

No. MPERC-2023-497

Bhopal, the 9th March 2023

In exercise of the powers conferred under Section 181 of the Electricity Act, 2003 (36 of 2003), read with Section 42, Section 61 and Section 86 thereof and all other powers enabling it in this behalf, and after previous publication, the Madhya Pradesh State Electricity Regulatory Commission hereby makes the following Regulations, namely:-

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
(METHODOLOGY FOR DETERMINATION OF OPEN ACCESS CHARGES AND
BANKING CHARGES FOR GREEN ENERGY OPEN ACCESS
CONSUMERS REGULATIONS, 2023 (G-46 of 2023)**

CHAPTER 1

1. Short Title and Commencement-

- 1.1. These Regulations shall be called Madhya Pradesh Electricity Regulatory Commission (Methodology for determination of Open Access charges and Banking charges for Green Energy Open Access consumers) Regulations 2023 (G-46 of 2023).
- 1.2. These Regulations shall come into force from the date of their publication in the Madhya Pradesh Gazette.
- 1.3. These Regulations shall extend to the whole of the State of Madhya Pradesh.

2. Objective

The objective of these Regulations is to provide a Methodology for the determination of Open Access Charges and Banking Charges for Green Energy Open Access Consumers.

3. Definitions

- (1) In these Regulations, unless the context otherwise requires,
- (a) **‘Act’** means the Electricity Act, 2003 (36 of 2003);
 - (b) **‘Banking’** means the surplus green energy injected in the grid and credited with the Distribution Licensee by the Green Energy Open Access consumers and which can be drawn along with charges to compensate additional cost, if any;
 - (c) **‘Banking Cycle’** means a continuous period of 3 months starting from the date of commencement of banking provided that the Distribution Licensee depending upon the feasibility and for reasons to be recorded in writing shall be entitled to extend the period of banking cycle not beyond the end of a financial year and such extension of banking cycle shall not be altered more frequently than once in a financial year;
 - (d) **‘Central Commission’** means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act;
 - (e) **‘Central Nodal Agency’** means a Central Nodal Agency as notified by the Central Government to set up and operate a single window green energy open access system for renewable energy;
 - (f) **‘Commission’** means the Madhya Pradesh Electricity Regulatory Commission constituted under the Act;
 - (g) **‘Day Ahead Market (DAM)’** means a market where Day Ahead Contracts are transacted on the Power Exchange(s);
 - (h) **‘Fossil Fuel’** means fuels such as coal, lignite, gas, liquid fuel or combination of these as its primary source of energy, which are used in Thermal Generating Station for generating electricity;
 - (i) **‘Green Energy’** means the electrical energy from renewable sources of energy including hydro and storage (if the storage uses renewable energy) or any other technology as may be notified by the Government

of India from time to time and shall also include any mechanism that utilises green energy to replace fossil fuels including production of green hydrogen or green ammonia as per provision of clause G of sub-rule (2) of rule 4 of Green Energy Open Access Rules, 2022;

- (j) **‘Green Energy Open Access Consumer’** means any person who has contracted demand or sanctioned load of 100 kW or more or such other limit as may be specified by Commission from time to time with the Distribution Licensee, except for captive consumers, who are supplied with electricity from green energy sources for their own use by a Licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving green energy with the works of a Licensee, the Government or such person, as the case may be;
- (k) **‘Rules 2022’** means the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and subsequent amendments;
- (l) **‘Renewable Energy Sources’** means the hydro, wind, solar, biomass, biofuel, biogas, bagasse, waste including municipal and solid waste, geothermal, tidal, forms of oceanic energy, or combination thereof, with or without storage and such other sources as may be notified by the Central Government from time to time; and
- (m) **‘Standby Charges’** means the charges applicable to Green Energy Open Access Consumers against the standby arrangement provided by the Distribution Licensee, 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 systems and the like.

- (2) Words and expressions used and not defined in these Regulations but defined

in the Act, Indian Electricity Grid Code (IEGC), Madhya Pradesh Electricity Grid Code (MPEGC) or any other Regulation of the Appropriate Commission shall have the meaning assigned to them under the Act or the IEGC or the MPEGC or any other Regulation of the Appropriate Commission as the case may be.

4. Scope

These regulations shall be applicable for allowing Open Access to electricity generated from renewable energy sources as defined under Clause (1) of Regulation 2 of these Regulations.

CHAPTER 2

GREEN ENERGY OPEN ACCESS CHARGES

5. Charges for Green Energy Open Access

The charges on Green Energy Open Access consumers shall be as follows: -

- 1.1. Transmission charges;
- 1.2. Wheeling charges;
- 1.3. Cross subsidy Surcharge;
- 1.4. Additional surcharge;
- 1.5. Standby charges wherever applicable;
- 1.6. Banking Charge; wherever applicable; and
- 1.7. Applicable Scheduling Fees/Charges of SLDC/RLDC and Deviation charges as per the relevant regulations of the Appropriate Commission.

6. Transmission Charges

- a) **For use of inter-State transmission system:** Charges shall be levied on Green Energy Open Access Consumers as determined by the Central Commission from time to time.

b) For use of intra-State transmission system: Charges shall be levied on Green Energy Open Access Consumers as determined by the Commission in MYT Transmission Tariff Orders from time to time:

Provided that, where a dedicated transmission system for open access has been constructed by Transmission Licensee and used for exclusive use of an Open Access Consumer, the Transmission Charges for such dedicated system shall be worked out by Transmission Licensee and shall get the same approved from the Commission. The charges shall be borne entirely by such Open Access Consumer till such time its surplus capacity, if any, is allotted and used by other persons or for other purposes:

Provided further that after allotment of such surplus capacity to other open access consumers, the charges shall be borne proportionately in the ratio of allotment of total capacity amongst the open access consumers:

Provided also that after utilization of such surplus capacity for other purposes by the transmission Licensee, the charges shall be reduced to the extent surplus capacity is used by Transmission Licensee:

Provided also that transmission charges shall not be applicable in case dedicated lines (as defined under Section 2(16) of the Act) constructed by generator are being utilized for supply to the Green Energy Open Access Consumer.

Provided also that in addition to transmission charges, Intra-State transmission loss shall be applicable to consumers seeking Green Energy Open Access as may be determined and notified by State Load Despatch Center, Madhya Pradesh from time to time in accordance with applicable Regulations.

7. Wheeling Charges: Wheeling charges shall be levied on Green Energy Open Access Consumers as determined by the Commission in Retail Supply Tariff order issued from time to time: