

DELHI ELECTRICITY REGULATORY COMMISSION (TERMS AND CONDITIONS FOR OPEN ACCESS) REGULATIONS, 2005

7) zt.q«. 11 No. 11 —33002/99 REGISTERED No. D.L.—33002/99 Oelht Gazette EXTRAORDINARY PUBLISHED BY AUTHORITY ft-är, 3, 2006/ft 13, 1927 DELHI, TUESDAY, JANUARY 3, 2006/PAUSA 13, 1927 a-IFT—IV PART—IV GOVERNMENT OF THE NATIONAL CAPITAL TERRITORY OF DELHI 3 2006 586 [N.C.T. D. No. 586 1887 (1887 17) 27 zho 3710 Ä-ä -cd aq-q-ä I (ii) 2, 7/1/99/TLV1,AT./7146. 1901 (1901 3) 223 15 (I) Tl--ä (a-a-ia) 20 1954 (1954 12) 76 7 (1) Jit. h f«il (iv) 1873 (1873 2) 3 (I) PART IVI assist the Commissioner of Value Added Tax, Government of National Capital Territory of Delhi, in the administration of the said Act. Bv Order and in the Name of the Lt. Governor of National Capital Territory of Delhi, R. K. VERMA, spl. secy. (TAXATION) fG, 3 2006 35 1894 48 1 H./34495 16-10-81 4 6 4/13293 1894 DELHI GAZETTE • EXTRAORDINARY Road, New Delhi 5 North : 28' Wide Road South : Bunglow No. 96 By Order and in (he N'enne of the 96 62 98 ' *ret 96 LAND AND BUILDING DEPARTMENT NOTIFICATION Delhi, the 3rd Januarys 2006 No. F. 11 exercise of the powers conferred by sub-section (I) of Section 48 of the Land Acquisition Act, 1 894, the Lt. Governor, Delhi is pleased to withdraw Lhe following area from acquisition covered by notification U/s 4, F. No. 7(23)/77-L&B/34495 dated 16-10-81 and declaration U/s 6 No. 7(23)/77-L&B/ 13293 dated 08-4-82 of the Land Acquisition Act. SPECIFICATION Village or Locality Total Area Field Nos. or Boundaries ()open portion 02 Sq. Yds. East : School Lane of House No. \West : Bunglow No

96. Babar O 98 Lt.Governor of National Capital Territory of Delhi, VIJAY KHANNA, Dy. secy. (LA) 3 2006 27-6-2005 101 (341)/2005/1üiT (2)/1592 2004 (2005 3) (1) (üälfrqq) FINANCE (TAX & ESTT.) DEPARTMENT NOTIFICATION Delhi, the 3rd January, 2006 No. F. 4/1/VATÄT/Fin. exercise of the powers conferred by sub-section (I) of Section 73 of the Delhi Value Added Tax Act, 2004 (Delhi Act 3 of 2005) read with Notification No. F. 101 (341)/2005- Fin. (A/Cs)(II)/1592 dated 27-6-2005 the Lieutenant Governor, Govt. of National Capital Temtory of Delhi hereby appoints Sh. G. K. Marwah, IAS (Retd.), as Administrative Member of the Delhi Value Added Tax Appellate Tribunal for the period of Thrcce years from the date he assumes office. By Order and in the Name of the Lt. Governor of the National Capital Territory of Delhi, Dr. POOJA GUPTA, Dy. secy. ft-Fit 3 2006 2003 6 DELHI EXTRAORDINARY [PART IV 181 39, 40, 42 GRT y-frrr fifiqq, 2005 I (1) " 2003 (2003 36) (3) 82 (4) oq--a--q 79 "fiz*rgttt, 86 (1) (gq) (5) a-RI-g-« (8) 239 239 -rpf t, €FTI 2 * FRI: (37) 4. ±-qfr-äi -RI , -q-*l-ä 42 Fliz) 42 (4) ft-- «-x-o-r PART DELHI GAZETTE : EXTRAORDINARY 7 @TTIÄTZ 3-T<TTRT 01 2007 01 2008 01 2008 01 2007 37-r+-r I (2) -fä-q air *I-q--fl OTT I (3) -q5T fifi fr-q Ä5T (3) feqfi (4) (iii) ft-@--q 3-Ttqfi ft-qi-ur, fiqfu 10. 1) 8 DELHI GAZETTE (MW/kW) frt-q-* -G?Tt-q -q-r.t-q t 3Fq -Q, *-81 81, 3 3iqæ EXTRAORDINARY IPART IV -1 2. 2 (4) (STU) (STU) t'@ü fifi-a-qi *TTT I frA, I Nifi, (2) fifi-a (SLDC) ' ' (iii) ' I-é--a (SLDC) ' ' PART IV] DELHI GAZETTE • EXTRAORDINARY 9 12.) efifti, (SLDC) ü-q], (Ul) 61, 62 86 fitlifä -q-ti-q;t 13. — 14. *111 a-it (2) (STU) t' (SLDC) 't, 15. a-q-vz DOO ((b) (c) (d) (e) (f) (g) (Fqa y-tfia); (2) 16. fiqhë I (a) (b) (c) (d) (f) (h) (STU) ' ' (SLDC) ' ' O YZITq I (SLDC) t' i, •q-rq-ä (STU) t' (SLDC) t' 17. — 2003 18. 3Tfü-f-ä-q-q 10 DELHI GAZETTE EXTRAORDINARY (e) "Nodal Agency" means for the purposc of 19

20. DELHI ELECTRICITY REGULATORY COMMISSION NOTIFICATION Delhi, the 3rd January, 2006 No.F. 11 (133)/2003/Power/12/No. F. 2005-06/3635.—In exercise of powers conferred by Sections 39, 40, 42 read with Section 181 of the Electricity Act, 2003, the Delhi Electricity Regulatory Commission, makes the following regulations for the introduction of open access to the Transmission and Distribution System and terms and conditions thereof : 1. Short Title and Commencement.—(I) These regulations may be called the Delhi Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2005. (2) These regulations shall come into force on the date of its publication in Official Gazette. (3) These regulations shall extend to the National Capital Territory of Delhi

2. Definitions.—(I) In these Regulations, unless the context otherwise requires— (f) (g) (h) (j). arranging long-term open access in Transmission, the State Transmission Utility and for the pursposc of arranging short-term open access the State Load Despatch Centre. For the open access in Distribution, both for sh0lt-ter11) and long-term, the "Nodal Agency" shall be the State Load Despatch Centre; "Open Access Customer" means a consumer permitted by the Commission to receive supply of-electricity from a person,

other than distribution licensee of his area of supply, and the expressions includes a generating company and a licensee, who has availed Of or intends to avail of open access. shall mean National Capital Territory of Delhi, "State Government" means the Lieutenant Governor of National Capital Territory of Delhi appointed by the President under article 23 9 and designated as such under article 239 AA of the Constitution; "State Transmission Utility (STU)" means the State Transmission Utility operating as such, under the Act, in the State; "State Load Dispatch Centre (SLDC)" means State Load Dispatch Centre operating as such, under the Att, in the State; (a) (b) (c) (d) "Act" means the Electricity Act, 2003 (36 of 2003); "Central Commission" means the Central Electricity Regulatory Commission constituted under Section 76 of the Act; "Commission" means the Delhi Electricity Regulatory Commission being the Commission for the National Capital Territory of Delhi in terms of the first proviso to sub-section (1) to section 82 of the Act; "Grid Code" means Grid Code specified by the Central Commission under clause (h) of sub- section (1) of Section 79 of the Act and includes State Grid Code specified by the Commission under clause (h) of sub-section (1) of Section 86 of the Act, (2) Words and expressions occurring in these Regulations and not defined hereinabove shall bear the same meaning assigned to them in the Act 3. Extent of Application.—These Regulations sh apply to open access for use, of intra-state transmission system and distribution systems in the State within the meaning of the term defined in sub-section (37) and sub- section (19), respectively of Section 2 of the Act

4. Eligibility for Open Access and Conditions.— (1) The Licensees, the Generating companies, including the persons who have established a captive generating plant and the intending consumers, shall be eligible for non-discriminatory open access to the intra-state transmission system of the State Transmission Utility or any transmission licensee, subject to the availability of adequate transmission facility in the Intra-State Transmission System of the State and further, subject to the payment of the transmission charges, as may be determined by the Commission, from time to time Provided that in the event such open access is for the use by a consumer including the transmission or for otherwise conveyance or wheeling of electricity as required by any person for delivery to such consumer, 111 the area of PART DELHI GAZETTE EXTRAORDINARY 11 supply of a Distribution Licensee in the State, the open access to the intra-state transmission system shall be subject to payment of a surcharge. as be determined by the Commission, from time to time, under sub-section (2) of Section 42 of the Act (2) The Licensees, the Generating companies, including the persons who have established a captive generating plant and the intending consumer, shall be eligible for open access to Distribution System of the Distribution Licensee, in accordance with the phases for introduction of open access as provided under regulation 5, herein, and further subject to the absence of operational constraints in the Distribution System and also the payment of the wheeling charges and surcharge, as may be determined by the Commission from time to time Provided that in the event such open access is for the use by a consumer including the conveyance or wheeling of electricity as required by any person for delivery to such consumer in the area of supply of a Distribution Licensee the State, the open access to the Distribution System shall be subject to payment of an additional surcharge as may be determined by the Commission as provided under sub-section (4) of Section 42 of the Act Explanation.—For the purpose of the open access under these regulations, the operational constraints in the Distribution System shall include the availability of the adequate capacity the installation appropriate metering and energy accounting system 15 here the electricity to be wheeled can be correctly measured and accounted for 5. Phases of Introduction of Open Access.—(1) The Open Access shall be allowed TO the intra-state transmission system in the State immediately, subject to the satisfaction of the conditions contained in (the Act or in these Regulations (?) 'The (.)pen Access to the Distribution System in the State shall be allowed in the Distribution System subject to the absence of operational constraints in the following phases Sl No. a b Particulars Delivery of electricity for use by the Consumers with the connected load of five MW and above Delivery of electricity for use by the Consumers with the connected load of three MW and above. of electricity for by the the load of one MW, 111 Date of Introduction ISI July 1st Jan 2007 (3) The Commission may allow Open Access to consumers with capacity requirement less than one MW after the 2008, subject to review of the operational constraints and other factors

6. Special Provisions for existing Open Access customers.—The persons availing open access to the Intra-State Transmission System and the Distribution System in the State under an existing agreement or arrangement. shall be entitled to continue to avail the open access on the terms and conditions applicable

9. Determination of The availability of capacity in the Intra-State Transmission System (11) for long-EXTRAORDINARY 12 DELHI GAZETTE IPART IV term open access shall be determined by the State Transmission Utility and for short-term open access, it shall be determined by the State Load Despatch Centre, after considering the representation of the Transmission Licensees and the person seeking open access. (2) The availability of capacity in the Distribution System, for long-term and short-term open access, including the existence or absence of operational constraints affecting the open access being allowed shall be determined by the State Load Despatch Centre after considering the representation of the distribution licensee and the person seeking the open access. (3) In the event of any dispute on the capacity of the Transmission System available or the existence or absence of operational constraints in the Distribution System, to be determined by the State Transmission Utility or State Load Despatch Centre, as the case may be, the same shall be referred to the Commission for adjudication. (4) The Commission may while deciding on the dispute under sub-regulation (3) above, or otherwise, by a general or special order, made from time to time, lay down the conditions to be complied by the persons seeking open access to the Distribution System in regard to operational constraints and the open access shall be allowed subject to the due satisfaction of such conditions, (5) The conditions to be satisfied may include construction, operation or maintenance of dedicated electric lines or works from the sub-stations or feeder line or undertaking such other works as the Commission may decide to be necessary for open access without operational constraints. 10. Procedure for seeking Open Access-A1) The persons seeking open access shall, apply to the concerned nodal agency. The application shall contain details regarding maximum power (MW/KW) to be transmitted or wheeled in the system and accordingly the capacity in the system to be earmarked for the applicant, the point of injection the point of drawal, duration and hours of availing open access and any other additional information that may be required by the Nodal Agency. (2) Application for open access should be accompanied by a non-refundable processing fee as given in the table below SI No I (b) (c) (d) 2 (a) (b) No Type of service/activity 2 Short-term Service (for the period to be treated on first-come-first-service basis) For the same day (Emergency only) Up to one day (Request received at least one day in advance) Up to one week More than a week Long-term Service Intimation regarding feasibility of access without system strengthening Intimation of results of studies for system strengthening with cost estimates and completion scheduled processing time 3 Four hours from receipt of the application. Eight hours from receipt of the application. Two days from receipt of the application. Three days from receipt of the application. Thirty days from receipt of the application. Sixty days from receipt of the application: in table below Particulars Transmission Distribution (Open Long Term Short Term Long Term) Short Term Amount (Rs) one lakh Ten thousand Twenty five thousand

Two thousand five hundred and forty-one (41) (3) Utility or State Load Dispatch Centre, the capacity available and the operational constraints in the decision to open access (4) The Nodal Agency shall decide on the capacity available or the existence of operational constraints, consistent with the principles and guidelines as decided by the State Transmission Utility. State Transformation Utility shall decide such principles within thirty days of publication of these Regulations. (5) The Nodal Agency shall also inform the applicant of the prerequisites required for the activation of open access. Such prerequisites shall be as directed by the Commission from time to time. 14. Non-Utilisation of open access In the event of inability of the short-term open access customer to utilize continuously for more than four hours, on any day, full or substantial part of the capacity allocated to him, such a short-term open access customer shall inform the respective State Load Dispatch Centre of his inability to utilise the capacity, along with reasons thereof, and may surrender the use of capacity allocated to him. However, such short-term open access customer shall bear full transmission and or wheeling charges based on the reserved capacity till the time such capacity is allotted to another customer. (2) A long-term open access customer shall not lease or transfer his rights and obligations laid down in the long-term open access agreement prior approval of the Nodal Agency. The assignment of 13. PART IV DELHI GAZETTE EXTRAORDINARY 13 (transfer of such rights and obligations by a long-term open access customer shall be subject to payment of compensation by the customer, as per the terms of the long-term open access agreement. (3) The State Load Dispatch Centre may cancel or reduce the capacity allocated to a short-term open access customer when such a short-term open access customer, frequently under-utilizes the allocated capacity or fails to inform of his inability to utilise the allocated capacity to the State Load Dispatch Centre, Transmission Licensee or Distribution Licensee, as the case may be. Provided the capacity allotted shall not be reduced or cancelled under this clause without notice to such customer whose reserved allotted capacity is sought to be cancelled or reduced (4) The surplus capacity available as a result of its surrender by the short-term open access customer, under sub-regulation (1) above or reduction or cancellation of capacity by the State Load Dispatch Centre, under sub-regulation (3) above, may be allocated to any other short-term open access customer. The Open Access 12. Applicable Charges- Customers shall pay the transmission charges, wheeling charges, surcharges, additional surcharges, scheduling charges (payable to State Load Dispatch Centre), unscheduled inter-change (UT) charges, reactive energy charges and such other charges as the Commission may determine from time to time, as a part of the tariff under Sections 61, 62 and 86 of the Act or otherwise decide or authorise the Nodal Agency to charge in exercise of its regulatory powers under the Act. (2) The Commission, while determining the charges for open access to the Transmission System or the Distribution System, provide for adjustment of losses in the system either in terms of money or in the quantum of electricity to be delivered at the destination, after the transmission and/or wheeling of electricity as the Commission considers to be appropriate

13. Curtailment Priority .—When because of transmission constraints or otherwise, it becomes necessary to curtail the transmission service, the short-term open access customers shall be curtailed first followed by the long-term open access customers. Provided that within a category, the open access customers shall have equal curtailment priority and shall be curtailed on prorata basis. Provided further that in case such curtailment, the transmission or wheeling charges paid by open access customer shall be reduced in proportion to their curtailed capacity. 14. The Access customers shall file the requirements as the Commission may require. The shall always be open for in any person as decided by the concerned (2) The Open Access customers shall abide by the Grid Code, the State Grid Code and instructions given by State Transmission Utility, the State Load Dispatch Centre and other authorities from time to time. (3) The Open Access customer shall abide by the provisions of the Act, rules and regulations and the directions, guidelines and Orders of the Commission made from time to time

15. Information System.— The State Load Dispatch Centre shall maintain the following information on their websites in a separate web-page titled "Open Access Information" (1) A status report on the current short-term customers indicating — (a) (b) (c) (d) (e) (f) (g) Name of the customer; Period of the access granted (start date/time and end date/time); Point(s) of injection; Point(s) of drawal; Transmission/Distribution system used (in terms of area and ownership); Reserved capacity; and Applicable rate (Rs. per MW per day). (2) Month-wise and year-wise report on past short-term customers indicating (a) (b) (c) (d) (e) (f) (g) (h) 16. Name of the customer; Period of the access granted (start date/time and

end date time); Point(s) of injection, Point(s) of drawal; Transmission/Distribution systems used; Resealed capacity; Applicable rate (Rs per MW per day); and Actual load factor. Dispute The complaints regarding all grievances and disputes relating to open access shall be made to the State Transmission Utility or State Load Dispatch Centre, as the case may be, which may investigate and endeavour to resolve the grievance amicably. (2) If State Transmission Utility or State Load Dispatch Centre is unable to redress the grievance or complaint or dispute, the matter may be referred to the Commission, by the State Transmission Utility or State Load Dispatch Centre as the case may be for adjudication. 17 _ Issue of (Orders and Practice Directions.— Subject to the provisions of the Act, and these regulations, the Commission may issue Orders and Practice Directions in regard to the implementation of these regulations and procedure to be followed. (1) Various matters— the Commission has been empowered these regulations to direct and matters incidental or ancillary to the same. 14 DELHI GAZETTE EXTRAORDINARY PART 18. Powers to Remove difficulty arises in giving effect to any of the provisions of these regulations, the Commission may do or undertake to do things or by a general or special order, direct the Transmission or Distribution Licensee, (to take suitable action not being inconsistent with the Act, which appears to the Commission to be necessary or expedient for the purpose of removing difficulties

19. Power to Amend—The Commission may, at any time vary, alter or modify any provision of these regulations

20. Inquiries and Investigations.—All inquiries, investigation and adjudication shall be done by the Commission through a proceeding as per the provisions of DERC (Conduct of Business) Regulations, 2001. SOMIT DASGUPTA, secy SANDEEP KUMAR, Addl. secy -d Press- Ring Road, Nafayapuri. [Delhi-1 and hv the Controller of Publications: Delhi-1 10054

