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WEST BENGAL ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No. 15/WBERC Dated: 9.06.2004

In exercise of the powers conferred by Section 42(2) read with Section 181 of the Electricity Act, 2003 (No. 36 of 2003) and all powers enabling on that behalf, West Bengal Electricity Regulatory Commission (WBERC) hereby makes the following Regulations.

1. Short title, commencement and interpretation.

These Regulations may be called the West Bengal Electricity Regulatory Commission (Phasing

For Open Access in Distribution / Sale of Electricity) Regulation, 2004.

- i) These shall come into force on the date of the publication in the official Gazette unless otherwise stated in these Regulations and shall be concurrent within the area of jurisdiction of West Bengal Electricity Regulatory Commission, excepting those areas which may be notified by the State Government of West Bengal under Proviso 8 of Section 14 of the Electricity Act 2003, as rural area.

ii) The Bengal General Clauses Act, 1899 (Ben. Act I of 1899) shall apply to the interpretation of these regulations unless otherwise indicated in these Regulations or inconsistent with the Provisions of the Electricity Act, 2003.

2. Definitions:

In these Regulations, unless the context otherwise requires:

- a) The Act means the Electricity Act, 2003;
- b) Regulations means the Regulations made under the Act;
- c) Rules means the Rules made under the Act;
- d) Commission means the "West Bengal Electricity Regulatory Commission" constituted under Section 82 of the Electricity Act, 2003 and in short called WBERC.
- e) Words and expressions used and not defined in the Regulations shall have the meanings as defined in the Act.

3. Phasing of Open Access in Distribution / Sale of Electricity:

Sl. No.	Phase	Category of Consumer	Time frame from which Open Access is Allowed
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- | | | | |
|------|-----------------|--|-----------|
| i. | 1st | Power from Co-Generation & Non-Conventional Source of Energy. | 1.04.2006 |
| ii. | 2 nd | Consumers with connected load of 10 MW and above in single premises. | 1.04.2007 |
| iii. | 3 rd | Consumers with connected load of 5 MW and above in single premises | 1.04.2008 |
| iv. | 4 th | Consumers with connected load of 1 MW and above in single premises | 1.01.2009 |
| v. | 5 th | Consumers with connected load of 1 MW and below. | 1.04.2011 |

4. Other terms and conditions for Open Access including related phasing will be specified separately.

5. Power of the Commission to modify the Regulation

5.1 The Commission may, at any time, at its sole discretion vary, alter, modify, add or amend any provision of this Regulation.

5.2 If any difficulty arises in giving effect to any of the provisions of this Regulation, the Commission may, with reasons to be recorded in writing, direct the licensee or any other person or take action as may be necessary for removing the difficulty.

5.3 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice or to prevent abuse of the process of the Commission.

Place: Kolkata **By Order of the Commission**

Date: 9.06.2004

(Dr. R.N.Das)
Secretary of the Commission