

BEFORE THE HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION

**CORAM: Sh. Devendra Kumar Sharma, Chairman
Sh. Yashwant Singh Chogal, Member (Law)
Sh. Shashi Kant Joshi, Member**

In the matter of:-

**Finalization of the Himachal Pradesh Electricity
Regulatory Commission (Terms and Conditions for Green
Energy Open Access and Banking) Regulations, 2024.**

ORDER

To promote the growth of Green/Renewable Energy in the State of Himachal Pradesh, fostering regulatory certainty and streamlining the Green Energy Open Access procedure for Renewable Energy Entities ('RE Entities' for short), in line with the objectives of the Electricity Act, 2003 (36 of 2003) ('the Act' for short) and for promotion of environmentally efficient benign policies, the Himachal Pradesh Electricity Regulatory Commission ('the Commission' for short) in exercise of the powers conferred under Section 181 read with Sections 39, 40, 42, 61 and 86 of the Act and all other powers enabling it in this behalf, has notified the Draft Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Green

Energy Open Access and Banking) Regulations, 2024 on 02nd August, 2024. As required under sub-section (3) of Section 181 of the Act and Rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, the same were also published in the Rajpatra, Himachal Pradesh on 06th August, 2024.

2. The Commission also invited public objections and suggestions by 05th September, 2024 by way of insertions in two Daily Newspapers i.e. “Times of India” and “Amar Ujala” dated 09th August, 2024. The full text of the Draft Regulations was also made available on the Commission’s website: www.hperc.org.

3. The Commission vide letter dated 16th August, 2024, requested the major stakeholders, including the Industrial Associations, the State Government, the Directorate of Energy, the HIMURJA, the HPPTCL, the Consumer Representative and Distribution Licensee to send their objections/suggestions, if any, as per the aforesaid public notice, on or before 05th September, 2024;

4. A public hearing in the matter was scheduled to be held on 07th September, 2024 in the Commission. The Public Notice in this regard was published in two Daily Newspapers viz. “Dainik Bhaskar” and “The Tribune” on 24th August, 2024. The Commission, vide letter dated 02nd September, 2024 also informed the major stakeholders to furnish their comments and attend the hearing on the stipulated date and time.

5. The following stakeholders have filed their written submissions:-

- (i). The Himachal Pradesh State Electricity Board;
- (ii). The Himachal Pradesh State Load Despatch Centre;
- (iii). The Indian Energy Exchange Ltd.;
- (iv). M/s Ultra Tech Cement;
- (v). M/s Vardhman Textiles Ltd.;
- (vi). M/s Amplus Energy Solutions Pvt. Ltd.;
- (vii). The Cellular Operations Association of India;
- (viii). The Energy Management Centre, DoE’;
- (ix). The Directorate of Energy, GoHP;
- (x). M/s Ambuja Cement; and
- (xi). M/s ACC Limited.

6. The Public hearing in the matter was held on 07.09.2024. A list of participants who attended the public hearing is annexed as **Annexure-“A”**.

7. During the public hearing, the representatives of the Himachal Pradesh State Electricity Board ('the HPSEBL' for short) and Himachal Pradesh State Load Despatch Centre ('the HPSLDC' for short) remained present and have presented their views.

8. The Commission has carefully examined and analysed the written suggestions/ objections and the viewpoints expressed by the stakeholders during the public hearing. The analysis and views of the Commission are as under:-

(A) Comments on Regulation 2 of the Draft Regulations:

Stakeholders Comments:

(a) M/s Ultra-Tech has proposed that the term "Banking Cycle" be defined and has also proposed changes in the definition of the term "Standby Charges".

(b) The HPSEBL, the Energy Management Centre, DoE and the DoE, GoHP have submitted that the definition of 'Captive Generating Plant', 'Banked Energy' and 'Banking Cycle', may also be incorporated in the said Regulations. The HPSEBL has further suggested that the definition of Captive

Consumers, Standby Arrangement and Wheeling as referred to in the proposed Regulations be also incorporated under the heading “Definitions”.

The HPSEBL has also submitted that in the definition of “Entity”, an additional proviso may be inserted in the definition as under:-

“Provided further that entity may be with or without supply arrangement with DISCOM.”

(c) M/s Vardhman Textiles Ltd. has submitted that the term “cross-subsidizing consumer” may be included under the definition to avoid confusion.

Commission Views:

The Commission has analysed the above suggestions and the views of the Commission are as under:-

(i) The Commission has provided in the Draft Regulations that *“Banking facility shall be permitted to the consumers availing Green Energy Open Access atleast on monthly basis (as per calendar month) on payment of applicable charges to the distribution licensee to compensate the additional costs,*

if any, as determined by the Commission in separate orders issued from time to time;” Other issues related to the banking have been addressed under clauses (F) and (G) of sub-regulation (1) of Regulation 11 of the Draft Regulations. So far as definition of the terms ‘Captive Generating Plant’, ‘Captive Consumer’, ‘Banked Energy and Wheeling’, are concerned, sub-regulation (2) of Regulation 2 of the Draft Regulation provides as follows:-

“(2) The words and expressions used herein and not defined in these Regulations but defined in the Act or State Grid Code or any other Regulations of the Commission shall have the meanings respectively assigned to them in the Act or State Grid Code or any other Regulation of the Commission, as the case may be. In case of any inconsistency in words and expressions, the provisions of the Act shall prevail. Anything not specified in these Regulations but specified in the Rules issued by the Ministry of Power, the provisions specified under the said rules shall prevail.”

(ii) It is also relevant to mention that the “Standby Arrangement” has been provided under clause (E) of sub-regulation (1) of Regulation 11 of the Draft Regulations. The Commission also observed that the consumers can have green energy open access even without a supply arrangement with a distribution company (‘DISCOM’ for short) as open access is a

mechanism that allows consumers to purchase energy directly from generators or the open market, instead of a DISCOM.

Therefore, adequate and appropriate provisions exist in the Draft Regulations regarding standby charges/arrangement, captive generation plant, banked energy and wheeling.

However, the suggestion regarding edition of definition “Entity” is a welcome suggestion and being inserted as under:-

“(i) “Entity” means any consumer who has contracted demand or sanctioned load of Hundred kW or more either through single connection or through multiple connections aggregating Hundred kW or more located in the same electricity division of a distribution licensee, except for captive consumers; and, intends to avail Green energy Open Access:

Provided that in case of captive consumers, there shall not be any load limitation:

Provided further that the Entity, may be with or without the supply arrangement with the Distribution licensee.”

Except the above, the Commission orders to retain the provisions of Draft Regulation 2 without any change.

(B) Comments on Regulation 3 of the Draft Regulations:

Stakeholders Comments:

The Comments on Regulation 3 of the Draft Regulations received from the Stakeholders have been discussed in brief as under:-

(i) **The HPSEBL, and the Energy Management Centre, DoE and the DoE, GoHP** have submitted that in some of the cases, wherein the drawl and/or injection point falls in the distribution network of DISCOM(s), approval of DISCOM(s) must be obtained. Therefore, the said clause may be amended as under:-

“3. State Nodal Agency.-

(2) The Himachal Pradesh Power Transmission Corporation Limited (HPPTCL), the State Transmission Utility (STU) shall be the State Nodal Agency for medium-term and long term Green Energy Open Access for the cases wherein the inter-se location of drawl and/or injection points falls on the network of STU (HPPTCL).

The Distribution Licensee shall operate as a Nodal Agency in co-ordination with the State Nodal Agency for grant of Open Access for the cases wherein the inter-se location of drawl and/or injection points falls on the Distribution Network of the concerned Distribution Licensee.”

(ii) **The DoE, GoHP** has also suggested that the clause mentioning *‘the Distribution Licensee’ shall operate as a Nodal Agency in co-ordination with the State Nodal Agency for grant of Open Access for the cases wherein the inter-se location of drawl and/or injection points falls on the Distribution Network of the*

concerned Distribution Licensee.” be incorporated in the Regulations.

Commission Views:

The Commission is aware that 33kV and 66kV transmission grids falls under the network of the HPSEBL. In order to avoid confusion and multi level communications, there should be only one State Nodal Agency for the medium and long term green energy open access as per the existing procedure in place by the Power System Operation Corporation (now Grid India). The co-ordination between the HP Power Transmission Corporation Limited (HPPTCL) and the HPSEBL is necessary for such cases where the inter-se location of drawl and/or injection points fall on the Distribution Network of the concerned Distribution Licensee. The manner of referring the matter by the HPPTCL to the HPSEBL and the response time within which the HPSEBL has to clear the same and send back the same to the HPPTCL for further action in the matter, shall be dealt with as per the detailed procedure for grant of connectivity and Green Energy Open Access including the

application format and applicable Bank Guarantees/ Fee/ Charges etc., to be prepared by the State Nodal Agencies, in consultation with the Distribution licensee, within a period of 30 days from the date of notification of these Regulations and shall be filed before the Commission for approval. While drawing the procedure, the State Nodal Agencies shall be guided by the procedure published by Power System Operation Corporation (POSOCO), National Load Despatch Centre (NLDC) for grant of green energy open access, prepared in compliance to the Rules.

Therefore, the Commission considers it appropriate to retain the provisions of Draft Regulation 3 without any modification.

(C) Comments on Regulation 4 of the Draft Regulations:

Stakeholders Comments:

The Comments on the Draft Regulation 4, as received from the Stakeholders have been discussed in brief as under:-

- (i) **The HPSLDC** has submitted that the duration of medium-term green energy open access consumers in clause (ii) of sub-regulation (1) of Regulation 4 of the Draft Regulations i.e. Categorization of Green Energy Open Access should be “for a period exceeding three months but not exceeding three years as against five years as proposed in the Draft Regulations.
- (ii) **The Indian Energy Exchange (IEX)** has requested the Commission to align the period of Short Term Green Energy Open Access from one time block upto eleven months as per the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 dated 7th June, 2022, wherein the period of Transmission-General Network Access (‘T-GNA’ for short) (erstwhile Open Access) is defined upto eleven months. Relevant clauses of the Regulations have been reproduced as under:-

“28. Application for grant of T-GNA

28.1. T-GNA may be applied for any period from 1 (one) time block and up to 11 (eleven) months.

.....

37.9. Short Term Open Access:

(a) On the date of coming into effect of these Regulations, Short Term Open Access granted in accordance with the Open Access Regulations shall be treated as T-GNA under Exigency application category, granted for the term of such Short Term Open Access.

(b) On the date of coming into effect of these Regulations, Short Term Open Access applications under the Open Access Regulations pending with RLDC or NLDC shall be closed.

Further, the Hon'ble CERC vide Order dated 7th June 2022 allowed the Power Exchanges to introduce contracts for delivery of power up to next 90 days (3 months). These contracts are operational since July 2022 and distribution licensees are making continuous efforts to hedge the electricity price risk in the near future with the help of these contracts.

IEX in line with GNA Regulations has also filed petition with Hon'ble CERC to allow availability of contracts up to next 11 months at the exchange platform.”

(iii) Further, other SERCs such as the Uttar Pradesh Electricity Regulatory Commission (UPERC), in line with CERC GNA Regulations has also proposed short term open access upto eleven months in the Draft UPERC (Terms and Conditions for Open Access) (First Amendment) Regulations, 2024.

(iv) The HPSEBL, Energy Management Centre, DoE and the DOE, Govt. of HP have suggested that there should

be compensation charges for non-utilization of service/ relinquishment of such rights and obligations by Medium / Long Term Green Energy Open Access Consumers. These entities/ organisations have also suggested that the said Regulation need to be aligned with the prevailing Regulations of the HPERC (Short Term Open Access) Regulations, 2008 and its amendments.

Commission Views:

The Commission has analysed the above suggestions and the views of the Commission are as under:-

- (i) As regards the duration of medium-term green energy open access consumers mentioned in clause (ii) of sub-regulation (1) of Regulation 4 under the heading “Categorization of Green Energy Open Access”, it is clarified that the period of five years as incorporated, is in line with the HPERC (Grant of Connectivity, Long-term and Medium-term Intra-State Open Access and Related Matters) (Second Amendment) Regulations, 2021 and is kept in order

to maintain parity and to avoid confusion. The Commission appreciates the views expressed by the Indian Energy Exchange ('the IEX' for short) but the framing of General Network Access ('the GNA' for short) Regulations for the HP State is in the process of being framed. The submissions of the IEX may be relevant as and when the Draft GNA Regulations of the State of Himachal Pradesh are notified. The Commission is also of the view that the present provision in the Regulations relating to the period "upto one month at one time" has been mentioned as per the existing HPERC (Short Term Open Access) Regulations, 2010, as amended from time to time, to maintain parity and to avoid confusion.

- (ii) As regard the compensation charges etc., the Commission is of the opinion that a detailed procedure for grant of connectivity and green energy open access including the application format, applicable bank guarantee, fee and charges etc. shall

be prepared by the State Nodal Agencies, in consultation with the distribution licensee, within a period of 30 days from the date of notification of these Regulations which shall be guided by the Power System Operation Corporation ('the POSOCO' for short), Grid India and National Load Despatch Centre ('the NLDC' for short) for grant of Green Energy Open Access prepared in compliance to the Rules framed by the Ministry of Power, Government of India ('the MoP, GoI' for short).

- (iii) Further, the Commission has already incorporated an appropriate provision in sub-regulation (1) of Regulation 4 and sub-regulation (2) of Regulation 2 of these Regulations to align these Regulations with the relevant existing Regulations.
- (iv) As far as issues addressed in CERC Order dated 7th June 2022 to introduce contracts for delivery of power upto next 90 days is concerned, the Commission is of view that introduction of such provision for

specifically green energy open access consumers will be against the provisions of existing HPERC (Short Term Open Access) Regulations, 2010.

Therefore, the Commission retains provisions of Regulation 4 of the Draft Regulations without any change.

(D) Comments on Regulation 5 of the Draft Regulations:

Stakeholder's Comments:

The objection/suggestions received from the Stakeholders in this regard have been discussed in brief as under:-

- i) **Proviso to Regulation 5(1) :- M/s Amplus Energy Solutions Pvt. Ltd.** has submitted that the consumers availing power from individual RE sources such as Solar and Wind are unable to receive round the clock power and typically get supply of electricity for limited hours (i.e. 7 to 10 hours). Consequently, consumers must either engage with hybrid RE sources or multiple RE sources to meet their round the clock RE demand. However, given the limited availability of sites suitable for hybrid projects, it may be challenging for all

consumers to find sellers with Hybrid RE projects. Therefore, consumers may opt to procure power from multiple RE sources (Wind and Solar) located in different regions. Accordingly, they have requested the Commission to clarify that the Green Energy Open Access can be availed by a consumer to source power from multiple injection sources, subject to the total drawl from the system during each time block remaining within the allowed Green Energy Open Access capacity. It is also requested to clarify that in such kind of transactions, the charges be levied only towards single Green Energy Open Access. Such clarity is required to avoid ambiguity. Further, if requirement of multiple Green Energy Open Access is kept for sourcing power from different RE Source, it will not only waste the scarce transmission corridor, but will also put additional financial burden on the consumers in terms of duplicate open access charges required to be borne by it, for the same transmission corridor.

ii) **Regulation 5(3)** :- The **IEX** has requested for Alignment of requisition of Green Energy by consumers with HPERC,

RPO Regulations. The Draft Regulation provides the option to the consumers to purchase green energy from its distribution licensee, by giving separate requisition for solar and non-solar power. This is a welcome initiative which shall provide additional avenue to the consumers to fulfill their RPO and green targets, however, the Commission in the HPERC (Renewable Power Purchase Obligation and its Compliance) Regulations, 2023 has categorized the RPO trajectory among Wind RPO, HPO and other RPO. Further the Ministry of Power in the recent order dated 20.10.2023 has categorized RPO among Wind RE, Hydro RE, Distributed RE and other RE from FY 2024-25. Therefore, as the present RPO structure of Solar and Non-Solar categories have been dissolved, it has been requested to align the flexibility provided to consumer as per the latest RPO categorization.

iii) **Regulation 5(4)**:- M/s Ultra-Tech Cement has submitted that the green energy purchased from distribution licensee or from Renewable Energy sources other than distribution licensee, in excess of Renewable Purchase Obligation of

obligated entity, should be counted towards Renewable Purchase Obligation compliance of **the obligated entity** instead of Distribution Licensee as mentioned in the Regulations. The Accounting of renewable energy supplied at distribution licensee level shall be on a monthly basis. It is submitted that most of the obligated entity(ies) or consumers have their own RE-100 Targets and Compliances, which can only be complied by using 100% Green Energy. Hence any excess green energy/ green attributes counted towards RPO Obligation shall remain with obligated entity or consumers. Further, few Industries are under Carbon Obligation and required more RE Power Utilization to reduce their Carbon Footprint. Hence, it is statutory not correct to make such provision in Regulations.

iv) The HPSEBL has proposed to add sub-regulations (5) and (6) under Regulation 5 as follows:-

...“(5) The consumers having been declared insolvent or bankrupt or having outstanding dues against him for more than two months billing of the distribution licensee or having a case of unauthorized use of electricity / theft of electricity pending against him at the time of

application shall not be eligible for green energy open access.

(6) Green energy open access consumer shall restrict the sum of his total drawl from open access and from the distribution licensee up to the total sanctioned contract demand”.....

Commission Views:

The Commission has analysed the above suggestions and the views of the Commission are as under:-

- (i) As regards the concerns of M/s Amplus energy Solutions Pvt. Ltd., the Commission is of the view that a consumer can source power from multiple injection sources under the Green Energy Open Access subject to the conditions stipulated in the Regulations regarding eligibility, fulfilment of criteria, purchase options, procedure, payment of charges, etc., which have been specified in Regulation 11.
- (ii) As regards the submissions of the IEX, the Commission would like to clarify that sub-regulation (3) of Regulation 5 of the Draft Regulations is in line with the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022, as

amended on 27th January, 2023. Hence, the Commission has retained the said Regulations as it is.

- (iii) With regard to the provision contained in sub-regulation (4) of Regulation 5 of the Draft Regulations, as objected to by M/s Ultra Tech, the Commission is of the opinion that the provision is in line with the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022 notified by the Government of India on 06.06.2022. Hence the same is retained without any change.
- (iv) As regards the suggestion of the HPSEBL to add sub-regulation (5) that *“the consumers having been declared insolvent or bankrupt or having outstanding dues against him for more than two months billing of the distribution licensee or having a case of unauthorized use of electricity / theft of electricity pending against him at the time of application shall not be eligible for green energy open access.”*, the Commission is of the opinion that eligibility to apply

for the green energy open access and recovery of outstanding dues payable are two separate matters and cannot be treated to offset each other. There is a separate procedure for recovery of outstanding dues and unauthorized use of electricity. Hence, the Commission is not inclined to accept this suggestion.

- (v) As regards the submissions of the HPSEBL for incorporating a clause mentioning “*Green energy open access consumer shall restrict the sum of his total drawl from open access and from the distribution licensee up to the total sanctioned contract demand*” is concerned, the Commission is of the opinion that the total drawl exceeding the sanctioned contract demand shall be dealt with as per the existing relevant provisions and shall be subject to applicable charges. Therefore, the Commission retains the Regulation 5 of the Draft Regulation without any modification.

(E) Comments on Regulation 7 of the Draft Regulations:

Stakeholder's Comments:

The suggestion/ objections received from various stakeholders have been discussed in brief as under:-

(i) Regulation 7(1) :- The HPSEBL and the Energy Management Centre, DoE have submitted that in some of the cases, wherein the drawl and /or injection point falls within the distribution network of the DISCOM, the approval of the DISCOM must be obtained and the said clause in the Draft Regulations, may be amended by adding-

“(a)The State Nodal Agency (STU) shall process the application for medium-term and long Term Green energy Open Access for the cases wherein the inter-se location of draw and /or injection points falls on the network of STU(HPPTCL).

(b)State Nodal Agency shall forward the Application to the Nodal agency (Discom) for the cases wherein the inter-se points of drawl and/or injection falls on the Distribution Network of the respective Distribution Licensee and Nodal agency shall process the application in accordance with these Regulations.”

(ii) The DoE, GoHP has submitted that the clause mentioning that “the *State Nodal Agency shall forward the*

Application to the Nodal agency (DISCOM) for the cases wherein the inter-se points of drawl and/or injection falls on the Distribution Network of the respective Distribution Licensee and Nodal agency shall process the application in accordance with these Regulations.” is required to be incorporated in the Regulations.

Commission Views:

The provision ‘Criteria for allowing Green Energy Open Access’ has been made in the Regulations in line with the existing Open Access Regulations. The Commission is of the view that the Draft Regulations contains provision that the open access shall be in accordance with the distribution planning code and the distribution system capacity. The Commission is also of the view that such detail shall be a part of the procedure for grant of open access to be prepared by the State Nodal Agencies, in consultation with the Distribution Licensee. Hence, the suggestions do not merit consideration. Therefore, the Commission retains provision contained in the Draft Regulation without any modification.

(F) Comments on Regulation 9 of the Draft Regulations:

Stakeholder's Comments:

The suggestions/ objections received on the Draft Regulation 9 have been discussed in brief as under:-

(i) **Regulation 9(1)** :- **The HPSLDC** has submitted that in sub-regulation (1) of Regulation 9, the State Nodal Agencies shall be guided by the procedure published by the Grid Controller of India Limited (GRID- INDIA), instead of the Power System Operation Corporation (POSOCO), the National Load Despatch Centre (NLDC).

(ii) **The HPSLDC** has also proposed an addition of new proviso in the sub-regulation (3) of Regulation 9 i.e. Procedure for grant of Green Energy Open Access as follows:-

“Provided that the Green Energy Open Access applicant for Intra-State Short Term Open Access, shall also submit the application complete in all respect in the formats and application fee as specified in the procedure prepared by the State Nodal agency, on the State Nodal web-portal.”

(iii) **Regulation 9(4)** :- **The IEX** has submitted that under the second proviso to sub-regulation (4) of Regulation 9, a

restriction has been imposed on the Green energy open access consumers that they shall not change the quantum of power for minimum 12 number of time blocks. Considering the infirm nature of the RE sources, adherence to such conditions is practically inconceivable. For example, a Solar or Wind source cannot be expected to provide constant energy for a certain number of time-blocks. Rather, the DISCOMS should be encouraged making use of different options available in the market viz. Real Time Market, Intra-day Market etc. to mitigate their variations. Therefore, it has been requested that the provision related to requirement of uniform demand across minimum 12 number of time blocks be relaxed, which will help disposal and off-take of surplus RE in the State. The IEX has also submitted that the same constraint was also recognized by the Karnataka Electricity Regulatory Commission (KERC), which subsequently omitted this provision from the eligibility criteria while finalizing the KERC (Terms and Conditions for Green Energy Open Access) Regulations, 2022.

(iv) **M/s Ambuja Cement and M/s ACC Limited** have also requested to remove this clause. They have requested for relaxation in this clause due to intermittent renewable generation which is weather dependent and thus have no control over its generation. They have suggested alternative clause as “Provided that the customer shall compulsorily make the approved capacity/ schedule for atleast 12 times before in advance.”

Commission Views:

The Commission has analysed the above suggestions and the views of the Commission are as under:-

- (i) The Commission observes that the procedure, as it exists even now, has been published by the erstwhile Power System Operation Corporation (POSOCO), National Load Despatch Centre (NLDC), which is widely known. However, to infuse additional clarity, the Commission has also added the words “(Grid Controller of India)” in the final Regulations at the relevant place.

- (ii) As regards the incorporation of additional proviso proposed by the HPSLDC, the Commission is of the view that this can be a part of the procedure for grant of open access in terms of sub-regulation (1) of Regulation 9 of the Draft Regulations to be prepared by the State Nodal Agencies, in consultation with the Distribution Licensee. Hence, the additional proviso as proposed by the HPSLDC cannot be made part of the Regulations.
- (iii) Similarly, the relaxation in time blocks cannot be made part of these Regulations as the Commission is of the opinion that the provision of uniform demand across minimum 12 number of time blocks has been kept in the Draft Regulations in line with the provision of the Ministry of Power Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022, as amended from time to time. Moreover, maintenance of uniform demand access time blocks is necessary to maintain grid stability.

Hence, the draft Regulation is retained without any change.

(G) Comments on Regulation 10 of the Draft Regulations:

Stakeholder's Comments:

The suggestions/ objections received on the Draft Regulation 10 have been discussed in brief as under:-

(i) **The Cellular Operations Association of India (COAI)**

has submitted that the Green energy open access consumer connected at voltage below 11 kV should be given exemption from Demand Side Management ('DSM' for short) & shall use Smart Meter instead of Availability Based Tariff ('ABT' for short) meter. They have also submitted that the establishment of communication facilities including software such as Head End System ('HES' for short) and Meter Data Management ('MDM' for short) should be under the purview of distribution licensee. This provision will align the Regulations with the Green Energy Open Access Rules as notified by the Ministry of Power Notification No. CG_DL-E-24052023-246016 dated May 23, 2023.

(ii) **The HPSEBL, the Energy Management Centre, DoE and the DoE, GoHP** have submitted that the Green Energy Open access consumer shall require installing energy meters i.e., ABT meter/Special Energy Meter at generator end as well as at consumer end seeking open access capable of energy recording on 15 minutes time block basis;

Provided that the open access consumer who is also consumer of distribution licensee and demanding the green energy open access shall be permitted by the licensee to install energy meters i.e., ABT meter/Special Energy Meter at generator end as well as at consumer end seeking open access capable of energy recording on 15 minutes time block basis.

Commission Views:

The suggestions of the Cellular Operations Association of India that the Green energy open access consumer connected at voltage below 11 kV should be given exemption from DSM and shall use Smart Meter instead of ABT meter, is not tenable as the exemption from DSM is governed under DSM Regulations whereas, the metering issues are dealt as per the Central

Electricity Authority ('the CEA' for short) Regulations for metering. Therefore, the present issue cannot be addressed in these Regulations. Since, appropriate provision with regard to metering and communication has already been made in the Draft Regulations, which shall be sufficient to address the concerns raised by the stakeholders. As far as inclusion of provisions of Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022, notified vide Notification No. CG_DL-E-24052023-246016 dated May 23rd, 2023 are concerned, the Commission has already incorporated the provisions of these Rules in the Draft Regulations. The suggestions of the HPSEBL, DoE and Energy Management Centre are not relevant in the opinion of the Commission. Therefore, the Commission proceeds to retain the Draft provision without any modification.

(H) Comments on Regulation 11 of the Draft Regulations:

Stakeholder's Comments:

The suggestions/ objections received on the Draft Regulation 11 have been discussed in brief as under:-

i) **Regulation 11(1)(C)**:- The IEX has submitted that as per the Draft Regulations, the Cross Subsidy Surcharge will be determined as per the provisions of the Act and the Tariff Policy notified by the Central Government. It is submitted that Ministry of Power has notified the Electricity (Amendment) Rules, 2022 on 29.12.2022, wherein the Cross Subsidy Surcharge on open access is capped at 20% of the Average Cost of Supply (ACoS). Since the tariffs are being set with reference to the ACoS, it is requested to cap the CSS with reference to the ACoS, in line with the Electricity (Amendment) Rules, 2022.

Commission's Views:

The Commission is aware of the provisions of the Tariff Policy notified by the Central Government that the tariff should progressively reflects the cost of supply of electricity, and, the cross subsidy to be within ± 20 % of the average cost of supply. It is relevant to mention here that the cross subsidy has been kept within the prescribed parameters of +/- 20% for the LT and HT consumers in the State of HP.

Therefore, the Commission retains provision without any modification.

(I) Comments on Regulation 11(1)(D) of the Draft

Regulations:

Stakeholder's Comments:

The suggestions/ objections received on the Draft Regulation 11(1)(D) have been discussed in brief as under:-

i) **Regulation (11)(1)(D):- M/s Vardhman Textiles Ltd.**

has submitted that as per the Supreme Court ruling implemented by Central Govt. and various State Govts., the additional surcharge is exempted on captive power supply/drawl through open access by the captive consumer.

As the Draft Regulation does not mention this exemption, it is requested to mention that the additional surcharge shall not be levied in case open access is provided to a consumer who has been availing green energy power from the plant established as captive generation plant for his own use.

ii) **The IEX** has submitted that the Commission in the Draft Regulations has proposed that the additional surcharge shall not be applicable to Green Energy Open Access Consumers, if the licensee is able to recover full fixed cost through retail supply tariff of the consumer. It is submitted that the Ministry of Power, GoI in the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022 dated 6th June, 2022 has provided that the Additional Surcharge shall not be applicable for Green Energy Open Access Consumers, if fixed charges are being paid by such a consumer. Relevant clause of the MoP Rules is extracted below:-

“9. Charges to be levied for Open Access.–

(2) The Cross subsidy surcharge shall be as per the provisions of tariff policy notified by the Central Government under the Act :

.....

Provided further that the additional surcharge shall not be applicable for Green Energy Open Access Consumers, if fixed charges are being paid by such a consumer:”

Further, the Ministry of Power has notified Electricity (Amendment) Rules, 2024 and Electricity (Second Amendment) Rules, 2024 on 10th January, 2024 and 17th January, 2024 respectively, wherein, the Ministry has defined that the

additional surcharge will not be applicable for Open Access Consumer to the extent of contract demand maintained with the DISCOM. Relevant clause of the MoP Rules is extracted below:-

“22. Open Access Charges.–

(3) Additional Surcharge.– The additional surcharge levied on any Open Access Consumer shall not be more than the per unit fixed cost of power purchase of the distribution licensee concerned:

Provided further that the additional surcharge shall not be applicable for Open Access Consumer to the extent of contract demand being maintained with the distribution licensees.”

Therefore, the Commission is requested to align Draft Regulations with the MoP Rules and provide for the aforesaid provisions related to Additional Surcharge.

Commission Views:

The Commission has analysed the above suggestions and the views of the Commission are as under:-

(i) The Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge and Phasing of Cross Subsidy) Regulations, 2006 are not applicable to captive power plants as per the Himachal Pradesh Electricity

Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge and Phasing of Cross Subsidy) (Second Amendment) Regulations, 2021, notified on 09th April, 2021. No ruling of the Hon'ble Supreme Court has been annexed with the suggestions/ objections by M/s Vardhman Textiles Ltd. However, as per the Judgment of the Hon'ble Supreme Court, in Maharashtra State Electricity Distribution Company Limited Vs. M/s JSW Steel Limited & ors., Civil Appeal No. 5074-5075 of 2019 decided on 10.12.2021, *“all captive consumers/captive users were held to fall outside the scope of the definition of the consumers under Section 2(15) of the Act, and all of them were held not liable to pay additional surcharge under Section 42(2) of the Act as they formed a separate class distinct from the consumers as defined under Section 2(15) of the Act. Therefore, it is clarified that all captive users/captive consumers, who receive power exclusively from their Captive Generation Plants, are not liable to pay, and the distribution licensees are not entitled to levy on them, additional surcharge under Section 42(4) of the Act.”*

ii) On careful consideration of the matter, the Commission is of the view that the Draft Regulations are silent on the additional surcharge in respect of captive consumers. Therefore, fourth proviso is being inserted to clarify the matter under sub-clause (i) of clause (D) of sub-regulation (1) of Regulation 11 as under:-

“Provided further that additional surcharge shall not be applicable for Green Energy Open Access Consumers who draws green energy from the plant established as captive generation plant for his own use.”

iii) As far as comments of IEX relating to Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022 dated 6th June, 2022, framed by MOP, GoI that the Additional Surcharge shall not be applicable for Green Energy Open Access Consumers, if fixed charges are being paid by such a consumer, the Commission is of the opinion that additional surcharge shall not be applicable to the Green Energy Open Access Consumers, if the licensee is able to recover full fixed cost through retail supply tariff of the

consumer. The Draft Regulations is in line with Sub-section (4) of Section 42 of the Act which is reproduced hereunder :-

*“(4) Where the state commission permits a consumer or a class of consumers to receive supply of electricity from a person other than the distribution licensee of his area of supply, such consumer shall be liable to pay an additional surcharge on the charges of wheeling, as may be specified by the state commission, to meet the **fixed cost** of such distribution licensee arising out of his obligation to supply”*

Further, another suggestions of Open Access Charges related to the Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge & phasing of Cross Subsidy) Regulations, 2006, as amended from time to time, the Commission determines these charges through separate orders. Therefore, the provisions of the Draft Regulation are in line with Section 42(4) of the Act. The suggestions, therefore, do not merit consideration. The Draft Regulation is accordingly adopted with above modifications by adding the proviso.

(J) Comments on Regulation 11(1)(E) of the Draft

Regulations:

Stakeholder's Comments:

The suggestions/ objections received on the Draft Regulation 11(1)(E) have been discussed in brief as under:-

(i) Regulation 11(1)(E)(i):- M/s Ultra Tech has submitted that the standby charges should be applicable only if there is an outage in the system which is attributable to the Generator. However, the Transmission and Distribution system are not in control / scope of generator/ consumer. Since, these are under the control of Transmission/DISCOM Utilities, no standby charges should be applicable. Further, if the generating source is impacted due to Force Majeure events, the standby charges should not become applicable. Further, in case the Green Energy Open Access consumer is unable to procure/schedule power from the generating sources with whom they have the agreements to procure power due to outages of **generating sources, except in case of force majeure events**, standby arrangement shall be provided to Green Energy Open Access consumer by the distribution licensee of the area of its supply at the charges,

which shall be reflective of the costs incurred by the distribution licensee for providing these support services;

(ii) Regulation 11(E)(ii):- M/s Ultra Tech has submitted that the maximum levy of standby charges should be restricted to ten per cent of the Normal tariff applicable to consumer tariff category. Standby charges of twenty five percent are very high and need to be reduced. Further, it is unclear as and when the Standby charges would be payable by the consumer. As per the understanding standby charges will be applicable if any open access consumer draws the power over and above the contract demand/ sanctioned load. Normally, a captive user/ consumer seeking Open Access retain Contract Demand with its distribution licensee. In such a scenario, the Standby Charges ought to be payable only when the power consumed by a consumer is in excess of its Contract Demand/ sanctioned load. Therefore, to avoid any confusion, the Commission may also consider giving an example regarding applicability of Standby Charges.

(iii) The HPSEBL has stated that there should be no capping of the normal tariff since the over drawl by the Green energy Open access consumers may lead to DSM charges, which cannot be met from the limit of 125% of the normal tariff.

Commission Views:

The Commission is of the view that suggestions of M/s Ultra Tech that the standby charges should be applicable if there is an outage in the system, attributable to Generator only is not tenable and cannot be accepted as provision of the Draft Regulation is in line with explanation (i) of Rule 9(4) of the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022 of the Ministry of Power dated 06.06.2022. Similarly, the definition of the Standby arrangement has been specified in clause (E) of sub-regulation (1) of Regulation 11 of the Draft Regulations in line with the Rules framed by the Ministry of Power. The charges for standby arrangements are also in line with clause 8.5.6. of the Tariff Policy 2016 of Ministry of Power. Therefore, the suggestions made by M/s Ultratech & the HPSEBL do not

merit consideration. However, the Commission is of the view that the standby charges shall be applicable only to those green energy open access consumers who are not the consumers of the DISCOM and the provision of Regulation (11) (1) (F) (ii) has been modified accordingly.

(K) Comments on Regulation 11(1)(F)(i) of the Draft Regulations:

Stakeholder's Comments:

The suggestions/ objections received on the Draft Regulation 11(1)(F)(i) have been discussed in brief as under:-

(i) Regulation 11(1)(F)(i):- M/s Ultra Tech has submitted that Banking facility shall be permitted to the consumer availing Green Energy Open Access at least on **quarterly basis** on payment of applicable charges to the Distribution Licensee to compensate the additional costs, if any, as determined by the Commission in separate Orders issued from time to time. Banking should be applicable for the period of 25 Years from the COD of the Captive Project. The reason being that the renewable is an infirm source of generation, quarterly banking

shall be allowed. This shall provide the flexibility to consumers to utilize the energy efficiently from renewable sources. The Commission should clearly define the continuity of banking for 25 years as significant investment is involved in setting up the project. Hence, clarity on continuity of banking is must for taking strategic investment decisions.

(ii) M/s Amplus Energy Solutions Private Limited has requested to clarify whether banking facility is also available for consumers sourcing /intending to source energy from inter-state transmission system connected Renewable Energy Plants (located within or outside Himachal Pradesh).

(iii) M/s Ambuja Cement and M/s ACC Limited has requested to clarify that banking facility shall be given irrespective of nature of transaction i.e. whether it is inter or intra state transaction.

(iv) Regulation 11(1)(F)(ii) and (iii): M/s Ultra Tech has submitted that the permitted quantum of banked energy by the Green Energy Open Access consumers shall be at least 30% of the total monthly Generation (instead of Consumption)

of electricity from green energy source in a banking cycle of the distribution licensee for both Inter-state/ Intra-state Renewable Energy projects. For Example: if 100 units are generated in a month, the permissible banked energy quantum allowed to be utilized/ Carry forward shall be 30 units i.e. 30% of total generation. Further, the clause states that at least 30% Banking shall be allowed, hence, it is presumed that maximum allowed banking shall be 100% of energy generated from renewable energy plant. In this regard, the maximum banking allowed should be specified and clarified. It is also requested that the banking shall also be available for both within the state as well as inter-State transmission system connected renewable energy project. The rationale is that the MOP has notified the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022 which state that Generator/ Captive consumer can install the plant any where in India. Hence, it is understood that banking shall be provided to all projects which are availing Green Energy Open Access.

(v) M/s Vardhman Textiles Ltd. has submitted that as per the Draft Regulations, the banking facility for injection of surplus energy and drawl of banked energy shall be subject to scheduling. It is submitted that though schedule can be provided for injection of power as per applicable regulations, it is not possible to provide a schedule for injection of surplus power as at the time of injection, it will not be known whether part or whole of its going to become surplus as the same depends upon consumption load pattern at drawl end. Therefore, requirement of schedule for injection of surplus energy may be removed from the Regulation. Further, the regulation already provides for accounting and drawl of energy banked during peak TOD and off peak TOD slots. Therefore, no additional purpose shall be served by requiring scheduling of drawl of banked energy. It might suffice to adjust open access energy (not banked), banked energy, DISCOM energy out of the total consumption by the consumer in that order. Further, the Draft regulation provides that banked energy should be at least 30% of the total monthly consumption of

the electricity from green energy sourced in a banking cycle of the distribution licensee. In that way, it is linking the open access green energy with green energy supplied by distribution licensee in the same banking cycle. This provision is not clear. As per the understanding, the energy supplied by distribution licensee contains around 85% green energy. Does the regulation here mean that the banked energy should at least be 30% of 85% of energy supplied by distribution licensee in the same banking cycle? The provision of atleast 30% of DISCOM green energy will actually result in OA energy not getting banked.

(vi) M/s Amplus Energy Solutions Private Limited has requested to specify restriction on the quantum of banked energy at 30% of generation from Green energy Sources scheduled under GEOA. If the restriction is applied to real-time consumption under GEOA, it would not only limit allowable banking to 23%,(without energy loss) but also create uncertainty for consumers about how much energy they can

consume in real-time, which would directly affect the calculation of allowable banking.

(vii) The HPSEBL has submitted that sub-clause (iii) of clause (F) of Regulation 11 may be substituted with the following:-

“The permitted quantum of banked energy by the green energy open access consumers shall be upto 30% of the total monthly consumption of electricity from the distribution licensee by the consumers during the billing period.”

(viii) Regulation 11(1)(F)(iii) First and Second Provisos:

M/s Ultra Tech (for First Proviso) has submitted that there is seasonal variation in generation from renewable energy sources. Ex: almost 50-55% of the wind energy gets generated in 4 months in a year from June to September. Thus, it is necessary that quarterly banking is allowed and carry forward to the next quarter so that consumers can get flexibility to utilize energy efficiently from renewable sources.

As regards the Second Proviso to the Draft Regulations, **M/s Ultra Tech** has submitted that there is significant investment involved in setting up the Renewable projects and 2% Peak

withdrawal Banking Changes will encourage developers/consumers to install more RE Projects and it will help in taking strategic investment decisions. Also, since there is less wind Potential in the State and consumer can only procure Solar Power which is available in daytime. Thus, to utilize open access RE power round the clock, it is necessary to allow drawl of Banked Energy from off peak TOD slot to peak TOD slot by paying additional charges at lower rate i.e. 2%. Other States like Karnataka is taking additional banking charges of 2% only for drawl of energy in peak hours. Hence, additional Banking Charges in kind for withdrawal in peak hour to be fixed and it is proposed that it should be limited to 2%.

(ix) The HPSEBL, Energy Management Centre, DoE and the DOE, GoHP with regard to Second Proviso have submitted that the energy banked during off peak TOD slots should not be allowed to draw during peak TOD slots, as this will create additional burden on the DISCOM. The rates of power available in power markets are linked with the DSM rates which are usually high during peak hours. Therefore,

this may increase the cost of power purchase by DISCOM(s). In case of any power shortage, DISCOM(s) might struggle to procure sufficient power, potentially leading to payment of Deviation Settlement Amount (DSA) or Unscheduled Interchange (UI) charges. In view of above, the Commission should not allow such banking of power i.e. “energy banked during peak TOD slots”, or to determine the additional charges for these transactions such as to help offset the higher costs of power procurement during peak hours by the DISCOM(s).

(x) The HPSEBL, Energy Management Centre, DoE and the DoE, Govt. of HP have suggested that the Govt. of India has clarified that energy obtained through open access arrangement either through a third party supplier or captive generator will not constitute a part of the permissible capacity of the banked energy the same may be aligned in the regulations.

(xi) The HPSEBL has additionally submitted that the charges to be paid by the Green Energy Open Access Consumers for availing the green power from Distribution Licensee as per

provisions of sub-regulation (3) of Regulation 5 may be incorporated in the charges under Regulation 11. It also needs to be clarified whether the charges mentioned under clause (A) to (G) of sub-regulation (1) of Regulation 11 will also be applicable for such consumers in addition to the green energy tariff determined by Commission in the Tariff for the respective financial year.

(xii) The IEX has submitted that the Draft Regulations contain a proviso that the credit for banked energy will not be adjusted during the same banking cycle. Further, it is submitted that the Draft Regulations do not define the term 'Banking Cycle'. It is, therefore requested to provide clarity on the meaning of 'Banking Cycle' to provide further clarity in the regulations.

Commission Views:

The Commission has analysed the above suggestions and the views of the Commission are as under:

(i) The provisions contained in the Draft Regulations have been considered in line with the Rules framed by the Ministry of

Power with certain deviations keeping in view the peculiar situation of the State of H.P. The Commission feels that the provision of banking on monthly basis will neutralise the effect of price variations month over month, in the interest of all the stakeholders. Further, the Banking facility shall be available subject to the provisions of these Regulations, till the Regulations are amended or repealed. The Commission is also of the opinion that banking will be of the surplus green energy injected in the grid and credited with the distribution licensee by the Green Energy Open Access consumer which shall be drawn alongwith the applicable charges to compensate additional costs, if any.

(ii) The suggestion of stakeholder i.e. M/s Vardhman Textile Ltd. to charge 2% peak withdrawal cannot be accepted as considerable variations in the price of electricity during a day are observed. However, the Commission shall determine these charges after taking into account all factors through separate orders. The sole intent of the proposed Regulations is to

facilitate the Green Energy Open Access consumer and not to unnecessarily burden the other consumers and the DISCOM.

(iii) As far as the suggestion of the HPSEBL, Energy Management Centre, DoE, Govt. of H.P. that energy banked during off peak TOD slots should be allowed to draw during off peak TOD slots is concerned, the Commission is of the opinion that the energy banked during off peak TOD slots should not be allowed to draw during peak TOD slots, as this will create additional burden on the DISCOM. The rates of power available in power markets are linked with the DSM rates which are usually high during peak hours, which may increase the cost of power purchase by DISCOM. Further, in case of any power shortage, DISCOM might struggle to procure sufficient power, potentially leading to payment of Deviation Settlement Amount (DSA) or Unscheduled Interchange (UI) charges. Therefore, the Commission is inclined to accept the above suggestion in view of considerable variation in price of electricity during the day and therefore, the second proviso to

sub-regulation (iii) of Regulation 11 (1) (f) is re-drafted as under:

“Provided further that the energy banked during the Peak TOD slots shall be permitted to draw during peak as well as off peak TOD slot. However, the energy banked during off peak TOD slots shall be permitted to draw during off peak TOD slot.”

(iv) As regards the suggestion of permitted quantum of banked energy to be atleast 30% of the total monthly consumption of electricity from green energy source in a banking cycle of the distribution licensee, the Commission, keeping in view the same, has re-drafted the provision in line with the latest clarification issued by the Ministry of Power vide letter No. 23.09.2021-R&R dated 21.08.2024, for the purpose of calculating the permissible quantum of banked energy, which shall be 30% of the total monthly consumption of energy directly procured from the distribution licensee. The Electricity obtained through Open Access arrangements either from a third party supplier or via captive generation utilising the distribution network, shall be excluded from calculation of banking energy. Similarly, the Commission is of the opinion that the maximum banking in this regard can be contemplated

to an extent of 100% of the total monthly consumption from the distribution licensee.

(v) Further, the Commission is of firm view that the scheduling is an integral part of the power management and to understand the demand supply position at any point of time and requires strict discipline else leading to the DSM charges due to poor planning, which are very high. Since the requirement is related to grid discipline, therefore, the scheduling requirement cannot be done away.

(vi) The suggestion of the HPSEBL, Energy Management Centre, the DoE and the DoE, Govt. of HP that energy obtained through open access arrangement either through a third party supplier or captive generator will not constitute a part of the permissible capacity of the banked energy, is a welcome suggestion. The Commission has accepted the same and suitably re-drafted sub-clauses (i) and (iii) of clause (F) of sub-regulation (1) of Regulation 11 of the Draft Regulations.

(vii) Further, the suggestion of the HPSEBL that the charges to be paid by the Green Energy Open Access consumers for

availing the green power from Distribution Licensee as per provisions of sub-regulation (3) of Regulation 5 needs be incorporated in the charges under Regulation 11. Further, suggestion that it also needs to be clarified whether the charges mentioned under clause (A) to (G) of sub-regulation (1) of Regulation 11 will also be applicable for such consumers in addition to the green energy tariff determined by the Commission in the Tariff Order for the respective financial year. In this regard, the Commission is of the view that sub-regulation (3) of Regulation 5 clearly stipulates that requisition for Green Energy from DISCOM shall be at least for a period of one year as such Green Energy Open Access consumers willing to avail the green power from Distribution Licensee shall be required to pay all charges applicable to regular consumers of the category of licensee and applicable green tariff as determined by the Commission in separate tariff orders. Hence, the suggestion is of no value.

(viii) The suggestions of M/s Amplus Energy Solutions Private Limited to specify restriction on the quantum of

banked energy is concerned, Regulation 11 (1)(F)(iii) has been re-drafted which duly clarifies the same. Further, the procedural part and other micro details shall be a part of the detailed banking procedure and the model banking agreement to be prepared by the distribution licensee, which shall be notified after approval of the same, by the Commission. So far as the applicable charges are concerned, the charges for open access are notified by the Commission alongwith the green tariff, in separate tariff orders issued by the Commission.

In view of above, Commission has re-drafted Regulation 11(1)(F)(iii) as under :-

“(iii) The permitted quantum of banked energy by the Green Energy Open Access Consumers shall be at least 30% of the total monthly consumption of electricity directly procured from the distribution licensee. Electricity obtained through Open Access arrangements either from third party supplier or via captive generation utilising the distribution network, will not be considered for the purpose of calculation of permissible quantum of banked energy.

Provided that the credit for banked energy shall not be permitted to be carried forward to subsequent banking cycles and shall be adjusted during the same banking cycle:

Provided further that the energy banked during the Peak TOD slots shall be permitted to draw during peak as well as off peak TOD slot. However, the energy banked during off peak TOD slots shall be permitted to draw during off peak TOD slot;

Provided further that the un-utilised surplus banked energy shall be considered as lapsed at the end of each banking cycle and the Renewable Energy generating station shall be entitled to get Renewable Energy Certificates to the extent of the lapsed banked energy.”

All other provisions of Draft Regulation 11 are retained without any modification.

(L) Comments on Regulation 12 of the Draft Regulations:

Stakeholder's Comments:

The suggestions/ objections received on the Draft Regulation 12 have been discussed in brief as under:-

i) **M/s Vardhman Textile Ltd.** has submitted that Regulation No. 12 provides for issue of green certificates by DISCOM on annual basis to consumers for the green energy supplied by the DISCOM beyond RPO of a consumer. As about 85% of the energy supplied by DISCOM consists of green energy, the Commission is requested to direct DISCOM to

provide green certificate for such green power on request of the consumer beyond the RPO of a consumer. They have also requested the Commission to keep the additional surcharge, cross subsidy and wheeling charge on short term open access at reasonable level.

Commission's Views:

Regulation 12 of the Draft Regulations provides for issue of green certificates by DISCOM on annual basis to the consumers for the green energy supplied by the DISCOM beyond RPO of a consumer. However, any order or direction to DISCOM on this issue cannot be part of these Regulations. As such, the Commission finds no merit in the suggestion of stakeholder and declines to accept the same.

(M) Comments on Regulation 13 of the Draft Regulations:

Stakeholder's Comments:

The suggestions/ objections received on the Draft Regulation 13 have been discussed in brief as under:-

i) **The HPSLDC** has proposed an addition of new proviso in Regulation 13, i.e. Collection and Disbursement of charges, as follows:

“Provided that charges specified under sub-regulations 11(C) (Cross Subsidy Surcharge), 11(D) (Additional Surcharge), 11(E) (Standby Facility and Charges) and 11(F) (Banking Facility and Charges) of these Regulations shall be raised and collected by the distribution licensee itself.”

ii) **The HPSEBL, Energy Management Centre, DoE, Govt. of HP** have suggested that the Energy accounting with respect to the interstate and intrastate transactions needs to be carried out and maintained by the HPSLDC.

Commission Views:

As per the HPERC (Cross Subsidy Surcharge, Additional Surcharge and Phasing of Cross Subsidy) Regulations, 2006, the open access consumer shall make payment of the Cross Subsidy Surcharge and Additional Surcharge to the distribution licensee or the transmission licensee, as the case may be. Accordingly, the other open access charges shall also be payable by the consumer to the licensee only. The appropriate modification in this regard has been added in the

final Regulation. Further, the HPSLDC shall continue to send the verified energy data to the HPSEBL, to enable the distribution licensee to raise the bill based on the verified energy and receive payment from the consumers. Accordingly, the Commission accept the suggestion of stakeholders/ SLDC with slight modification by adding the following proviso as under :-

“Provided that charges specified under sub-regulation 11(C), (D), (E) and (F) of these Regulations shall be collected by the Distribution Licensee, and HPSLDC shall send the verified energy data to the HPSEBL to enable the distribution licensee to raise the bill based on the verified energy.”

(N) Comments on Regulation 14 of the Draft Regulations:

Stakeholder’s Comments:

The suggestions/ objections received on the Draft Regulation 14 have been discussed in brief as under:-

- (i) **The HPSEBL** has submitted that the appellate authority against the order of CGRF may also be incorporated in the Regulations.
- (ii) **The Energy Management Centre, DoE and the DoE, GoHP** has submitted that the dispute addressed by the

Consumer Grievance Redressal Forum (CGRF) shall not be adjudicated upon by the Commission. As such, clause 14(2) needs to be amended.

Commission Views:

A complete mechanism of the resolution of disputes has been provided under the Act, therefore, Regulation 14 of the Draft Regulations has been suitably modified.

9. In view of the above, the Commission decides to finalize and notify the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access and Banking) Regulations, 2024. The Regulations are ordered to be published in the Rajpatra, Himachal Pradesh and shall come into force on such date as the Commission may specify.

Announced
17.12.2024

Sd/-

(Shashi Kant Joshi)
Member

Sd/-

(Yashwant Singh Chogal)
Member (Law)

Sd/-

(Devendra Kumar Sharma)
Chairman

Annexure-‘A’

Public hearing held on 07.09.2024 at 11.30 AM (Green Energy Open Access)

Sr. No	Name	Designation	Organization
1	Rohit Kumar	Assistant Engineer	HPSLDC, GoHP , Totu
2	Ravinder Kumar	Addl. SE	HPSLDC, GoHP , Totu
3	Rakesh Kapoor	SE(SERC)	HPSEBL