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PART IV-C

**Statutory Rules and Orders (Other than those published in Parts I, I-A and I-L)
made by Statutory Authorities other than the Government of Gujarat
including those made by the Government of India, the High Courts, the
Director of Municipalities, the Commissioner of Police, the Director of
Prohibition and Excise, the District Magistrates and the Election
Commission, Election Tribunals, Returning Officers and other
authorities under the Election Commission.**

GUJARAT ELECTRICITY REGULATORY COMMISSION (GERC) GANDHINAGAR

**Gujarat Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access)
Regulations, 2024.**

NOTIFICATION NO. 08 OF 2024

GERC/2024/08/Legal/0466: 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), thereof and all other powers enabling it in this behalf, and after previous publication, the Gujarat Electricity Regulatory Commission hereby makes the following Regulations, namely Gujarat Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2024.

1. Short Title, Extent and Commencement

- 1) These Regulations shall be called the Gujarat Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2024.
- 2) These Regulations shall be applicable for Green Energy Open Access (GEOA) desire to avail by the Licensee, Green Energy Generator or Consumer who have contracted demand or sanctioned load of Hundred (100) KW or more, either through single connection or through multiple connections aggregating Hundred (100) kW or more located in same electricity division of a distribution licensee.

Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned load (kW/MW, KVA/MVA) with Discoms.

- 3) These Regulations will come into force from the date of their notification in the Official Gazette of Gujarat.
- 4) The Banking Charge specified in the Regulation 17.6 shall be effective from the date of notification of these Regulations up to 30th September 2024 and thereafter the banking charges for the period starting from 1st October 2024 and onwards shall be as decided by the Commission through a separate notification of Regulation.
- 5) These Regulations shall extend to the whole State of the Gujarat.

2. Objective

The objective of these Regulations is to provide non-discriminatory Open Access for Green Energy (Renewable Energy) for use of Intra-State Transmission System(s) (InSTS) and/or Distribution System(s) of licensee(s) in State including Intra-State Transmission or Distribution System(s), which are incidental to Inter-State Transmission of electricity, for grant of open access, methodology for the determination of Open Access Charges and Banking Charges etc. for Green Energy Open Access consumers.

3. Definitions

In these Regulations, unless the context otherwise requires,

- (a) “Act” means the Electricity Act, 2003 (36 of 2003) and Gujarat Electricity Industry (Reorganization and Regulation) Act, 2003.
- (b) “Applicant” means a consumer, trading licensee, distribution licensee or a Generating Company, Captive Generating Plant who has applied for seeking Green Energy Open Access, as the case may be.
- (c) “Appropriate Commission” means the Central Regulatory Commission referred to sub-Section (1) of Section 76 or State Regulatory Commission referred to Section 82 or Joint Commission referred to Section 83 of the Act, as the case may be.
- (d) “Banking” means the surplus green energy 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.
- (e) “Captive Generating Plant” (CGP) means a power plant set up by any person to generate electricity primarily for his own use and includes a power plant set up by any co-operative society or association of persons for generating electricity primarily for use of members of such co-operative society or association.
- (f) “Central Commission” means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act.
- (g) “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 Green Energy (Renewable Energy) as specified by Ministry of Power in the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022.
- (h) “Commission” means the Gujarat Electricity Regulatory Commission constituted under the Act.
- (i) “Consumer” means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under the Electricity Act, 2003 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 electricity with the works of a licensee, the Government or such other person, as the case may be.
- (j) “Developer” means the generating company who generate electrical energy from renewable sources of energy.
- (k) “Day Ahead Market (DAM)” means a market where Day Ahead Contracts are transacted on the Power Exchange(s).
- (l) “Entity” means any consumer who has contracted demand or sanctioned load of Hundred (100) KW or more either through single connection or through multiple connections aggregating Hundred (100) KW or more located in the same electricity division of a distribution licensee, except for captive consumers.

Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned load (kW/MW, KVA/MVA) with Discoms.

- (m) "Existing Open Access Consumer/Customer" means a person already availing 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.
- (n) "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.
- (o) "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 utilizes green energy to replace fossil fuels including production of green hydrogen or green ammonia and any other sources as may be determined by the Central Government as per the provision of Clause G of sub-rule(2) of rule 4 of Electricity (Promoting Renewable Energy Through Green Energy Open Access), Rules 2022.
- (p) "Green Energy Open Access Consumer" means any person who has contract demand or sanctioned load of Hundred (100) kW or more, either through single connection or through multiple connections aggregating Hundred (100) kW or more located in same electricity division of a distribution licensee, shall be eligible to avail Green Energy through Open Access, who is supplied with electricity from green energy sources for his own use by a licensee or the Government or from its own Captive Generation Plant or by any other person engaged in the business of supplying electricity to the public under the Electricity Act, 2003 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.

Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned load (kW/MW, KVA/MVA) with Discoms availing power under Green Energy Open Access.

- (q) "Installation" means any composite portable or stationary electrical unit including electric wires, fittings, motors, and apparatus erected and wired by or on behalf of the consumer at the consumer's premises starting from the point of supply and includes apparatus that is available on his premises for being connected or envisaged to be connected to the installation but is for the time being not connected.
- (r) "Month" means a calendar month as per the Gregorian calendar.
- (s) "Obligated Entity" means the entities/person 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.
- (t) "Open Access" means the non-discriminatory provisions for use of transmission lines and/or distribution system or associated facilities with such lines or system by any licensees or consumers or a person engaged in generation in accordance with the Regulations specified by the Appropriate Commission.
- (u) "Person" shall include any company or body corporate or association or body of individuals, whether incorporated or not or artificial juridical person.
- (v) "Premises" include any land, building or structure.
- (w) "Rules" means Rules made under the Electricity Act, 2003 including Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and subsequent amendments.
- (x) "State Transmission Utility" means Board or Government company specified as such by the State Government under sub-Section (1) of Section 39 of the Act.
- (y) "State Nodal Agency" means the Nodal Agency for grant of open access in the State of Gujarat.

Gujarat State Load Dispatch Centre shall operate as the State Nodal Agency for grant of Short-Term Open Access to Intra-State Transmission System in conjunction with or without Distribution Network of Distribution Licensee of the State. The State Transmission Utility (STU) shall operate as a State Nodal

Agency for grant of Medium-Term and Long-Term Open Access to the Intra-State Transmission Network in conjunction with or without Distribution Network of Distribution Licensee of the State.

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

- (z) “State Load Dispatch Centre” means State Load Dispatch Centre established under sub-Section (1) of Section 31 of the Act.
- (aa) “SERC” means the State Electricity Regulatory Commission.
- (bb) “Standby Arrangement” means Standby Arrangement provided by the distribution licensee in case the Green Energy Open Access consumer is unable to procure / schedule power from the generating sources with whom they have the arrangement to avail the supply due to outages of such generators, transmission assets and the like.
- (cc) “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.
- (dd) “Wheeling” means operation whereby the distribution system and associated facilities of transmission licensee or distribution licensee as the case may be, are used by another person for the conveyance of electricity on payment of charges determined under Section 62 of the Act.

4. Interpretation of Regulations

In the interpretation of these Regulations, unless the context otherwise requires:

- (i) Words and expressions used and not defined in these regulations but defined in the Act or Rules, the IEGC or State Grid Code or State Distribution Code or State Electricity Supply Code shall have the meaning assigned to them under the Act or Rules, IEGC or any other Regulations notified by the Commission as the case may be.
- (ii) The General Clauses Act, 1897 (10 of 1897) as amended from time to time, shall apply for the interpretation of these regulations as it applies for interpretation of an Act of Parliament.
- (iii) Words in the singular or plural term, as the case may be, shall also be deemed to include the plural or the singular term, respectively.
- (iv) The terms “include” or “including” shall be deemed to be followed by “without limitation” or “but not limited” to regardless of whether such terms are followed by such phrases or words of like import.
- (v) References herein to the “Regulations” shall be construed as a reference to these Regulations as amended or modified by the Commission from time to time in accordance with the applicable laws in force.
- (vi) The headings are inserted for convenience and may not be taken into account for the purpose of interpretation of these Regulations.
- (vii) References to the Statutes, Regulations or Guidelines shall be construed as including all statutory provisions consolidating, amending, or replacing such Statutes, Regulations or Guidelines, as the case may be, referred to.
- (viii) In case of inconsistency between any provisions of these regulations and any other regulations or order passed by the Commission, the principle of harmonious interpretation shall be applied. Even thereafter if inconsistency persist, the provisions of these Regulations shall prevail.

5. Scope

These Regulations shall be applicable for allowing Open Access to electricity generated from green energy sources as defined herein above in Regulation 3 of these Regulations, including the energy from non-fossil fuel based Municipal Solid Waste-to-Energy plant for use of Intra-State Transmission System (InSTS) or distribution system or both in the State including Intra-State Transmission System(s) (InSTS) and/or Distribution System (s) which are incidental to Inter- State Transmission of electricity.

6. Criteria for Allowing Green Energy Open Access

- I. 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.
- II. The Short-Term/Medium-Term Green Energy Open Access shall be allowed, if the request can be 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;
- III. Installation of energy meter i.e., ABT complaint meter at generator end as well as at consumer end seeking open access for 1 MW and above. While in case of consumer seeking open access below 1 MW, installation of Special Energy Meter capable of energy recording on 15 minutes time block basis.
- IV. No dues of concerned licensee and/or SNA.

7. Categorization of Green Energy Open Access:

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” means the right to use the intra-State transmission system and/or distribution system for a period exceeding 12 years but not exceeding 25 years.
- II. “Medium-term Green Energy Open Access” means the right to use the intra-State transmission system and/or distribution system for a period exceeding three months but not exceeding three years.
- III. “Short-Term Green Energy Open Access” means open access for a period up to one month at a time.

Provided that on expiry of granted Short-term Green Open Access, if such consumer/customer desires to avail the Short-Term Green Energy Open Access for further period, it shall require to file application for such period and such application shall be considered as fresh application and priority shall be fixed on the basis of date of such application.

8. Application procedure for Green Energy Open Access

- (1) All applications for Green Energy Open Access shall be made in the prescribed Form along with necessary documents, details, and fee if any, to be submitted to the Nodal agency in accordance with these Regulations.
- (2) All applicants seeking Green Energy Open Access shall submit an undertaking of not having entered into Power Purchase Agreement (PPA) or any other bilateral agreement with more than one person for the capacity (quantum of power) for which Green Energy Open Access is sought.

Notwithstanding anything contained in Regulation 8(2) above, a drawee entity (consumer /distribution licensee) shall be eligible to enter into Power Purchase Agreement (PPA) or any other bilateral agreement with more than one person within the quantum of Green Energy Open Access granted or sought by it.

9. Eligibility Criteria for applying Green Energy Open Access

- (I) The Consumer(s) who have contracted demand or sanctioned load of Hundred (100) KW or more, either through single connection or through multiple connections aggregating Hundred (100) kW or more located in same electricity division of a distribution licensee, shall be eligible for Open Access for sourcing Green Energy (RE) under these Regulations.

Provided that in case of captive consumers, there shall not be any load limitation in terms of contract demand/sanctioned load (kW/MW, KVA/MVA) with Discoms.

- (II) The minimum number of time blocks, which shall not be more than 12 time-blocks, for which the consumer shall not change the quantum of power consumed through Green Energy Open Access so as to avoid high variations in demand to be met by the distribution licensee.