costs and make it easier for such smaller consumers to adopt green energy.

57.75 Commission may also consider extending the Annual Banking even after FY 2029-30 up to the useful life of the project, which has or will get commissioned up to 31.03.2026 under the Rajasthan Renewable Energy Policy 2023. This may also lead to more capacity addition of RE in the State of Rajasthan, and mostly wind capacity, which is on the lower side compared to the capacity addition of solar energy in the State.

57.76 The Discoms should provide information in the bills of OA Consumers regarding TOD wise consumption, the TOD wise power sourced by them, and their adjustment against their consumption in each TOD slot. At present, the information mentioned above has not been provided in the bills. It is requested to include the following provision under Regulation 11.v, of this Regulation,

> *"The Distribution Licensee shall provide the information in the bills of OA Consumers regarding TOD wise consumption of OA Consumers and the TOD wise power sourced by them and their adjustment against their consumption in each TOD slot."*

57.77 Solar capacity addition in the State of Rajasthan will be more in future years which will create scenario of surplus power and cheaper power available in day time solar hours as compared to power available during night hours or peak hours. Therefore permitting Open Access Consumers to avail power banked during day time Solar Hours during the off-peak hours will be a financial burden to Distribution Licensees as they need to procure costlier power to meet requirement of such Open Access consumers during off peak hours which will be

ultimately borne by their consumers. Therefore, it is requested that the following provision be provided under Regulation 11. v.:

> "The energy banked during day time Solar Hours TOD slots shall be permitted to be drawn during day time Solar Hours TOD slots only and will not be permitted to be drawn during off-peak TOD slot."

57.78 It is requested to provide a rebate of 20% in the normal Tariff (energy charge component of the normal tariff) for industrial and commercial consumers for consumption of energy in solar hours in this Draft Regulation due to the following reasons,

a) Rule 8 of the Electricity (Rights of Consumers) Amendment Rules, 2023, needs to be followed as it is in line with the intent and objective of the Electricity Act, 2003.

b) It is worth to note that solar capacity addition in the State of Rajasthan will be more in future years which will create scenario of surplus power and cheaper power available in day time Solar hours as compared to power available during night hours or peak hours, therefore, the consumers should need to be promoted to consume more energy in day time by providing rebate as envisaged in the aforesaid Rules.

c) The rebate in energy charges for energy consumption in solar hours or day time to Commercial and Industrial consumers will enable them to manage their load profile as they will try to consume more energy in daytime (i.e., Solar Hours) which will negate surplus energy scenario in day time due to huge capacity addition by solar project in near future. For such consumers the banking provision may be provided as under:

> *Banking of Energy subject to a maximum ceiling of 30% of the monthly consumption of electricity from the distribution licensee by the consumer, shall be allowed only for captive consumption within the State.*
>
> *Provided that no banking facility shall be allowed for Renewable Energy plants supplying power to third party under open access and for the Renewable Energy plant installed behind the meter without any bi-directional meter in the same premises:*

Provided further that for availing Banking Facility, Renewable Energy Captive Generating Station will enter into Wheeling and Banking Agreement with Distribution Licensee."

57.79 The requirements for developing and promoting green hydrogen and ammonia production differ from those of renewable energy projects. The electrolyser must operate on a 24x7 basis with renewable energy as input to achieve the lowest LCOH. The electrolyser load is constant on a 24x7 basis, providing certainty of offtake. Since renewable energy is intermittent and variable, banking requirements are considerably larger than for standard renewable energy consumers. The overall limit for banking must be significantly high. Drawal restrictions during peak hours will negatively impact the overall project economics and increase the LCOH, rendering the project globally uncompetitive. Therefore, drawl during peak hours must be permitted. Banking restrictions regarding the percentage of energy injected and the overall limit for energy banking for Green Hydrogen/derivatives producers need to be relaxed, at least for the initial few projects or until December 2030, i.e., Phase 1 of the National Green Hydrogen Mission. Banking quota should be separate for RE consumers and Green hydrogen/derivatives production units, and provisions governing banking may differ for both quotas, given the need for new technologies. Promotional banking charges may be established for green hydrogen/derivatives production units to support the growth of this nascent sector.

Commission's Analysis/decision:

58. We have carefully considered the various suggestions received from the stakeholders related to Transmission & Wheeling charges, Additional Surcharge, Banking. In addition provision for clarity on treatment on transmission charges for RE hybrid plants in line with the Rajasthan Integrated Green Energy Policy 2024 have also been made. Further, in line with Amendment in Reg 5, the provision of banking for RE plants of capacity from

100% to 200% of contract Demand has also been incorporated. Additionally, enabling provision for Banking of RE project established for Green Hydrogen/ Green Ammonia generation plants have also been provided.

59. In light of the above and stakeholder's suggestions we consider it appropriate to amend the relevant provisions of the draft Regulations as follows:

(1). Sub-regulation 11.1.2 has been amended as follows:

11.1 Transmission Charges

……..

"***11.1.2 For use of intra-State transmission system:***

The determination of Transmission Charges for Long-Term, Medium-Term and Short-Term open access shall be determined by the Commission as per the prevailing provisions of the RERC Tariff Regulations from time to time. The applicable rate of Transmission Charge payable by Green Energy Open Access Consumer shall be specified by the Commission in its Tariff Order subject to provisions of RERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2020 as amended from time to time."

"11.3 For the use of both EHV and the distribution network, both transmission and wheeling charges as well as losses as applicable shall be payable.

Provided that, the Transmission & wheeling charges for the Co-located Wind-Solar hybrid power plants shall be levied as follows:

a. For the existing as well as the new hybrid power plants, the transmission charges shall be levied on the transmission capacity contracted.

Provided also that for non-co-located (two separate points of injections) projects, the charges shall be paid for solar and wind projects separately corresponding to the transmission capacity contracted of solar and wind projects respectively.

Provided also that in case of wind solar hybrid projects, the generation should not exceed the contracted capacity. Notwithstanding the above, the SLDC may curtail the additional injection keeping in view the security/reliability of the grid operation. The energy injected in excess of the above limit shall be the inadvertent injection and shall neither be paid for nor settled by the distribution licensee.

Provided also that the Transmission & Wheeling charges shall be exempted on supply of power from BESS during peak hours or non-solar hours for a capacity of 2000 MW capacity or capacity installed by 2030 whichever is earlier for the followings:

(i) RE Integrated Storage project with a capacity of 5% of RE capacity will be eligible for exemption of 75% on Transmission

and Wheeling charges for a period of seven (7) years. For BESS beyond 5% of RE capacity will be eligible for extra exemption of additional 1% Transmission and Wheeling charges on enhancement of each 1% capacity of storage system up to 30% capacity. For BESS beyond 30% of RE capacity, will be exempted from 100% Transmission & Wheeling charges.

(ii) Standalone Battery Energy Storage System (BESS) will be exempted 100% transmission and wheeling charge on supply of power from BESS during peak hours or non-solar hours for a period of seven (7) years.

(iii) BESS connected at 11 kV or 33 kV grid sub-stations will be exempted from 100% transmission and wheeling charges.

Provided that 50% waiver of intra-state transmission & wheeling charges will be applicable for the power produced from solar/wind plants (with/without storage) to be established for the Green Hydrogen/Ammonia plants to be set up by 2030. The transmission & wheeling losses shall be applicable as determined by the Commission.

(2). Commission in the draft Regulation has proposed that Additional Surcharge shall not be applicable to the Green Energy Open Access if fixed charge is being paid by GEOA consumer. Commission while finalizing the RERC Tariff Regulations, 2025 has observed that as per the existing tariff design, the cost recovery by the Discoms from fixed charges does not truly reflect the fixed costs incurred by them. Considering this to cover the above gap Discoms may have to be allowed to charge Additional Surcharge for certain period. However, the same shall not be more the per unit fixed cost of power purchase of the Distribution licensee concerned. Accordingly, a new proviso shall be inserted after the main provision of the draft Regulations as follows:

11.5 Additional Surcharge

……

"Provided that the additional surcharge may remain leviable till there is a gap in recovery of fixed charge and the fixed cost incurred by the licensee. However, the Additional surcharge shall not be more than the per unit fixed cost of power purchase of the distribution licensee concerned."

(3). A New provision 11.6 shall be added as follows:

"11.6 The incentives/rebates provided under the RERC (Terms and Conditions for Tariff Determination from Renewable Energy Sources) Regulations, 2020, including any amendments thereto, in respect of transmission charges, wheeling charges, cross-subsidy surcharge, and additional surcharge, shall continue to apply for the control period of the said Regulations unless otherwise specified in these Regulations."

11.8 Banking

(4). A New provision vi. shall be added below the sub-regulation v as follows:

"vi. The above provisions related to banking shall be applicable to all existing projects, as well as to new projects commissioned after the commencement of these Regulations, and shall remain in force until 31.03.2030 or any other date as may be separately appointed by the Commission through an order."

(5). New provision B. Banking for RE Power plants of capacity from 100% to 200% of Contract Demand has been added as follows:

B. Banking for RE power plants of capacity from 100% to 200% of Contract Demand

i. The terms and conditions of Banking specified in these Regulations shall be applicable for both existing Renewable Energy based plants and new Renewable Energy based plants during the application of control period of these Regulations.

ii. For availing the banking facility, the Renewable Energy based captive power plant shall install ABT compliant Special Energy Meters (SEMs), capable of energy accounting for each block of 15 minutes.

iii. Banking of Energy subject to a maximum ceiling of 30% of the total monthly consumption of electricity from the distribution licensee by the consumer at consumption end shall be allowed only for captive consumption within the State:

Provided that no banking facility shall be allowed for Renewable Energy plants supplying power to third party under open access and for the Renewable Energy plant installed behind the meter:

Provided also that for availing Banking Facility, Renewable Energy Captive Generating Station shall enter into Wheeling and Banking Agreement with Distribution Licensee.

Provided also that the banking shall be allowed on billing cycle basis.

Provided also that the banking as well as withdrawal of banked energy shall be subject to scheduling as required.

Provided also that in a billing cycle the energy injected after accounting for losses shall be set off against the energy drawn from the Discom in the same billing cycle. The credit of banked energy shall not be permitted to be carried forward to subsequent billing cycle and shall be adjusted during the same billing cycle.

Provided also that in a month the energy injected after accounting for losses shall be set off against the energy drawn from the Discom in the same month except excess energy drawn during the peak hours in the month declared by Distribution Licensee from time to time.

Provided also that the Commission through a separate order may allow banking on the basis of Time of Day tariff slots.

iv. *Unutilized banked energy at the end of billing cycle shall lapse and the renewable energy captive generating plant shall be entitled to get Renewable Energy Certificates to the extent of the lapsed banked energy in accordance with rules/regulations framed by the MoP/CERC.*

v. *Banking charges at the rate of 8% of banked energy would be payable in kind and shall be adjusted against the banked energy before withdrawal, or any such other rate or in monetary terms or their combination thereof, as may be specified by the Commission through a separate order."*

(6). A new provision C for Banking of RE projects established for Hydrogen/Ammonia generation plant is added as follows:

"C. Banking for RE projects established for Hydrogen/Ammonia generation plants:

The terms and conditions of banking for RE plants (with or without storage) set up for Green Hydrogen/Ammonia generation plant shall be applicable as per the provisions of the State Govt Policy."

Regulation 12: Curtailment Priority

Commission's Proposal:

60. Commission in the draft Regulations proposed as under

"***12. Curtailment Priority***

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

a. *The short-term open access consumer (other than GEOA consumer) shall be curtailed first followed by short-term GEOA consumers.*

b. *Next, medium-term OA consumer (other than GEOA consumer) followed by medium-term GEOA consumer shall be curtailed.*

c. *Next long-term OA consumer (other than GEOA consumer) followed by long-term GEOA consumer shall be curtailed.*

Provided that within a category, the GEOA 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."

Comments received:

61. The stakeholders mainly submitted as follows:

61.1 It is submitted that transmission constraints applies to Discom's regular supply and standby supply as well as non -RE open access and green open access. As such, the first priority of curtailment should be Discom's supply (including standby supply) to the consumer, and then the priorities may be as indicated in the Regulations. Further, curtailment of open access in % should not exceed that of Discom's supply.

61.2 In curtailment priority, the green energy producers should be placed last in reduction.

Commission's Analysis decision:

62. After having considered the suggestions, we are of the view that the present provisions are appropriate and should, therefore, be retained.

Regulation 13: Metering

Commission's Proposal:

63. Commission in the draft Regulations proposed as under:

> *"**13: Metering***
> *i. Green Energy Open Access consumer shall have to install ABT compliant Special Energy Meters (SMEs) or such other meters, capable of energy accounting for each block of 15 minutes, 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.*
> *ii. The metering point as well as the interconnection point for grid connectivity shall be the nearest transmission/distribution licensee sub-station.*
> *iii. 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.*
> *iv. All the Green Energy Open Access consumers shall abide by the metering standards of CEA."*

Comments received:

64. The stakeholders mainly submitted as follows:

64.1 As per CEA's (Installation and Operation of Meters) Regulations, 2006, amended from time to time, the appropriate Commission will decide the location of interface meters for Open Access customers. Therefore, the meter locations for GEOA may be clearly indicated in the current regulation.

64.2 In addition to the provision of regulations, there should be a separate consumer meter (as per the CEA Metering Regulations, 2006) to measure the energy consumed for the production of green hydrogen and green ammonia for the purpose of non levy of cross-subsidy surcharge as per the fourth proviso to regulation11.3(a) and non levy of additional surcharge as per the fifth proviso to regulation11.4.

64.3 In the case of Low Tension (LT) consumers, the meters should be smart meters instead of Availability Based Tariff (ABT) meters according to CEA Regulations. Therefore, the technical specifications of such smart meters also need to be defined. It is requested to clearly define the specifications of ABT Special Energy Meters (SEMs) for HT & EHT and Smart meters for LT.

64.4 Allow GEOA for consumers with a connected load of less than 1 MW who are connected to the LT voltage level, using smart meters that are capable of capturing the parameters required under the Retail Tariff Order for this category.

64.5 The use of Time of Day (ToD) meters may be allowed in place of ABT meters for low-tension consumers to avail themselves of the benefits of Green Energy Open Access. As the telecom industry has infrastructure at multiple locations, with the individual load at each location being low, a ToD meter will be sufficient and cost-effective. This will enable the telecom industry to quickly adopt the provisions of these regulations.

64.6 Smart energy meters may be permitted for technical and financial viability for GEOA consumers instead of ABT meters.

64.7 The following sub-clauses, as mentioned under, may be added and regulation 13 may be amended as follows:

> *"i. Green Energy Open Access Entity shall have to install ABT compliant Special Energy Meters (SMEs) or such other meters, capable of energy accounting for each block of 15 minutes, 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.*
>
> *ii. The metering point as well as the interconnection point for grid connectivity shall be the nearest transmission/distribution licensee substation.*
>
> *iii. 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.*
>
> *iv. The open access customer shall get his meters tested periodically as specified in Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time after depositing necessary testing fee with the concerned Distribution Licensee*
>
> *v. The Meters shall be tested, calibrated & sealed by Distribution Licensee in the presence of the other party involved and representative of concerned Transmission Licensee/STU if meter is installed at their grid substation. Any defective meter shall be replaced within 30 days, failing which the Entity shall be disallowed open access.*
>
> *vi. All the Green Energy Open Access Entity shall abide by the metering standards of CEA."*

64.8 Necessary metering equipment should be made available by the concerned licensee.

Commission's Analysis/decision:

65. We have considered the suggestions received from the stakeholders and also the provisions of the RERC OA Regulations, 2016 and in our view to bring in more clarity, several provisions shall be added below the existing sub-regulation iii and revised regulation 13 in the finalised Regulations shall read as follows:

> *"**13. Metering***
> *i. Green Energy Open Access consumer shall have to install ABT compliant Special Energy Meters (SMEs) or such other meters, capable of energy accounting for each block of 15 minutes, 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.

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

iii. 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.

iv. The green energy open access Entity shall get his meters tested periodically as specified in Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time after depositing necessary testing fee with the concerned Distribution Licensee.

v. The Meters shall be tested, calibrated & sealed by Distribution Licensee in the presence of the other party involved and representative of concerned Transmission Licensee/STU if meter is installed at their grid substation. Any defective meter shall be replaced within 30 days, failing which the customer shall be disallowed open access.

vi. All the Green Energy Open Access Entity shall abide by the metering standards of CEA."

Regulation 14: Reactive Energy Charges

Commission's Proposal:

66. Commission in the draft Regulations proposed as under:

> *"**14: Reactive Energy Charges***
>
> *In respect of green energy generator, the payment for the Reactive Energy charges shall be in accordance with orders passed by the Commission from time to time."*

Comments received:

67. The stakeholder submitted that with the increase in connectivity of RE generators to the state grid, the reactive energy drawl by RE generators has increased manifold, thereby reducing the available margin for active power in the transmission and distribution system. Therefore, to limit the reactive power exchange of the REOA entity, that is, the consumer and generator, Reactive Energy charges should be imposed only when the voltage at the interface point is outside the range 97% to 103% of the nominal voltage in 15-

minute time blocks. Accordingly, the Reactive Energy Charges may be clarified.

Commission's Analysis/decision:

68. It is stated that RERC (REGC) Regulations 2024, among other things, provide for Reactive Power Management for users. The Regulations also require that the distribution licensee, OA, and bulk consumers maintain the voltage within the range of 95% to 105% of the nominal system voltages. The reactive interchange of users shall be measured and monitored by the SLDC, which may direct users regarding reactive power set-points, voltage set-points, and power factor control to maintain the voltage at interconnection points. The Commission in the said Regulations also provided that charges and payments for Reactive Energy Exchanges shall be specified in the detailed operating procedure issued by STU. The draft regulations under 6(iii) state that the STU shall submit a detailed procedure. Accordingly, the aforementioned aspects of Reactive Power will also be covered under this the procedure developed by STU. In light of the above, we decide that the draft regulation may be amended as follows in the finalised Regulations:

> *"In respect of green energy generator/consumer, the Reactive power Management, including pricing, shall be in accordance with Regulations/orders passed by the Commission from time to time."*

Regulation 17: Compliance of Grid Code/Supply Code:

Commission's Proposal:

69. Commission in the draft Regulations proposed as under:

> "***16. Compliance of Grid Code/Supply Code***
>
> GEOA consumers shall abide by the State Grid Code, Supply Code and all other Codes and Standards, DSM Regulations as applicable from time to time."

Comments received:

70. The stakeholders mainly submitted as follows:

70.1 The Commission should expressly state that only intra-state open consumers shall abide by the State Grid Code, Supply Code, and all other Codes and Standards, DSM Regulations as applicable from time to time. It should clarify that interstate transactions will not be affected by state-framed open access regulations, including any provisions of the Open Access Regulations, 2016, and the proposed green energy open access regulation.

70.2 Without specific clarification, ambiguity will exist regarding the applicability of various provisions, such as the regulation 26 (7) of the RERC OA Regulations, 2016.

70.3 The applicability of state regulation over open access consumers, who procure their power from an interstate channel of which the intrastate network of RVPN is an incidental part, must be ensured.

70.4 One of the stakeholders requested that the following provision be included in the Applicability of Regulations:

> *"These Regulations shall apply to Open Access for use of intra state transmission system/distribution systems of licensee in the state including when such system is used in conjunction with inter-state transmission system."*

Commission's Analysis/decision:

71. Regarding the concern expressed by the Stakeholder, it is stated that Hon'ble APTEL in Appeal Nos. 111 & 112 of 2018 decided on 13.02.2025 has held that embedded consumers, irrespective of the nature of their transaction, will also be bound by the RERC OA Regulations 2016. We are therefore not inclined to accept the request of the stakeholder. Thus, no change is required in the draft

Regulations on this account. However, this regulation of the draft Regulations will be appropriately renumbered.

Regulation 18: Collection and Disbursement of charges:

Commission's Proposal:

72. Commission in the draft Regulations proposed as under:

> *"**17. Collection and Disbursement of charges***
>
> *i. The charges in respect of GEOA consumers shall be payable directly to the State Nodal Agency in accordance with the terms and conditions of payment as specified by the State Nodal agency.*
>
> *ii. SNA shall disburse the amount received to the appropriate licensees (Transmission charges to transmission licensee and distribution network charge to the appropriate distribution licensee).*
>
> *iii. Other GEOA charges, in case of more than one licensee is supplying in the same area, the licensee from whom the consumer was availing supply shall be paid the amounts so collected."*

Comments received:

73. The stakeholders mainly submitted as follows:

73.1 These regulations may be modified in accordance with regulation 27 of the RERC OA Regulations, 2016, which provides that the transmission charges shall be payable to the STU. In contrast, wheeling charges, additional surcharges, cross-subsidy charges, and banking charges shall be payable to the respective DISCOM, while SLDC charges shall be payable to the SLDC.

73.2 It is further submitted that the SLDC fees and charges for long-term, medium-term, and short-term open access should be clearly defined in the regulations. Additionally, a provision should be inserted stating that these charges shall be determined by the Commission in accordance with the prevailing provisions of the RERC Tariff Regulations and associated tariff orders issued from time to time. Furthermore, it may also be provided that the SLDC is authorised to recover such applicable fees and charges. Regulation 27(2) of the RERC OA Regulations, 2016, is

reproduced below, and it may be inserted into the current regulations as well:

> *"27(2) The SLDC fee and charges including scheduling and operating charges in respect of open access customers shall be paid to the State Load Dispatch Centre"*

73.3 Regulation 20 of the RERC OA Regulations 2016, as reproduced below, may also be included in the current regulation:

> *"20. SLDC fee and charges including scheduling and operating charges shall be payable as specified in the Rajasthan Electricity Regulatory Commission (Levy of fee and charges by SLDC) Regulations, 2004 as amended from time to time."*

73.4 Further, SNA should have the power to forfeit the security amount of the open access customers in the event of non-deposition of applicable charges or continuous default for more than two months.

73.5 Provision for the time-bound recovery of all applicable fees and charges, along with any consequent late payment surcharges (LPS) in cases of late payment, may also be mentioned in the current regulation.

73.6 A new specific provision should be inserted to make SLDC competent enough for the timely recovery of charges. In this respect, regulation 4(7) of the RERC OA Regulations, 2016, is reproduced below:

> *"4(7). A person having been declared insolvent or bankrupt or having outstanding dues against him for more than 2 months billing of Transmission or Distribution Licensee, shall not be eligible for open access."*
> *Further, the capacity should be vested with State Nodal Agency to forfeit security amount of open access customers in case of non deposition of applicable charges or in case of continuous default for more than 2 months".*

73.7 A provision for the deposition of the security amount, along with the application fee, may be inserted to ensure the security of SLDC fees and charges to be recovered from the customers as per existing regulation 24(1)(b) and 24(1)(d), reproduced below, may be included:

> *"24(1)(b) As a payment security towards SLDC charges, open access customer shall deposit an amount equal to 3 months of the SLDC fee and charges including scheduling and operating charges for allotted open access capacity with the State Load Dispatch Centre".*

"24(1)(d) "Such security may be in the form of cash deposit/ demand draft."

73.8 It is requested that provision for time-bound recovery of all applicable fees & charges and consequent late payment surcharges (LPS), in case of late payment, may be mentioned in the current Regulations.

73.9 A new provision requiring advance payment of applicable charges should be included. No charges should be refunded in the case of capacity surrender STOA.

Commission's Analysis/decision:

74. Considering the suggestions of the stakeholder regarding specifying the fee, security etc for the sake of clarity and certainty we deem it appropriate to insert a new regulation 16. The regulations from regulation 16 and onwards of the draft Regulations will be renumbered accordingly. The new regulation 16 shall be inserted as follows:

"16. Application Fee, Payment Security and Other Commercial Conditions

(1) For Long Term & Medium Term Green Energy Open Access

(a) A long term and Medium term green energy open access entity shall file an application in the manner and format as prescribed in the detailed procedure.

(b) An entity intending to avail green energy open access shall also submit a copy of his application to the Distribution Licensee(s) of his area of supply.

(c) The application shall be accompanied by a non-refundable fee of Rs 1,00,000 (Rs. One Lac only) for long-term and Rs. 20,000 (Rs. Twenty Thousand Only) for medium term green energy open access in the name and manner laid down in the detailed procedure.

(d) The application shall be accompanied by a bank guarantee corresponding to Rs 10,000/MW (Rs. Ten Thousand per MW) of the total power to be transmitted for long term open access in addition to the specified application fee in the manner laid down in the detailed procedure. The bank guarantee shall be kept valid and subsisting till commencement of long term open access.

(e) As a payment security towards transmission charges, open access customer shall deposit an amount equal to 3 months of the transmission charges for allotted open access capacity with the State Transmission Utility;

(f) As a payment security towards SLDC charges, open access customer shall deposit an amount equal to 3 months of the SLDC fee and charges including scheduling and operating charges for allotted open access capacity with the State Load Dispatch Centre;

(g) As a payment security towards wheeling charges, cross subsidy surcharge and additional surcharge, a deposit equal to 3 months of billing for these charges for allotted open access capacity shall be maintained with the Distribution Licensee of the area of supply;

Provided that unity power factor shall be considered for the purpose of unit conversion from MVA/kVA to MW/kW or vice versa.

Provided further that, in case of an existing open access customer availing open access for more than a financial year, security shall be revised on the basis of average monthly open access charges of the previous financial year.

Provided also that, the IPPs/ CPPs selling power outside the State, shall also deposit a security towards under injection, if any, with the Distribution Licensee, equivalent to 10% of the proposed monthly contracted generation for sale, at the energy charge rate of HT Industrial tariff, the amount of which shall be recalculated after the actual sale of the previous quarter of the financial year.

(h) Such security may be in the form of cash deposit/ demand draft

(2) For Short Term Open Access

(a) A short term green energy open access entity shall file an application in the manner and format as prescribed in the detailed procedure.

(b) An entity intending to avail short term intra-state green energy open access shall also submit a copy of his application to the Transmission and Distribution Licensee(s) of his area of supply.

(c) The application shall be accompanied by a non-refundable fee of Rs 5,000 (Rs. Five Thousand only) for short term green energy open access in the name and manner laid down in the detailed procedure.

(d) A green energy open access entity shall pay the transmission charges, SLDC charges, wheeling charges, surcharge, additional surcharge, and such other charges as applicable, in advance for the period for which the open access has been granted.

(e) The other terms and conditions including the commercial conditions for transmission charges, wheeling charges and scheduling & system operation charges, such as, terms of payment, creditworthiness, indemnification, and force majeure conditions etc., shall be as provided in the detailed procedure."

75. Further, considering the suggestions regarding collection and disbursement of charges, the Commission considers it appropriate to amend regulation 17 of the draft Regulations (now renumbered as regulation 18) in line with the RERC OA Regulations,2016 in the finalized Regulations, as follows:

"18. Collection and Disbursement of charges:

(1) The transmission charges and wheeling charges in respect of open access customers shall be payable by the open access customer directly to respective licensees.

(2) The SLDC fee and charges including scheduling and operating charges in respect of open access customers shall be paid to the State Load Despatch Centre.

(3) *The Unscheduled Interchange/DSM charges shall be paid in the manner as directed by the State Load Despatch Centre.*

(4) *The cross subsidy surcharge, additional surcharge or any other charges pertaining to the Distribution Licensee shall be paid by the open access consumer directly to the Distribution Licensee in whose area of supply he is located.*

(5) *In case fee, or any other charges, and specified on monthly basis, these charges shall be worked out on prorata daily basis for transactions for part of a month.*

(6) *The supplier end Distribution Licensee, that is, the Distribution Licensee in whose area of supply point of injection of open access supply is situated, shall convey (or download) the time block wise meter readings taken at an appointed time to the SLDC, RVPN, supplier and consumer end Distribution Licensee(s).*

(7) *The consumer end Distribution Licensee, that is the Distribution Licensee in whose area of supply an open access consumer is situated, shall convey (or down load) the time block wise meter readings taken at an appointed time to SLDC, consumer, RVPN & supplier.*

(8) *The consumer end Distribution Licensees shall prepare the provisional energy account based on the injection schedule, drawal schedule, and meter readings and contract demands for HT power and standby & start up supply and serve monthly bills. The provisional bill shall be served in the first week of the month. A copy of the provisional energy account shall also be supplied to SLDC. UI/deviation shall have to be considered and prepared by Distribution Licensee provisionally and conveyed to the SLDC. SLDC shall issue the final UI/deviation charge account."*

Regulation 19: Information System:

Commission's Proposal:

76. Commission in the draft Regulation proposed as under:

"***18. Information System***

i. *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 such information;*

   a. *A status report on long -term/medium-term/short term consumers*
   b. *Floor rate for bidding in case of congestion*
   c. *Peak load flows on EHV and HV lines*
   d. *Information regarding average loss in the transmission system and distribution system as determined by the licensee/s on a monthly basis.*

ii. *The information shall be updated upon every change in status.*

iii. *All previous report shall be available in the web-archives.*

iv. *The SLDC shall post the above information on its website within one month from the date of notification of these Regulations.*

Comments received:

77. The stakeholders mainly submitted as follows:

77.1 It is requested that SLDC may be replaced with the State Nodal Agency in this regulation.

77.2 SLDC should keep a record of application status and pending applications. Rajasthan SLDC should produce monthly reports, following the practice of Maharashtra SLDC for tracking the Open Access Application status within the State.

77.3 Licensees and SLDC should upload data about green and non-green open access consumption (in MUs), categorised by term (short, medium, long), on their websites as an annual report. This will help stakeholders track sales migration in the state, aiding better assessment of future growth in electricity sales for Commercial and Industrial (C&I).

77.4 It is recommended that public access to reports and information on green energy open access, detailing capacity, energy flows, usage, transfer capability information (both total and available), and cost structures, should be made mandatory. The data should also be updated periodically to ensure real-time information availability. This will enhance transparency and decision-making for consumers and stakeholders, assist distribution licensees in medium- and long-term planning, and help them understand green open access consumption trends.

77.5 It is submitted that Point no. d on "information regarding average loss in the transmission system and distribution system". The loss in the distribution system should be as determined by the Commission in the respective tariff order and not as per the licensee.

77.6 Further, Regulation 18 is an important provision on data reporting and transparency. However, the same must be strictly enforced by the Hon'ble RERC. Further, two more information should also be mandated to be provided by SNAs:

(a). Information on pending applications, their status, and reasons for rejection should be included in the monthly and annual reports.

(b). Data on the injecting and drawl points and capacity, as well as the period of access granted (start date and end date), should also be made available in the status report for OA.

Commission's Analysis/decision:

78. We have considered the suggestions, and to provide more clarity, we are of the view that it would be appropriate to amend the provisions of these regulations by replacing 'SLDC' with 'State Nodal Agency' wherever it appears in the provisions and also rewording the provisions appropriately as follows:

> "***19. Information System***
>
> *i. 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 such information;*
>
> *a. A status report on long -term/medium-term/short term consumers covering points of injection and drawal period of the access granted (start date and end date) and open access capacity used.*
> *b. Floor rate for bidding in case of congestion*
> *c. Peak load flows and capacity available on an EHV and HV lines*
> *d. Information regarding average loss in the transmission system and distribution system as approved by the Commissions on a monthly basis.*
> *e. List of pending applications, their status and reasons for rejections.*
>
> *ii. The information shall be updated upon every change in status.*
>
> *iii. All previous report shall be available in the web-archives.*
>
> *iv. The SLDC shall post the above information on its website within one month from the date of notification of these Regulations.*

Regulation 21: Communication facility:

Commission's Proposal:

79. Commission in the draft Regulation proposed as follows:

> "***20. 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) and from consumer place to distribution licensees on real time basis."

Comments received:

80. The stakeholders have mainly submitted as under:

80.1 GEOA consumers with lower contract demands (e.g., 100 kW) may find real-time data transmission burdensome. It's suggested that data transmission be packetized or handled at specified intervals, depending on SNA and Discom infrastructure capacity.

80.2 There should be specific requirements for communication systems, differentiated by consumer demand capacity, to ensure effective data flow for grid management. Commission can differentiate between requirements for, say a consumer with a sanctioned demand of <=100 kW versus a consumer with a sanctioned demand of >=1 MW.

80.3 The responsibility of accurate billing and accounting lies with the distribution licensee. Hence, the establishment of communication facilities, including software such as HES-MOM, should be under the purview of the distribution licensee, as it will be an unnecessary burden on the captive consumers. It was also requested by the stakeholders that the Commission notify regulatory guidelines in respect of HES-MDM software infrastructure and SoPs for metering and Billing.

80.4 It will not be appropriate to burden small consumers (as low as 100 kW) with real-time data transmission, etc. In the coming time, the number of such consumers may increase to the extent that it may become difficult for SLDC/Discom to handle their real-time data. Therefore, it would be appropriate for this aspect of data transmission, whether in real-time or in bulk packets at specified intervals during a month, to be left to the decision of SNA based on their/Discom's infrastructure capacity to handle and analyze them. Their categorization (in terms of kW), supply, and data transmission, whether in real-time or otherwise, may be specified by SNA.

Commission's Analysis/decision:

81. We have considered the suggestions of the stakeholders and consider it appropriate to amend the regulation 20 of the draft Regulations as follows:

> *"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) and from consumer place to distribution licensees on real time basis."*

82. The other aspects brought out by the stakeholders may be appropriately considered by the STU for suitably incorporating in the procedure.

Regulation 22: Green Energy Tariff

Commission's Proposal:

83. Commission in the draft Regulation proposed as under:

> ***"21. Green Energy Tariff***
>
> *i. Any consumer may elect to purchase green energy either up to a certain percentage of the consumption or its entire consumption and they may place a requisition for this with their distribution licensee, which shall procure such quantity of green energy and supply it and the consumer shall have the flexibility to give separate requisition for solar and non-solar;*
>
> *ii. The consumer may purchase on a voluntary basis, more renewable energy, than he is obligated to do and for ease of implementation, this may be in steps of Twenty-five per cent and going up to Hundred per cent;*
>
> *iii. The tariff for the green energy shall be determined separately by the Commission through a separate order, considering various cost components of the Distribution Licensee;*
>
> *iv. Any requisition for green energy from a distribution licensee shall be for a minimum period of one year;*
>
> *v. The quantum of green energy shall be pre-specified for at least one year;*
>
> *vi. The green energy purchased from distribution licensee or from Renewable Energy sources other than distribution licensee in excess of Renewable Purchase Obligation of obligated entity shall be counted towards Renewable Purchase Obligation compliance of the distribution licensee;*
>
> *vii. The Accounting of renewable energy supplied at distribution licensee level shall be on a monthly basis."*

Comments received:

84. The stakeholders have mainly submitted as follows:

84.1 The benefits of the green attributes from renewable energy procured in excess of their RPO should not be transferred to the Discom, and the GEOA consumers should retain the right to use these green attributes as they see fit. This clause may be excluded, as it defeats the purpose of sourcing RE power through open access. Industry would be sourcing power from open access for their own commitments under global Net Zero, not just for renewable purchase obligations. When Discom claims the renewable attributes of Green Energy Open Access, the power delivered to the consumer will become brown power, leaving the consumer with no RE benefits.

84.2 The minimum connected load limit for purchasing green energy from the distribution licensee may be set at 100 kW or an appropriate minimum level.

84.3 The draft Regulations introduce the concept of green certificates, but they do not specify their application or use. It is recommended to make these certificates non-transferable to ensure that they are used only by the original open access consumer.

84.4 The provision in sub-clause (iv) may discourage the consumers from choosing green energy from the distribution licensee. Consumers should have the option to select green energy from a licensee that meets existing electricity supply conditions. To enhance green energy acceptance, such limitations should be initially avoided and reevaluated later if necessary. Given that renewable energy generation from sources like solar and wind varies throughout the year, pre-specifying an annual quantity may not be feasible.

84.5 No pre-specified quantum for at least one year may be provided for consumers under the prevailing supply conditions. Furthermore, it is difficult for consumers to 'forecast' their consumption for a year. Once

the consumer has specified its requirement for, say, partial or complete green energy, regarding the green energy embedded in the electricity supplied to it (say, 50% or 100% green energy), the need to specify the quantum of electricity to be consumed for a year should be eliminated. If the objective of the above provision is to specify a percentage of green energy embedded in the electricity supplied, the clause should be reworded appropriately. Furthermore, the regulation should provide a reduction in the quantum of green power in cases of partial surrender of the load by consumers.

84.6 Any consumer may be allowed to purchase green energy up to a certain percentage of their consumption or for their entire consumption. However, they should submit a requisition to their distribution licensee at least three months prior to the scheduled drawl date.

84.7 The requisition of power purchase criteria through the respective distribution license may be limited to six months or more, depending on the availability of renewable energy from various types of power plants, such as solar and non-solar.

84.8 Consumers may be permitted to take green power under the green open access regime for a minimum period of one month. It is noted that the RERC Open Access Regulations allow short-term open access for at least one month and up to three months. There may be a requirement for RE power from the local Discom for a minimum of one month under the short-term open access mode. Restricting such consumers to purchase green power from the Discom for a minimum of one year, if they prefer a shorter duration, will not only lead to revenue loss for the local Discom (which may arise from short-term open access consumers) but will also discourage fair competition in short-term markets.

Commission's Analysis/decision:

85. Regarding the suggestion to place the requisition for green energy at least three (3) months in advance, the existing provision is adequate, and most of

the States do not provide the same. Therefore, no change is required on this account.

86. The suggestion of allowing green power for a minimum period of one (1) month is not acceptable, as the Discoms have to plan for the power procurement for such a short-term requirement. Additionally, the availability of renewable energy power varies over the day and the month. In our view, the duration of one year proposed in the draft Regulations is adequate, and there is no requirement for any change on this account in the draft Regulations.

87. We have considered the stakeholders' suggestions. It is stated that the Commission, after hearing the stakeholders, had already finalised similar provisions regarding Green Energy Tariff under the second Amendment in the RERC RE Tariff Regulations, 2020. In our view, no further Amendment is required in the current draft Regulations on account of this.

Regulation 23: Green Certificate:

Commission's Proposal:

88. Commission in the draft Regulation proposed as under:

> *"**23. Green Certificate***
> *The distribution licensee shall give green certificate on yearly basis to the consumers for the green energy supplied by the licensee to consumer on his request beyond the renewable purchase obligation of the consumers."*

Comments received:

89. The stakeholder has suggested that the base value and its validity period, including the redemption process in monetary and other terms, of the Green certificate should be well defined.

Commission's Analysis/decision:

90. The proposed provision is an enabling measure that allows entities to fulfill their commitments, such as their goals regarding green power and net-zero

emissions. In our view, no further amendments are required in the draft regulations on this matter account.

Regulation 25: Dispute Resolution:

Commission's Proposal:

91. Commission in the draft Regulation proposed as under:

> *"**25. Dispute Resolution***
> *(i) No application for open access shall be denied unless the applicant has been given an opportunity of being heard in the matter.*
> *(ii) All disputes and complaints relating to GEOA shall be made to the SLDC, which may investigate and endeavor to resolve the grievance.*
> *(iii) If the SLDC is unable to redress the grievance, the same shall be referred to the State Power Committee constituted under the State Grid Code which shall endeavor to resolve the grievance within 30 days and*
> *(iv) Where State Power Committee is unable to resolve the grievance, it shall be referred to the Commission and Commission decision in this regard shall be final and binding."*

Comments received:

92. The stakeholder has submitted that a forum involving consumer representatives for timely dispute resolution and a provision for tracking resolution should also be there to promote this scheme.

Commission's Analysis/decision:

93. The Commission has provided the Dispute Resolution in the draft Regulations in line with the RERC OA Regulations 2016, which is time-tested. Therefore, in our view, no change is required in the draft Regulations on this account.

Regulation 31: Savings Clause

94. The provision proposed in the draft Regulations has been appropriately reworded so as to bring in clarity as regards the implementation of the finalized Regulations as follows:

> *"31. Saving clause:*
> *The provisions of the RERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations 2020 and RERC (Open*

Access) Regulations, 2016 which are not inconsistent with provisions under these Regulations or not covered under these Regulations or Procedure made hereunder shall be also applicable mutatis mutandis as part of these Regulations.

Additional comments received:

95. In addition to above the following comments/ suggestions have been received from the various stakeholders:

95.1 The Commission is requested to issue operational guidelines after notifying these regulations with comprehensive details about the application process, formats, model agreements, and necessary documentation from consumers' verification of captive, banking, and metering procedures.

95.2 It may be clarified whether green hydrogen and its derivatives developers who are utilising their renewable energy requirements under open access are an obligated entity or not.

95.3 A clarification is needed for the smooth installation of open access solar plant for the consumers which have other meters connected to a main meter. Current regulation has an ambiguity around such systems and hence, places like residential societies, malls, hospitals, etc., are unable to get open access. This is a contradiction to the spirit of green energy open access system. It is requested to remove that condition and allow the smooth implementation of open access.

Commission's Analysis/decision:

96. Regarding the request from one of the stakeholders for clarification for consumers with additional meters connected to the main meter, it is stated that regulation 4(6) of the RERC OA Regulations, 2016 stipulates that consumers availing single point supply from Discoms and providing electricity

to multiple users are not eligible for open access. To ensure consistency, the stakeholder's request cannot be accepted.

97. As regards the suggestion of the Stakeholder to bring in time limits to the Discoms to avoid unnecessary delay, it is observed that the limit of 15 days is already specified in these regulations. In our view, no further change is required in this regard.

98. As regards the clarification of green hydrogen and its derivative will be considered as obligated entity, it is stated that applicability of RPO will be governed by the applicable Regulations and outside the scope of the regulatory exercise.

99. As regards the request of one of the stakeholders regarding issuing operational guidelines application process, the same may be considered by the STU in the procedure to be prepared by them.

100. Discoms had filed petition No. 2277/2024 requesting the Amendments in the RERC RE Tariff Regulations, 2020. In the Amendments, the Discoms requested that the maximum permissible capacity of eligible individual new renewable energy based captive power plants including renewable energy based plant installed behind the meter should be increased from the existing limit of 100% to 200% of the contract demand subject to the technical feasibility and acceptance by the Transmission/ Distribution licensee. Other Amendment sought was regarding the Banking provision, where Discoms had requested that the Banking of Energy subject to a maximum ceiling of 30% of the monthly consumption of electricity from the distribution licensee by the consumer for captive consumption within the State.

101. While disposing the said petition, vide order dated 13.12.2024, considering that subject matter of the said petition was also covered in the draft RERC (Terms and Conditions for Green Energy Open Access) Regulations, 2024 which was under finalisation, Commission deemed it proper

to treat the proposals contained in the said petition as suggestions/inputs for framing these Regulations.

102. Accordingly, Commission has also considered the above proposals of the Discoms while finalising these Regulations. As regards the proposal of increasing the maximum permissible capacity from 100% to 200% of the contract demand. Commission has appropriately incorporated the same as proviso to the Regulation 5. Once the Regulations are notified in the official gazette, the aforementioned provision will come into force and will accordingly supersede the relevant provision of the existing regulation 92.1 of the RERC RE Tariff Regulations, 2020 subject to the technical feasibility and acceptance by the Transmission/Distribution Licensee and till the procedure is finalised, the GEOA consumers may avail this facility under the existing framework.

103. In the light of the foregoing discussions, the finalized Regulations duly authenticated, placed below, may be published in the Official Gazette.

104. A copy of this memo, along with the finalized Regulations, may also be sent electronically and/or by post to the State Government, Central Electricity Authority (CEA), concerned Utilities and other stakeholders.

(Hemant Kumar Jain)
Member

(Dr. Rajesh Sharma)
Chairman

Annexure-I

S.No	Objectors Name
1.	Prof Anoop Singh
2.	SLDC
3.	Shanti Prasad
4.	Prayas Energy, Pune
5.	Shree Cement Limited
6.	AMPLUS Energy Solutions
7.	RAYS Experts
8.	COAI
9.	IB Vogt Solution Pvt Ltd.
10.	JK Cement
11.	Continuum Green Energy Pvt Ltd.
12.	Joule Wise
13.	Ultratech Cement
14.	DCM Shriram Ltd.
15.	Indus Tower
16.	RUVITL
17.	JVVNL
18.	Total Energies
19.	RRECL
20.	TATA Power Renewable Energy Ltd.
21.	"Indian Energy Exchange (IEX)
22.	Centre for Energy, Environment & People (CEEP)
23.	CleanMax
24.	O2 Power
25.	Ampin Energy
26.	HYGENCO Green Energies
27.	Duggar Fibre
28.	CEEW
29.	Bharti Hexacom
30.	Hindustan Zinc Ltd
31.	RVPNL
32.	Sustainable Projects Developers Association
33.	Dharam Deo Agarwal
34.	Yawanti Bolia
35.	Rajasthan Solar Association
36.	Novergy Energy Solution
37.	Sunsure Energy Pvt Ltd
38.	Continuum Green Energy Ltd.

Annexure-II

S.No	Stakeholder Name
1.	Sh. Naresh Agarwal, Representative for SLDC
2.	Sh. Amarjit Singh, Representative for Shree Cement Ltd.
3.	Sh. Nitesh Tyagi, Representative for M/s Amplus Energy Solution Pvt Ltd
4.	Sh. Shreyansh, Representative for RAYS Experts.
5.	Sh Dhanajay Gawanday, Representative for COAI
6.	Sh. Parinay Deep Shah, Representative for Continuum Green Energy Private Limited.
7.	Sh. Samikrith Rao, Advocate for Ultratech Cement
8.	Sh. Vikram Singh, Representative for Indus Tower.
9.	Sh. Shubham Chhabra, Representative for Indus Tower.
10.	Sh. Ankit Sareen, Advocate for JVVNL
11.	Sh. Manish, Representative for CEEP
12.	Sh. Ashu Gupta, Representative for Cleanmax
13.	Sh. Saumya Agarwal, Representative for O2 Power
14.	Sh. Tushar Raj, Representative for Ampin Energy.
15.	Sh. Vishal Singh, Representative for Bharti Hexacom
16.	Ms. Ayushi Saxena, Advocate for Hindustan Zinc Limited
17.	Sh. Harimohan Gupta, Representative for RVPNL
18.	Sh. Ankit Gupta, Representative for Sustainable Projects Developers Association
19.	Prof. Anoop Singh, Representative for Centre for Energy Regulation, IIT Kanpur

Rajasthan Electricity Regulatory Commission

NOTIFICATION

Jaiur, May….,2025

No. RERC/Secy/Regulation……In exercise of the powers conferred under Section 181 of the Electricity Act, 2003 (36 of 2003), read with Sections 39, 40, 42, 61 and 86 thereof and all other powers enabling it in this behalf, and after previous publication, the Rajasthan Electricity Regulatory Commission hereby makes the following Regulations, namely Rajasthan Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2025.

1. Short Title, Commencement and Extent of Application:

i. These Regulations shall be called the Rajasthan Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2025.

ii. These Regulations shall come into force from such date as the Commission may notify.

Provided that different dates may be appointed for commencement of provisions of different regulations.

iii. These Regulations shall extend to the whole State of Rajasthan.

iv. Notwithstanding anything contrary contained in any other Regulation time being in force, of the Commission, these Regulations shall be applicable for allowing Open Access to electricity generated from Renewable Energy Sources, both captive and third party, for use of Intra-State Transmission System/s (InSTS) and/or distribution system/s of licensee/s in the State, including such Intra-State Transmission and/or

distribution system/s, which are incidental to Inter-State Transmission of electricity.

2. Definitions:

(i) In these regulations, unless the context otherwise requires,

a. "Act" means the Electricity Act, 2003 (36 of 2003);

b. "Applicant" means a consumer, trading licensee, distribution licensee or a generating company who has applied seeking Green Energy Open Access as the case may be;

c. "Banking" means the surplus green energy injected in the grid and credited with the distribution licensee by the Green Energy Open Access consumers and that shall be drawn along with charges to compensate additional costs, if any;

d. "Captive generating plant" 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 cooperative society or association;

e. "Central Nodal Agency" means the Nodal Agency as notified by the Central Government to set up and operate a single window green energy open access system for renewable energy as per the Rules;

f. "Commission" means the Rajasthan Electricity Regulatory Commission;

g. 'Entity'" means following:

(i) Consumer who has contracted demand or sanctioned load of one hundred kW or more either through single connection or through multiple connections aggregating one hundred kW or more located in the same electricity division of a

distribution licensee, except for captive consumers. However, in the case of captive consumers, there shall not be any such lower load limitation.

(ii) Generator who produces Green Energy/Renewable Energy (including RE Captive Generating plant) and intends to avail open access;

h. "Existing Consumer/Generator" means a person already availing open access for sourcing/supplying Renewable energy to the transmission system and/or distribution system of a licensee in state under an existing agreement or GoR policy on the date of coming into force of these Regulations;

i. "Green Energy/Renewable Energy" means the electrical energy from renewable sources of energy including wind, solar, hydro, pumped Storages Hydro generation, energy storage system and storage (if the storage uses only renewable energy), Municipal Solid Waste-to-Energy based generation, biomass and bagasse based co-generation plants or any other technology as may be notified by the GOI from time to time and shall also include any mechanism that utilizes renewable energy to replace fossil fuels including production of green hydrogen or green ammonia;

j. Green Hydrogen / Green Ammonia means Hydrogen / Ammonia produced by using Renewable Energy; including Renewable Energy which has been banked and the Hydrogen/Ammonia produced from biomass.

Provided that Green Hydrogen / Green Ammonia can be manufactured by a developer by using Renewable Energy from a co-located Renewable Energy plant, or sourced from a remotely located Renewable Energy plants, whether set up by the same

developer, or a third party or procured renewable energy from the Power Exchange;

k. "Green Energy Open Access Consumer" means any person who has contract demand or sanctioned load of 100 kW or more, either through single connection or through multiple connections aggregating one hundred (100) kW or more located in same electricity division of a distribution licensee, shall be eligible to take Green Energy through Open Access (captive consumers shall not have any such lower load limit) or such other limit as may be specified by Commission from time to time, who are supplied with electricity from green energy sources for their 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 including captive 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; :

l. "Obligated Entity" means the entities mandated under Clause (e) of subsection (1) of Section 86 of the Act to fulfill the Renewable Purchase Obligation, which includes distribution licensee, captive consumer / user and open access consumer;

m. "Open Access" means the non-discriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a person engaged in generation in accordance with the Regulations specified by the Appropriate Commission;

n. "Person" shall include any company or body corporate or association or body of individuals whether incorporated or not, or artificial juridical person;

o. "Renewable Hybrid Energy Project" means a renewable energy project where the rated capacity of generation from one renewable energy source is at least 25% of the rated capacity of generation from other renewable energy source(s), having a single point of injection or maximum two points of injection into the grid ;

p. "Rules" means Rules made under the Electricity Act, 2003, including Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and subsequent Amendments;

q. "SLDC" means the State Load Dispatch Centre established under sub-section (1) of Section 31 of the Act;

r. "State Transmission Utility" means the Board or the Government company specified as such by the State Government under sub-section (1) of Section 39 of the Act;

s. "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;

t. "Wheeling" means the operation whereby the distribution system and associated facilities of a transmission licensee or distribution licensee, as the case may be, are used by another person for the conveyance of electricity on payment of charges to be determined under section 52 of the Act;

(iii) Words and expressions used and not defined in these regulations but defined in the Act or the Indian Electricity Grid Code (IEGC) or the Rules prescribed by GOI or the State Grid Code or the State Electricity Supply Code shall have the meaning assigned to them under the Act or the IEGC or the Rules or the State Grid Code, or the State Electricity Supply Code or any other Regulations notified by the Commission as the case may be.

3. Criteria for allowing Green Energy Open Access (GEOA)

i. The long-term GEOA shall be allowed in accordance with the transmission planning criteria and other relevant provisions stipulated in the State Grid Code and distribution plan as prepared by the Distribution Licensee.

Provided that in case a need for strengthening of the existing transmission/distribution system on account of capacity addition of RE plants is established as per the system study undertaken by STU/Discom, the expenses towards the system strengthening shall be borne by the concerned entity.

ii. The Short-Term/Medium Term 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;

Provided that any consumer may elect to purchase green energy either up to a certain percentage of the consumption or its entire consumption and they may place a requisition for this with their distribution licensee, which shall procure such quantity of green energy and supply it and the consumer shall have the flexibility to give separate requisition for solar and non-solar Green Energy.

Provided further that any requisition for green energy from a distribution licensee shall be for a minimum period of one year.

Provided also that the quantum of green energy shall be pre-specified for at least one year.

Provided also that the green energy purchased from distribution licensee or from Renewable Energy sources other than distribution licensee in excess of Renewable Purchase Obligation of obligated entity and not utilized by such entity in any other manner shall be counted towards Renewable Purchase Obligation compliance of the distribution licensee.

Provided also that the Accounting of renewable energy supplied at distribution licensee level shall be on a monthly basis.

4. 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 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 basis of date of such application.

Provided further that the period for Long Term, Medium Term and Short Term Green Energy Open Access may be appropriately revised by the Commission as and when required through a separate order.

5. Eligibility Criteria for applying GEOA

i. Subject to the provisions of these Regulations and system availability, consumers shall be eligible for open access to the intra-state transmission system of the State Transmission utility or any transmission licensee/s and distribution system/s of the distribution Licensee/s within the State.

Provided that notwithstanding anything contained in these Regulations, any RE generating company having subsisting Power Purchase Agreement (PPA) with the Distribution Licensee, shall not be

entitled to Open Access for the RE capacity, for which PPA is entered into, except in accordance with the terms of such PPA and also for such capacity (quantum of power) for which Open Access is already granted.

Provided further that, such open access shall be available on payment of such charges as may be determined by the Commission from time to time.

Provided also that such entities having been declared insolvent or bankrupt or having outstanding dues against them for more than 2 months of billing of the distribution/Transmission licensee or having a case of unauthorized use of electricity/ theft against them at the time of application, shall not be eligible for Open Access.

ii. Every person, who has constructed a captive generating plant, shall have the right to open access as per the provisions of Section 9 of the Act read with rules & Regulations covered under the Act and orders of the Commission on the subject matters from time to time.

Provided that consumers who have contract demand or sanctioned load of 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 take Green Energy through Open Access under these Regulations.

Provided further that there shall be no such lower limit with respect to contracted load or sanctioned load for the captive use of energy by the consumer opting under Green Energy Open Access. However, this shall

be on payment of charges and on such terms & conditions as may be decided by the Commission.

Provided that new RE projects on the STU network (excluding hydro projects) with an installed capacity of over 5 MW or as may be specified by the Commission will be mandated to install ESS (of at least 2 hours storage) for a minimum of 5% of the RE capacity.

Provided further that maximum permissible capacity of individual new renewable energy based captive power plant including renewable energy based plant installed behind the meter shall be allowed upto 200% of the contract demand.

Provided also that Renewable Energy based captive power plants having capacity above 100% contract demand and upto 200% of contract demand shall be required to install Battery Energy Storage System (BESS) for a minimum 20% of the energy generated by the additional capacity RE captive plant, i.e., capacity beyond the 100% of the contract demand.This percentage of Energy to be stored may further be reviewed by the Commission through a separate order from time to time. The operation of such storage capacity shall be as directed by SLDC/Distribution Licensee through a separate order.

Provided also that for the associated Green Hydrogen/Ammonia plant the peak power generation capacity of wind/solar/hybrid plant (with or without storage facility) shall be allowed as per the State Govt Policy.

Provided also that green energy open access consumer shall not change the quantum of power consumed through open access within 12-time

blocks, so as to avoid high variation in demand to be met by the distribution licensee.

6. Nodal Agency

i. All the applications related to green energy open access shall be submitted through 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 the application received through Central Nodal Agency by SNA shall be processed as per procedure & formats devised by STU.

Provided further that the application shall be disposed within 15 days from the date of receiving the same from CNA.

ii. Rajasthan State Transmission Utility (STU) shall operate as the State Nodal Agency (SNA) for grant of long-term and medium-term green energy open access and Rajasthan State Load Despatch Centre (SLDC) shall operate as the State Nodal Agency (SNA) for grant of short-term green energy open access.

iii. The STU shall submit detailed procedures covering, but not limited to, timelines, Bank Guarantee, fees, Rejection, Energy Accounting and Settlement and other matters incidental thereto, required for smooth operation of Green Energy Open Access, for the approval of the Commission [along with required formats for granting GEOA] within 30 days from the notification of these Regulations.

iv. The SNA 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.

7. Treatment for existing Consumers:

The existing consumer(s)/generators may continue to avail the RE under open access as per the existing agreements or government policy for the period specified in those agreements or policies.

Provided that the existing consumers/generators shall continue to pay the applicable charges as specified in their respective agreements or as may be determined by the Commission from time to time.

Provided further that Green Energy Open Access for the period subsequent to their respective agreements in respect of such consumer(s)/generator(s) shall be governed by provisions of these Regulations.

Provided also that if Open Access for any additional RE capacity is sought by such existing consumer(s)/generator(s) in addition to the capacity already contracted under open access, the same shall be treated as a new application for Green Energy Open Access to the extent of additional capacity sought.

Provided also that the existing consumers/generators shall be eligible to convert their existing RE based open access agreements under the Green Energy Open Access for the remaining validity of their existing agreements on a one-time basis and shall be governed by the provisions of these Regulations.

8. Allotment priority

i. Distribution Licensees shall have highest priority.

ii. GEOA consumers shall have preference over normal Open Access consumers within the same respective open access category.

iii. Among the GEOA consumers, long-term GEOA consumers shall have preference followed by Medium term and subsequently short-term, 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 served.

9. Non-Utilization of open access service by Open Access Consumers

i. In the event of inability of the short-term open access consumer to utilize for more than four hours, full or substantial part of the capacity allocated to him, such a short-term open access consumer shall inform the respective SLDC of his inability to utilise the capacity, along with reasons therefore and may surrender the use of capacity allocated to him. However, such short-term consumer shall bear full transmission and /or wheeling charges based on the original reserved capacity and the period for which such capacity was reserved.

ii. A medium-term/long-term consumer shall not relinquish or transfer his rights and obligations specified in the open access agreement without prior approval of the state nodal agency.

iii. The State Nodal Agency may cancel or reduce the capacity allocated to a short-term open access consumer to the extent it is underutilized, when such a short-term open access consumer under-

utilizes the allocated capacity more than 4 times in a month with duration of under utilization exceeding 4 hours each time or fails to inform the distribution licensee of his inability to utilize the allocated capacity. Such cancellation shall be resorted to after giving due notice.

iv. The surplus capacity available as a result of its surrender by the short-term open access consumer under clause (i) above or reduction or cancellation of capacity by the SLDC under clause (iii) above, may be allocated to any other short-term open access consumer in the order of pending applications based on the point of injection and drawl.

v. The relinquishment or transfer of such rights and obligations by a long-term/medium term entity shall be subject to payment of compensation, as provided below:

(1) A long term green energy open access entity who has availed open access rights for at least 12 years may relinquish the long term open access rights fully or partly before the expiry of the full term of long term open access, by making payment of compensation for stranded capacity as under:

(a) If a long term green energy open access entity submits an application to the Nodal Agency at least 1 (one) year prior to the date from which such customer desires to relinquish the open access rights, he shall be liable to pay no charges;

(b) If a long term green energy open access entity submits an application to the Nodal Agency at any time lesser than a period of 1 (one) year prior to the date from which such

customer desires to relinquish the open access rights, such customer shall pay an amount equal to 66% of the transmission and wheeling charges, as applicable on the date on which the application for relinquishment of the open access right is made, for the stranded transmission and/ or distribution capacity for the period falling short of a notice period of one (1) year.

(2) A long term green energy open access entity, who has not availed open access rights for at least 12 (twelve) years, shall pay an amount equal to 66% of the transmission and wheeling charges, as applicable on the date on which the application for relinquishment of the open access right is made, for the stranded transmission and/or distribution capacity for the period falling short of 12 (twelve) years of open access rights subject to a maximum period of three years.

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

Provided further that in case such an open access entity submits an application for relinquishment of long term open access rights at any time at a notice period of less than one year, then such open access entity shall pay an amount equal to 66% of the transmission and wheeling charges, as applicable on the date from which the open access right is relinquished, for the period falling short of a notice period of one (1) year, in addition to 66% of

the transmission and wheeling charges, as applicable on the date on which the application for relinquishment of the open access right is made, for the stranded transmission and/or distribution capacity for the period falling short of 12 (twelve) years of open access rights subject to a maximum period of three years.

(3) A medium term green energy open access entity may relinquish open access rights, fully or partly, by giving at least 30 days prior notice to the Nodal Agency and such medium term open access entity shall pay applicable transmission and wheeling charges for the period of relinquishment or 30 days whichever is less.

(4) No refund shall be made by the Distribution/ Transmission Licensee to an open access customer who has created the system at his own cost for availing open access irrespective of whether he avails the open access for full term or partly.

10. Energy Accounting :

i. Inter-state transactions:

In case of Green Energy Open Access carried out under inter-state transaction, energy accounting shall be as per the CERC Regulations.

Notwithstanding anything contrary contained in any other Regulations time being in force, if the generator situated in the State of Rajasthan and connected with the State grid and selling power outside the State the energy accounting for deviation settlement be carried out, wherein the deviation charge shall be either (A) Contract Rate or (B) Normal Rate of Charges for deviation, whichever is higher.

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

ii. Intra-state transactions:

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

The deviation charges shall be payable by the generator as per the RERC (Forecasting and Scheduling and Related Matters for Solar and Wind Generation Sources) Regulations, 2017 as amended from time to time.

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.

Provided further that mechanism for energy settlement shall be provided in the procedure to be approved by the Commission.

11. Charges for Green Energy Open Access :

The charges payable by the Green Energy Open Access consumers shall be as follows: -

i. Transmission Charges
ii. Wheeling Charges
iii. Cross subsidy charges
iv. Additional surcharge
v. Banking Charges

vi. Standby charges, wherever applicable

vii. Reactive Energy Charges.

viii. Other fees and charges such as SLDC fees and scheduling charges, deviation settlement (DSM) charges as per the relevant Regulations or orders of the Commission.

ix. Any other charges as may be decided by the Commission from time to time

11.1 Transmission Charges

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

11.1.1 For use of inter-State transmission system:

As specified by the Central Commission from time to time.

11.1.2 For use of intra-State transmission system:

The determination of Transmission Charges for Long-Term, Medium-Term and Short-Term open access shall be determined by the Commission as per the prevailing provisions of the RERC Tariff Regulations from time to time. The applicable rate of Transmission Charge payable by Green Energy Open Access Consumer shall be specified by the Commission in its Tariff Order subject to provisions of RERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2020 as amended from time to time.

11.2 Wheeling Charges

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 subject to provisions of RERC (Terms and Conditions for Tariff

determination from Renewable Energy Sources) Regulations, 2020 as amended from time to time.

11.3 For the use of both EHV and the distribution network, both transmission and wheeling charges as well as losses as applicable shall be payable.

Provided that, the Transmission & wheeling charges for the Co-located Wind-Solar hybrid power plants shall be levied as follows:

a. For the existing as well as the new hybrid power plants, the transmission charges shall be levied on the transmission capacity contracted.

Provided also that for non-co-located (two separate points of injections) projects, the charges shall be paid for solar and wind projects separately corresponding to the transmission capacity contracted of solar and wind projects respectively.

Provided also that in case of wind solar hybrid projects, the generation should not exceed the contracted capacity. Notwithstanding the above, the SLDC may curtail the additional injection keeping in view the security/reliability of the grid operation. The energy injected in excess of the above limit shall be the inadvertent injection and shall neither be paid for nor settled by the distribution licensee.

Provided also that the Transmission & Wheeling charges shall be exempted on supply of power from BESS during peak hours

or non-solar hours for a capacity of 2000 MW capacity or capacity installed by 2030 whichever is earlier for the followings:

(i) RE Integrated Storage project with a capacity of 5% of RE capacity will be eligible for exemption of 75% on Transmission and Wheeling charges for a period of seven (7) years. For BESS beyond 5% of RE capacity will be eligible for extra exemption of additional 1% Transmission and Wheeling charges on enhancement of each 1% capacity of storage system up to 30% capacity. For BESS beyond 30% of RE capacity, will be exempted from 100% Transmission & Wheeling charges.

(ii) Standalone Battery Energy Storage System (BESS) will be exempted 100% transmission and wheeling charge on supply of power from BESS during peak hours or non-solar hours for a period of seven (7) years.

(iii) BESS connected at 11 kV or 33 kV grid sub-stations will be exempted from 100% transmission and wheeling charges.

Provided that 50% waiver of intra-state transmission & wheeling charges will be applicable for the power produced from solar/wind plants (with/without storage) to be established for the Green Hydrogen/Ammonia plants to be set up by 2030. The transmission & wheeling losses shall be applicable as determined by the Commission.

11.4 Cross Subsidy Surcharge

a. The Green Energy Open Access facility availed by a consumer shall be required to pay cross subsidy surcharge as provided in relevant Tariff Order 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.

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

Provided further that the Commission may not increase cross-subsidy surcharge for Green Energy Open Access Consumer purchasing green energy, from a generating plant using green energy (renewable energy) sources, 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 Open Access Consumer;

Provided also that Cross-Subsidy Surcharge shall not be applicable if green energy drawn from wind/solar energy plant (s) (with or without storage facilities) through green energy open access is utilized for production of green hydrogen and green ammonia.

b. Cross-Subsidy Surcharge shall not exceed 20% of the Average Cost of supply.

c. 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.

11.5 Additional Surcharge

The Additional Surcharge shall not be applicable to the Green Energy Open Access consumer for the quantum of Green Energy Open Access availed if the fixed charge is being paid by such Green Energy Open Access consumer to the distribution licensee for the quantum of Green Energy Open Access availed up to contract demand / sanctioned load with the licensee.

Provided that the additional surcharge may remain leviable till there is a gap in recovery of fixed charge and the fixed cost incurred by the licensee. However, the Additional surcharge shall not be more than the per unit fixed cost of power purchase of the distribution licensee concerned.

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

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

Provided also that Additional Surcharge shall not be applicable if green energy is utilized for production of green hydrogen and green ammonia.

11.6 The incentives/rebates provided under the RERC (Terms and Conditions for Tariff Determination from Renewable Energy Sources) Regulations, 2020, including any amendments thereto, in respect of transmission charges, wheeling charges, cross-subsidy surcharge, and additional surcharge, shall continue to apply for the control period of the said Regulations unless otherwise specified in these Regulations.

11.7 Standby charges for drawl of power by Green Energy Open Access consumer 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 agreements 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 and the licensee shall be entitled to collect Standby charges as specified by the Commission.

Provided that the applicable standby charges shall be Twenty-Five per cent of the energy charges applicable to consumer tariff category.

Provided further 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.

Provided also 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 (DAM) 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.

11.8 Banking :

A. Banking for RE power plants of capacity upto 100% of Contract Demand:

i. The terms and conditions of Banking specified in these Regulations shall be applicable for both existing Renewable Energy based plants and new Renewable Energy based plants during the application of control period of these Regulations.

ii. For availing the banking facility, the Renewable Energy based captive power plant shall install ABT compliant Special Energy Meters (SEMs), capable of energy accounting for each block of 15 minutes.

iii. Banking of Energy subject to a maximum ceiling of 25 % of the energy injected by Renewable Energy Captive Generating Station during the month or 30% of the total monthly consumption of electricity from the distribution licensee by the consumer, whichever is higher, at consumption end shall be allowed only for captive consumption within the State:

Provided that no banking facility shall be allowed for Renewable Energy plants supplying power to third party under open access and for the Renewable Energy plant installed behind the meter:

Provided further that for availing Banking Facility, Renewable Energy Captive Generating Station shall enter into Wheeling and Banking Agreement with Distribution Licensee.

Provided also that the banking shall be allowed on annual basis.

Provided also that the banking as well as withdrawal of banked energy shall be subject to scheduling as required.

Provided also that in a month the energy injected after accounting for losses shall be set off against the energy drawn from the Discom in the same month except excess energy drawn during the peak hours in the month declared by Distribution Licensee from time to time. The excess energy, if any, shall be carried forward to next month subject to limits specified above, after adjusting the banking charges

Provided also that the Commission through a separate order may allow banking on the basis of Time of Day tariff slots.

Illustration for plants of capacity upto 100% of Contract Demand:

If in any month, 1000 units of energy have been injected after accounting for losses and the total monthly consumption of electricity from the Distribution licensee by the consumer is 900 units out of which excess units consumed in peak hours are 100. Then excess injected energy to be considered for the particular month shall be 200 units (1000-(900-100)) and

the same shall be carried forwarded to next month as it is within the banking energy limit (higher of the 25% of 1000 units or 30% of 900 units). The banked energy considered for next month will be 200 x (1-8%) = 184 units. The Discom will raise the bill for excess 100 units of energy consumed during peak hours as per applicable tariff.

Explanation: The excess energy drawn during the peak hours in a month = (Total energy drawn during the peak hours in the month minus (-) Total energy injected during the peak hours in the month).

If during the next month, 1000 units of energy have been injected after accounting for losses and the total monthly consumption of the electricity from the Discom by the consumer is 750 units out of which excess units consumed in peak hours are 100, the excess energy injected to be considered for that particular month shall be 350 units (1000- (750-100)). Out of excess energy of 350 units, only 250 units (higher of the 25% of 1000 unit or 30% of 750) shall be banked and carried forwarded to next month, remaining 100 units (350-250) shall lapse. Accordingly, 230 (250 x (1- 8%)) +184 (Banked during previous month) equal to 414 units shall be carried forward to the next month. The Discom will raise the bill for excess 100 units of energy consumed during peak hours as per the applicable tariff.

If during the next month, 1000 units of energy have been injected after accounting for losses and the monthly consumption of the electricity from the Discom by the consumer is 1500 units out of which excess units consumed in peak hours are 200 units then the energy consumed during off peak hours in that particular month shall be (1000-(1500- 200) = -300 units. In this case the above excess drawn 300 units will be adjusted against previously banked 414 units and balance 114 units will be carried

forward to the next month. The Discom will raise the bill for excess 200 units consumed during the peak hours as per the applicable tariff.

iv. Unutilized banked energy at the end of financial year shall lapse and the renewable energy captive generating plant shall be entitled to get Renewable Energy Certificates to the extent of the lapsed banked energy in accordance with rules/regulations framed by the MoP/CERC.

v. Banking charges at the rate of 8% of banked energy would be payable in kind and shall be adjusted against the banked energy before withdrawal, or any such other rate or in monetary terms or their combination thereof, as may be specified by the Commission through a separate order.

Illustration: If 100 Units of energy have been banked at the consumption end after accounting for losses, the Captive consumer will be able to draw 92 units of banked energy and 8 units will be deducted as banking charges.

vi. The above provisions related to banking shall be applicable to all existing projects, as well as to new projects commissioned after the commencement of these Regulations, and shall remain in force until 31.03.2030 or any other date as may be separately appointed by the Commission through an order. .

B. Banking for RE power plants of capacity from 100% to 200% of Contract Demand:

i. The terms and conditions of Banking specified in these Regulations shall be applicable for both existing Renewable Energy based plants

and new Renewable Energy based plants during the application of control period of these Regulations.

ii. For availing the banking facility, the Renewable Energy based captive power plant shall install ABT compliant Special Energy Meters (SEMs), capable of energy accounting for each block of 15 minutes.

iii. Banking of Energy subject to a maximum ceiling of 30% of the total monthly consumption of electricity from the distribution licensee by the consumer at consumption end shall be allowed only for captive consumption within the State:

Provided that no banking facility shall be allowed for Renewable Energy plants supplying power to third party under open access and for the Renewable Energy plant installed behind the meter:

Provided also that for availing Banking Facility, Renewable Energy Captive Generating Station shall enter into Wheeling and Banking Agreement with Distribution Licensee.

Provided also that the banking shall be allowed on billing cycle basis.

Provided also that the banking as well as withdrawal of banked energy shall be subject to scheduling as required.

Provided also that in a billing cycle the energy injected after accounting for losses shall be set off against the energy drawn from the Discom in the same billing cycle. The credit of banked energy shall

not be permitted to be carried forward to subsequent billing cycle and shall be adjusted during the same billing cycle.

Provided also that in a month the energy injected after accounting for losses shall be set off against the energy drawn from the Discom in the same month except excess energy drawn during the peak hours in the month declared by Distribution Licensee from time to time.

Provided also that the Commission through a separate order may allow banking on the basis of Time of Day tariff slots.

iv. Unutilized banked energy at the end of billing cycle shall lapse and the renewable energy captive generating plant shall be entitled to get Renewable Energy Certificates to the extent of the lapsed banked energy in accordance with rules/regulations framed by the MoP/CERC.

v. Banking charges at the rate of 8% of banked energy would be payable in kind and shall be adjusted against the banked energy before withdrawal, or any such other rate or in monetary terms or their combination thereof, as may be specified by the Commission through a separate order.

C. Banking for RE projects established for Green Hydrogen/Green Ammonia generation plants:

The terms and conditions of banking for RE plants (with or without storage) set up for Green Hydrogen/Ammonia generation plant shall be applicable as per the provisions of the State Govt. Policy.

12. Curtailment Priority

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

a. The short-term open access consumer (other than GEOA consumer) shall be curtailed first followed by short-term GEOA consumers.
b. Next, medium-term OA consumer (other than GEOA consumer) followed by medium-term GEOA consumer shall be curtailed.
c. Next long-term OA consumer (other than GEOA consumer) followed by long-term GEOA consumer shall be curtailed.

Provided that within a category, the GEOA 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.

13. Metering

i. Green Energy Open Access consumer shall have to install ABT compliant Special Energy Meters (SMEs) or such other meters, capable of energy accounting for each block of 15 minutes, 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.

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

iii. 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.

iv. The green energy open access entity shall get his meters tested periodically as specified in Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time after depositing necessary testing fee with the concerned Distribution Licensee.

v. The Meters shall be tested, calibrated & sealed by Distribution Licensee in the presence of the other party involved and representative of concerned Transmission Licensee/STU if meter is installed at their grid substation. Any defective meter shall be replaced within 30 days, failing which the entity shall be disallowed open access.

vi. All the Green Energy Open Access entity shall abide by the metering standards of CEA."

14. Reactive Energy Charges

In respect of green energy generator/consumer, the Reactive power management including pricing shall be in accordance with Regulations /order(s) passed by the Commission from time to time.

15. Energy losses

Energy losses of the transmission and distribution system shall be applicable to the GEOA consumers as specified by the Commission from time to time.

16. Application Fee, Payment Security and Other Commercial Conditions

(1) For Long Term & Medium Term Green Energy Open Access

(a) A long term and Medium term green energy open access entity shall file an application in the manner and format as prescribed in the detailed procedure.

(b) An entity intending to avail green energy open access shall also submit a copy of his application to the Distribution Licensee(s) of his area of supply.

(c) The application shall be accompanied by a non-refundable fee of Rs 1,00,000 (Rs. One Lac only) for long-term and Rs. 20,000 (Rs. Twenty Thousand Only) for medium term green energy open access in the name and manner laid down in the detailed procedure.

(d) The application shall be accompanied by a bank guarantee corresponding to Rs 10,000/MW (Rs. Ten Thousand per MW) of the total power to be transmitted for long term open access in addition to the specified application fee in the manner laid down in the detailed procedure. The bank guarantee shall be kept valid and subsisting till commencement of long term open access.

(e) As a payment security towards transmission charges, open access customer shall deposit an amount equal to 3 months of the transmission charges for allotted open access capacity with the State Transmission Utility;

(f) As a payment security towards SLDC charges, open access customer shall deposit an amount equal to 3 months of the SLDC fee and charges including scheduling and operating charges for allotted open access capacity with the State Load Dispatch Centre;

(g) As a payment security towards wheeling charges, cross subsidy surcharge and additional surcharge, a deposit equal to 3 months of billing for these charges for allotted open access capacity shall be maintained with the Distribution Licensee of the area of supply;

Provided that unity power factor shall be considered for the purpose of unit conversion from MVA/kVA to MW/kW or vice versa.

Provided further that, in case of an existing open access customer availing open access for more than a financial year, security shall be revised on the basis of average monthly open access charges of the previous financial year.

Provided also that, the IPPs/ CPPs selling power outside the State, shall also deposit a security towards under injection, if any, with the Distribution Licensee, equivalent to 10% of the proposed

monthly contracted generation for sale, at the energy charge rate of HT Industrial tariff, the amount of which shall be recalculated after the actual sale of the previous quarter of the financial year.

(h) Such security may be in the form of cash deposit/ demand draft.

(2) For Short Term Open Access

(a) A short term green energy open access entity shall file an application in the manner and format as prescribed in the detailed procedure.

(b) An entity intending to avail short term intra-state green energy open access shall also submit a copy of his application to the Transmission and Distribution Licensee(s) of his area of supply.

(c) The application shall be accompanied by a non-refundable fee of Rs 5,000 (Rs. Five Thousand only) for short term green energy open access in the name and manner laid down in the detailed procedure.

(d) A green energy open access entity shall pay the transmission charges, SLDC charges, wheeling charges, surcharge, additional surcharge, and such other charges as applicable, in advance for the period for which the open access has been granted.

(e) The other terms and conditions including the commercial conditions for transmission charges, wheeling charges and

scheduling & system operation charges, such as, terms of payment, creditworthiness, indemnification, and force majeure conditions etc., shall be as provided in the detailed procedure.

17. Compliance of Grid Code/Supply Code

GEOA consumers shall abide by the State Grid Code, Supply Code and all other Codes and Standards, DSM Regulations as applicable from time to time.

18. Collection and Disbursement of charges

(1) The transmission charges and wheeling charges in respect of open access customers shall be payable by the open access customer directly to respective licensees.

(2) The SLDC fee and charges including scheduling and operating charges in respect of open access customers shall be paid to the State Load Despatch Centre.

(3) The Unscheduled Interchange/DSM charges shall be paid in the manner as directed by the State Load Despatch Centre.

(4) The cross subsidy surcharge, additional surcharge or any other charges pertaining to the Distribution Licensee shall be paid by the open access consumer directly to the Distribution Licensee in whose area of supply he is located.

(5) In case fee, or any other charges, and specified on monthly basis, these charges shall be worked out on pro-rata daily basis for transactions for part of a month.

(6) The supplier end Distribution Licensee, that is, the Distribution Licensee in whose area of supply point of injection of open access supply is situated, shall convey (or download) the time block wise meter readings taken at an appointed time to the SLDC, RVPN, supplier and consumer end Distribution Licensee(s).

(7) The consumer end Distribution Licensee, that is the Distribution Licensee in whose area of supply an open access consumer is situated, shall convey (or down load) the time block wise meter readings taken at an appointed time to SLDC, consumer, RVPN & supplier.

(8) The consumer end Distribution Licensees shall prepare the provisional energy account based on the injection schedule, drawal schedule, and meter readings and contract demands for HT power and standby & start up supply and serve monthly bills. The provisional bill shall be served in the first week of the month. A copy of the provisional energy account shall also be supplied to SLDC. UI/deviation shall have to be considered and prepared by Distribution Licensee provisionally and conveyed to the SLDC. SLDC shall issue the final UI/deviation charge account.

19. Information System:

i. 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 such information;

a. A status report on long -term/medium-term/short term consumers covering points of injection and drawal period of the

access granted (start date and end date) and open access capacity used.

b. Floor rate for bidding in case of congestion

c. Peak load flows and capacity available on EHV and HV lines

d. Information regarding average loss in the transmission system and distribution system as approved by the Commissions on a monthly basis.

e. List of pending applications, their status and reasons for rejections.

ii. The information shall be updated upon every change in status.

iii. All previous report shall be available in the web-archives.

iv. The SLDC shall post the above information on its website within one month from the date of notification of these Regulations.

20. Reports

The State Nodal Agency shall publish a report on a monthly basis on its official website, consisting of the information in the following format:

S. No.	Name and address of the GEOA/ wheeling consumer	Point of Injection	Point of drawl	Capacity allowed (MW)	Period of open access allowed	Actual annual utilization of energy in MU

21. 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) and from consumer place to distribution licensees on real time basis.

22. Green Energy Tariff

i. Any consumer may elect to purchase green energy either up to a certain percentage of the consumption or its entire consumption and they may place a requisition for this with their distribution licensee, which shall procure such quantity of green energy and supply it and the consumer shall have the flexibility to give separate requisition for solar and non-solar;

ii. The consumer may purchase on a voluntary basis, more renewable energy, than he is obligated to do and for ease of implementation, this may be in steps of Twenty-five per cent and going up to Hundred per cent;

iii. The tariff for the green energy shall be determined separately by the Commission through a separate order, considering various cost components of the Distribution Licensee;

iv. Any requisition for green energy from a distribution licensee shall be for a minimum period of one year;

v. The quantum of green energy shall be pre-specified for at least one year;

vi. The green energy purchased from distribution licensee or from Renewable Energy sources other than distribution licensee in excess of Renewable Purchase Obligation of obligated entity shall be counted

towards Renewable Purchase Obligation compliance of the distribution licensee;

vii. The Accounting of renewable energy supplied at distribution licensee level shall be on a monthly basis.

23. Green certificate

The distribution licensee shall give green certificate on yearly basis to the consumers for the green energy supplied by the licensee to consumer on his request beyond the renewable purchase obligation of the consumers.

24. Rating

The Commission may introduce the concept of rating for the consumer of the distribution licensee, based on the percentage of green energy purchased by such consumer.

25. Dispute Resolution:

(i) No application for open access shall be denied unless the applicant has been given an opportunity of being heard in the matter.

(ii) All disputes and complaints relating to GEOA shall be made to the SLDC, which may investigate and endeavor to resolve the grievance.

(iii) If the SLDC is unable to redress the grievance, the same shall be referred to the State Power Committee constituted under the State Grid Code which shall endeavor to resolve the grievance within 30 days and

(iv) Where State Power Committee is unable to resolve the grievance, it shall be referred to the Commission and Commission decision in this regard shall be final and binding.

26. Issue of orders and practice directions

Subject to the provision 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 the Regulations and procedures to be followed.

27. Power to remove difficulties:

In case of any difficulty in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the GEOA consumers, generators, SNA and the licensees to take suitable action, not being inconsistent with the provisions of Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing the difficulty.

The GEOA consumers/generator/licensees/SNA may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in implementation of these Regulations.

28. Power to amend:

The Commission may from time to time add, vary, alter, modify or amend any provisions of these Regulations after following the necessary procedures.

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 suo-motu or on an application made before it by an interested person.

30. Interpretation:

The decision of the Commission regarding the interpretation of these Regulations shall be final and binding.

31. Saving clause:

The provisions of the RERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations 2020 and RERC (Open Access) Regulations, 2016 which are not inconsistent with provisions under these Regulations or not covered under these Regulations or Procedure made hereunder shall be also applicable *mutatis mutandis* as part of these Regulations.

By Order of the Commission

Babu Lal Goyal, IAS
Secretary.