

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION,
SHIMLA**

NOTIFICATION

Shimla, the 02nd August, 2024

No. HPERC/ED(T)/D(TE)/GEOA/38-2024- WHEREAS the Government of India (GoI) has set an ambitious target of becoming carbon neutral nation by 2070, and in pursuit of this goal, the GoI has set a target to install Renewable Energy (RE) capacity of 500GW by the year 2030. Thus, to promote and facilitate installation of RE capacity, Ministry of Power (MoP), in exercise of the powers conferred by sub-section (1) read with clause (z) of sub-section (2) of section 176 of the Electricity Act, 2003 (Act 36 of 2003), has notified the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 on 6 June 2022 to provide regulatory certainty and to simplify the process of granting Green Energy Open Access to renewable energy entities and the consumers;

NOW, THEREFORE, 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 RE entities, in line with the objectives of the Electricity Act, 2003 and for promotion of environmentally efficient benign policies, in exercise of the powers conferred under Section 181 read with sections 39, 40, 42, 61 and 86 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, the Commission proposes to make the following Regulations, namely; the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access and Banking) Regulations, 2024 and as required by sub-section (3) of section 181 of the said Act and rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, the Draft Regulations are hereby published for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft Regulations will be taken into consideration after the expiry of thirty (30) days from the date of publication of this Notification in the Rajpatra, Himachal Pradesh, together with objections or suggestions, if any, received within the aforesaid period in respect thereto.

The text of the aforesaid draft amendment Regulations is available on the website of the Commission i.e. <https://www.hperc.org>.

The objections or suggestions in this behalf should be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Vidyut Aayog Bhawan, Block-37, SDA Complex, Kasumpti-171009 (HP).

Draft Regulations

- 1. Short Title, Commencement, Extent and Application.-** (1). These Regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access and Banking) Regulations, 2024.
- (2)These Regulations shall come into force on such date as the Commission may notify.
- (3)These Regulations shall extend to whole of the State of the Himachal Pradesh.

(4) These Regulations shall be applicable for allowing connectivity and Open Access to electricity generated from the Green/Renewable Energy Sources, as defined under clause (m) of Regulation 2 of these Regulations (including the energy generated from non-fossil based waste to energy plant) for use of Intra-State Transmission System (InSTS) or distribution system of licensee/s in the State or both, including when such Intra-State Transmission and/or distribution system/s, is used in conjunction with the Inter-State Transmission system:

Provided that a generator (including a captive generator), consumer or a trader shall not be eligible to apply for long term, medium term or short term open access unless it has the connectivity to the Intra State transmission or distribution system, as the case may be:

Provided further a person may apply for connectivity as well as long term, medium term or short term open access simultaneously:

Provided further that other conditions of grant of connectivity and open access in respect of green energy generation, purchase and consumption to which no express provision has been made in these Regulations, shall be in accordance with the provisions of the Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2024, Himachal Pradesh Electricity Regulatory Commission (Grant of connectivity, Long Term, Medium Term and Short Term Open access and Related Matters) Regulations, 2010, Himachal Pradesh Electricity Regulatory Commission (Promotion of Generation from the Renewable Energy Sources and Terms and Conditions for Tariff Determination) Regulations, 2017, Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010, Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy surcharge, additional surcharge & Phasing of cross subsidy) Regulations, 2006 **and** Himachal Pradesh Electricity Regulatory Commission (Terms & Conditions for determination of Wheeling Tariff and Retail supply Tariff) Regulations, 2011, as amended from time to time.

2. Definitions.- (1) In these regulations, unless the context otherwise requires —

- (a) "**Act**" means the Electricity Act, 2003 (36 of 2003);
- (b) "**Applicant**" means a consumer, trading licensee, distribution licensee or a Generating company who has applied for seeking Green Energy Open Access, as the case may be;
- (c) "**Banking**" means the surplus green energy scheduled and injected in the grid and credited with the distribution licensee energy by the Green Energy Open Access consumers and that shall be drawn along with charges to compensate additional costs; if any;
- (d) "**Central Nodal Agency**" means the Central Nodal Agency as notified by the Central Government under Rule 6 of the Rules;
- (e) "**Commission**" means the Himachal Pradesh Electricity Regulatory Commission

constituted under sub-section (1) of section 82 of the Act;

- (f) “**Day Ahead Market (DAM)**” means a market where Day Ahead Contracts are transacted on the Power Exchange(s);
- (g) “**Developer**” means the generating company who generate electrical energy from renewable sources of energy;
- (h) “**DSM Regulations**” means HPERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2024 and any subsequent amendments made therein;
- (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;

- (j) “**Existing Green Energy Open Access Consumer/Customer**” means a person already availing Green Energy Open Access for sourcing/supplying renewable (green) energy from/to the transmission system and/or distribution system of the licensees in the State under an existing agreement or Commission’s Regulations/Orders on the date of coming into force of these Regulations;
- (k) “**Forum of Regulators**” means the Forum as referred to in sub-section (2) of section 166 of the Act;
- (l) “**Fossil Fuel**” means and includes fuels such as coal, lignite, gas, liquid fuel or a combination of these as its primary source of energy, which are used in thermal generating stations for generating electricity;
- (m) “**Green Energy**” means the electrical energy generated/produced from renewable sources of energy including hydro and storage (if the storage uses renewable energy), wind, solar, including its integration with combined cycle, biomass, bio fuel cogeneration (including bagasse-based cogeneration), urban or municipal waste including Municipal Solid Waste (MSW) based power projects and Refuse Derived Fuel (RDF) based power projects or any other technology as may be notified by the Government of India from time to time and shall also include any mechanism that utilizes green energy to replace fossil fuels including production of green hydrogen or green ammonia or any other sources as may be, determined by the Central Government;
- (n) “**Green Energy Open Access (GEOA)**” means the non-discriminatory provision for use of transmission lines or distribution system or associated facilities with

such lines or system by any licensee or consumer or a person engaged in generation in accordance with these Regulations;

- (o) **“Green Energy Open Access Consumer”** means a consumer who has contracted demand or sanctioned load of 100kW or more either through single connection or through multiple connections aggregating 100kW or more located in same electricity division of the distribution licensee and is eligible to take power through Green Energy Open Access and there shall be no limit of supply of power for captive consumers taking power under Green energy Open Access;
- (p) **“GOAR Portal”** means the Green Energy Open Access Registry Portal, which is a centralized portal to register and apply for the Green Energy Open Access; and, operated and maintained by the Central Nodal Agency;
- (q) **“Obligated Entity”** means the entities mandated under Clause (e) of sub-section (1) of Section 86 of the Act to fulfill the Renewable Purchase Obligation, which includes distribution licensee, captive consumer/user and open access consumer;
- (r) **“Rules”** means the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022;
- (s) **“State Load Despatch Centre”** means the State Load Despatch Centre established under sub-section (1) of section 31 of the Act;
- (t) **“Standby charges”** means the charges applicable against the standby arrangement provided by the distribution licensee to the green energy open access consumers of the area of its supply, in case such 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 generator, transmission assets and the like;
- (u) **“State Grid Code”** means the State Grid Code specified by the Commission for the State of Himachal Pradesh under clause (h) of sub-section (1) of section 86 of the Act;
- (v) **“State Transmission Utility”** means the Board or the Government Company specified as such by the State Government under sub-section (1) of section 39 of the Act;
- (w) **“State Nodal Agency/(s)”** means the Nodal Agency/(s) notified under Regulation 3 of these Regulations for grant of Green Energy Open Access; and,
- (x) **“Trading Licensee”** means a person who has been granted a licence by the Commission for purchase of electricity for resale thereof.

(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 regulation 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.

3. State Nodal Agency.- (1) The Himachal Pradesh State Load Despatch Centre (HPSLDC)- shall operate as the State Nodal Agency for grant of short term Green Energy Open Access.

(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.

(3) The State Nodal Agencies shall coordinate with each other including the Distribution Licensee to make available all relevant information regarding Green Energy Open Access to the public on the portal of the Central Nodal Agency.

4. Categorization of Green Energy Open Access.- (1) The Green Energy Open Access consumers shall be classified into the following categories based on the duration of use of the intra- state transmission and/or distribution system:-

(i) **Long-term Green Energy Open Access consumers** shall be the persons availing or intending to avail the Green Energy Open Access period exceeding 12 years but not exceeding 25 years;

(ii) **Medium-term Green Energy Open Access consumers** shall be the persons availing or intending to avail the Green Energy Open Access for a period exceeding 3 months but not exceeding 5 years; and

(iii) **Short-term Green Energy Open Access consumers** shall be the persons availing or intending to avail the Green Energy Open Access for period upto one month at one time.

Provided that the short-term Green Energy Open Access consumers shall be eligible and re-eligible to obtain fresh reservation on filing of application after the expiry of its term and subject to availability. Such eligibility shall be as per the priority fixed on the basis of the date of such application:

5. Eligibility Criteria for applying for Green Energy Open Access.- (1) Subject to the provisions of these Regulations and system availability, the consumers, licensees and / or generating company shall be eligible for Green Energy Open Access to the Intra-State transmission system of the STU and/or distribution system of the distribution Licensee's within the State:

Provided that notwithstanding anything contained in these Regulations, any Green Energy generating company having subsisting Power Purchase Agreement (PPA) with the Distribution Licensee, shall not be entitled to Green Energy Open Access for the RE capacity, for which PPA is entered into as well as for any capacity (Quantum of power) for which open access is already granted, except in accordance with the terms of such PPA:

Provided further that such Green Energy Open Access shall be available on payment of such charges as may be determined by the Commission from time to time .

- (2) Every person who has constructed a captive generating plant shall have the right to Green Energy Open Access as per the provisions of section 9 of the Act:

Provided that only consumers, who have contracted demand or sanctioned load of 100 kW or more either through single connection or through multiple connections aggregating 100kW or more located in same electricity division of the distribution licensee shall be eligible to take power through Green Energy Open Access under these Regulations; and, there shall be no limit of supply of power for captive consumers taking power under Green energy Open Access:

Provided further that the generating plant may be set up by the entity itself or by a developer with which the entity enters into a power purchase agreement.

- (3) Any consumer may elect to purchase green energy either upto a certain percentage of the consumption or its entire consumption by placing a requisition with its distribution licensee, which shall procure such quantity of green energy and supply it and the consumer shall have the flexibility to give separate requisition for solar and non-solar:

Provided that any requisition for green energy from a distribution licensee shall be for a minimum period of one year; and the quantum of green energy shall be pre-specified for at least one year.

- (4) 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, shall be counted towards Renewable Purchase Obligation compliance of the distribution licensee. The Accounting of renewable energy supplied at distribution licensee level shall be on a monthly basis .

6. Treatment for Existing Green Energy Open Access Consumers.- (1) The existing consumer(s)/generators may continue to avail the Green Energy Open Access as per the existing agreements or government policy for the period specified in those agreements or policies, to the extent they are not inconsistent with the Act:

Provided that the existing consumer(s)/generators shall continue to pay the applicable charges as specified in their respective agreements, or as may be determined by the Commission from time to time, as the case may be:

Provided further that Green Energy Open Access for subsequent periods in respect of such consumer/generator shall be governed by the provisions of these Regulations including any renewal after the completion of initial period of existing Wheeling and Banking Agreement:

Provided further that Green Energy Open Access for any additional RE capacity sought by such existing consumers/generators in addition to the capacity already contracted under the Green Energy Open Access, shall be treated as new application for Green Energy Open Access to the extent of additional capacity sought.

7. Criteria for allowing Green Energy Open Access.- (1) The long-term Green Energy Open Access shall be allowed in accordance with the transmission planning criteria and distribution planning code stipulated in the State Grid Code.

(2).The Short-Term/Medium Term Green Energy Open Access shall be allowed, if the request is accommodated, by utilizing,-

- (a) Inherent design margins;
- (b) Margins available due to variation in power flows; and,
- (c) Margins available due to in-built spare transmission system, capacity and/or distribution system capacity created to cater to future load growth.

8. Curtailment Priority.- In case due to transmission/distribution system constraints or otherwise, the curtailment priority shall be as follows:

- (i) The Short-Term Open Access consumer (other than Green Energy Open Access consumer) shall be curtailed first followed by Short-Term Green Energy Open Access consumers;
- (ii) Next, Medium-Term Open Access consumer (other than Green Energy Open Access consumer) followed by Medium-Term Green Energy Open Access consumer shall be curtailed; and
- (iii) Next Long-Term Open Access consumer (other than Green Energy Open Access consumer) followed by Long-Term Green Energy Open Access consumer shall be curtailed:

Provided that within a category, the Green Energy Open Access consumers shall have equal curtailment priority and shall be curtailed on pro-rata basis:

Provided further that the, distribution licensee shall be curtailed, as a last resort.

9. Procedure for grant of Green Energy Open Access.- (1). The detailed procedure for grant of connectivity and Green Energy Open Access including the application format and applicable Bank Guarantees/Fee/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 and filed before the Commission for approval. 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.

(2) Any entity which intends to avail Green Energy Open Access shall first get registered on the GOAR portal. The grid connected entities shall be eligible to

make an application for seeking Green Energy Open Access, only after the registration process is complete in all respects. The registration shall be valid for a period of 3 years and can be renewed thereafter for a period of 3 years.

(3) The Green Energy Open Access applicant, being the registered entity, shall submit an application complete in all respects, in the formats as specified by Central Nodal Agency, on the central web based GOAR Portal. The application shall be forwarded by the Central Nodal Agency to the concerned State Nodal Agency for further verification and grant of Green Energy Open Access.

(4) The State Nodal Agency shall, by an order in writing, approve the applications for the Green Energy Open Access within a period of Fifteen days from the date of receipt of complete application for connectivity/open access, failing which it shall be deemed to have been approved subject to the fulfillment of the technical requirements as specified by the Commission:

Provided that the order of processing of such applications for allowing the Green Energy Open Access shall be on the basis of first in first out.

Provided further that open access consumer shall not change the quantum of power consumed through open access for twelve time blocks, so as to avoid high variation in demand to be met by the distribution licensee:

(5) The Short term and medium-term open access shall be allowed, if there is sufficient spare capacity available in the transmission system without any augmentation, whereas for long term open access, the transmission system may be augmented, if required:

Provided that the priority shall be given to long term in the existing system if spare capacity is available and further, open access for non-fossil fuel sources shall be given priority over the open access from the fossil fuel.

10. Metering and Communication.- (1) Green Energy Open Access consumer shall have the requisite communication system in place to facilitate seamless communication of data/orders/information to/from the State Nodal Agency.

(2). Metering shall be done in accordance with the provisions of CEA (Installation and Operation of Meters) Regulations, 2006, as amended from time to time and, the relevant extent State Regulations; and, the meter shall be capable of communicating its reading to SLDC on real time basis.

11. Green Energy Open Access Charges.- (1) The following charges shall be determined by the Commission:-

- (a) Transmission charges;
- (b) Wheeling charges;
- (c) Cross subsidy Surcharge;
- (d) Additional Surcharge;

- (e) Standby charges wherever applicable;
- (f) Banking Charges; and
- (g) Other fees and charges such as Application Fee, SLDC fee and charges, scheduling charges, UI & deviation settlement charges, and reactive energy charges.

(a) and (b) Transmission Charges and Wheeling Charges.- (i) The Transmission charges and Wheeling charges shall be payable as determined by the Commission from time to time in its MYT/APR/Other Orders as per the relevant regulations.

(ii) In case, where a dedicated transmission system/distribution system used for Green Energy Open Access has been constructed for exclusive use of a Green Energy Open Access consumers by the licensee, the transmission charges/wheeling charges for such dedicated system shall be worked out by the transmission licensee/distribution licensee for their respective systems and get the same approved by the Commission. The charges shall be borne entirely by such Green Energy Open Access consumers till such time the surplus capacity is allotted and used for by other persons or purposes;

(iii) In addition to Transmission Charges/Wheeling charges, the Intra-State Transmission loss/Distribution loss shall be applicable to consumers seeking Green Energy Open Access:

Provided that, if Wheeling charges and losses have been levied on the full quantum to determine the wheeled energy, no further wheeling charges and losses shall be levied on the banked energy during drawal;

(iv) In case, a dedicated line has been constructed by any Green Energy Open Access consumer at his cost, for his own exclusive use, no transmission charges/wheeling charges shall be paid by such consumer for such lines; and

(v) The Scheduling and Deviation Settlement charges shall be governed by the separate Regulations of the Commission, viz. Himachal Pradesh Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2024, as amended from time to time.

(c) Cross Subsidy Surcharge.- (i) If Green Energy Open Access facility is availed by a cross-subsidising consumer of a distribution licensee of the State, then such consumer shall pay the cross subsidy surcharge determined by the Commission in accordance with the provisions of the Act, read with the provisions of tariff policy notified by the Ministry of Power, Govt. of India and the Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy surcharge, additional surcharge & Phasing of cross subsidy) Regulations, 2006, as amended from time to time;

(ii) The cross subsidy surcharge payable by a consumer shall be such as to meet the current level of cross subsidy within the area of supply of the distribution licensee;

(iii). The cross subsidy surcharge shall be charged on the actual energy consumed by the Green Energy Open Access consumer, on per unit basis (Rs/kWh) payable monthly, by the Green Energy Open Access consumer to the distribution licensee of the area of supply from whom the consumer was availing supply before seeking open access:

Provided that such cross-subsidy surcharge shall not be levied in case distribution access is provided to a person who has been availing green power from the plant established as captive generation plant for his own use:

Provided further that the cross-subsidy surcharge for Green Energy Open Access Consumer purchasing green energy, from a generating plant using renewable energy sources, shall not be increased, during twelve years from the date of operating of the generating plant using renewable energy sources, by more than fifty percent of the surcharge fixed for the year in which open access is granted :

Provided further that the cross subsidy surcharge shall not be applicable in case power produced from a non-fossil fuel-based Waste-to-Energy plant is supplied to the Open Access Consumer:

Provided further that the Cross subsidy surcharge shall not be applicable if green energy is utilized for production of green hydrogen and green ammonia:

(d) Additional Surcharge.- (i) The Green Energy Open access long-term and medium-term consumer shall also pay to the distribution licensee an additional surcharge to meet the fixed cost of such distribution licensee arising out of his obligation to supply as provided under sub-section (4) of section 42 of the Act; and such additional surcharge shall be as specified by the Commission in the Himachal Pradesh Electricity Regulatory Commission (Cross Subsidy Surcharge, Additional Surcharge and Phasing of Cross Subsidy) Regulations, 2006 and any subsequent amendments made therein:

Provided that the additional surcharge shall not be applicable in case power produced from a non-fossil fuel-based Waste-to-Energy plant is supplied to the Open Access Consumer :

Provided further that the additional surcharge shall not be applicable if green energy is utilized for production of green hydrogen and green ammonia:

Provided further that additional surcharge shall not be applicable in case electricity produced from offshore wind projects, which will be commissioned upto December, 2032 and supplied to the Open Access Consumers;

(ii) The additional surcharge shall not be applicable for Green Energy Open Access Consumers, if full fixed cost of the licensee is recovered through retail supply tariff and such full fixed cost is paid by the Green Energy Open Access consumers; and

(iii) In case of RE Open Access, the consumers taking power from such RE Generator may maintain its contract demand with the distribution licensee. In such cases, the distribution licensee is obligated to supply power to such consumer under universal service obligations and Open Access Consumer shall continue paying fixed charges to the distribution licensee.

(e) Standby Facility and Charges.- (i) 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 generator, transmission systems and the like, 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) In case of supply of the standby power by the distribution licensee, the rate (inclusive of wheeling charges, cross subsidy surcharge, additional surcharge and energy losses) for supply of such power at consumer's premises shall not exceed 125% of the normal tariff, worked out in line with the provisions of the relevant regulations applicable to such consumer category on the actual energy drawn by the consumer from distribution licensee during the period of standby availed:

Provided that such standby charges shall not be applicable, if the Green Energy Open Access consumers have given notice in writing, in advance atleast a day in advance before gate closure time of the Day Ahead Market on "D - [minus] 1" day, 'D' being the day of delivery of power for standby arrangement to the distribution licensee.

(f) Banking Facility and Charges.- (i) Banking facility shall be permitted to the consumer availing Green Energy Open Access atleast on a 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;

(ii) The surplus energy from a green energy generating station after setoff shall be banked with the Distribution Licensee. The banking facility including injection of surplus energy and drawal of banked energy shall be subject to scheduling;

(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 from green energy source in a banking cycle of the distribution licensee:

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 by only paying the banking charges and from off peak TOD slot to peak TOD slot by paying additional charges as may be specified by the Commission in addition to banking charges:

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.

(iv) The Banking charges shall be adjusted in kind @ **8%** of the energy banked at the consumer end; and

(v) The Distribution licensee shall prepare a detailed procedure for banking along with model banking agreement within a period of 30 days of the notification of these regulations. The energy accounts of all banking transactions shall be maintained by the Distribution licensee and shall be submitted to the SLDC on weekly basis.

(g) Other Fees and Charges.- In addition to above charges, the consumer availing Green Energy Open Access shall also pay the Application Fee, SLDC fee and charges, scheduling charges, RE deviation settlement charges and reactive energy charges as may be determined by the Commission as per the provisions of the relevant regulations.

12. **Green Certificates.-** The distribution licensee shall provide a green certificate on yearly basis to the consumers for the green energy supplied by the licensee to the consumer on its request, beyond the renewable purchase obligation of the consumers.

13. **Collection and Disbursement of charges.-** The charges levied on the Green Energy Open Access consumers shall be payable directly to the respective State Nodal Agency in accordance with the terms and conditions of payment as specified by the State Nodal Agency. The State Nodal Agency shall disburse the amount received to the appropriate licensees (Transmission charges to the STU or the transmission licensee and distribution network charges to the distribution licensee).

14. **Dispute Resolution.-** (1) No application for Green Energy Open Access shall be denied unless the applicant has been given an opportunity of being heard in the matter and all orders denying open access shall be speaking orders;

(2). All disputes and complaints relating to Green Energy Open Access shall be made to the State Nodal Agency for resolution:

Provided that where the State Nodal Agency is itself a party to the dispute, the dispute shall be referred for resolution to the Consumer Grievance Redressal Forum (CGRF):

Provided further that in case of open access of power from the generating plants, the dispute shall be adjudicated upon by the Commission.

(3). Appeals against the Order of the State Nodal Agency/(s) shall lie before the Commission, within a period of thirty days from the date of receipt of order and the Commission shall dispose the appeal within a period of three months and the Order issued by it shall be binding on the parties.

15. Reporting and Information System.- (1) SLDC shall furnish the following information in a separate web page titled **“Green Energy Open Access Information”** and also issue a monthly report on the same, which shall be updated upon every change in status. All previous reports shall also be made available in the web-archives:-

- (a) A status report on long term, medium-term, and short term consumers;
- (b) Peak load flows on EHV and HV lines; and
- (c) Information regarding average losses in the transmission system and distribution system as determined by the licensee/s on a monthly basis.

(2) The SLDC shall host the above information on its website within one month from the date of notification of these Regulations.

(3) The transmission/distribution licensee shall submit a monthly report to the Commission or as often requested by the Commission in the following format:-

No.	Name and address of the Green Energy Open Access/ wheeling consumer	Point of drawal	Capacity allowed (MW)	Period of Green Energy Open Access allowed	Actual annual utilization of Energy in MU/ % of Total Green Energy purchased

16. Power to issue Directions and Orders.- Subject to the provisions of the Electricity Act, 2003 and these Regulations, the Commission may, from time to time, give such directions and issue such orders as are considered appropriate for implementation of these Regulations and procedures to be followed.

17. Power to Relax.- The Commission may by general or special order, for reasons to be recorded in writing, and after giving an opportunity of being heard to the parties likely to be affected, may relax any of the provisions of these Regulations on its own motion or on an application made before it by any interested person.

18. Power to Remove Difficulties.- If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or special order, make such provisions or direct the consumers, generators and/or licensees to take suitable action, not being inconsistent with the provisions of the Act, which in the opinion of the

Commission is necessary or expedient to do so for the purpose of removing the difficulty. The Green Energy Open Access consumers/licensees may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in implementation of these Regulations.

19. **Power to Amend.-** The Commission may, from time to time add, vary, alter, modify amend, repeal or review any of the provisions of these Regulations after duly following the necessary procedures.

20. **Savings.-** Nothing in these Regulations shall limit the inherent powers of the Commission to make such orders as may be necessary to meet the ends of justice or to prevent abuses of the process of law / statutes. Nothing in these Regulations shall bar the Commission from adopting, any other procedure, which may be at variance with any of the provisions of these Regulations, as long as they are in conformity with the provisions of the Act and the policies framed by the Central / State Government thereto:

Provided that the reasons for any such deviation shall be recorded in writing:

Provided further that nothing in these regulations shall, expressly or implicitly, bar the Commission from dealing with any matter under these Regulations or exercising any power under the Act for which no regulations have been framed.

Sd/-

Secretary

For Himachal Pradesh Electricity Regulatory Commission