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PART I - Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**WEST BENGAL ELECTRICITY REGULATORY COMMISSION****NOTIFICATION**No.21/WBERC Dated, the 21<sup>st</sup> September, 2005.

In exercise of the powers conferred by Section 39(2)(d), 40(c), 42(2), 42 (3), 86(1) read with Section 181 of the Electricity Act, 2003 (36 of 2003) and all powers enabling on that behalf West Bengal Electricity Regulatory Commission (WBERC) hereby makes the following Regulations.

**1.0 Short title, commencement and interpretation.**

- i) These Regulations may be called the West Bengal Electricity Regulatory Commission (Terms and Conditions for Open Access – Schedule of Charges, Fees & Formats for Open Access) Regulations, 2005.
- ii) These Regulations shall come into force on the date of their 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.
- iii) 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.

**2.0 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' by the Govt. of West Bengal (the State Government);
- d) Commission means the 'West Bengal Electricity Regulatory Commission' constituted under Section 82 of the Electricity Act, 2003 and in short called WBERC;
- e) State for the purpose of this Regulation shall mean the State of West Bengal;
- f) Words and expression used and not defined in any of the Regulations shall have the meanings as defined in the Act.

### 3.0 Non-Refundable Application Fees:

The non-refundable application fee under Regulation 10.1 of West Bengal Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2005 is as follows:

Type of Open Access	Non-Refundable Application Fees for Open Access Customers	
	For Co-generation, Non-conventional & Renewable sources	For other Open Access Customers
Long Terms Open Access	Rs. 50,000.00	Rs. 1,00,000.00
Short Term Open Access	Rs. 8,000.00	Rs. 10,000.00
Temporary Open Access	Rs. 5,000.00	Rs. 5,000.00

### 4.0 Schedule of Charges:

Charges as specified in these Regulations and/or determined by the Commission from time to time shall be levied by the concerned licensees / SLDC as mentioned in Regulation 5 below.

#### 4.1 Transmission Charges:

Transmission charges for conveyance of electricity through Transmission Lines and associated systems of Transmission Licensees for all Open Access Customers including Captive Generating Plant shall be calculated following Postage Stamp Method and will be derived following the principles adopted by Central Electricity Regulatory Commission. The same shall be expressed in Rs/MW/month for Long Term Open Access Customers and in Rs/MW/day for Short Term and Temporary Open Access Customers on the basis of MW served by the system.

On the basis of available data for 2004-05 submitted by WBSEB in its tariff petition for 2005-06, Transmission charges for WBSEB as Transmission Licensee for the year 2005 - 2006 for all Open Access Customers including Captive Generating Plants shall be as follows: -

- a) For Long Term Customers - Rs. 68,250.00 / MW / month
- b) For Short Term and Temporary Customers - Rs. 570.00 / MW / day

Transmission charges in other cases, to the extent applicable in 2005 - 2006, shall be decided by the Commission based on available data.

For subsequent years, Transmission Licensees shall submit details relating to computation of transmission charges to the Commission for approval. The Commission will separately consider the Transmission charges / Wheeling charges payable by the captive generators / consumers using Open Access from cogeneration & non-conventional renewable energy sources.

#### 4.2 Wheeling charges:

Wheeling charges for use of Distribution System or associated facility of a Distribution Licensee for use of Open Access Customers including Captive Generating Plants shall be derived based on distribution network cost and total number of units sold by the licensee to its consumers & total number of units wheeled for Open Access customers. Such charges shall be expressed in paise per unit.

Wheeling charges payable to the Distribution Licensee in the year of publication of this Regulation shall be as decided by the Commission on the basis of available data. For subsequent years, Distribution Licensees shall submit details relating to computation of wheeling charges to the Commission for its approval.

#### 4.3 Reactive Energy Charges:

If the voltage at the point of drawal is below 97% of the normal voltage, the Open Access customer shall pay @ 6 paise / kvarh to the concerned Licensee for drawal of reactive energy at the drawal point. If at the injection point the voltage is higher than 103% of normal voltage the Open Access Customer shall pay @ 6 paise / kvarh to the concerned

licensee for injection of reactive energy at the point of injection. Both drawal and injection of reactive energy shall be measured at 15 minutes time block along with voltage.

**4.4 Meter rent, meter reading and other related charges:**

Charges for rental of meter (if provided by the licensee), charges for meter reading and other related charges including the charge for communicating the meter reading to SLDC shall be paid by the Open Access customers @ Rs. 2,000.00 per month for each meter and shall be paid to the Licensee who is rendering such services.

**4.5 Grid Support Charges / Parallel Operation Charges:**

Parallel operation charges payable by a Generating Company catering to an Open Access customer (including for own use from a Captive Generating Plant) shall be agreed and decided mutually by the parties and incorporated in the agreement.

Charges for supply of start up power at the Captive Power Plant in case of Black Start shall be at any rate mutually agreed between the parties but not at a rate more than the highest H.T. industrial rate during peak hours provided in the Commission's Tariff order for the corresponding year for the licensee. No separate Demand charge shall be imposed for start up power for Captive Plants.

Charges for power for any other purpose drawn / to be drawn by the Captive Generating Plant shall be at a rate mutually agreed between the parties.

For a consumer drawing power under Open Access from Captive Power Plant or from any source other than the distribution licensee of the area in which the consumer is located, the charges for availing power from the distribution licensee during outage of CPP or due to any other cause including transmission line outage, force majeure etc. shall be at a rate mutually agreed between the parties, provided the distribution licensee

is not critically constrained by shortage of power or outage of transmission line or distribution facilities at that time.

In case the parties are unable to agree mutually the matter may be referred to the Commission by filing a petition by either or both of the parties for settlement.

**4.6 Un-scheduled/mismatch charges in drawal / injecting energy:**

A 24 hour day-ahead schedule shall be submitted by the Open Access Customer for both drawal and injection of active power on 15 minute time block basis to the SLDC / Nodal Agency and the schedule issued by SLDC / Nodal Agency shall be the basis of accounting of deviation / mismatch.

Un-scheduled / mismatch charges for deviation from the schedule shall be paid as per Regulations 12 & 17 of the WBERC (Terms and Conditions for Open Access) Regulations, 2005.

**4.7 Scheduling & System operation charges:**

i) Scheduling & system operation charges @ Rs. 3,000.00 per day or part thereof shall be paid on weekly basis by the Short Term Temporary Open Access Customers to SLDC

ii) Scheduling & system operation charges @ Rs. 90,000.00 per month or part thereof shall be paid on monthly basis by the Long Term Open Access Customers to SLDC.

For co-generation, renewable & non-conventional sources the charges for scheduling and system operation shall be payable @ Rs. 1,000.00 per day or part thereof, by Short Term or Temporary Open Access Customers and @ Rs. 30,000.00 per month or part thereof, by Long Term Open Access Customers. Scheduling and system operation charges to be collected

by SLDC in accordance with this Regulation shall be in addition to SLDC charges approved by the Commission.

#### 4.8 Handling & Service Charges:

Handling & service charges calculated @ 2% on the sum of transmission charges and wheeling charges shall be paid by all Open Access Customers on monthly basis to SLDC.

Handling & service charges at the above rate are to be paid by all Open Access Customers including Captive Generating Plants but excluding Cogeneration and non-conventional / renewable energy sources.

Such charges to be paid by Cogeneration & non-conventional / renewable energy sources for availing Open Access shall be @ 0.5% on the sum of transmission charges and wheeling charges.

#### 5.0 Mode of payment of fees and charges:

5.1 Non-refundable application fees shall be submitted by Open Access Customer to the Nodal Agency along with the application for Open Access in terms of Regulation 10.1 of the West Bengal Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2005.

5.2 Advance payment for full amount of MW booked for a calendar month towards transmission charges & meter rent, meter reading and related charges shall be made by the Open Access Customer to the respective Licensees.

5.3 Wheeling charges, unscheduled / mismatch charges and reactive energy charges, cross subsidy surcharge and additional surcharge, if any, shall be paid by Open Access

Customer on monthly basis as per the weekly accounts prepared by SLDC and shall be paid to the respective licensees within seven days from the date of presentation of the bill.

5.4 Scheduling and system operation charges shall be paid in advance to SLDC on weekly basis by Temporary & Short Term Open Access Customer and on monthly basis by the Long Term Open Access Customer.

5.5 Handling & service charges shall be paid by the Open Access Customer on monthly basis to the SLDC on the basis of accounts prepared by SLDC for the month within seven days from the date of issue of monthly accounts.

5.6 Parallel operation charges shall be payable as may be decided by the Commission.

5.7 Late Payment Surcharge shall be payable as determined by the Commission through the latest relevant Tariff Order.

5.8 Any default in advance payment of relevant charges may cause discontinuation of Open Access facility.

#### 6.0 Provision for Open Access Captive Power Plants:

Notwithstanding anything laid down hereinbefore, if an open access captive power plant injects and / or draws power into / from the distribution system of a single distribution licensee without involving any other distribution system of any other distribution licensee or transmission lines of any other transmission licensee, such open access captive power plant shall pay the charges specified under Regulations 4.4, 4.7 and 4.8 to the Nodal Agency instead of to the SLDC. Other applicable charges, however, shall be paid as per the Regulation.

**7.0 Formats for application and grant of Open Access:**

**7.1** The application format for grant of Open Access is given as Format - 1 in Annexure - 1

**7.2** The format for providing consent for Open Access is given as Format - 2 in Annexure - 2. The format for communicating decision on Open Access, where immediate Open Access cannot be granted is given as Format 2A in Annexure - 2.

**8.0 Power to Amend:**

**8.1** The Commission may, at any point of time, at its sole discretion, vary, alter, modify, add or amend any provisions of these Regulations.

**8.2** If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, with reasons to be recorded in writing, direct the licensees, the consumers or the applicants for Open Access, by general or special order, for taking suitable action not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.

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

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(Office) (Home)

**Annexure-1**

**FORMAT - 1  
APPLICATION FOR GRANT OF OPEN ACCESS  
(to be submitted by Open Access Customer)  
[See Regulation 7.1]**

1.	Application	No.	Date:	
2.	Name of the Applicant	:		
3.	Address for Correspondence	:		
	Phone No.	:	(Off)	(Fax)
			<input style="width: 100px; height: 20px;" type="text"/>	<input style="width: 100px; height: 20px;" type="text"/>
	Email id:	:		
4.	Category of Applicant	:		
	(Please mark as appropriate)	:	Long Terms Open Access	
			Short Term Open Access	
			Temporary Open Access	
5.	Nature (In case of overlapping, please fill in all the relevant items)			
	a) Distribution Licensee	:		
	b) Power fully based on co-generation within the State	:		
	c) Non-conventional / Renewable sources	:		
	d) Power from captive generation based on gas	:		
	e) Power from captive generation based based on coal & oil	:		
	f) Other sources, to be specified.	:		
	(Licensees to submit licences valid under the Act. Others to submit documentary evidence in support of above).			
6.	Coordinator Details – Applicant			
	Name	:		
	Designation	:		
	Phone Numbers	:	(Off)	(Res)
			<input style="width: 100px; height: 20px;" type="text"/>	<input style="width: 100px; height: 20px;" type="text"/>
			(Fax)	(Mobile)
			<input style="width: 100px; height: 20px;" type="text"/>	<input style="width: 100px; height: 20px;" type="text"/>
	e-mail id :			

**Annexure-1  
(Continued)****7. Capacity Applied**

Period		Time Period		Capacity needed / Max. power to be conveyed (MW)
From (Date)	To (Date)	From (Hrs.)	To (Hrs.)	

**8. Injecting Agency Details**

Name :

Point of Injection :

Name of concerned SLDC :

**9. Drawee Agency Details**

Name :

Point of Drawal :

Name of concerned SLDC :

**10. Name and details of other agencies involved,  
if any** :**11. Non-Refundable Application Fee in terms  
of Regulation (3)  
(Please mark as appropriate)**

Long Term Open Access : Rs. 1,00,000.00 / Rs. 50,000.00

Short Term Open Access : Rs. 10,000.00 / Rs. 8,000.00

Temporary Open Access : Rs. 5,000.00

Bank Draft / Pay Order No.

Dated:

In favour of

Payable at

**12. Short notes may be attached covering the following (to the extent relevant) :**

- Generation planned.
- Power purchase contracted.
- Power factor.

**Annexure-1  
(Continued)**

- d) Potential hazards concerning public safety in line with Environment (protection) Act 1986 and other applicable laws.
- e) Reactive compensation programme.
- f) Harmonic distortion.
- g) Peak load.
- h) Average load.
- i) Periods with time slab in line with concerned grid code(s).
- j) Any other information as may be required.
13. (a) It is hereby certified that All Agencies (including buyer, seller, trader etc.) to the transaction shall abide by the provisions of the "West Bengal Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulations, 2005".
- (b) The applicant hereby agrees to keep the concerned SLDC, STU, Transmission Licensee and Distribution Licensee indemnified at all times and undertakes to indemnify, defend and save the concerned SLDC, STU, Transmission Licensee and Distribution Licensee harmless from any and all damages, losses, claims and actions relating to injury to or death of any person or damage to property, demands, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the transactions under this Approval.
- (c) Any other information / details that may be required by the concerned Transmission Licensee(s) / State Transmission Utility / SLDC / Distribution Licensee shall be provided promptly by the applicant.

Signature :

Place :

Name :

Dated :

Designation :

Seal of the office of the Applicant :



## Annexure-1 (Continued)

### Enclosures:

1. Copy of Agreements / MOUs.
2. Bank draft / Pay Order.
3. Copy of Licence / supporting documents, as applicable.
4. Notes (Please see Item 13).

### Copy:

- a) SLDC (if different from the Nodal Agency)
- b) Transmission Licensee (if different from the Nodal Agency and who own the transmission line through which power is / are to be transmitted).
- c) Distribution Licensee (if different from the Nodal Agency and in whose distribution network the point of drawal of power is located).

Date & Time of Receipt of Application	(To be filled in by Nodal Agency)
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**FORMAT - 2**  
**CONSENT FOR OPEN ACCESS**  
**(to be issued by Nodal Agency / SLDC)**  
**[See Regulation 7.2]**

1. Consent No. Date:
2. Name of the Customer :
3. Name of Injecting Agency :
4. Name of Drawee Agency :
5. Name of other Agencies involved, if any :
6. Open Access Capacity Applied :
 

Period		Time Period		Capacity needed / Max. power to be conveyed (MW)
From (Date)	To (Date)	From (Hrs.)	To (Hrs.)	

7. Open Access Capacity Approved :
 

Period		Time Period		Capacity needed / Max. power to be conveyed (MW)
From (Date)	To (Date)	From (Hrs.)	To (Hrs.)	

8. This approval is subject to full payment of requisite charges made by applicant on or before the due date as specified by the West Bengal Electricity Regulatory Commission.
9. This approval is subject to
  - (a) The licensee holding a licence valid under the Act,
  - (b) The West Bengal Electricity Regulatory Commission (Terms and Conditions for Open Access) Regulation, 2005.
  - (c) The responsibility of ensuring compliances with the provisions of Electricity Act, 2003, applicable Rules and Regulations / Codes shall lie with the Applicant / Customer.

**Annexure 2  
(Continued)**

(d) **Signing of an Agreement / MOU and furnishing of following information:**

Agreement / MOU Details (needs to fill up only relevant agreement details)

With	No.	Date	Valid upto	Max. MW	Capacity already Utilized earlier	Balance MW
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Place :

Signature :

Dated :

Name :

Designation :

Seal of the office of the Nodal Agency / SLDC

To :

(Applicant)

Copy :

- a) SLDC (if different from the Nodal Agency)
- b) Transmission Licensee (if different from the Nodal Agency and who own the transmission line through which power is / are to be transmitted).
- c) Distribution Licensee (if different from the Nodal Agency and in whose distribution network the point of drawal of power is located).

Signature

Name

Designation

Seal of the office of the Nodal Agency / SLDC

## Annexure – 2

**FORMAT – 2A**  
**DECISION ON OPEN ACCESS, WHERE IMMEDIATE**  
**OPEN ACCESS CANNOT BE GRANTED**

(to be issued by Nodal Agency / SLDC)

[See Regulation 7.2]

1. Name of the Customer :
2. Name of Injecting Agency :
3. Name of Drawee Agency :
4. Name of other Agencies involved, if any :
5. Open Access Capacity Applied :

Period		Time Period		Capacity needed / Max. power to be conveyed (MW)
From (Date)	To (Date)	From (Hrs.)	To (Hrs.)	

6. Open Access cannot be granted immediately due to the following reasons:  
 (Attached sheets, if required, including extracts of relevant correspondence with appropriate licensees)

Signature :

Place : Name :

Dated : Designation :

Seal of the office of the Nodal Agency / SLDC :

**Annexure 2****(Continued)**

To :

(Applicant)

Copy :

- (a) SLDC (if different from the Nodal Agency)
- (b) Transmission Licensee (if different from the Nodal Agency and who own the transmission line through which power is / are to be transmitted).
- (c) Distribution Licensee (if different from the Nodal Agency and in whose distribution network the point of drawal of power is located).

Place : Kolkata

Date : 21<sup>st</sup> September, 2005**By Order of the Commission****(K. L. BISWAS)***Secretary of the Commission*