



MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

EXPLANATORY MEMORANDUM

ON

**DRAFT MAHARASHTRA ELECTRICITY REGULATORY
COMMISSION (DISTRIBUTION OPEN ACCESS) (SECOND
AMENDMENT) REGULATIONS, 2023**

August, 2023

TABLE OF CONTENTS

1	<u>INTRODUCTION</u>	2
2	<u>THE ELECTRICITY (PROMOTING RENEWABLE ENERGY THROUGH GREEN ENERGY OPEN ACCESS) RULES, 2022 AND RELATED AMENDMENTS</u>	4
3	<u>PETITION SEEKING REMOVAL OF DIFFICULTIES IN IMPLEMENTATION OF MERC (DISTRIBUTION OPEN ACCESS) REGULATIONS, 2016</u>	15

1 Introduction

1.1 Background & Regulatory Framework

As per Section 86 (1) (a) of the Electricity Act, 2003 (“EA 2003” or “the Act”), the State Electricity Regulatory Commissions (SERCs or Commissions) have been assigned the function of promoting generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person. In order to promote generation from Renewable Energy (RE) sources in the State of Maharashtra, the Maharashtra Electricity Regulatory Commission (“MERC” or “the Commission”) has notified the MERC (Terms and Conditions for Determination of Renewable Energy Tariff) Regulations, 2019 (“MERC RE Tariff Regulations”) in December, 2019, the MERC (Renewable Purchase Obligation, its Compliance and Implementation of Renewable Energy Certificate Framework) Regulations, 2019 (“MERC RPO Regulations”) in December, 2019, and the MERC (Grid Interactive Rooftop Renewable Energy Generating Systems) Regulations, 2019 in December 2019. The Commission also notified the MERC (Distribution Open Access) Regulations, 2016 on 30th March 2016 and amended it in 2019, for facilitating Open Access on the distribution system of the Distribution Licensees.

In the backdrop, the Government of India (GoI) has set a target to install Renewable energy (RE) capacity of 500 GW by 2030. In order to promote and facilitate installation of RE, Ministry of Power (MoP), GoI, has recently issued few Rules and Orders, to act as a catalyst in achieving the envisaged target. MoP has notified The Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 on 06th June, 2022, The Electricity (Promoting Renewable Energy Through Green Energy Open Access) Amendment Rules, 2023 on 27th January, 2023, and The Electricity (Promoting Renewable Energy Through Green Energy Open Access) (Second Amendment) Rules, 2023 on 23rd May, 2023. MoP has also sent a letter dated 13th September, 2022 to all Electricity Regulatory Commissions (ERCs), advising the ERCs to make their Regulations consistent and in alignment with the above-said Rules. Hence, the Commission proposes to incorporate the relevant amendment clauses at the appropriate places in the MERC (Distribution Open Access) Regulations, 2016 in accordance with the Rules notified by the MoP.

The rationale for the changes proposed in the MERC ((Distribution Open Access) Regulations, 2016 have been elaborated in this Explanatory Memorandum. In cases where no change is proposed, the same has not been explicitly mentioned. Generally, only the clauses where any addition/modification is proposed in the MERC (Distribution Open Access) (Second Amendment) Regulations, 2023 have been discussed in this Explanatory Memorandum.

The Commission while formulating the MERC (Distribution Open Access) (Second Amendment) Regulations, 2023, has endeavoured to balance the interest of consumers and Distribution Licensees.

The Explanatory Memorandum is organised in the following Chapters:

Chapter 1: Introduction

Chapter 2: The Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022, issued by MoP in June 2022, and subsequent amendments in January 2023 and June 2023.

Chapter 3: Petition Seeking Removal of Difficulties in Implementation of MERC (Distribution Open Access) Regulations, 2016 (Amendment related to the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022)

2 The Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and related amendments

This Chapter of the Explanatory Memorandum elaborates the reasoning and justification for incorporating the changes related to provisions of open access for green energy, in order to align the MERC (Distribution Open Access) Regulations, 2016 and MERC MERC (Distribution Open Access) First Amendment Regulations, 2019 with the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 notified by the MoP on 06th June 2022, and subsequent amendments notified on 27th January 2023 and 23rd May 2023.

2.1 Background

The MoP notified the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 on 06th June 2022, wherein MoP has stipulated the framework for Green Energy Open Access.

On 13th September 2022, MoP has sent a letter to all the ERCs, wherein it is stated as under:

“ ...

2. ...Any Regulations framed by the Central Electricity Authority or the Appropriate Commission have to be in accordance with the Electricity Act and the Rules made thereunder. In case of any conflict between the Rules and the Regulations, the Rules shall prevail – and to the extent that the Regulations are violative of the Rules they shall be non-est.

...

6. All the concerned may take appropriate action for compliance of the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022. Wherever required, the Appropriate Commission shall align their regulation with respect to these Rules.”

The Commission notes that the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 mainly stipulate the Eligibility criteria for Green Energy Open Access, Renewable Purchase Obligation, Nodal Agency, Banking Charges to be levied for Green Energy Open Access, etc.

The MoP notified the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Amendment Rules, 2023 on 27th January 2023, wherein MoP has amended the proviso related to banking for Green Energy Open Access. Also, in FOR Model Regulations, the banking

charges is specified @8%. In the existing MERC (Distribution Open Access) Regulations, 2016 the banking charge is @2% for Green Energy open access consumers. Accordingly, the MERC (Distribution Open Access) Regulations, 2016 needs to be amended to be in alignment with the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Amendment Rules, 2023 and FOR Model Regulations.

Hence, in order to align the MERC (Distribution Open Access) Regulations, 2016 with the provisions related to Green Energy Open Access in the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022, the necessary amendments are proposed to be incorporated in the MERC (Distribution Open Access) Regulations, 2016, by making the necessary amendments.

The various aspects on which amendments are required in the MERC (Distribution Open Access) Regulations, 2016, are summarised below:

- a) The Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 defines certain new terms, which need to be defined in the MERC (Distribution Open Access) Regulations, 2016.
- b) The Rules stipulates the Banking related provisions for green energy, which is different from the framework specified in the existing MERC (Distribution Open Access) Regulations, 2016. Hence, there is requirement to address Banking of Green Energy in the proposed amendment to the MERC (Distribution Open Access) Regulations, 2016.
- c) The Rule provides for eligibility criteria for Green Energy Open Access, Nodal agency, etc. It is proposed to amend the MERC (Distribution Open Access) Regulations, 2016 to incorporate these clauses.

2.2 Introduction of Regulation 2.1(7)(a) after Regulation 2.1(7) of the Principal Regulations:

"2.1(7)(a) **“Central Nodal Agency”** means the nodal agency notified by the Central Government to set up and operate a single window green energy open access system for renewable energy.”

2.3 Introduction of Regulation 2.1(19)(a) and 2.1(19)(b) after Regulation 2.1(19) of the Principal Regulations:—

“2.1(19)(a) **“Entity”** means any consumer who has contracted demand or sanctioned load of Hundred kW or more through multiple connections aggregating Hundred kW

or more located in same electricity division of a Distribution Licensee, except for captive consumers:

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

“2.1(19)(b) “Forum of Regulators” means the Forum as referred to in sub-section (2) of Section 166 of the Act.

2.4 Substitution of Regulation 2.1(32) of the Principal Regulations:

“2.1(32) “Renewable Energy”/“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 any other sources, as may be, determined by the Central Government.

2.5 Introduction of Regulation 2.1(32)(a) after Regulation 2.1(32) of the Principal Regulations:

“2.1(32)(a) “Rules” shall mean the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and subsequent amendments.

2.6 Deletion of 2nd and 8th Provisos to Regulation 3.2 of the Principal Regulations:

The Regulation 3.2 of the existing MERC (Distribution Open Access) Regulations, 2016 as amended in 2019 specifies as under:

“3.2 Subject to the provisions of these Regulations, a Consumer having Contract Demand of 1 MVA and above with a Distribution Licensee shall be eligible for Open Access for obtaining supply of electricity from one or more

(a) Generating Plants or Stations, including Captive Generating Plants;

(b) Trading Licensees

(c) Power Exchanges

(d) Other Distribution Licensees

(e) any other sources, or a combination thereof, and all collectively called ‘Sources’:

Provided further that Partial Open Access Consumer shall be permitted to avail Open Access for the capacity not exceeding its existing Contract Demand with the Distribution Licensee on the date of application, whereas, Full Open Access Consumer shall be permitted to avail Open Access for capacity not exceeding its sanctioned load:

Provided further that for Open Access Consumer seeking to source power using Open Access from renewable energy based generators, the above specified capacity limit up to contract demand or sanctioned load shall not be applicable, subject to conditions of resultant power flow specified under Regulation 8.10:

Provided further that a Consumer located in the area of a Distribution Franchisee shall also be eligible for Open Access:

Provided also that a Distribution Franchisee shall not be eligible for Open Access, except in its capacity as a Consumer:

Provided also that the Maximum Demand of such Consumer or person in each financial year subsequent to its being granted Open Access shall be equal to or greater than seventy (70) percent of the threshold level at which it has become eligible for Open Access:

Provided also that, if the Consumer fails to achieve the Maximum Demand in two consecutive months, the Distribution Licensee shall be entitled to a penalty equal to two times the wheeling charges for the financial year or part thereof for which he the Consumer failed to achieve such Maximum Demand:

Provided also that, if such Consumer or person has not complied with the above proviso in 3 consecutive months, the Distribution Licensee may initiate the process of reassessment and reinstatement or reduction of Contract Demand:

Provided further that Consumers intending to have Roof-Top Solar Photo Voltaic Systems can simultaneously avail open access under these Regulations; subject to a condition that in such cases, the credit for solar generation shall be adjusted on Gross metering basis for such period for which open access is availed by the Consumer. The applicable rate for sale under such Gross metering arrangement shall be equivalent to the rate stipulated under the yearly Generic tariff Order for Renewable Energy Technologies based on the principles stipulated therein.”

The 2nd Proviso of above Regulation 3.2 has been reworded and incorporated in the newly proposed Regulation 3.3, as discussed below. Further, the 8th Proviso specifies that in case of consumers having roof-top solar connections and availing Open Access simultaneously, the credit

for solar generation shall be adjusted on Gross metering basis for such period for which open access is availed by the Consumer. This Proviso had been incorporated by the Commission, in view of the anticipated billing complications in such cases. However, now the billing system has been streamlined and this is no longer a concern. Therefore 8th provision has been reworded and incorporated in the newly proposed Regulation 3.4.

Hence, it is proposed to delete the 2nd and 8th provisos of the above Regulation 3.2.

It is also proposed to introduce a new Regulation 3.3, as under, to incorporate the issues related to Green Energy Open Access in accordance with the stipulations under the Rules.

“3.3 Notwithstanding anything contained in Regulations 3.2, Consumer having Contract Demand or Sanctioned Load of 100 kW or more or as may be amended in the Rules from time to time, or Entity through multiple connections aggregating 100 kW or more located in same electricity division of a Distribution Licensee, shall be eligible to take power from Green Energy through Open Access:

Provided that there shall be no limit of supply of power for the captive consumers taking power under Green Energy Open Access:

Provided further that for Open Access consumers sourcing power from renewable energy generators, capacity limit up to Contract Demand or Sanctioned Load as specified in Regulation 3.2 shall not be applicable, but shall be subject to conditions of resultant power flow specified under Regulation 8.10:

Provided also that in case of multiple connections before start of Green Energy Open Access, consumers shall intimate the Distribution Licensee in advance regarding the percentage share of energy generation from the Renewable Energy projects to each connection so as to enable the Distribution Licensee to account for the same appropriately:

Provided also that Green Energy Open Access consumers shall not change the quantum of power consumed through open access for at least twelve-time blocks.”

3.4 Subject to meeting eligibility criteria under Regulation 3.2 or 3.3 as the case may be, Consumer having Roof Top Renewable Energy Generating Systems can simultaneously avail Open Access under these Regulations.

2.7 Introduction of 3rd Proviso to Regulation 4.1 of the Principal Regulations:

Regulation 4.1 of the existing MERC (Distribution Open Access) Regulations, 2016 as amended in 2019 specifies as under:

“4.1 Application Formats, etc.

An application for Connectivity to the Distribution System of a Distribution Licensee shall be made to the Nodal Agency in the format at Annexure 1 of these Regulations with the required particulars, documents and fees:

Provided that every Distribution Licensee shall provide on its internet website, within thirty days from the notification of these Regulations or within sixty days from the grant of Licence, whichever is applicable, the information requirements, procedures, application forms and fees, in downloadable format, necessary for applying for Connectivity or Open Access to its Distribution System:

Provided further that the application formats under the Maharashtra Electricity Regulatory Commission (Distribution Open Access) Regulations, 2014 shall continue to be used till such time as the application forms under these Regulations are issued or uploaded, and any inconsistency between them and the provisions of these Regulations shall be harmoniously construed for the purposive application.”

The Rules provide that the procedures and formats for Green Open Access shall be devised by the Central Nodal Agency. Hence, the following 3rd Proviso is proposed:

“Provided also that procedures and formats devised by Central Nodal Agency as per provisions of Rules shall be followed for seeking Green Energy open access.”

2.8 Introduction of 3rd, 4th and 5th Provisos after 2nd Proviso to Regulation 8.1 of the Principal Regulations:

Regulation 8.1 of the existing MERC (Distribution Open Access) Regulations, 2016 as amended in 2019 specifies as under:

“8.1 An application for Open Access shall be made in the prescribed Form to the Nodal Agency along with application fees and any other charges as may be stipulated from time to time:

Provided that nodal agency shall process the application for STOA and MTOA including application fee only through online mode. Necessary web-portal functionalities for online processing with secured payment gateways shall be established by the Nodal Agency with suitable amendment to the procedures within three months. The software shall necessarily include day or time punching of the complete process and the trails of this process or processing shall also be available in the system:

Provided that the time periods specified in Regulations 9, 10 and 11 shall be applicable from the date of submission of an Application which is complete in all respects.”

The Rules provide that the procedures and formats for Green Open Access shall be devised by the Central Nodal Agency. Further, the Rules stipulate the Nodal Agency for short-term Open Access and medium-term Open Access.

Hence, the following 3rd, 4th and 5th Provisos are proposed:

“Provided further that formats and timelines devised by Central Nodal Agency as per provisions of Rules shall be followed for seeking Green Energy open access:

Provided also that in case of Short-Term Green Energy Open Access, Maharashtra State Load Despatch Centre and in case of Medium / Long Term Green Energy Open Access, the State Transmission Utility shall perform duties of Nodal Agency as stipulated in the procedure framed by Central Nodal Agency:

Provided also that concerned Distribution Licensee shall provide all required details to the Nodal Agency so as to enable them to comply with the timelines stipulated in Rules and procedure for Green Open Access framed by the Central Nodal Agency.”

2.9 Introduction of 2nd, 3rd and 4th Provisos after 1st Proviso to Regulation 14.7 (d) of the Principal Regulations:

Regulation 14.7(d) of the existing MERC (Distribution Open Access) Regulations, 2016 as amended in 2019 specifies as under:

“d. The Cross-Subsidy Surcharge payable to the Distribution Licensee by a Consumer shall be as determined by the Commission in the Tariff Order in respect of the Distribution Licensee or any other applicable Order:

Provided that, in case the Open Access Consumer or Licensee, as the case may be, purchases power from a Renewable Source of energy, the Cross-Subsidy Surcharge shall be as determined by the Commission.”

The Rules stipulate that the cross-subsidy surcharge for Green Energy Open Access Consumer shall not be increased during twelve years by more than fifty percent of the surcharge fixed for the year in which open access is granted. The Rules also stipulate that cross-subsidy surcharge shall not be applicable in case the Open Access consumer sources power from a non-fossil fuel based Waste-to-Energy plant. The Rules also stipulate that cross-subsidy surcharge shall not be applicable if green energy is utilized for production of green hydrogen and green ammonia.

Hence, the following 3rd, 4th and 5th Provisos are proposed:

“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 also that 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 also that cross-subsidy surcharge shall not be applicable if green energy is utilized for production of green hydrogen and green ammonia.”

2.10 Introduction of 2nd, 3rd and 4th Provisos after 1st Proviso to Regulation 14.8 (d) of the Principal Regulations:

Regulation 14.8(d) of the existing MERC (Distribution Open Access) Regulations, 2016 as amended in 2019 specifies as under:

“d. The Commission shall determine the category-wise Additional Surcharge to be recovered by the Distribution Licensee from an Open Access Consumer, based on the following principles:

- i. The cost must have been incurred by or be expected, with reasonable certainty, to be incurred by the Distribution Licensee on account of such Consumer; and*

- ii. *The cost has not been or cannot be recovered from such Consumer, or from other Consumers who have been given supply from the same assets or facilities, through Wheeling Charges, stand-by charges or other charges approved by the Commission:*

Provided that such Additional Surcharge shall be applicable to all Consumers who have availed Open Access to receive supply from a source other than the Distribution Licensee to which they are connected.”

The Rules stipulate that the Additional Surcharge for Green Energy Open Access Consumer shall not be applicable in case the Open Access consumer sources power from a non-fossil fuel based Waste-to-Energy plant. The Rules also stipulate that Additional Surcharge shall not be applicable if green energy is utilized for production of green hydrogen and green ammonia. The Rules also stipulate that Additional Surcharge shall not be applicable in case Open Access electricity is sourced from offshore wind projects, which are commissioned up to December, 2032.

Hence, the following 3rd, 4th and 5th Provisos are proposed:

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

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

Provided also that additional surcharge shall not be applicable in case of electricity produced from offshore wind projects, which are commissioned up to December, 2032 and supplied to the Open Access Consumers.”

2.11 Introduction of 2nd Proviso after 1st Proviso to Regulation 17.1 of the Principal Regulations:

Regulation 17.1 of the existing MERC (Distribution Open Access) Regulations, 2016 as amended in 2019 specifies as under:

“17.1 All Open Access Consumers and Generating Stations shall install Special Energy Meters (‘SEM’s):

Provided that any existing or prospective Consumer who has not sought Open Access but desiring it shall have the option to install such SEM at his premises.”

In view of the fact that under the revised framework, consumers having contract demand/sanctioned load of 100 kW are also eligible for Green Open Access, which fall under LT category, these connections would find it difficult to install SEMs, considering the CT/PT requirement. Further, the set off of energy generation is allowed on ToD basis, based on the TOD meter. Hence, in order to facilitate such consumers, it is proposed to allow Green Open Access to consumers with Contract Demand lower than 1 MW based on ToD meter, without insisting on the SEM.

Hence, the following 2nd Proviso is proposed:

“Provided further that Green Energy Open Access to Consumer with Contract Demand lower than 1 MW shall be allowed based on ToD meter.”

2.12 Substitution of Regulation 20.4 of the Principal Regulations:

Regulation 20.4 of the existing MERC (Distribution Open Access) Regulations, 2016 as amended in 2019 specifies as under:

“20.4 Banking Charges shall be adjusted in kind @2% of the energy banked.”

The FOR Model Regulations framed as stipulated in the Rules provides for 8% banking charges. Hence, the following amendment is proposed:

“20.4 Banking charges shall be adjusted in kind @ 8% of the energy banked.”

2.13 Substitution of Regulation 20.5 of the Principal Regulations:

Regulation 20.5 of the existing MERC (Distribution Open Access) Regulations, 2016 as amended in 2019 specifies as under:

“20.5. *The unutilised banked energy at the end of the month, limited to 10% of the actual total generation by such Renewable Energy generator in such month, shall be considered as deemed purchase by the Distribution Licensee at a rate equivalent to that stipulated under yearly Generic RE Tariff Order applicable for respective technology.*

Provided that such deemed purchase shall be counted towards the Renewable Purchase Obligation of the Distribution Licensee.”

The Rules provide that the un-utilised surplus banked energy shall be considered as lapsed at the end of each banking cycle, and the RE generator shall be entitled to get RECs to the extent of lapsed banked energy. Hence, the following amendment is proposed:

“20.5 The un-utilised surplus banked energy shall be considered as lapsed at the end of each banking cycle:

Provided that the Renewable Energy generating station shall be entitled to get Renewable Energy Certificates to the extent of the lapsed banked energy.”

3 Petition Seeking Removal of Difficulties in Implementation of MERC (Distribution Open Access) Regulations, 2016

This Chapter of the Explanatory Memorandum elaborates the issues raised by the Petitioner related to Green Energy Open Access, the Commission's ruling on the specific issues, and consequential amendments proposed in the MERC (Distribution Open Access) Regulations, 2016, if any.

3.1 Background

Shri R. B. Goenka filed a Petition on 13th June, 2022 in Case No. 140 of 2022 under Regulations 16,17,18 and 19 of the MERC (Grid Interactive Rooftop Renewable Energy Generating Systems) Regulations, 2019 and Section 86 (1) (e) of the Electricity Act, 2003 (EA-2003) seeking removal of difficulties in installation and operation of Solar Rooftop PV systems and for revising existing Regulations in line with the 'Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules 2022' notified by Ministry of Power (MoP) on 6th June 2022.

The Petitioner's prayers can be categorized as under:

- a) Prayers related to Billing issues with respect to Petitioner's three Rooftop connections, which are not relevant to the present exercise of amendment of MERC (Distribution Open Access) Regulations, 2016.
- b) Prayer seeking changes in the MERC (Distribution Open Access) Regulations, 2016 for promoting renewable energy, which is being addressed through the present Amendment to Distribution Open Access Regulations.
- c) Prayers related to Grid Interactive Rooftop Renewable Energy Generating Systems, which is being addressed through separate Regulations.

In the Order dated 25th November 2022 in Case No. 140 of 2022, the Commission has addressed the issues raised by the Petitioner only in the context of amendments sought in MERC (Grid Interactive Rooftop Renewable Energy Generating Systems) Regulations, 2019 and for the issues pertaining to Green Energy Open Access, the Commission has mentioned that the aspects related to Green energy Open Access will be dealt with separately.

Issue 1: The eligibility criteria for open access of solar power for industrial consumer be reduced to 100 kW from present 1 MW and for residential and commercial consumer it should be reduced to 10 kW

The Petitioner requested the Commission to amend the minimum eligibility criteria for open access of solar power to 100 kW for industrial consumer and 10 kW for residential and commercial consumers.

This aspect has already been addressed in accordance with the MoP Rules, as elaborated earlier.

Issue 2: The number of time blocks for open access should be maximum 8 time block starting from 00 hours

This issue is already addressed in the last proviso to Regulation 27(A)(3), wherein, in accordance with the MoP Rules, it has been specified that Green Energy Open Access consumers shall not change the quantum of power consumed through open access for at least twelve-time blocks.

Issue 3: There should be a time limitation of maximum 15 days for sanction of open access from the date of application. There should be a single window procedure and Commission may specify nodal agency for this purpose. In case open access is not sanctioned it should be deemed to be approved.

The Petitioner proposed reduced timelines for sanction of open access and for consideration as deemed open access in case open access is not sanctioned within that timeline. the Petitioner requested for single window procedure and nodal agency for this purpose.

This aspect is addressed in the MoP Rules. The Commission has proposed the relevant amendments as discussed in the previous Chapter of this Explanatory Memorandum.

Issue 4: The consumer should be allowed to purchase rooftop or premises or get on lease such premises for installation of solar PV plants and may transmit energy through open access to his premises for minimum 100 kW /10 kW capacity as is applicable

In this regard, The Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 stipulates as under:

“ (4)(2)(A) Own Generation from renewable energy sources.—There shall not be any capacity limit for installation of power plants from renewable energy sources, by entities for their own

consumption and such plants may be set up at any location in India and power shall be transmitted by using open access:”

Thus, the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 provides for installation of power plant from renewable energy sources for their own consumption at any location in India and power shall be transmitted by using open access. This addresses the aspect of allowing the consumer to purchase or take on lease premises for setting up solar PV plants. The Commission has proposed the relevant amendments as discussed in the previous Chapter of this Explanatory Memorandum.

Issue 5: Allow group captive solar generation for self-consumption as collective ownership in the project and consume the generated energy through open access not less than their eligibility criteria of open access and in the ratio of their ownership

The Petitioner has prayed for allowance of group captive solar generation for self-consumption through open access in the ratio of their ownership.

This aspect is not covered under the MoP Rules for Green Energy Open Access. The Commission is of the view that Group Captive solar generation can be set up under the existing dispensation provided they individually meet the qualifying criteria of contracted demand or sanctioned load of 100 kW or more. The Commission has proposed the relevant amendments as discussed in the previous Chapter of this Explanatory Memorandum.