

Registered No. WB/SC-247

No.WB(Part-I)/2006/SAR-153



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THURSDAY, JULY 20, 2006

SAKA 1928

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

**WEST BENGAL ELECTRICITY REGULATORY COMMISSION
NOTIFICATION**

No. 30/WBERC

Dated : 20.07.2006

In exercise of the powers conferred on it by sub-section (2) of section 42 read with section 181 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it in that behalf and in supersession of Notification No. 15/WBERC dated 9.06.2004, published on June 15, 2004 in the Kolkata Gazette, Extraordinary, the West Bengal Electricity Regulatory Commission (WBERC) hereby makes the following Regulations.

1. Short title, commencement and interpretation.

- i) These Regulations may be called the West Bengal Electricity Regulatory Commission (Phasing For Open Access in Distribution / Sale of Electricity) Regulations, 2006.
- ii) 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.
- iii) The General Clauses Act, 1897 (10 of 1897) 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 / has been allowed
i.	1st	Power from Co-Generation & Non-Conventional Source of Energy.	1.04.2006
ii	2nd	Consumers with connected load of 10 MW and exceeding 10 MW in single premises.	1.04.2007
iii.	3rd	Consumers with connected load of 5 MW and exceeding 5 MW in single premises	1.04.2008
iv.	4th	Consumers with connected load exceeding 1 MW in single premises	1.01.2009

4. Other terms and conditions for Open Access including related phasing as have been specified separately, will be applicable

5. Repeal, Saving and General Powers:

5.1 The West Bengal Electricity Regulatory Commission (Phasing For Open Access in Distribution / Sale of Electricity) Regulation, 2004 is hereby repealed;

5.2 Notwithstanding such repeal, anything done, or any action taken or purported to have been done or taken under the repealed Regulations, shall be deemed to have been done or taken under the corresponding provisions of this Regulation;

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

5.4 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.

5.5 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: 20/07/2006

(K. L. Biswas)

Secretary of the Commission

