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WEST BENGAL ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

No. 73/WBERC

Kolkata, the 26.11.2021

In exercise of the powers conferred by sub-sections (1) and (2) of section 181 read with section, 30, 32, 33, 34 and clause (d) of sub-section (2) of section 39 of the Electricity Act, 2003 (36 of 2003), the Electricity [Removal of Difficulties] Third Order, 2005 and all powers enabling on that behalf, the West Bengal Electricity Regulatory Commission (WBERC) hereby makes the following regulations.

CHAPTER-1: GENERAL

1.1 Short title, commencement and interpretation

These regulations may be called the West Bengal Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2021 which in short is being called DSM Regulations.

- i) DSM Regulations extend to the whole of West Bengal.
- ii) DSM Regulations shall come into force 3rd day of January, 2022 after publication in the Official Gazette, such date being the effective date of these regulations.
 - Provided further that the charges and other principles or erstwhile UI mechanism as specified in the Tariff Regulations, will continue for state DSM till the day prior to the effective date of DSM Regulations, following the provisions of the Tariff Regulations, State Grid Code and Balancing and Settlement Code.
- iii) SLDC will arrange for and complete all the necessary modifications or developments in software and other all aspects including trial run of pool accounting, if required, for smooth implementation of DSM well within the effective date so that DSM Regulations come into operation in their entirety, from effective date.
- iv) From the effective date of DSM Regulations, they shall apply on any Seller or Buyer as specified in DSM Regulations, particularly for injection of power in, or drawing power from the State Grid under the jurisdiction of the State Load Despatch Centre and the State Transmission Utility of West Bengal, formed under section 31 and section 39 of the Electricity Act, 2003 respectively, by the State Government.
- v) DSM Regulations shall apply on the Seller or Buyer embedded in the State Grid to the extent applicable on them depending on the following:
 - a) their connectivity with intra-state transmission system or distribution system, and
 - b) injecting or drawal mode of operation

CHAPTER-2: DEFINITIONS

2.1 In these regulations, unless the context otherwise requires:

- (i) "Act" means the Electricity Act, 2003;
- (ii) "ABT" means the Availability Based Tariff as specified in the Tariff Regulations;
- (iii) "Actual Drawal" in a Time Block means the amount of electricity drawn by a Buyer as measured by the Interface Meters, unless otherwise specified in these Regulations;
- (iv) "Actual Injection" in a Time Block means the amount of electricity injected by a Seller as measured by the Interface Meters, unless otherwise specified in these Regulations;
- (v) "Additional Charges for Deviation" means charges determined in terms of Regulation 3.3 of these Regulation;"
- (vi) "Area Load Despatch Centre" or "ALDC" has the same meaning as assigned to it in the State Grid Code;
- (vii) "Backup Power" means the same as defined in the "Open Access Regulations";
- (viii) "Balancing and Settlement Code" means West Bengal Electricity Regulatory Commission (Balancing and Settlement Code) Regulations, 2008 or any other regulation substituting the Balancing and Settlement Code Regulation 2008 in future;
- (ix) "Buyer" means a person, including Distribution Licensee or Open Access Customer, purchasing electricity through a transaction scheduled in accordance with the regulations applicable for Short-Term Open Access, Medium-Term Open Access and Long-Term Open Access;
- (x) "Cap Rate" means the capping rate or capping price as specified in schedule -III of DSM Regulations for applying on the charges for the deviation from schedule of injection by the generating stations which will be notified in accordance with regulation 5.9 and 5.10 of DSM Regulations from time to time in line with CERC DSM Regulations;
- (xi) "Captive Generating Plant" means the Captive Generating Plant as defined in the Tariff Regulations;
- (xii) "CERC" means the Central Electricity Regulatory Commission established under section 76 of the Act;
- (xiii) "CERC DSM Regulations" means the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2014 as amended till date or any replacement of such Regulations in future;
- (xiv) "CEA Meter Regulations" means the Central Electricity Authority (Installation and Operation of Meters)
 Regulations, 2006 as amended or any other regulations that have been framed in replacement of the said
 Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 by repealing it;
- (xv) "Commission" means the West Bengal Electricity Regulatory Commission;
- (xvi) "Daily Base DSM Charge" means the algebraic sum of charges for deviations for all Time Blocks in a day payable or receivable, as the case may be, excluding the Additional Charges under regulation 3.3 of DSM Regulations, and where (+) sign will stand for amounts to be received by Seller/Buyer and (-) sign stands for amounts to be paid by Seller/Buyer;
- (xvii) "Distribution Licensee" for the purpose of these DSM Regulations means a Licensee as specified in clause (xxx) of these regulations who has been authorized by the Commission or the State Government or by any statue, as the case may be, to operate and maintain a distribution system to distribute electricity or for supplying electricity to the consumers in its area of supply;
- (xviii) "Deviation" in a Time Block for a Seller means its total actual injection minus its total scheduled injection and for a Buyer means its total actual drawal minus its total scheduled drawal;

- (xix) "Deviation Settlement Accounts" or "DSA" means state level accounts for Deviation Settlement Charges as detailed out in Balancing and Settlement Code.;
- (xx) "Deviation Settlement Mechanism" or "DSM" means and includes the following:
 - a) mechanism for accounting of deviation from the schedule of injection or schedule for drawal of power by the Seller or the Buyer,
 - b) accounting of deviated energy,
 - c) principles/methodology for pricing of deviation(s) payable and receivables by the Buyer or Seller under the purview of DSM Regulations, and
 - d) other designed parameters required to develop the framework of controlling the deviation within the limits as in DSM Regulations;
- (xxi) "Deviation Settlement Charges" or "DS Charges" means charges that are payable or receivable, as the case may be, to/by the Seller or Buyer of electricity from the State Grid due to deviation from the schedule of injection or schedule of drawal, as the case may be, and includes Additional Charges for Deviation in terms of DSM Regulations;
- (xxii) "Energy Charge" means the energy charge as specified in the Tariff Regulations;
- (xxiii) "Energy Storage System" or "ESS" means any system or device capable of storing electrical energy in any form using any technology and delivering it back in the form of electrical energy including any form of pumped storage system.
- (xxiv) "Full Open Access Consumer" means Open Access Consumer who does not have any contract demand with the Distribution Licensee with whom he is connected;
- (xxv) "Gaming" in relation to these Regulations, shall mean an intentional mis- declaration of declared capacity by any Seller or intentional mis-declaration of drawal schedule by any Buyer or any other mean in order to make an undue commercial gain, inter alia, through Charge for Deviations;
- (xxvi) "Generating Station" means a generating station as defined in the Act and is inclusive of a captive generating plant;
- (xxvii) "Grid Code" or "IEGC" or "CERC Grid Code" means the regulation framed by the CERC under clause (h) of sub-section (1) of Section 79 of the Act and which is/was in force with reference to the time of occurrence of any issue under consideration under DSM Regulations;
- (xxviii) "Interface Meters" means interface meters as defined by the Central Electricity Authority under CEA Meter Regulations;
- (xxix) "Intra-State transmission system" or "InSTS" means any system for transmission of electricity of any transmission licensee under the jurisdiction of the Commission;
- (xxx) "Licensee" for the purpose of these DSM Regulations means a person who has been granted license by the Commission under section 14 of the EA 2003 for distribution and / or transmission of electricity and also includes following entities:
 - a) a deemed licensee under the purview of the Commission in pursuance to first to fifth proviso of section 14 of the EA 2003,
 - b) Persons exempted under section 13 of the Act within the State, and
 - c) Persons who have been notified by State Government under the eight proviso of section 14 of the Act for the purpose of generation and distribution of electricity;

- (xxxi) "Load Despatch Centre" means National Load Despatch Centre, Regional Load Despatch Centre or State Load Despatch Centre or Area Load Despatch Centre, as the case may be, responsible for coordinating scheduling of the Buyers and the Sellers in accordance with the provisions of State Grid Code and Grid Code;
- (xxxii) "Long Term Customer" means an Open Access Customer availing Long Term Open Access;
- (xxxiii) "Long-Term Open Access" means the same as defined in Open Access Regulations;
- (xxxiv) "Medium-Term Open Access" means the same as defined in Open Access Regulations;
- (xxxv) "Open Access Customer" means the same as defined in the Open Access Regulations;
- (xxxvi) "Open Access Consumer" means the Open Access Customer who is also a consumer of the licensee with whom he is connected for taking supply of power;
- (xxxvii) "Open Access Regulations" means the West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2007 as amended till date or any replacement of such Regulations in future which in short will be called as Open Access Regulations;
- (xxxviii) "Open Access Source" means a generating station, Power Exchange or any person holding appropriate license for supply of electricity from which/ whom the power can be sourced/procured by an Open Access Customer directly or through an electricity trader or power exchange;
- (xxxix) "Partial Open Access Consumer" means Open Access Consumer who has a certain contract demand with the distribution licensee of whom he is a consumer for drawal of power as consumer beyond its drawal of power through open access;
 - (xl) "PPA" means an agreement for purchase or sale of power;
 - (xli) "RLDC" means the RLDC as defined in the State Grid Code;
 - (xlii) "Scheduled Drawal" at any time or for a Time Block or any period means schedule of despatch in MW or MWh ex-bus given by the concerned Load Despatch Centre;
 - (xliii) "Scheduled Generation" at any time or for a Time Block or any period means schedule of generation or injection in MW or MWh ex-bus for a generating station given by the concerned Load Despatch Centre;
- (xliv) "Scheduled Injection" at any time or for a Time Block or any period means schedule of injection in MW or MWh at point of injection given by the concerned Load Despatch Centre;
- (xlv) "Seller" means a person, including a generating station, supplying electricity through a transaction scheduled in accordance with the regulations applicable for Short-Term Open Access, Medium-Term Open Access and Long-Term Open Access;
- (xlvi) "Short-Term Open Access" means the same as defined in the Open Access Regulations;
- (xlvii) "Sign Change Violation" means the violation of the principles of sign change requirement as specified in regulation 3.3.10 of DSM Regulations:
 - Provided that any reference to Sign Change Violation in the context of interstate systems shall be construed in accordance with the CERC DSM Regulations;
- (xlviii) "SLDC" means the SLDC as defined in the Tariff Regulations;
- (xlix) "Standby Power" means the same as defined in the Open Access Regulations;
 - (1) "State" means the State of West Bengal;
 - (li) "State Government" means Government of West Bengal.
 - (lii) "State Grid" means the same as defined in the State Grid Code;

- (liii) "State Grid Code" or "WBEGC" means the regulation framed by the Commission under clause (h) of subsection (1) of Section 86 of the Act and which is/was in force with reference to the time of occurrence of any issue for consideration under DSM Regulations;
- (liv) "STU" means the STU as defined in the Tariff Regulations;
- (Iv) "Tariff Regulations" mean the regulations specified by the Commission under section 61 of the Act;
- (Ivi) "Transmission System" means the Transmission System as defined in the Tariff Regulations;
- (Ivii) "Time Block" means the same as defined in the Grid Code;

Words or expressions used and not defined in these regulations but defined in the Act shall have the meaning respectively assigned to them in the Act.

2.2 Inter-relationship with State Grid Code and necessary changes for DSM operationalization:

- (i) DSM Regulations are primarily meant for grid discipline by monitoring and controlling the Deviation done by Seller or Buyer from the schedule of injection or schedule of drawal respectively, the procedure for which is detailed out in the State Grid Code.
- (ii) The procedure of scheduling/revision of scheduling is detailed out in the State Grid Code.

2.3 Revision of schedule for any Time Block shall be governed by the State Grid Code. Frequency ranges and other important parameters:

Throughout DSM Regulations some spot frequencies, as provided in Schedule-III have been used in general nomenclature. The relevant values of these spot frequencies are provided in Schedule-III. Further, with respect to regulation 3.3.10 of DSM Regulations which addresses sign change requirement after a certain number of Time Blocks, the term N_{sc} has been used to represent such number of Time Blocks. The value of such N_{sc} and CERC_LIMIT used in regulation 3.3.10 of DSM Regulations have been also provided in Schedule-III. Any changes in the values of aforementioned terms, under the CERC DSM Regulations will be reflected in these regulations by inter-alia modifying Schedule-III in DSM Regulations through an order issued under Regulation 5.8 by the Commission.

2.4 Objective:

The objective of these regulations is to maintain grid discipline and grid security as envisaged under the State Grid Code and Tariff Regulations through the commercial mechanism for Deviation Settlement for drawal and injection of electricity by the users of the State Grid.

2.5 Scope:

DSM Regulations shall be applicable to Sellers and Buyers of electricity in the transactions of electricity in the State Grid through Short-Term Open Access or Medium-Term Open Access or Long-Term Open Access.

CHAPTER-3: DEVIATION SETTLEMENT MECHANISM

3.1 Entities under DSM or outside the purview of DSM

The Deviation Settlement Mechanism and related grid operation conditions under DSM Regulations are applicable on the following entities to the extent as specified in regulation 3.1.1 to 3.1.7 of DSM Regulations.

3.1.1 DSM applicability on Generating Stations connected to InSTS:

DS Charges and Additional Charges for Deviation will be applicable as per DSM Regulations on any generating station connected with InSTS directly or through dedicated transmission lines, for deviation from its schedule.

3.1.2 DSM applicability on Generating Station embedded in any distribution system:

- i) Any generating station connected with the distribution network of any Distribution Licensee including any generating stations owned by the Distribution Licensee are to be considered as embedded generating stations of the distribution system of the Distribution Licensee. The embedded generating stations shall be considered under DSM only for such amount of scheduled energy for which it utilizes the InSTS for delivery of that power to the beneficiary or buyer as detailed out in clause (iv) of this regulation. The deviation against such scheduled energy only shall be considered for DS Charges and Additional Charges for Deviation as applicable under DSM Regulations. However, any sale of power by any embedded generating station in a distribution system of a distribution licensee to any person other than the distribution licensee himself and who is located within the same distribution licensee system is subject to the provisions as per regulation 3.6.4 of DSM Regulations.
- ii) If full or part of the installed capacity of any generating station embedded in the distribution system of any Distribution Licensee is allotted to the Distribution Licensee through PPA or any arrangement as a result of ownership of the generating station by the Distribution Licensee itself, the same shall not be under DSM for that part of installed capacity, though DS Charges shall be applicable on the Distribution Licensee as a whole entity integrated with embedded generating stations subject to the regulation 3.1.2 of DSM Regulations. In such case the impact on deviation due to generation by the generating station on the licensee is to be covered through followings:
 - mutually agreed PPA between the licensee and the generating company in case of generating station is not owned by the Distribution Licensee
 - b) in case of ownership of the generating station by the Distribution Licensee the arrangement shall be formalized through internal Minutes of Meeting or Memorandum of Understanding.

Provided that in case of low demand on continuous basis if any surplus availability/generation from the allotted installed capacity to the Distribution Licensee is meant for sale to any person using InSTS then the same shall be considered as a separate sale through separate scheduling at the generation bus bar and such sale/transaction will be subject to DSM for generating station owned by the persons other than Distribution Licensee. For embedded generating stations owned by the distribution licensee any excess generation will be on account of distribution licensee as per clause (b) above.

- iii) For any sale of power by any generating station embedded in the distribution system of a Distribution Licensee to a person other than such Distribution Licensee, the injection schedule of such sale of power by the generator at the point of interface of Distribution System of Distribution licensee and InSTS will be the injection schedule at generation bus bar reduced by normative distribution/wheeling loss at the applicable voltage level as mentioned in Open Access Regulation.
- iv) The generating station embedded in distribution system of Distribution Licensee and supplying power to that licensee or to any other licensee in the state or to any other person using the InSTS shall provide its generation schedule/declared capacity to SLDC for the purpose of certification of availability or for deviation measurement, as the case may be. Any deviation of such embedded generator from such generation schedule will be

adjusted within the overall deviation of Distribution Licensee, except for any portion of the installed capacity/power sold to any person other than that Distribution Licensee with whose distribution system the embedded generator is connected.

When the embedded generator sales its power simultaneously to the Distribution Licensee with whom he is connected and any other person using the InSTS, then for the deviation settlement purpose the actual ex-bus injection will be prorated to arrive at injection corresponding to sale to other person and injection corresponding to sale to distribution licensee based on the respective scheduled quantum.

Illustration: Say for a certain time-block 'S1' MW is scheduled for DISCOM and 'S2' MW is scheduled to any other person. If the actual ex-bus metered energy becomes E, the actual injection correspondence to DISCOM will be $E1 = E \times S1/(S1+S2)$ and injection corresponding to other person will be $E2 = E \times S2/(S1+S2)$.

DSM to the extent S2 - E2 will be on account of generating company in terms of clause (i) of 3.1.2 and variation out of S1 - E1 will be dealt as per clause (ii) of 3.1.2.

v) Other specific conditions for embedded generating stations are covered in regulation 3.7 of DSM Regulations.

3.1.3 Additional conditions for DSM applicability on generating stations:

- (i) Notwithstanding anything to the contrary contained in DSM Regulations, in case of generation of electricity from cogeneration and generation from renewable energy sources, ABT and DSM shall be applicable to the extent as specified in the regulations of the Commission on co-generation and generation of electricity from renewable sources of energy read with any other specific provisions for them notified by the Commission from time to time.
- (ii) The infirm power prior to COD, as defined in the Tariff Regulations, of a generating station is also required to be scheduled for dispatching to the beneficiaries to whom such power is to be supplied through any PPA or any arrangement where such power is to be absorbed by the beneficiaries. In the absence of a PPA or an arrangement for supply of infirm power, the generating station will not be allowed to inject the power in the InSTS, or distribution system in case of embedded generating stations as covered in DSM Regulations.
- (iii) Notwithstanding anything contained in any other regulations, DSM and ABT mechanism will not be applicable for infirm Power from any generating stations prior to COD of that generating station.

3.1.4 Applicability of DSM for Distribution Licensees

- (i) All licensees under the control of the Commission and connected with the InSTS shall be under the purview of DSM subject to certain conditions as specified in the clause (ii) of this regulation and regulation 3.1.7 of DSM Regulations.
- (ii) Notwithstanding anything to the contrary contained in other Regulations of the Commission, the power drawn/supplied in radial mode between two licensees at a voltage level of 33 kV and below shall not be under the purview of DSM. The same shall be settled as per mutually agreed principle, method and PPA.

3.1.5 Applicability of DSM on Open Access Consumers and others

In addition to entities covered in regulations 3.1.1, 3.1.2 and 3.1.4 of DSM Regulations above, Open Access Customers who have been permitted Open Access subject to application of West Bengal Electricity Regulatory Commission (Phasing For Open Access in Distribution / Sale of Electricity) Regulations, 2006 or any subsequent amendment, shall also be under the purview of DSM subject to the specific conditions as laid down in regulation 3.6 of DSM Regulations.

3.1.6 Conditions when Open Access Source and Open Access Consumer are within the same Distribution Licensee:

(i) If any capacity from a generating station embedded in the distribution system of a Distribution Licensee and not owned by the licensee, is allotted through any PPA to Open Access Customers embedded within the same distribution system, then in such case the impact of deviation from the injection schedule of the generator and the drawal schedule of such Open Access Customer and its financial implication on Distribution Licensee is to be taken care of in the Open Access Agreement by the Distribution Licensee. The DSM arrangement to be specifically mentioned in the Open Access Agreement and in this aspect the Distribution Licensee still ensure that on account of such deviation no losses shall be passed to its own consumer.

(ii) However, if such embedded generator sells some of its power to an entity not connected to the same distribution system then that power will be governed by DSM subject to specific conditions as laid down in regulation 3.6 of DSM Regulations.

3.1.7 Fulfilment of Technical Requirements:

Notwithstanding anything to the contrary contained in any other Regulations issued by the Commission, any entity shall come under the purview of DSM only after installation of ABT compliant interface meters and real-time dynamic data display & voice communication with AMR facility with SLDC and /or ALDC as the case may be.

3.2 Methodology of Determination of Charges for Deviations:

3.2.1 Basis of Charges for determination of deviation

Variation of actual injection with scheduled injection or actual drawal with scheduled drawal respectively shall be accounted for as deviation for determination of applicable charges for such deviation on the concerned Time Block by applying applicable rates for DS Charges on the quantum of the deviated energy in the Time Block concerned. The applicable rates for DS Charges shall be as per frequency linked rates specified by the Central Electricity Regulatory Commission in pursuance of CERC DSM Regulations. Deviation for a generating station or Seller shall be equal to its actual injection minus its scheduled injection. Deviation for a Buyer shall be equal to its total actual drawal minus its total scheduled drawal. All such deviations as mentioned above shall be worked out for each Time Block. The charges for deviation for any Time Block that shall be applicable on the entities are as follows:

- Payable by the Buyer for over drawal of electricity from the State Grid;
- ii) Payable by the Seller for under injection of electricity to the State Grid;
- iii) Receivable by the Buyer for under drawal of electricity from the State Grid;
- iv) Receivable by the Seller for over injection of electricity to the State Grid;
- 3.2.1.1 Accounting of deviation in case of any Energy Storage System both in generating and storage/pumping mode of operation shall be done independently for each mode of operation and not on net basis. SLDC shall prepare the Deviation Settlement Accounts.

Provided further that when simultaneously some of the generating units of the Energy Storage System are in generation operation and some of the generating units are in energy storage mode of operation, then the Scheduling shall be done on net injection or net drawal basis, as the case may be, and accounting of deviation shall also be done on the actual net injection or net drawal basis.

Provided that when there is any deviation from the schedule by any ESS as a result of frequency control measure beyond the scheduled operation as per instruction of the SLDC then such deviation will not be counted accounted for DS charge.

3.2.1.2 When an embedded generating stations of any consumer is connected to the Distribution System or InSTS with any dedicated transmission line for evacuation of power through open access mode and at the same time is used for drawal for power in consumer mode or through Open Access mode then in such case DS charges for each Time Block will be applicable on net injection or net drawal basis, as the case may be. The actual power draw in consumer and/or open access mode will be determined by adding the net drawal with the actual injection or by reducing actual ex-bus generation with net injection, as the case may be. Where the drawal component is in composite mode of consumer drawal and open access mode then the drawal in each mode will be determined by applying regulation 3.6.5(a) of these regulations based on the actual power drawal as determined above.

3.2.2 Conditions of DS Charges applicability

The applicable conditions for DS Charges and different applicable conditions under DSM are as follows:

- (i) The Charges for Deviation of generating stations when actual injection is higher or lower than the scheduled generation, shall not exceed the Cap Rate specified in Schedule-III of these Regulations. The Commission may change such Cap rate from time to time in line with CERC DSM Regulations through an order under regulation 5.10 of DSM Regulations.
- (ii) The Charges for Deviation for under drawal by the Buyer in a Time Block in excess of 5% of the drawal schedule or [X] MW, whichever is less, shall be zero, where the ceiling of [X] MW shall be determined as per the methodology specified under regulation 3.3.1 of DSM Regulations;
- (iii) The charges for Deviation of over-injection by the Seller in a Time Block in excess of 5% of its schedule or 30 MW, whichever is lesser shall be zero. The only exception to this shall be in case of injection of infirm power which shall be governed as per clause (iv) of this regulation 3.2.2 of DSM Regulations.
- (iv) The infirm power injected into the grid by a generating unit of a generating station during testing, prior to COD of the unit shall be paid by the beneficiary at a fixed rate as contained in Schedule III, depending on the main fuel used for such injection., for a period specified in the Tariff Regulation, as amended from time to time or the extended time allowed by the Commission through any order.
- 3.2.3 Basic accounting principle of DS Charges for any Time Block
- 3.2.3.1 For all the entities on whom DSM is applicable as per regulation 3.1, DSM charges will be calculated in accordance with regulations 3.2.1 and 3.2.2 of DSM Regulations along with consideration of Additional Charges as per regulation 3.3 of DSM Regulations for the Time Block concerned except for the Additional Charges levied due to Sign Change Violation.
- 3.2.3.2 After exercising the procedure under regulation 3.2.3.1 of DSM Regulations, SLDC shall determine the summated result of the all entities and then compare it with the charges for deviations applied on state as a whole by RLDC through regional accounting for that Time Block except for the Additional Charges arising out of Sign Change Violation. In case of a shortfall of funds in the SLDC- DS-FUND-WBSETCL, then the same shall be recovered by levy of additional charge from those state entities who had net deviation charges payable for such Time Block, in proportion to the net charges payable by each such entity.
- 3.2.3.3 For violation of sign change requirement as specified under regulation 3.3.10 of DSM Regulations, Additional Charges will be levied on the entity(ies) under DSM Regulations in accordance with regulation 3.3.11 of DSM Regulations.
- 3.2.4 Payment of Charges for Deviation under regulation 3.2.1 and the Additional Charges for Deviation under regulation 3.3 of DSM Regulations, shall be levied without prejudice to any action that may be considered appropriate by the Commission under Section 142 of the Act for contravention of the provision(s) of DSM Regulations.

3.3 Limits on Deviation Volume and Consequences of Crossing Limits:

- 3.3.1 The Volume Limit (X MW) for Buyer(s) including Distribution Licensee(s) shall be determined as under:
 - (a) Minimum of the following:
 - (i) 5% of the drawal schedule OR
 - (ii) (Peak Demand of Buyers \div Σ NCPD) \times State Volume Limit

Where:

NCPD (Non-Coincident Peak Demand) = the sum of Peak Demand of Buyer(s) including Distribution Licensee(s).

Peak Demand of the Buyer(s) including Distribution Licensee(s) = recorded Peak Demand in the previous financial year. Since data for March of the previous Financial Year may not be available immediately, NCPD to be used in April of the next Financial Year may be based on the projections by SLDC.

State Volume Limit is as per clause (d) of this regulation 3.3.1

- (b) Volume Limit (X) for the Buyer (including any Distribution Licensee) determined as per the above formula shall be rounded off to two decimal value subject to condition that for Buyer (including any Distribution Licensee) with Peak Demand upto 10 MW, a fixed volume limit (X) of 1 MW shall apply and for a Buyer with Peak Demand exceeding 10 MW but below 20 MW, a fixed volume limit (X) of 2 MW shall apply.
- (c) For a new Buyer for whom record of past years is not available, Open Access capacity allowed to the Buyer will be considered for determination of the Volume Limit (X) if such Buyer is an Open Access Consumer. If such new Buyer is a Distribution Licensee, then the maximum drawal projected by the licensee for first year in the business roll down plan submitted will be considered for determination of the Volume Limit.
- (d) State Volume Limit shall be linked to Volume Limit (L) applicable to the State as per the CERC DSM Regulations.
- 3.3.2 The over drawal or under drawal of electricity by any Buyer during a Time Block shall not exceed 5% of its scheduled drawal or X MW as specified in regulation 3.3.1 of DSM Regulations, whichever is lower, when grid frequency is "F_L Hz or above" and "below F_u Hz".
 - Provided that no over drawal of electricity by any Buyer shall be permissible when grid frequency is "below F_L Hz" and no under drawal of electricity by any Buyer shall be permissible when grid frequency is " F_u Hz and above".
 - Provided also that any drawal of power by a generating station prior to COD of a unit for the startup activities shall be exempted from the volume limit specified above when grid frequency is "F_L Hz or above".
- 3.3.3 When frequency is "F_L Hz or above" and "below F_u Hz", the under-injection or over-injection of electricity by Seller during a time-block shall not exceed 5% of the scheduled injection or 30 MW, whichever is lower;

Provided that:

- (a) no under injection of electricity by a Seller shall be permissible when grid frequency is below "F_L Hz" and no over injection of electricity by a Seller shall be permissible when grid frequency is "F_L Hz or above";
- (b) any infirm injection of power by a generating station prior to COD of a unit during testing and commissioning activities shall be exempted from the volume limit as specified in regulation 3.3.3 of DSM Regulations.
- 3.3.4 In addition to Charges for Deviation as stipulated under regulation 3.2 of DSM Regulations, Additional Charges for Deviation shall be applicable for over drawal or under-injection of electricity on the Buyer or Seller, as the case may be, for each Time Block in excess of the volume limit specified in regulations 3.3.2 and 3.3.3 of DSM Regulations as per the following procedure:
 - a) When average grid frequency of the Time Block is "F_L Hz or above", the applicable rates for Additional Charges for Deviation due to over drawal as well as for under injection for entities other than thermal generating stations shall be as specified by the Commission in Schedule–I in accordance with the methodology specified in regulation 3.3.6 of DSM Regulations;
 - The Additional Charges for Deviation for under-injection of electricity, during a time-block by the thermal generating stations shall be at the rates as specified in Schedule- II in accordance with the methodology specified in regulation 3.3.8 of DSM Regulations.
 - b) When grid frequency is "below F_L Hz", Additional Charges for Deviation due to over drawal or under injection shall be applicable for any deviation within or beyond the Volume Limit as specified in regulation 3.3.1 and regulation 3.3.3 of DSM Regulations and at a rate equivalent to 100% of the Charge for Deviation corresponding to the grid frequency of "below F_L Hz"" as specified by CERC form time to time and in accordance with the methodology specified in regulation 3.3.7 of DSM Regulations.

Provided further that such Additional Charges for Deviation for under-injection of electricity by thermal generating stations, shall be applicable at a rate equivalent to 100% of the Cap Rate from time to time and in accordance with the methodology specified in regulation 3.3.8 of DSM Regulations.

- 3.3.5 In addition to Charges for Deviation as stipulated under regulation 3.2 of DSM Regulations, Additional Charges shall be applicable for over-injection or under drawal of electricity for each Time Block by a Seller or Buyer, as the case may be, when grid frequency is "FU10 Hz or above" at the rates equivalent to charges of deviation corresponding to the grid frequency of "below F_{u1} Hz but not below F_o Hz" or Cap Rate whichever is lower.
- 3.3.6 The Additional Charges for Deviation for over drawal or under-injection of electricity for each Time Block in excess of the Volume Limit specified in regulation 3.3.1 and regulation 3.3.3 of DSM Regulations when grid frequency is "F_L or above" shall be as specified by the Commission in Schedule–I as a percentage of the Charges for Deviation corresponding to average grid frequency of the Time Block with due consideration to the behavior of the Buyers and Sellers towards grid discipline.
 - Provided that the Commission may specify different rates for Additional Charges for Deviation for over drawals and under injections depending upon different percentage of deviations from the schedule in excess of the volume limit specified in regulation 3.3.1 and regulation 3.3.3 of DSM Regulations.
- 3.3.7 The Additional Charges for Deviation of over drawal or under-injection of electricity for each Time Block when grid frequency is "below F_L HZ" shall be as specified by the Commission as a percentage of the Charges for Deviation corresponding to the average grid frequency of the Time Block with due consideration to the behaviour of the Buyers or Sellers, as the case may be, towards grid discipline:
 - Provided that the Commission may specify different rates for Additional Charges for Deviation of over-drawls and under-injections and for different ranges of frequencies "below F_L Hz".
 - Provided further that till such different rates for Additional Charges for Deviation of over-drawls and underinjections and for different ranges of frequencies "below F_L Hz" are specified, the Additional Charges specified in (b) of regulation 3.3.4 of DSM Regulations will become applicable.
- 3.3.8 The Additional Charges for Deviation for under-injection of electricity by generating stations during a Time Block in excess of the Volume Limit specified in regulation 3.3.3 of DSM Regulations when grid frequency is "FL or above", by the generating stations regulated by WBERC shall be as specified by the Commission from time to time in Schedule-II as a percentage of the Cap Rate or the Charges for Deviation corresponding to the grid frequency of the Time Block, or both with due consideration to the behavior of the generating stations regulated by WBERC towards grid discipline.
- 3.3.9 The total deviation from schedule in energy terms during a day shall not be in excess of:
 - a) 2.5% of the total schedule for the Buyers, and
 - b) 1% for the Sellers.

In case of violation of these stipulations, Additional Charges of 20% of the Daily Base DSM Charges (payable or receivable whatsoever) shall be applicable as payable Additional Charges. Such Additional Charges shall be applicable from the date to be notified separately by the Commission.

Provided that in case of forced outage of generator the deviation from schedule during ramp down of the said generator due to forced outage starting from the Time Block giving notice to SLDC for forced shutdown till the shutdown will be kept out of the computation in Daily Base DSM Charges.

3.3.10 In the event of sustained deviation by any entity from its schedule in one direction (positive or negative) for N_{sc} number of time blocks, the Seller or Buyer entity shall correct its position, by changing the sign of its deviation from schedule or by remaining in the range of +/- B MW with reference to its schedule, latest by $(N_{sc} + 1)^{th}$ time block. The range +/- B MW is a subset of Volume Limit as under regulation 3.3.1 and regulation 3.3.2 of DSM Regulations, where B is determined as per following table:

S No.	Schedule	Value of B
1.	> 1000 MW	CERC_LIMIT
2.	<1000 MW but >500 MW	CERC_LIMIT-10 MW
3.	<500 MW but >20 MW	CERC_LIMIT -15 MW
4.	<20 MW but >10 MW	CERC_LIMIT-18 MW
5.	<10MW	0

Where value of CERC_LIMIT is as per Schedule - III.

To illustrate, if a state entity has positive deviation from schedule, say from N_{sc} time blocks, sign of its deviation from schedule shall have to be changed in the $(N_{sc} + 1)$ th Time Block from positive to negative or shall remain within the range of B as specified above.

Value of B shall be considered nil in case it become negative if calculated as per the table above.

3.3.11 Sign Change Violations as per regulation 3.3.10 of DSM Regulations shall attract Additional Charges to be based on number of violations, as specified in the table below:

No. of violations in a Day	Additional Charges Payable
From first to fifth violation	For each violation, an additional charge @3% of Daily Base DSM Charge payable or receivable.
From sixth to tenth violation	For each violation, an additional charge @5% of Daily Base DSM Charge payable or receivable.
From eleventh violation onwards	For each violation, an additional charge @10% of Daily Base DSM Charge payable or receivable.

It is to be noted that even in case Daily Base DSM Charge is receivable Additional Charges for Sign Change Violation, computed from such Daily Base DSM Charge are always payable by the defaulting entities. This means that computation of such additional charges payable will be based on absolute value of Daily Base DSM Charge. Such, Additional Charges for Sign Change Violation shall be paid in the following manner:

- a) The Additional Charges for Sign Change Violation shall be leviable on defaulting entity(ies) for each such violation during a day, irrespective of State's overall sign change violation status at the state periphery.
- b) SLDC shall identify all the defaulting entity(ies) along with the contribution by the entities of deviated energy in the preceding Nsc time blocks and the concerned Time Block for which penalty is being calculated.
- c) If State violates but entities do not, then the Additional Charges for Sign Change Violation is to be met from SLDC-DS-FUND-WBSETCL by SLDC
- d) If State violates as well as some entities but the amount of charges payable by the State is more than the entities' amount then the entities will pay the penalty as per deviated energy calculated for each entity in (a) and the balance is to be met from SLDC-DS-FUND-WBSETCL.
- e) If State violates as well as some entities but the amount of charges payable by the State is less than the amount collected from entities calculated on the basis of (a) then such positive balance shall remain deposited in the SLDC-DS-FUND-WBSETCL.
- 3.3.12 Payment of Additional Charges as per regulation 3.3.11 of DSM Regulations for failure to adhere to sign change requirement as specified in regulation 3.3.5 of DSM Regulations shall not be applicable to the following entities:
 - a) Renewable Sources
 - b) Run of river projects without pondage

- c) Any infirm injection of power by a generating station prior to COD of a unit during testing and commissioning activities, in accordance with the Tariff Regulations
- d) Any drawal of power by a generating station for the startup activities of unit
- e) Forced outage of a generating stations in case of collective transactions on power exchanges

3.4 Gaming:

- 3.4.1 The provisions of the State Grid Code and the Open Access Regulations, as amended from time to time, shall be applicable for declaration of capacity, scheduling and elimination of gaming.
- 3.4.2 The Commission, either suo-moto or upon receipt of any petition made by SLDC or any affected party, may initiate proceedings against any generating company or any Seller or any Buyer on charges of gaming and if required, may order an enquiry in such manner as decided by the Commission keeping itself confined to the relevant provisions of the Electricity Act 2003 and Rules and Regulation thereunder. When the charge of gaming is established in the above inquiry, the Commission may, without prejudice to any other action under the Act or regulations thereunder, disallow any Charges for Deviation receivable by such generating company or the Seller or the Buyer during the period of such gaming.

3.5 Additional Conditions for Captive Generation:

In addition to stipulations in regulations 3.1.1 and 3.1.2, a captive generating plant must satisfy the following conditions:

- 3.5.1 Any in-situ captive generating plant in the premises of a consumer connected to the distribution system of the Distribution Licensee has to sign an agreement with such Distribution Licensee or have an Open Access Agreement with such Distribution Licensee which shall cover the commercial treatment of incidental injection of power in the state grid when that plant is not delivering power to anybody else through open access facility of the grid. Any deviations are to be settled as per terms of such agreement and shall not be under DSM.
 - Provided that, in case the captive generating plant delivers power using open access facility of the state grid, then any such injection of power in the grid shall be covered under DSM Regulations.
- 3.5.2 Any reversal of flow of power for consumption by any captive generating plant source during the period, shall not be considered under DS and shall be charged at a tariff applicable for emergency supply as determined by the Commission from time to time in the tariff order.

3.6 Applicability of DSM on Open Access Customer:

- 3.6.1 Drawal schedule for Open Access Customer in open access mode shall be the injection schedule minus normative transmission and/or normative distribution losses as per applicable voltage level in the Open Access Regulations. For any revision of schedule under open access mode, the same shall be intimated to SLDC as per the procedure laid down in State Grid Code of the Commission as an operational requirement.
- 3.6.2 The Open Access Customer shall not indulge in any gaming by deviation from the schedule to enrich itself through DS Charges in a premeditated manner.
- 3.6.3 Any deviation of Full Open Access Consumer from its drawal schedule is subject to the Deviation Charges and Additional Charges for deviation with reference to their schedule and actual drawal under the open access. The DS rate for DS Charges and Additional Charges for deviation shall be the same as specified under regulations 3.2 and 3.3 of DSM Regulations. In case of outage of the open access source of the Full Open Access Consumer, the drawal schedule will be revised with the Standby/Backup Power, if any, within the time limit specified in the State Grid Code.

The charges for Standby/Backup Power shall be specified by the Commission through Tariff order in accordance with the applicable provisions of Act and Tariff Regulations.

3.6.4 Notwithstanding anything to the contrary contained elsewhere in any Regulations of the Commission, for the Open Access Customer where the generator as well as the Open Access Customer are within the distribution system of the same distribution licensee, then the ALDC of the distribution licensee shall prepare the deviation settlement account on monthly basis for the embedded generator and the open access consumer considering the same principle of Deviation charge and Additional Deviation charges specified in DSM Regulations against the implemented schedule under the open access mode for accounting the deviation, the embedded generating station and the Open Access Customer shall be treated as separate entity and any amount payable / receivable by each of them shall separately be paid to or received from the distribution licensee. Payment security for such Open Access Customer for deviation settlement shall be separately specified in the Open Access Agreement in line with DSM Regulations. Moreover, for this purpose all such Open Access Customers shall submit their schedule of drawal in open access mode as well as in consumer mode in case of partial open access consumer for all Time Blocks to the ALDC of the concerned distribution licensee. In case of revision of schedule the Partial Open Access Consumer has to submit the schedule of open access mode or consumer mode for which it is seeking the revision.

3.6.5 Additional conditions applicable for Open Access Consumers:

For a Partial Open Access Consumer having composite drawal involving both open access mode and consumer modes, the total actual drawal at any instant reduced by the scheduled drawal in open access mode at the same instant shall be considered as a drawal under consumer mode plus any excess drawal beyond the submitted composite schedule of open access mode and consumer mode in pursuance to regulation 3.6.4 of these regulations. The over-drawal in excess to the drawal schedule of open access mode and the drawal schedule of the consumer mode as submitted in pursuance to regulation 3.6.4 of these regulations is to be charged at the rate of DS Charges (including additional charges) or on the basis of tariff as a consumer, whichever is higher.

- (a) Such applicable rate for above mentioned excess drawal in consumer mode will also include all types of applicable additional charges as per Tariff Regulations for the excess demand over the sanctioned contract demand. Any over drawal at drawal point with respect to drawal schedule in open access mode by a Full Open Access Consumer will be considered as power supplied by the distribution licensee to the Open Access Consumer as a Backup or Standby Power supply, as applicable, at a rate applicable to him, or the DS rate prevailing at the time of over-drawal (along-with applicable Additional Charges for Deviation), whichever is higher.
- (b) However, notwithstanding anything contained contrary in any regulation of the Commission no charge will be payable to such open access consumer for any under drawal in open access mode and that balance energy on account of such under drawal shall be utilized by the concerned distribution licensee.
- 3.6.6 For Open Access Source outside the state, the schedule/actual injection declared by the concerned RLDC to the state shall be taken by SLDC as the schedule / actual injection.

3.7 Special provisions for embedded generating stations:

3.7.1 While submitting the initial injection schedule or revised injection schedule of own embedded generating stations of a distribution licensee to the SLDC, the ALDC shall follow the principles of merit order dispatch with regard to the embedded generating station and the firm allocation of capacity or power provided by the other suppliers (henceforth called as firm supplier) to the licensee, in accordance with the State Grid Code. While scheduling such injection schedule for an embedded generator having single-part tariff, the single part tariff itself will be considered as Energy Charge in absence of separate Energy Charges till two-part tariff is introduced. On receiving the injection schedule of the embedded generating stations of the licensee, the SLDC shall check those schedules to ensure merit order dispatch principle is abided and shall make appropriate modifications, if required, while releasing the injection schedule of the embedded generating stations in pursuance of the State Grid Code.

- 3.7.2 In case of sudden rise in demand of the Distribution Licensee, it shall be allowed to generate over the schedule immediately from its own embedded generating stations to the extent the demand has increased, till supply is available from the embedded generating stations of the licensee and the firm suppliers to the licensee through revision of the injection schedule of the embedded generating stations and the firm suppliers of the licensee and drawal schedule of the licensee by SLDC as per principles as laid down in regulation 3.7.1 of DSM Regulations and the State Grid Code. Violation of the principles of merit order despatch shall be considered as gaming.
- 3.7.3 The embedded generating stations of a distribution licensee selling any power to any person connected to the distribution system of the distribution licensee through open access mode shall submit its schedule of injection under such open access for all 96 time-blocks to the ALDC of the concerned distribution licensee.

CHAPTER-4: DS CHARGES DISBURSEMENT PROCEDURE

- 4.1 For the purpose of determination of net payable and receivables of DS Charges as applicable on any entity, Deviation Settlement Accounts shall be prepared for the week concerned by following the different provisions of DSM Regulations and the Balancing and Settlement Code of the Commission.
- 4.2 The DS Charges shall be paid by the Seller and the Buyer, on whom said charges are applicable, to the SLDC in accordance with the charge as applicable from the date as per notification of the Commission. Any payment under the head of receivable or payable for DS Charges shall be done through the SLDC-DS-FUND- WBSETCL. DS Charges shall not be adjusted with any payable / receivable amount. Licensees / generators / other entities shall pay DS amount payable by them, if any, within one week from the date of receipt of DS bill raised based on DS Account issued by SLDC pending finalization of disputes, if any. Disputes if any shall be settled with SLDC and licensees/generators and adjusted in the next bill. In case the dispute cannot be settled by SLDC, the same shall be referred to the State Power Committee formed under Balancing and Settlement Code for settlement.
- 4.3 Where any embedded generator of a Distribution Licensee sell power both to the Distribution Licensee and any other person by using the InSTS, in such case SLDC shall provide all the relevant data to the concerned ALDC/Distribution Licensee as per Balancing and Settlement Code.

CHAPTER-5: MISCELLANEOUS



Metering:

For proper implementation of DSM Regulations, the metering shall be in accordance with the CEA Meter Regulations and the metering related provisions of Open Access Regulations and the State Grid Code.

5.2 Tariff of Infirm Power prior to COD of generating stations:

Notwithstanding anything to the contrary contained in any other regulation of the Commission, henceforth the tariff for infirm power prior to COD of generating stations will be based on Energy Charges only. Such Energy Charges will be the price that has been specified in Schedule III, corresponding to the main fuel that has been used for generation of electricity from the generating station. Such value of Energy Charges may be updated from time to time by application of regulation 5.10 of DSM Regulations.

5.3 SLDC-DS-FUND-WBSETCL:

On commencement of DSM Regulations, the SLDC-UI-FUND-WBSETCL will be deemed as SLDC-DS-FUND-WBSETCL and shall be renamed accordingly, by complying with all necessary statutory requirements within 1 (one) year from the effective date of these Regulations. SLDC-DS-FUND-WBSETCL will be considered as a succeeding entity of SLDC-UI-FUND-WBSETCL.

5.4 Report by SLDC:

SLDC shall submit a comprehensive report of operation of state deviation settlement mechanism and status of SLDC-DS-FUND-WBSETCL to the Commission after every six months. First report shall be submitted within 6 (six) months from the effective date of these Regulations. SLDC shall also submit an audited statement of SLDC-DS-FUND-WBSETCL after completion of the financial year in the manner specified under Balancing and Settlement Code.

5.5 Power to Intervene:

In case of any unethical practice or gaming by any person including an Open Access Customer, through power injection or drawal or change of status, the Commission may interfere suo motu or being informed in writing by any of the interested parties and may, by order, issue necessary directions which shall be binding on all parties concerned.

5.6 Power of Removal of Difficulties by the Commission:

If any difficulty arises in giving effect to any of the provisions of DSM Regulations, the Commission may, by general or special order, direct the STU, SLDC, Licensees, electricity traders, generating companies and Open Access Customers to take such action, not inconsistent with the Act, as may appear to the Commission to be necessary or expedient for the purpose of removal of the difficulty.

5.7 Dispute Resolution:

- 5.7.1 In the event of any dispute on any or all of the following, the same shall be referred to the SLDC for decision:
 - (a) Operational constraints resulting into Deviations
 - (b) DS Charges to be recovered
- 5.7.2 In case, any person is aggrieved with the decision of the SLDC under regulation 5.7.1 then such person can submit an application or petition to the Commission in this regard for dispute resolution.
- 5.7.3 The Commission, while deciding any dispute under DSM Regulations or otherwise, by a general or special order made from time to time, may lay down, if required, the conditions to be complied with by the Licensees concerned, STU, SLDC and Open Access Customer in regard to operational constraints and open access shall be allowed only subject to due satisfaction of such conditions.

5.8 Power to Amend:

- 5.8.1 The Commission, at any point of time, at its own discretion, may vary, alter, modify, add or amend any provisions of DSM Regulations.
- 5.8.2 The Commission may, at any time, either suo-moto or upon receipt of representation from interested parties, modify the Schedule III through a general or special order.

5.9 Applicability of Inherent Power by the Commission:

Notwithstanding anything to the contrary contained anywhere in DSM Regulations or any other regulations of the Commission, nothing in DSM Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such reasoned orders as may be necessary and if required, by deviating from DSM Regulations for meeting the ends of justice or to prevent the abuse of the process of the Commission subject to the provisions of the Act.

5.10 Issue of Order and Practice Directions:

Subject to the provisions of the Act, the Commission may from time to time issue orders and practice directions with regard to the implementation of DSM Regulations. Such orders or practice directions may be issued suomoto by the Commission or upon an application made by any affected party.

Provided that the Commission shall maintain all the relevant records related to such order for a period of twelve years from the date of issue of the order and which can be accessed by public on demand in accordance with the procedure stipulated by the Commission for such purpose.

5.11 Substitution:

- a) Upon coming into effect of these Regulations, the word 'unscheduled interchanges' in West Bengal Electricity Regulatory Commission (State Electricity Grid Code) Regulations, 2007, West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, West Bengal Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy) Regulations, 2013 and West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2007 shall deemed to be replaced by 'Deviation Settlement';
- b) Upon coming into effect of these Regulations, the word 'Ul' in West Bengal Electricity Regulatory Commission (State Electricity Grid Code) Regulations, 2007, West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011, West Bengal Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy) Regulations, 2013 and West Bengal Electricity Regulatory Commission (Open Access) Regulations, 2007 shall deemed to be replaced by 'DS'.

5.12 Repeal and savings

Upon coming into effect of these Regulations the regulations 6.5, 6.7.8, 6.13 and Schedule 8 of West Bengal Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2011 shall stand repealed.

Notwithstanding such repeal

- (a) anything done or any action taken or purported to have been done or taken including any rule, notification, inspection, order or notice made or issued or any confirmation or declaration made under the provisions hereby repealed shall be deemed to have been done or taken under these Regulations;
- (b) shall not affect any right, privilege, obligation or liability acquired, accrued or incurred under any provisions so repealed;
- (c) shall not affect any penalty, forfeiture or punishment incurred in respect of any offence committed against any of the provisions so repealed;
- (d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid, and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed, as if this Regulation had not been made;
- (e) affect any charge, penalty, or fee levied, assessed or collected or purported to have been levied, assessed or collected under the provisions under repeal, before the commencement of these Regulation, shall be deemed to have been done or taken under the corresponding provisions of these Regulations.

5.13 Power to Relax:

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

Schedule — I

Table - I

Additional Deviation Charge for Sellers and Buyers (X shall be the Volume Limit for Drawal or Injection as applicable)

SI No	Deviation Level	Additional Charges Payable
(A)	When 5% of Schedule is less than or equal to	10 MW for entity
(i)	For over drawal of electricity by any Buyer in excess of 5% and upto 8% of the Schedule in a Time Block.	Equivalent to 20% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(ii)	For over drawal of electricity by any Buyer in excess of 8% and upto 12% of the Schedule in a Time Block.	Equivalent to 30% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(iii)	For over drawal of electricity by any Buyer in excess of 12% and upto 15% of the Schedule in a Time Block.	Equivalent to 40% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(iv)	For over drawal of electricity by any Buyer in excess of 15% and upto 20% of the Schedule in a Time Block.	Equivalent to 50% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(v)	For over drawal of electricity by any Buyer in excess of 20% of the Schedule in a Time Block.	Equivalent to 100% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(vi)	For under injection of electricity by any Seller in excess of 5% and upto 8% of the Schedule in a Time Block.	Equivalent to 20% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(vii)	For under injection of electricity by any Seller in excess of 8% and upto 12% of the Schedule in a Time Block.	Equivalent to 30% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(viii)	For under injection of electricity by any Seller in excess of 12% and upto 15% of the Schedule in a Time Block.	Equivalent to 40% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(ix)	For under injection of electricity by any Seller in excess of 15% and upto 20% of the Schedule in a Time Block.	Equivalent to 50% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(x)	For under injection of electricity by any Seller in excess of 20% of the Schedule in a Time Block.	Equivalent to 100% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(B)	When 5% of Schedule is more than 10 MW f	or any Buyer
(i)	For over drawal of Electricity by any Buyer is above XMW and upto X+10 MW in a Time Block	Equivalent to 20% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(ii)	For over drawal of Electricity by any Buyer is above X+10 MW and upto X+20 MW in a Time Block	Equivalent to 40% of the Charge for Deviation corresponding to average grid frequency of the Time Block.

(iii)	For over drawal of Electricity by any Buyer is above X+20 MW in a Time Block	Equivalent to 100% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(C)	When 5% of Schedule is more than 10 MW for any Seller	
(i)	For under injection by any Seller is above 30 MW and upto 40 MW in a Time Block	Equivalent to 20% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(ii)	For under injection by any Seller is above 40 MW and upto 50 MW in a Time Block	Equivalent to 40% of the Charge for Deviation corresponding to average grid frequency of the Time Block.
(iii)	For under injection by any Seller is above 50 MW in a Time Block	Equivalent to 100% of the Charge for Deviation corresponding to average grid frequency of the Time Block.

Schedule — II

Table - II

Additional Deviation Charge for Under injection by Generating Stations using coal or Gas

SI No	Deviation Level	Additional Charges Payable	
(A)	When 5% of Schedule is less than or equal to 10 MW		
(i)	For under injection of electricity by any Seller in excess of 5% and upto 8% of the Schedule in a Time Block.	Equivalent to 20% of the prevailing Cap Rate or the Charge for Deviation corresponding to average grid frequency of the Time Block, whichever is less.	
(ii)	For under injection of electricity by any Seller in excess of 8% and upto 12% of the Schedule in a Time Block.	Equivalent to 30% of the prevailing Cap Rate or the Charge for Deviation corresponding to average grid frequency of the Time Block, whichever is less.	
(iii)	For under injection of electricity by any Seller in excess of 12% and upto 15% of the Schedule in a Time Block.	Equivalent to 40% of the prevailing Cap Rate or the Charge for Deviation corresponding to average grid frequency of the Time Block, whichever is less.	
(iv)	For under injection of electricity by any Seller in excess of 15% and upto 20% of the Schedule in a Time Block.	Equivalent to 50% of the prevailing Cap Rate or the Charge for Deviation corresponding to average grid frequency of the Time Block, whichever is less.	
(v)	For under injection of electricity by any Seller in excess of 20% of the Schedule in a Time Block.	Equivalent to 100% of the prevailing Cap Rate or the Charge for Deviation corresponding to average grid frequency of the Time Block, whichever is less.	
(B)	When 5% of Schedule is more than 10 MW	化化物 海军 医红红 化多元酸 医阿里德氏管 建二氢医抗原苯二基甲二	
(i)	For under injection of electricity by any Seller is above 30 MW and upto 40 MW in a Time Block.	Equivalent to 20% of the Cap Rate or the Charge for Deviation corresponding to average grid frequency of the Time Block, whichever is less.	
(ii)	For under injection of electricity by any Seller is above 40 MW and upto 50 MW in a Time Block.	Equivalent to 40% of the Cap Rate or the Charge for Deviation corresponding to average grid frequency of the Time Block, whichever is less.	
(iii)	For under injection of electricity by any Seller is above 50 MW in a Time Block	Equivalent to 100% of the Cap Rate or the Charge for Deviation corresponding to average grid frequency of the Time Block, whichever is less.	

Schedule - III

A. Value of Different spot frequencies

- i) F_{t} = Permissible lowest limit of deviation band = 49.85 Hz
- ii) F u = Permissible middle stage upper limit of deviation band = 50.05 Hz
- iii) F o = Ideal target frequency for the power system= 50.00 Hz
- iv) F u1= Permissible 1st stage of upper limit of deviation band = 50.01 Hz
- v) F u10= Permissible final stage upper limit of deviation band= 50.10 Hz

B. Other Terms adapted from CERCDSM Regulations

- i) NSC= 6
- ii) CERC_LIMIT=20 MW

C. Price of infirm Power Prior to COD based on Generating Stations

The price of infirm power prior to COD shall be as follows, based on main fuel used in generation of electricity from the concerned generating station:

- i) Domestic coal/ Hydro 1.78 / kWh sent out
- ii) APM gas as fuel 5.64/ kWh sent out
- iii) Imported Coal 3.03 / kWh sent out
- iv) RLNG 8.24 / kWh sent out
- v) Renewable sources the agreed price of first year as per PPA including RE source based generating stations where single part tariff exist.
- vi) Fossil fuel based cogenerating stations and Renewable sources where two part tariff exist then the agreed energy charges of first year as per PPA.
- D. Cap rate Rs. Rs. 303.04 Paise/kWh
- E. Value of ADD, and ADD,

$$ADD_{B} = 2.5\%$$

$$ADD_{S} = 1 \%$$

Place: Kolkata

Dated: 26.11.2021

By order of the Commission,

MAUSUMI GUHA ROY, IAS Secretary of the Commission