



**ORDER
OF THE
WEST BENGAL ELECTRICITY REGULATORY COMMISSION
IN CASE NO. OA-376/21-22**

IN REGARD TO THE APPLICATION SUBMITTED BY CESC LIMITED FOR APPROVAL OF PROCEDURE FOR EFFECTING CONNECTIVITY OF THE SOLAR PV GENERATING SYSTEM (SPGS) OF ELIGIBLE CONSUMERS WITH THE DISTRIBUTION NETWORK OF CESC LIMITED IN TERMS OF REGULATION 16.9 OF THE WEST BENGAL ELECTRICITY REGULATORY COMMISSION (COGENERATION AND GENERATION OF ELECTRICITY FROM RENEWABLE SOURCES OF ENERGY) REGULATIONS, 2013, AS AMENDED

PRESENT:

**SRI SUTIRTHA BHATTACHARYA, CHAIRPERSON
SRI DURGADAS GOSWAMI, MEMBER
SRI PULAK KUMAR TEWARI, MEMBER**

DATE: 29.11.2021



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FACTS IN BRIEF:

- 1.0 CESC Limited (in short 'CESC') vide letter dated 31.03.2021 has submitted the detailed procedure for receiving and disposal of applications for connectivity of the Solar PV Generating System (SPGS) of eligible consumers under net billing and net metering mechanism for approval of the Commission. Subsequently, CESC has submitted the procedure through an application vide letter dated 02.09.2021 in terms of Regulation 16.9 of the West Bengal Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy) (First Amendment) Regulations, 2020 (in short 'RE 1st Amendment Regulations'). The Commission admitted the application in Case No. OA – 376/21-22.
- 2.0 The application of CESC inter-alia states the following:
 - 2.1 CESC has prepared a procedure for receiving and disposal of the applications for connectivity of SPGS of the eligible consumers under net billing and net metering mechanism, in terms of regulation 16.9 of the RE 1st Amendment Regulations.
 - 2.2 CESC submitted a brief summary of the procedure along with different timelines for allowing connection under Net Metering or Net Billing Arrangement which has been broadly described below:
 - (i) The applicant is required to register online on the website through a login password protected system. CESC shall assist such applicants if they require any sort of assistance with regard to online submission of application.
 - (ii) After successful registration, the criteria for solar capacity to be installed, funding pattern, any outstanding dues, restrictions related to Distribution Transformer will be checked by CESC and thereafter bill for application fee will be generated or appropriate communication to the consumer will be initiated within 10 days.

CESC has specified the application fees for LV and MV supplies as Rs. 2000/- and HV supplies as Rs. 3000/-. In clause 4.3 (d) of the procedure, CESC has also proposed for allowing 5% hike per annum on the application fees for the next two years and thereafter it will be determined freshly.
 - (iii) After payment of the application fee by the applicant, CESC shall intimate the date of inspection within 3 days.



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- (iv) CESC shall inspect the project location to access the techno commercial feasibility within 10 days from the date of such intimation.
- (v) Thereafter, CESC shall issue a 'Go-Ahead' letter within 10 days of such inspection duly mentioning the techno commercial requirements and cost estimation by CESC to the applicant.
- (vi) The applicant shall intimate CESC regarding installation of SPGS within 120 days from the date of such 'Go-Ahead' clearance.
- (vii) CESC shall then send a bill for costs associated with implementing connectivity, cost of meter (s) and fees associated with Certificate of Fitness within 15 days from the intimation of installation of SPGS by the applicant.
- (viii) The payment of the bill is to be made by the applicant within the next 10 days.
- (ix) Representative of CESC will visit for supervising the tests relating to Certificate of Fitness of the project at a mutually aggregable date as per the request of the applicant within 30 days from the date of payment of the bill by the applicant.
- (x) Applicant shall submit the certificate of fitness within 10 days of successful completion of the test.
- (xi) Thereafter, CESC will send two (2) copies of Connection Agreements to the applicant for their signature within 7 days. The applicant shall sign the Connection Agreement and submit both the copies within 10 days from the date of receipt of such agreement from CESC.
- (xii) CESC will sign the copy of the agreement and return one (1) copy to the applicant within next 7 days.
- (xiii) CESC will install the meter and allow synchronization of SPGS with their distribution network within 14 days.

2.3 In clause 4.3 (b) of the procedure, CESC has submitted that if there is any outstanding dues or theft case / unauthorized use related dues or the service is disconnected due to non-payment or any other cause as per West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013 and are pending against the premises where SPGS is to be installed then



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appropriate communication will be sent to the applicant. The application will be processed further only after settlement of the aforesaid liabilities/ dues.

- 2.4 In clause 4.4 (b) of the procedure, CESC has stated that they shall validate the declaration from the documents uploaded by the applicant along with application, whether the project is owned by him. CESC shall intimate the applicant that the project will not be allowed to be connected with distribution network of CESC if the same is not owned by the applicant.
- 2.5 In view of the above, CESC prayed before the Commission for approval of the connection procedure in terms of regulation 16.9 of the West Bengal Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy) (First Amendment) Regulations, 2020.
- 3.0 The Commission directed CESC to publish the gist of their application as approved by the Commission inviting suggestions, objections or comments from the stakeholders in respect of the procedure. CESC, accordingly, published the gist of the application in (i) the "Bartaman", (ii) "The Telegraph", (iii) the "Aajkal" and (iv) the "Dainik Vishwamitra" on 25.09.2021 inviting suggestions and objections on their petition within 14 days (including the date of publication) of publication of the notice in Newspaper. No suggestions, objections or comments have been received by the Commission within the stipulated time-period.

OBSERVATIONS OF THE COMMISSION:

- 4.0 In terms of regulation 16.9 of the RE 1st Amendment Regulations notified on 22.12.2020, Distribution Licensees were required to submit a detailed procedure within 30 days for receiving and disposal of applications for connectivity of the solar PV generating system of the eligible consumers and submit it before the Commission for approval. The Commission had extended the last date of submission of the procedure upto 31.03.2021 based on the prayers of the Distribution Licensees.
- 5.0 The Commission observes that, subsequently on 31.12.2020, the Ministry of Power, Government of India has notified Electricity (Rights of Consumers) Rules, 2020 wherein certain procedural guidelines and timeframe have been proposed to facilitate setting up of Solar PV system at the consumer premises.
- 6.0 Thus, the Commission finds it suitable to analyse the detailed procedure submitted by CESC in light of the provisions of RE 1st Amendment Regulations along with the broad procedural



guidelines proposed in the Electricity (Rights of Consumers) Rules, 2020 and observes the followings:

- a) In clause 4.3 (b) of the procedure, CESC inter-alia submitted that the application for net-metering or net-billing shall be accepted only if all dues in respect of such applicant have been settled. The Commission observes that the mechanism of recovery of different kinds of dues from a consumer and consequential actions are specifically covered under the Electricity Supply Code notified under section 50 of the Electricity Act 2003. Thus, proposed additional condition for restricting connection under net-metering / net-billing is not required to be reiterated and to be deleted.
- b) In clause 4.3 (c) of the procedure, CESC proposed application fees of Rs. 2000/- for LV & MV supplies and Rs. 3000/- for HV supplies. The Commission finds it suitable to make a simple and uniform application fees structure among the licensees across the State. Accordingly, the application fees for all LV & MV consumers are allowed as Rs. 500 + applicable GST and for all HV&EHV consumers as Rs. 2000 + applicable GST. Further, the Commission does not agree to the proposal for any annual hike of application fee at this stage.
- c) CESC submitted different timelines for allowing connection under Net Metering or Net Billing Arrangement which has been detailed in paragraph 2.2 above. The Commission observes that the timelines and the steps proposed by CESC in their detailed procedures need to be modified as below for lending better support to the consumer and aligning it with the timeframe suggested in the Electricity (Rights of Consumers) Rules, 2020. Accordingly, the Commission directs the followings:
 - (i) CESC shall create an online portal for receiving applications from consumers for installation, interconnection and metering of roof-top solar PV system and update the same on a regular basis.
 - (ii) CESC shall ensure that the application is complete in all respect and can be submitted both through online and offline modes. If any hardcopy has been submitted, CESC shall ensure that the same shall be uploaded in their online portal with a unique registration number along with time and date stamp. In case of online application, there will be a system generated acknowledgement



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with unique registration number. In this regard, CESC shall maintain adequate facilities in their concerned office to assist the consumers (hereinafter referred as 'applicant') with the online system. CESC shall consider the applications on 'first come first served' basis.

- (iii) An online application tracking mechanism based on the unique registration number shall be provided by CESC through web-based application or any other mode to monitor the status of processing of the application like receipt of application, site inspection, meter installation and commissioning, etc. by the applicant.
- (iv) CESC shall ensure that the process of technical feasibility study, generation of quotation and intimation of "Go-ahead" clearance shall be completed within twenty (20) days from the date of submission of application by the consumers. CESC shall also provide a copy of the agreement Form along with the "Go-ahead" clearance. The agreement form shall include specific details of technical parameters required to be confirmed by the grid connected Solar PV system. CESC shall provide an advance notice, not less than three (3) days, to the applicant intimating the date of inspection of its premises. In addition to the cost of meters and cost of alteration of service, if any, the quotation amount shall also include cost of testing regarding fitness certificate, in case the applicant requests CESC to carry out the fitness test. CESC shall intimate the applicant regarding non-feasibility, if any, based on technical study report within seven (7) days from the date of inspection.
- (v) The applicant shall submit the signed agreement and pay the quotation amount to CESC within ninety (90) days from the date of quotation. On request from the applicant, CESC may extend the period for maximum thirty (30) days. The application will be cancelled if the quotation money is not paid or the signed agreement copy complete in all respect is not submitted even within the extended time period. In such case the application fees shall be forfeited.
- (vi) Applicant shall submit the work completion report along with clearance from the office of the Chief Electrical Inspector, Government of West Bengal as per



provisions of the CEA Safety Regulations within one-eighty (180) days from the date of issuance of "Go-ahead" clearance:

Provided that for consumers connected at the supply voltage below the notified voltage, self-certification as per the Central Electricity Authority (Measures relating to Safety and Electricity Supply) Regulations, 2010, as amended from time to time is sufficient and for consumers connected at a voltage level higher than the notified voltage, clearance from the office of the Chief Electrical Inspector, Government of West Bengal is required. CESC shall provide a proforma of self-declaration by the consumers in line with Annexure-B of West Bengal Electricity Regulatory Commission (Standard of Performance of Licensees Relating to Consumer Services) (Third Amendment) Regulations, 2019:

Provided further that, in case the applicant fails to submit the work completion report within the specified time-period, the application shall be cancelled by CESC after giving a notice period of thirty (30) days. In terms of the notice applicant may request for one-time extension of time for a maximum period of 90 days. In case the application is cancelled even after such extended period, if any, the application fees shall be forfeited. The quotation amount after adjusting any expenditure already incurred by CESC shall be refunded without any interest.

- (vii) As soon as the installation is completed, the applicants shall either opt for fitness test on their own in presence of authorized representative of CESC or request CESC to carry out such test in terms of clause (i) of regulation 7.2 of RE 1st Amendment Regulations and intimate CESC accordingly. In both the cases, CESC shall carry out the fitness test or send its authorized representative, as the case may be within ten (10) days of receipt of such intimation after giving an advance notice not less than three (3) days.
- (viii) In case, CESC carries out the testing and finds the system in order, it shall provide a copy of fitness certificate within five (5) days from the date of such testing. In case the testing is done by the applicant, in presence of authorized representative of CESC, the applicant shall submit the fitness certificate to



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CESC within five (5) days from the date of such testing. If any deficiency is observed during testing, the applicant shall cure the deficiencies and further apply for fitness test along with required charges of testing, if any.

(ix) Within fifteen (15) days from the date of submission of the fitness certificate by the applicant, CESC shall complete all formalities including final inspection, if required, signing of agreement, alteration of connection, installation of meters and synchronizing the solar system with the grid.

d) Regarding proposal of CESC in clause 4.4 (b) of the procedure for not allowing connection to SPGS developed through third party, the Commission is seized with the issue and the action in this respect by CESC shall be governed by the subsequent decision, if any, by the Commission.

7.0 The Commission also observes that the solar energy generated by roof top solar PV of the consumers connected to net metering / net billing arrangement shall be considered for fulfilling the Renewable Purchase Obligation of the distribution licensees. Thus, proper meter reading and record of such generation is to be ascertained by the distribution licensees as per the provisions of RE 1st Amendment Regulations.

ORDER OF THE COMMISSION:

8.0 In view of the above, the Commission directs CESC to modify their proposed connection procedures in line with the observations made in paragraphs 6 above and submit revised copy of connection procedure within seven (7) days from the date of issuance of this order before the Commission for approval.

9.0 The Commission directs CESC to ensure completion of the required software upgradation, if any, so that the net-metering and net-billing arrangement can be implemented from 1st January, 2022.

10.0 The Commission also directs CESC to prominently display the following points in its website and all its offices:

(i) detailed standardized procedure for installation and commissioning of roof top solar system along with formats and model agreements;



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- (ii) a single point of contact to facilitate the consumers in installation of roof top solar system from the stage of submission of application form to successful commissioning;
- (iii) address and telephone numbers of offices where filled-up application forms can be submitted;
- (iv) complete list of documents required to be furnished along with such applications;
- (v) applicable charges to be deposited by the applicant.

11.0 A copy of the order shall be posted in the website of the Commission.

12.0 CESC Limited and concerned entities shall download the copy of the order from the website of the Commission and act on it. Certified copy of the order, if applied for, be given to the parties on completion of formalities laid down in the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013, as amended and on submission of necessary fees.

Sd/-
(PULAK KUMAR TEWARI)
MEMBER

Sd/-
(DURGADAS GOSWAMI)
MEMBER

Sd/-
(SUTIRTHA BHATTACHARYA)
CHAIRPERSON

Dated: 29.11.2021

Sd/-
SECRETARY