

# MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

World Trade Centre, Centre No.1, 13th Floor,

Cuffe Parade, Mumbai – 400 005

Tel. 022 22163964/65/69 Fax 22163976

Email: [mercindia@mercindia.org.in](mailto:mercindia@mercindia.org.in)

Website: [www.merc.gov.in](http://www.merc.gov.in)

## MAHARASHTRA ELECTRICITY REGULATORY COMMISSION (DISTRIBUTION OPEN ACCESS) (SECOND AMENDMENT) REGULATIONS, 2023.

### STATEMENT OF REASONS

Dated: 10 November 2023

#### **Introduction**

The Maharashtra Electricity Regulatory Commission (“MERC” or “the Commission”) notified the Maharashtra Electricity Regulatory Commission (Distribution Open Access) Regulations, 2016 [MERC DOA Regulations, 2016] on March 30, 2016. 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.

The Commission notified the MERC DOA (First Amendment) Regulations, 2019 on 8<sup>th</sup> June, 2019 with the rationale for the various provisions viz., Banking, different charges for open access consumers, etc.

The Commission proposed the Draft MERC DOA (Second Amendment) Regulations, 2023 with the rationale for the various provisions proposed in the Draft (Second Amendment) Regulations, 2023 elaborated in the Explanatory Memorandum (EM) published along with the Draft (Second Amendment) Regulations, 2023.

Accordingly, the Draft (Second Amendment) Regulations, 2023 and the associated Explanatory Memorandum were published on the Commission’s website [www.merc.gov.in](http://www.merc.gov.in) in downloadable format on 5<sup>th</sup> August, 2023. A Public Notice was also published in daily newspapers Marathi (Maharashtra Times and Lokmat) and English (Indian Express and Times of India), inviting comments, objections and suggestions from all stakeholders to be submitted to the office of

Commission on or before 25<sup>th</sup> August, 2023, which was subsequently extended till 4<sup>th</sup> September, 2023.

A total of 141 stakeholders have submitted their comments/suggestions/objections on the Draft Second Amendment to MERC DOA Regulations, 2023. The list of stakeholders who offered their comments/suggestions/ objections on the Draft Second Amendment to MERC DOA Regulations, 2023, which have been considered by the Commission while finalising the Regulations, is placed at **Annexure-I**.

The main comments/suggestions/objections and views expressed by the stakeholders through their written submissions and the Commission's views thereon have been summarized in the following paragraphs. It may be noted that all the suggestions given by the stakeholders have been considered and the Commission has attempted to elaborate all the suggestions as well as the Commission's decisions on each suggestion in this Statement of Reasons (**SOR**). However, in case any suggestion is not specifically elaborated, it does not mean that the same has not been considered. Further, some stakeholders have suggested changes on Syntax/phrase/addition of word(s)/rewording related changes, etc., which have been suitably incorporated, wherever necessary.

Wherever possible, the comments and suggestions or objections have been summarised clause-wise, along with the Commission's analysis and ruling on the same. However, in some cases, due to overlapping of the issues/comments, the clauses have been combined in order to minimise repetition.

Some comments and suggestions were not directly related to the Draft Regulations on which inputs were invited. While the Commission has summarised such comments and suggestions or objections briefly in this Statement of Reasons (SOR), specific rulings on the same have not been provided, as the same are outside the scope of these Regulations.

The SOR is organised in the following Chapters, along the same lines as the Draft MERC DOA (Second Amendment) Regulations, 2023, summarising the main issues raised during the public consultation process, and the Commission's analysis and decisions on them which underlie the Regulations as finally notified:

**Chapter 1:** 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 2:** Additional Points.

# 1 The Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and subsequent amendments

---

## 1.1 Regulation 2.1 (19) (a):

### 1.1.1 Introduction of Regulation 2.1 (19)(a) after Regulation 2.1 (19) – Definition of Entity

Regulation 2.1 (19)(a) was proposed to be introduced as under:

*“**Entity**” means any consumer who has contracted demand or sanctioned load of Hundred kW or more either 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;”*

### 1.1.2 Comments Received

Shri Sachin More submitted that the definition should be revised by considering ‘Electricity Circle’ of a Distribution Licensee rather than ‘Electricity Division’ of a Distribution Licensee. Integrum requested for removal of the restriction of ‘same electricity division’ of a Distribution Licensee.

Shri Sudhir Budhey sought clarification regarding the interpretation for there being no load limit for captive consumers, i.e., whether they can sign for Open Access higher than their aggregate total Sanctioned Load for multiple connections.

Fourth Partner Energy requested the Commission for clarification if Captive Consumers also include Group Captive Consumers, i.e., multiple customers in one Special Purpose Vehicle (SPV) each qualifying against the captive norms and clarification if the term "load limitation" refers to "sanctioned load”.

Ampin Energy requested the Commission to define the mechanism where a consumer can avail Open Access with multiple connections aggregating to 100 kW.

Renew Pvt. Ltd. submitted that the definition of ‘Entity’ should be revised so that eligibility condition for seeking Green Energy Open Access (“GEOA”) is not linked to Contract Demand/Sanctioned Load with the Distribution Licensees. The consumer having load requirement more than 100 kW should be allowed to procure power from third party green energy sources. Linking the eligibility conditions to Contract Demand/Sanctioned Load with the Distribution Licensees will defeat the whole purpose of introduction of Open Access, which aims to introduce competition by providing consumers with alternate route of power procurement.

AEML-D submitted that the ‘Entity’ should be defined as a single consumer with Contract Demand or Sanctioned Load of 100 kW. The proposed amendments aim to increase the number of small consumers eligible for open access to electricity, increasing infrastructural, metering, and billing requirements.

MSEDCL submitted that there are no specific Regulations or Guidelines for implementing open access to consumers below 1 MW. To implement the proposed amendment, pilot studies should be conducted to create a suitable environment. The limit can be lowered in a phased manner based on pilot studies. MSEDCL can manage demand, energy accounting, and billing for 1 MW and above consumers under the existing arrangement. However, abruptly lowering the limit to 100 kW without clear procedures will create difficulties in billing, energy accounting, and settlement. The existing open access transaction settlement system requires 15-minute time blocks for energy accounting and billing, and scheduling power on a day-ahead basis. Hence, detailed guidelines and procedures for implementing Green Energy Open Access should be prescribed by the Commission.

Shri Yudhishtir Varma submitted that the proposed clause are not only contradictory to the MoP Green Energy Open Access (GEOA) Rules 2022 and Forum of Regulators (FOR) Model Regulations but also have practical difficulties for implementation. Also, banking conditions are self-contradictory as allowing banking only on monthly basis will impose restrictions for captive consumer to consume green energy to the extent of his requirement. Shri Varma added that captive consumers cannot meet their annual green energy requirements without ToD-based annual banking.

### ***1.1.3 Analysis and Commission’s Decision***

As regards the request to limit the area to ‘Electricity Circle’ rather than ‘Electricity Division’ of a Distribution Licensee, it is noted that the term ‘Electricity Division’ is as per the Second Amendment to the MoP’s GEOA Rules. However, the Commission is of the view that limiting the presence of multiple connections to ‘Division’ may limit the options of Green Energy Open Access, which is not the intention. Hence, the Commission has modified the area limit to ‘Electricity Circle’. Further, the concept of ‘Electricity Circle’ or ‘Electricity Division’ is relevant only for MSEDCL, and in case of other Distribution Licensees, the area limit should be the entire licence area. Accordingly, the Commission has introduced the 2<sup>nd</sup> proviso to the definition to clarify this aspect.

The revised definition of ‘Entity’ is as under:

*“‘Entity’ means any consumer who has contracted demand or sanctioned load of Hundred kW or more either through multiple connections aggregating Hundred kW or more located in same electricity circle of a Distribution Licensee, except for captive consumers.”*

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

*Provided further that the above licence area restriction shall be applicable to the Maharashtra State Electricity Distribution Company Limited (MSEDCL) only and for all other Distribution Licensees, the area to be considered shall be equal to the entire licence area;”*

It is also clarified that threshold limit of 100 kW to become eligible for seeking GEOA is not applicable to captive consumers. They can opt for Open Access, even if their Contract Demand or Sanctioned Load is lower than 100 kW and can source Renewable Energy more than their contract demand or sanctioned load subject to complying with requirement of resultant power flow. It is clarified that Captive consumers include Group Captive consumers formed through SPV or appropriate entity as per the applicable Rules.

The framework for availing Open Access is specified in the Principal Regulations read with the 1<sup>st</sup> and 2<sup>nd</sup> Amendments, and the Commission does not find any requirement for further defining any mechanism for the same. Further procedure for availing GEOA has been framed by Central Nodal Agency under MoP Rules which will be applicable for any consumer seeking GEOA.

As regards the request that the eligibility criteria for seeking GEOA should not be linked to Contract Demand or Sanctioned Load, it is clarified that the same has been specified in accordance with the MoP Rules, and has hence, not been modified. However, it may be noted that the eligibility criteria is Contract Demand or Sanctioned Load of 100 kW or more, hence, there is no bar on consumers having load more than 100 kW procuring green power through Open Access from third party.

As regards the request that the ‘Entity’ should be defined as a single consumer rather than multiple connections and not to lower the threshold limit for seeking Open Access from 1 MW to 100 kW, it is clarified that the same has been specified in accordance with the MoP Rules, and is hence, not being modified. It may be noted that the limit of 100 kW has been stipulated in the MoP Rule notified in June 2022, hence, the Distribution Licensees have had enough time to create the appropriate organisational framework for implementing the same. Further, MoP vide its letter dated 2 June 2023 has conveyed regarding implementation of GEOA Rules as follows:

“ .....

*3. The above said Green Energy Open Access Rules, 2022 framed under the Electricity Act, 2003, are subordinate legislation and have been notified after consultation with all Stakeholders and following the due process. As per procedure these Rules have been laid before both the Houses of the Parliament. As such, all concerned are duty bound to comply with the provisions of the Act and the Rules. Therefore the Rules may be implemented.”*

Once the Act or Rules has been notified, all concerned need to comply with provisions of the said Act or Rules.

As regards the submission that banking should not be limited to monthly banking, it should be noted that the same is in accordance with the MoP Rules, and is hence, not being modified.

## **1.2 Regulation 2.1 (20) (b): Definition of Green Ammonia/Green Hydrogen**

### ***1.2.1 Introduction of Regulation 2.1(20)(b) of the Principal Regulations – Definition of Green Ammonia/Green Hydrogen***

The Commission has not proposed any definition of Green Ammonia/Green Hydrogen in the Draft Amendment to the MERC DOA Regulations, 2023.

### ***1.2.2 Comments Received***

Sustainable Power Development Association (SPDA) requested for new Clause to be added after the Regulation 2.1 (20) (a) for definition of Green Hydrogen and Green Ammonia as under:

***“2.1 (20) (b) “Green Hydrogen (GH)/Green Ammonia (GA)” means Hydrogen/Ammonia produced by way of electrolysis of water using Renewable Energy; including Renewable Energy which has been banked or stored and the Hydrogen /Ammonia produced from Bio-mass;”***

### ***1.2.3 Analysis and Commission’s Decision***

The Commission is of the view that the suggestion to define Green Ammonia/Green Hydrogen is appropriate, and has hence, defined Green Ammonia in accordance with Green Hydrogen Policy issued by the MoP dated 17<sup>th</sup> February 2022 and Green Hydrogen in accordance with the Office Memorandum issued by MNRE dated 18<sup>th</sup> August 2023, as under:

***“2.1(20)(b) “Green Ammonia” means ammonia produced by way of electrolysis of water using Renewable Energy; including Renewable Energy that has been banked and the ammonia produced from biomass;”***

***2.1(20)(c) “Green Hydrogen” means Hydrogen produced using Renewable Energy, including, but not limited to, production through electrolysis or conversion of biomass, where Renewable Energy also includes such electricity generated from Renewable sources stored in an energy storage system or banked with the grid in accordance with applicable Regulations:***

***Whereas, for Green Hydrogen produced through electrolysis: - The non-biogenic greenhouse gas emissions arising from water treatment, electrolysis, gas***

*purification and drying and compression of hydrogen shall not be greater than 2 kilogram of carbon dioxide equivalent per kilogram of Hydrogen (kg CO<sub>2</sub> eq/kg Hydrogen), taken as an average over last 12-month period;*

*Whereas, for Green Hydrogen produced through conversion of biomass: -The non-biogenic greenhouse gas emissions arising from biomass processing, heat/steam generation, conversion of biomass to hydrogen, gas purification and drying and compression of hydrogen shall not be greater than 2 kilogram of carbon dioxide equivalent per kilogram of Hydrogen (kg CO<sub>2</sub> eq/kg Hydrogen) taken as an average over last 12-month period;”*

### **1.3 Regulation 2.1 (32): Definition of Renewable Energy/ Green Energy**

#### **1.3.1 Substitution of Regulation 2.1(32) of the Principal Regulations**

*“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 utilizes 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.”*

#### **1.3.2 Comments Received**

Enfinity submitted that there are multiple usage of Green Hydrogen and Green Ammonia such as production of e-methanol and others, which can be produced at the point of production of Green Hydrogen / Green Ammonia, hence, the definition should be revised accordingly.

INWEA, IWTMA, Renew Pvt Ltd and other have submitted that the definition should be revised to clearly state the various forms of Renewable Energy like wind, solar, wind solar hybrid, hydro etc. :

The Tata Power Company – Distribution (TPC-D) submitted that the definition should be revised as under:

*“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, **from the date of notification** 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.”*

### **1.3.3 Analysis and Commission's Decision**

The Commission has proposed the definition of “Renewable Energy” / “Green energy” in accordance with the MoP Rules. Further, the Commission is of the view that the suggested detailing of various RE sources is not required, and the broader definition stipulated by the MoP which has provision of ‘any other technology notified by the Government of India from time to time’ is sufficient and appropriate.

Hence, the Commission has not made any modification to the Draft Amendment to the MERC DOA Regulations, 2023.

## **1.4 Amendment to Regulation 3 of the Principal Regulations**

### **1.4.1 Introduction of Regulation 3.3 after Regulation 3.2 of the Principal Regulations**

*“3.3 Consumers 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.”*

### **1.4.2 Comments Received**

#### **Resultant Power flow related:**

Dalmia Cement submitted that even though draft Regulations do not put any limit of capacity for open access, Regulation 8.10, which speaks about resultant power flow camouflages the



above condition and serves as a deterrent factor for setting up higher capacity of RE plant to source under open access. Due to inherent distribution network and above condition of resultant power flow, open access granted by Distribution Licensee is a multiplier of Contract Demand or Sanctioned load of around 1.25 to 1.3. This is also applicable to consumers connected to State Transmission Utility. Considering Capacity Utilisation Factor (CUF) of solar and wind and to utilize complete generation, one has to maintain higher Contract Demand, which renders open access project unviable.

Shree Hari Cement submitted regarding 1<sup>st</sup> and 2<sup>nd</sup> Proviso that the Distribution Licensee / Transmission Licensee should provide details of available capacity on their website for OA applicants. Currently, OA to RE plants is granted based on their name plate capacity or registered capacity with the Maharashtra Energy Development Agency (MEDA). However, with advancements in technology and experience, actual generation may exceed this capacity. To accommodate variations, OA should be based on actual generation recorded in Special Energy Meters (SEMs).

Pragati Agencies, H. H. Patel & Company, Raysons Marketing Pvt. Ltd., and many more stakeholders of Textile industry submitted that the proposed Regulation 3.3 starts with a non-obstante clause, which may not apply to cases where GEOA has been granted under this Regulation. This would severely dilute the objective of GEOA Rules and be in the teeth of its spirit. The proposed 2<sup>nd</sup> proviso to Regulation 3.3 makes the green energy open access subject to the conditions of resultant power flow specified under Regulation 8.10. This is impractical and impedes the growth of renewable energy power, contrary to the principal objective of promoting it, as intended by the GEOA Rules.

The Hon'ble Appellate Tribunal for Electricity has detailed the interplay of the concept of resultant power flow vis-à-vis open access and the tendency of restricting open access on the grounds of inadequate resultant power flow. The DOA Regulations do not limit the quantum of power to be sourced through Open Access to the consumer's Contract Demand. The Draft Amendment Regulations are silent on the practical difficulties in power allotment, particularly for consumers with Contract Demand of less than 1000 kW. To promote usage of renewable energy by consumers of more than 100 kW, the Draft Amendment Regulations must create an enabling environment so that consumers can easily source RE power and optimize its use.

Sembcorp submitted that the 1<sup>st</sup> Proviso of Regulation 3.3 mentions that the limitation of 100 kW will not apply on the captive GEOA, which is in line with GEOA Rules. However, the 2<sup>nd</sup> proviso limits the quantum to be allowed for open access from RE for short-term and medium-term open access, limiting it with resultant power flow of the existing or under-execution distribution system. It may be noted that there is no such limitation provided by GEOA Rules, which allows indiscriminate GEOA to all the consumers. Considering that the Commission has proposed this 2<sup>nd</sup> Amendment to align the State Regulations with GEOA Rules issued by MoP, the proposed provision will be in contradiction to GEOA Rules. Further, evaluation of such

condition is also not very transparent and is significantly dependent on subjective discretion of the Distribution Licensee. Even in case there is inadequacy in the distribution system, it should be the responsibility of Distribution Licensee to set up the required infrastructure so as to enable indiscriminate OA to the applicant. It is pertinent to note that GEOA consumers are also willing to pay for wheeling their power from such added infrastructure.

Ampin Energy submitted that the formula for resultant power flow may be specified so that Green Energy off-takers may pre-determine open access capacity before installation without ambiguity. The clause of 70% of the threshold limit should be removed, as permitting open access to the consumer with Contract Demand or Sanctioned Load of 100 kW or more than should be removed. Further, Ampin Energy requested to remove the requirement to maintain the 12-time block schedule for Green Energy Open Access consumers.

#### **Entity through Multiple connections:**

Fourth Partner Energy requested to consider modification of the clause by allowing multiple connections within the same Distribution Licensee area rather than same electricity division. It also requested clarification whether in case of multiple connections, does the entity have to file an application for open access for each connection or a Single Application should be filed for all connections. Further, clarification was requested if this condition is also applicable for each connection with Contract Demand above 100 kW. Also, whether entity can have multiple connections with each having Contract Demand more than 100 kW, aggregate the connections and file a single application for open access. Also, clarity was sought regarding whether the application fees, MSLDC charges and Distribution Licensee's operating charges will be charged individually for each connection or will be charged to the entity once for the aggregate capacity.

#### **Maintaining usage for at least 12-time blocks related:**

Shri Sudhir Budhay requested for more clarification for the term "*GEOA users to maintain their usage through OA for at least 12 time blocks*". He also asked for clarification regarding whether it can be interpreted that a consumer with lower Sanctioned Load but higher quantum of power consumption can sign Power Purchase Agreement (PPA) with higher capacity subject to fulfilling "resultant power flow" conditions.

Hygenco requested that the last proviso of Regulation 3 restricting GEOA consumers from changing the quantum of power consumed through open access for at least twelve time-blocks should be modified to six-time blocks. The Maharashtra RE Policy promotes emerging RE technologies, including BESS-enabled projects, but the 12 time-block constraint may be against this spirit. Industrial consumers can use energy storage within their premises, leading to efficient use of infrastructure and maximum decarbonization. The MERC DSM Regulations allow for revisions in scheduled renewable energy before 6 time-blocks, but enforcing the 12

time-block constraint could lead to restrictive consumer choice and higher costs for local Distribution Licensees.

MSPL submitted that maintaining same quantum for 12-time blocks may be practical in case the consumer is availing Hybrid or round the clock (RTC) RE power but where plain vanilla Solar/Wind is being utilized for RE consumption, it would not be practical to maintain power consumption for continuous 12-time blocks. Hence, twelve time-blocks should be modified to six-time blocks.

Sembcorp sought clarification regarding the fourth proviso regarding whether the consumer's consumption from GEOA shall not change for 12 time-blocks, i.e., remain flat. If so, would the generation quantum, which is higher than the consumption during these 12 time-blocks, be banked? It is important to note that RE Power from wind and solar sources is inherently variable in nature. Enforcing such condition that the consumption from GEOA should not vary for 12-time blocks, i.e., for 3 hours, is difficult to meet.

Renew Pvt. Ltd. submitted that requirement of keeping the load constant for 12 consecutive time block is practically not possible for green energy-based projects as the generation will occur based on natural resource availability, which keeps on changing very frequently. This clause may be interpreted as consumer having to provide consumption schedule at his end. Further, not changing the quantum for 12 time-blocks may be construed as "schedule, as finalized on day ahead basis, should not be revised for 12-time blocks" rather than "constant quantum for 12-time blocks". It is to be noted that currently, there is no requirement of scheduling the consumption at drawal point. Generator has to provide schedule under MERC (Forecasting, Scheduling and DSM for Solar and Wind Generation) Regulations, 2019. As per this Regulation, on one hand, a generator is liable for DSM charges but on the other hand it has flexibility of scheduling different quantum for each 15-minute time block and is allowed to revise the quantum. The constant quantum for 12-time block, coupled with DSM penalty under DSM Regulations is a highly discouraging step.

AEML-D submitted that the last proviso of Regulation 3.3 should be amended to specify that the GEOA consumer shall avail Open Access from a Generator, Power Exchange, etc., for minimum period of one month. Also, the said consumer shall schedule Green Power at least for 75 % of the days of the month. During the day, the schedule should be spread across the day and consumer shall not change quantum of power consumed through Open Access at least for twelve-time blocks. Also, ToD metering aggregates energy consumption during certain hours of the day and supply from Green Energy sources, giving credit for Open Access transactions. This could lead to gaming, as Green Open Access consumers buy only on Sundays or Saturdays, off-setting consumption. Distribution Licensees would have to absorb excess power and procure costly power during peak hours, causing financial impact on consumers.

AEML-D submitted that the additional proviso should be added as under:

*“Provided that provisions of Green Energy Open Access shall be applicable only if the power is sourced along with the Green attribute and not if generator is selling REC / renewable component separately.”*

Indian Energy Exchange (IEX) submitted that the Commission should relax the requirement of uniform demand across 12 time blocks in the Final Regulations to help dispose and off-take surplus renewable energy. The Karnataka Electricity Regulatory Commission recognized this constraint and omitted it from the eligibility criteria. Day-Ahead Open Access applications must be for a minimum of 8 hours. It is requested to provide clarity in the Draft Regulations for green energy open access.

### **Intimation of Percentage Share:**

Amplus Solar submitted that renewable energy generation is intermittent in nature. Therefore, it could be difficult for multiple GEOA consumers to intimate the DISCOMs in advance regarding the percentage share of energy generation from the RE projects to each connection before the start of GEOA.

### **Standby Charges**

MSEDCL submitted that the Regulation should provide clarity on Standby charges for drawal of power by Open Access customer from Distribution Licensee (all open access consumers shall be treated as full open access consumers). Standby arrangement shall be provided to Open Access consumer by the Distribution Licensee of the area of its supply and the Licensee shall be entitled to collect Standby Charges as twenty-five per cent of the demand and energy charges applicable to consumer tariff category in the prevailing rate schedule specified in relevant Tariff Order passed by the Commission on year-to-year basis. Provided that the Standby Charges shall be in addition to the applicable tariff on standby energy supplied by the Distribution Licensee to the Open Access Consumer. It is not clear what treatment shall be given in billing for the Open Access consumer who has installed Rooftop Solar System.

### **Other comments**

The Maharashtra State Load Despatch Centre (MSLDC) submitted that it maintains a common Registry of all RE generators in the State, which includes commercial data of each generator and Wind Turbine Generator (WTG)/Solar PV module. However, an Open Access permission for 0.858 MW capacity has been granted against a WTG with 1 MW installed capacity, resulting in a non-contracted capacity of 0.142 MW. This is in violation of Regulation No. 5.14 of the MERC F&S Regulations, 2018, which specifies that no wind or solar energy generation should be considered for dispatch unless scheduled by the QCA. This partial open access could result in erroneous deviation charges computation. With increasing solar generation capacity, unscheduled injection may increase, potentially impacting grid security. Provisions such as

penalties for unscheduled injection and restriction of REC for unscheduled generation may be imposed to prevent this issue. The MERC F&S Procedure requires Distribution Licensees to submit PSS-wise Power Purchase details monthly by the 27<sup>th</sup> of every month for modelling in scheduling software. However, Distribution Licensees are not following this deadline, and are submitting revised lists even after the start of the month. With the limit reduced to 100 kW, the issue of delay will aggravate, leading to erroneous deviation accounting and delayed mapping of PSS-wise and Distribution Licensees-wise contracts. The study of migration towards Schedule-based payment to RE is under progress, and delays in providing updated information could have commercial impact.

SPDA submitted that the green hydrogen and green ammonia production units will be setup to utilise RE generated from RE projects setup within the State and outside the State. Thus, the power shall be drawn through open access on ISTS network with partial utilisation from GRIDCO/Distribution Licensees. Therefore, it is requested that the Contract Demand may be considered as the minimum prescribed level (in accordance with the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022) for availing open access to produce green hydrogen and green ammonia or a nominal Contract Demand, whichever is lower. Further, there may be periods of plant shutdown due to technical and non-technical reasons or period wherein required maintenance is to be carried out within the plant. It is noteworthy that during such periods, there would be no/very low consumption of electricity under open access. This may even fall below the minimum threshold of Maximum Demand during such period. Hence, it is requested that any penalty for not achieving the Maximum Demand during such period of shutdown or maintenance may not be levied on the production units for green hydrogen/green ammonia. Solar energy generation is highly prone to variation in irradiation on a seasonal basis. On a normal day, there is no predictive software, which can forecast cloud cover. An instant cloud cover during the day will render the generation to be reduced during the time cloud cover is over the plant area. During the moment when cloud cover moves away from over the solar arrays, the generation immediately picks up. Hence, during such intervals, there would be heavy penalties in case the quantum of power consumed is not revised. It is therefore requested that the 12 time-blocks may kindly be reduced to 6 time-blocks to ease the concern for solar developers.

Vidyut Urja, Shri Anil Patil, Shri Narendra Chaudhari, Ghodawat Energy, Shri Vinod Pawar, and Shri Sanjay Chaudhari submitted that the Commission should allow Captive user to avail non-captive OA in addition to their Captive quantum as per second proviso above. Also, captive quantum should not be counted for deciding non-captive OA capacity as per Regulation 8.10.

TPC-D submitted that information about the final implemented schedule should be available on real time basis to the Distribution Licensee for billing purposes, through the appropriate software. Also, clarity in terms of which meter is to be installed, how the billing will be done,

how the settlement of the Roof Top RE generating system will take place, if the consumer is simultaneously availing open access under this Regulation, should be provided.

Cleanmax submitted that the Commission in its Order dated 13<sup>th</sup> February, 2021 in Case No. 199 of 2020 in the matter of R.B. Diversified Pvt. Ltd. and Asahi India Glass Ltd. has ruled that Net Metering or Behind the Meter arrangement of roof-top PV system of a consumer opting for Open Access shall be converted into Net Billing arrangement for the period of Open Access on temporary basis for the tenure of Open Access. Hence, the stakeholder requested the Commission to incorporate the same in the Regulations, and include provisions in the amendment to address ambiguity in additional surcharges, which has caused fear and frustration in the RE sector. Clarifying these provisions will create a safe regulatory environment for growth, allowing industrial companies to meet sustainability goals by consuming renewable energy.

### ***1.4.3 Analysis and Commission's Decision***

With regard to several objections received on the issue of resultant power flow, the Commission is of the view that the condition of 'resultant power flow' is a necessary condition, as open access can be granted only if the resultant power flow can be accommodated in the existing Distribution System or in the Distribution System under execution. This would be necessary for addressing technical issues particularly when there is no restriction put on GEOA transactions. Hence, the Commission has not made any modification to the Draft Amendment in this regard.

Several stakeholders have submitted that the restriction that GEOA consumers shall not change the quantum of power consumed through open access for at least 12 time blocks, should be modified to 6 time blocks and requested for clarification whether the quantity consumed cannot be changed or whether the schedule cannot be revised for 12 time blocks. The stakeholders have also sought clarification regarding whether the open access quantum has to be the same for 12-time blocks. In this regard, the 2<sup>nd</sup> proviso of Clause 5 (2) of the MoP's GEOA Rules stipulates as under:

*“Provided further that reasonable conditions such as the minimum number of time blocks, which shall not be more than twelve time blocks, for which the consumer shall not change the quantum of power consumed through open access may be imposed so as to avoid high variation in demand to be met by the distribution licensee.”*

Thus, as can be seen, the proposed restriction limited to 12 time blocks is in line with the MoP Rules. The Rules are also clear that the quantum of power consumed through open access cannot be changed for 12 time blocks, and it is not the schedule that cannot be revised for 12 time blocks. It is also clear from the MoP Rules that the intent of avoiding high variation in demand to be met by the Distribution Licensee can be achieved only if the open access quantum

is kept at the same level for 12 time blocks. Further, it is clarified that the generation quantum higher than the consumption quantum during these 12 time blocks shall be entitled to banking, in accordance with these Regulations. Hence, the Commission has not made any modification to the Draft Amendment in this regard, and the GEOA consumers should strive to achieve the same in the interest of grid stability. However, the Commission is of the view that there will be no adverse impact on the GEOA consumers as monthly banking of surplus energy injected is allowed based on the settlement of energy on ToD basis.

It is clarified that OA approval shall continue to be granted based on the name plate/registered capacity of the RE generating plant.

As regards the applicability of the Commission's Order dated 13<sup>th</sup> February, 2021 in Case No. 199 of 2020, it is clarified that the said ruling was in the context of the 8<sup>th</sup> proviso to Regulation 3.2, as specified in the 1<sup>st</sup> Amendment to the MERC DOA Regulations. However, the said 8<sup>th</sup> proviso to Regulation 3.2 has been deleted in the proposed 2<sup>nd</sup> Amendment to MERC DOA Regulations, hence, the above-said ruling is no longer relevant.

As stated earlier, the Commission has considered the request to limit the area to 'Electricity Circle' rather than 'Electricity Division' in case of MSEDCL and Distribution Licence area in case of other Distribution Licence area, considering the limited area of supply of other Distribution Licensees. The necessary modifications have been incorporated in Regulation 3.3 and its provisos.

The following aspects are clarified in order to ensure against ambiguity in implementation:

- a) As specified in the provisos to Regulations 4.1 and 8.1 of the Draft Amendment, the procedures and formats and timelines as devised by the Central Nodal Agency shall be followed for seeking and allowing GEOA;
- b) In case of seeking OA for multiple connections under Regulation 3.3, a single OA application has to be filed wherein details of all the connections needs to be submitted;
- c) Consumer connection with Contract Demand/ Sanctioned load of 100 kW and above has to apply separately for GEOA. Such connection cannot be clubbed with other connections to meet threshold limit of 100 kW for GEOA of multiple connections;
- d) The OA application fees shall be levied per application. Multiple connection seeking OA through single application shall be considered as one application for OA application fees.
- e) Consumer can source Renewable Energy more than their Contract Demand / Sanctioned subject to fulfilling resultant power flow condition;
- f) Clear provisions have been specified under MERC DOA Regulations, 2016 and the recently notified MERC DSM Regulations, 2019 w.r.t scheduling. Further, it is clarified that

Scheduling of renewable Energy generating plants identified as ‘non-firm power’ under the Commission’s Regulations governing Renewable Energy Tariff shall be governed as per provisions of Maharashtra Electricity Regulatory Commission (Forecasting, Scheduling and Deviation Settlement for Solar and Wind Generation) Regulations, 2018.

g) Standby Charges are not applicable for OA in the State of Maharashtra.

As regards the concerns raised by MSLDC with respect to implementation issues related to MERC F&S Regulations, the Commission is of the view that MSLDC has to ensure that the necessary framework is in place and has to ensure proper implementation in accordance with the framework.

As regards the request that penalty should not be levied on the production units for green hydrogen/green ammonia for not achieving the Maximum Demand during the period of shutdown or maintenance, it is clarified that this issue is not within the purview of the present exercise for Amendment of the MERC DOA Regulations, and the stakeholder may raise this issue during the appropriate proceedings.

It is clarified that the linkage to Contract Demand/Sanctioned Load for grant of GEOA are in accordance with the MoP Rules.

As regards the request that the consumer should be allowed to intimate the Distribution Licensee in advance regarding the estimated percentage share of energy generation from the Renewable Energy projects to each connection, the Commission is of the view that the fixed percentage share has to be clearly intimated, rather than the estimated percentage share. In case of variation in energy quantum, the percentage share will remain the same, though the actual quantum of energy adjusted would differ based on the variation in energy quantum. Further, any change in percentage share shall be intimated to the Distribution Licensee well in advance before the commencement of GEOA.

As regards the suggestion that GEOA consumer should avail Open Access from a Generator, Power Exchange, etc., for minimum period of one month and the OA consumer should schedule Green Power at least for 75 % of the days of the month, the Commission is of the view that such restrictions are not envisaged in the MoP Rules. Further, as clarified earlier, the procedures and formats and timelines as devised by the Central Nodal Agency shall be followed for seeking and allowing GEOA.

The Commission agree with proposal that liberal provisions under GEOA shall be applicable only if Renewable Energy with Green attribute is being sourced under Open Access. Accordingly, the Commission has added proviso to Regulation 3.3. Modified Regulations is as follows:



*“3.3 Consumers 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 circle 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 the above licence area restriction shall be applicable to the Maharashtra State Electricity Distribution Company Limited (MSEDCL) only and for all other Distribution Licensees, the area to be considered shall be equal to the entire licence area;*

*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:*

*Provided also that provisions of Green Energy Open Access shall be applicable only if the power is sourced along with the Green attribute and not if generator is selling REC / renewable component separately.”*

#### ***1.4.4 Introduction of Regulation 3.4 after Regulation 3.3 of the draft Amendment Regulations***

*“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.”*

#### ***1.4.5 Comments Received***

Integrum enquired whether Regulation 3.4 pertains to all rooftop projects, including Net Billing, Gross Metering, and Behind the Meter installations. Ampin Energy submitted that the Regulations should specify that the consumer having Roof Top RE Generating Systems under

Behind the Meter and /or Net Metering can simultaneously avail Open Access under these Regulations.

#### ***1.4.6 Analysis and Commission's Decision***

It is clarified that Regulation 3.4 pertains to all rooftop projects, including Net Metering, Net Billing, Gross Metering, and Behind the Meter installations. Further, in order to provide clarity on adjustment of energy during simultaneous operation of Rooftop system and OA, it is noted that after allowing for self-consumption from Rooftop Renewable Energy System net meter records only net drawl from or injection into the Grid. Therefore, ToD block wise or monthly wise net drawl reduced by banking credit available under Rooftop Regulations shall be considered for adjustment against GEOA. Accordingly, Regulations 3.4 is modified as follows:

*“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:*

*Provided that during such simultaneous operation, net drawl recorded on net-meter/meter adjusted for banking credit available under Rooftop Regulations shall be used for adjusting energy credit as per priority stipulated in Regulation 14.10 of the Principal Regulations.”*

#### **1.5 Introduction of 3<sup>rd</sup> Proviso to Regulation 4.1 of the Principal Regulations**

*“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.”*

##### ***1.5.1 Comments Received***

TPC-D submitted that the Commission should approve the detailed procedure for application processing specifically for each type of source, which the consumer may use for procuring RE power (Long-term, Medium-Term, Short-Term, bilateral power, Green Energy purchase through Trading Licensee, IEX, GTAM, etc.) to ensure that the power purchase is renewable only, number of days for consumers for making an application and number of days allowed for nodal agency to approve the application or intimate the consumer in case of rejection and define the clear identification of responsibilities of all the entities in the Regulation for approval, application processing, billing, providing final credit notes of the Green Open Access consumer, etc., and the guidelines for development of proper software for scheduling/management of the entire GEOA process starting from Application processing to billing on centralized level should be defined in the Regulations.

Prayas Energy Group submitted that the Commission should evolve a framework for implementation of GEOA Rules to suit State realities and this would require a harmonious

framework which is clear, aligned with GEOA Rules but also with the deviation to ensure smooth implementation. Further, Prayas submitted that the Commission should provide the procedure for multiple connections.

### ***1.5.2 Analysis and Commission's Decision***

As specified in the provisos to Regulations 4.1 and 8.1 of the Draft Amendment, the procedures and formats and timelines as devised by the Central Nodal Agency shall be followed for seeking and allowing GEOA.

## **1.6 Amendment to Regulation 8 of the Principal Regulations:**

### ***1.6.1 Introduction of 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Provisos after 2<sup>nd</sup> Proviso to Regulation 8.1 of the Principal Regulations***

*“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.”*

### ***1.6.2 Comments Received***

JSW submitted that it should be specified that the Nodal Agency shall, by an Order in writing, approve the applications for the GEOA within a period of fifteen days, failing which it shall be deemed to have been approved. The order of processing of such applications for GEOA should be ‘first in first out’. Priority in Open Access should be as mandated in the MoP’s Green Open Access Rules. Also, amending the Regulation and to provide that failing to approve applications in fifteen days (as per MoP’s Rules) provides comfort to the User. Also, in order to optimise transmission infrastructure of the State of Maharashtra, it is proposed that for GEOA, hybrid RE power projects should be given priority for open access and necessary amendment may be incorporated.

MSLDC submitted that Maharashtra's GEOA market faces challenges due to the growing number of Distribution Licensees. To ensure compliance with the NLDC procedure, applicants must secure preliminary clearance or a No Objection Certificate (NOC) from the Distribution Licensee before initiating any new application through the GOAR portal. The process of

granting standing clearance for inter-State transactions falls under CERC Regulations and GOAR applicants may face challenges in forwarding applications to the Distribution Licensee for approval. Captive consumers availing power through GEOA have no power supply/Contract Demand limit, but the Distribution Licensee plays a significant role in verifying open access. Therefore, applicants should secure advance clearance or a NOC before initiating any new application through the GOAR portal.

AEML-D proposed that the consumer should seek the consent of its parent Distribution Licensee first before applying on the Nodal Agency portal. Distribution Licensee may be given pre-defined timelines so that consent is not inordinately delayed. On Application by the Consumer, Distribution Licensee should provide the approval/ rejection within 10 days, failing which the application for consent shall be deemed approved. Further, it may be specified that the Application shall not be rejected by the Distribution Licensee without giving the reason in writing. Distribution Licensee should make necessary provisions of online application facility in this regard. Further, MSLDC/ STU should approve the GEOA on NLDC portal only after the consent of the Distribution Licensee has been submitted.

The Distribution Licensee is the single point contact for consumers in billing and credit procedures, but does not have a direct role in the NLDC procedure. Distribution Licensee must check consumer eligibility, infrastructure availability, and past over dues before granting Open Access permission. The same provisions should be extended to GEOA. Other parameters for billing and credit, such as Open Access capacity sought, period, and consumer account number, need to be captured at the initial stage for timely credit and billing.

Amplus Solar submitted that the Commission may add 6<sup>th</sup> proviso categorizing the Long-term GEOA with period equal to or more than five years, Medium-term GEOA with period more than one year and less than five years, and Short-term GEOA with period of one year or less.

TPC-D submitted that the Commission should specify the timelines for concerned Distribution Licensees also, for GEOA consumers as provided for other open access consumers in the Principal Regulations and approve the detailed procedure for application processing (As provided in Regulation 8, 9, 10 and 11 of MERC (Distribution Open Access) Regulations, 2016 and MERC (Distribution Open Access) (First Amendment) Regulations, 2019, including the approvals required from agencies, documents to be collected from the consumers specifically for each type of source which the consumer may use for procuring RE power (Long term, Medium Term, Short Term, bilateral power, Green Energy purchase through Trading Licensee, IEX, GTAM, etc.) to ensure that the Power Purchase is renewable only, number of days for consumers for making an application and number of days allowed for Distribution Licensee to approve the application or initiate the consumer in case of rejection.

MSEDCL submitted that Regulation 8.2 of the Principal Regulations should be deleted in view of the proposed provisions in Draft Regulation with regards to Nodal Agency.

## ***Analysis and Commission's Decision***

As specified in the provisos to Regulations 4.1 and 8.1 of the Draft Amendment, the procedures and formats and timelines as devised by the Central Nodal Agency shall be followed for seeking and allowing GEOA.

As regards the suggestion that Regulation 8.2 of the Principal Regulations should be deleted in view of the proposed provisions in the Draft Amendment Regulations, the Commission is of the view that Regulation 8.2 of the Principal Regulations needs to be retained, as it is applicable for OA other than GEOA.

### **1.7 Amendment to Regulation 14 of the Principal Regulations**

#### ***1.7.1 Introduction of 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Provisos after 1<sup>st</sup> Proviso to Regulation 14.7 (d) of the Principal Regulations:***

*“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.”*

#### ***1.7.2 Comments Received***

Vishwaraj Environment Pvt. Ltd. submitted that the proposed amendments aim to waive off Cross Subsidy Surcharge and Additional Surcharge for green energy production of green hydrogen and green ammonia by open access consumers. However, this waiver does not apply to Battery Energy Storage System (BESS) and Derivatives of Hydrogen. The Indian government aims to produce 500 GW of electric power through RE sources by 2030, requiring flexible resources like BESS. The National Electricity Plan projects a 5-hour BESS requirement of 51 GW to 84 GW in 2031-32. Hence, cross-subsidy surcharge should not be applicable if green energy is utilized for production of green hydrogen, green ammonia, derivatives of hydrogen and charging of Battery Energy Storage System (BESS).

Fourth Partner Energy submitted that cross subsidy surcharge should not be applicable for energy utilized for Electric Vehicle charging stations to promote adoption of Electric Vehicles.

Pragati Agencies and other Textile industry entities submitted that levy of Cross Subsidy Surcharge ('CSS') on RE open access transactions are currently sub-judice before the Appellate Tribunal for Electricity in various appeals filed against the MYT Order for the third Control Period. Contrary to the positive mandate of the Act to ensure progressive reduction of CSS, in the draft 2<sup>nd</sup> proviso to Regulation 14.7(d), the Commission has proposed to increase the CSS by as much as up to 50%. Such a course cannot be countenanced in law and the draft Regulations need to be suitably revised.

HPCL submitted that clarification is needed in newly inserted second proviso to Regulation 14.7(d) of the proposed Amendment. However, there is no provision for a case where the open access is not availed for continuous 12 years. Therefore, it may be clarified if such cap on CSS applies only in case of continuous use or is available to all open access consumers availing power at different point in time from the same generator.

TPC-D submitted that as per the Tariff Policy, it is mandatory to keep the CSS in the range of +/- 20% of Average Cost of Supply with gradual reduction in the cross subsidy, hence, this clause may not be required in the long-term. Further, since the Green Open Access will be applicable above 100 kW, it is expected that there will be significant number of consumers. Hence, to track the CSS consumer-wise and generator-wise will be very cumbersome. It is requested to keep charging of CSS generic and not generator-wise. Further, Waste to Energy Plant should be clearly defined in the Regulations. Further, instead of giving exemption in CSS, exemption may be given in the Transmission Charges, as has been done by the Central Government for RE developer. Also, CSS should not be applicable if green energy is utilized for production of green hydrogen and green ammonia, based on the certification from the Nodal Agency.

AEML-D submitted that it is not possible to implement this provision, as this will necessitate keeping track of commencement of 12-year period for each group of such green OA consumers, who are allowed open access in a year. Further, in any case, any such artificial restriction only creates a cost in the system for other consumers to bear, because what is not recovered from one set of consumers becomes a cost implication for others and recommends that this provision may be completely removed. For example, if 10 Green OA consumers are permitted OA in 2023, then their 12-year period will commence from 2023 and end in 2035. Thereafter, in 2024, if another group of 20 green OA consumers are permitted OA; now, for these, the 12-year period will start in 2024 and end in 2036 and so on. It is nearly impossible, administratively and from billing point of view as well, to keep track of each 12-year period and the corresponding group of consumers.

MSEDCL submitted that the Commission should allow recovery of Grid Stability Charge from such consumers for safety, security and efficient operations of the grid. The provision of exemption of CSS is not in line with the provisions of EA 2003 and therefore, cannot be

modified through subordinate legislation. The CSS is a provision under the EA 2003, to compensate Distribution Licensees (DL) for the loss of cross subsidy due to consumers migrating to open access. CSS determination is based on the tariff of the respective consumer category and not on the type of generator used under open access. The proposed special concessions for Green Energy Open Access are not justified, as the revenue loss will be borne by common consumers through increased tariffs. The concept of CSS determination in Maharashtra State has evolved over time, and now RE Open Access can compete with conventional power open access without needing further concessions or promotional benefits. The applicability of CSS for waste to energy projects should be retained. CSS is not determined for the Low-Tension (LT) category, though some LT consumers are eligible for green energy open access. GEOA consumers below 1 MW should also use MSEDCL power when needed. The EA 2003 allows for recovery of legitimate cost for these consumers, and an additional charge equivalent to the cost incurred by the Licensee should be allowed to MSEDCL. Lowering the limit to 100 kW could threaten grid stability, so MSEDCL must take necessary precautions to ensure supply as per SOP Regulations issued by the Commission.

Shri Yudhishtir Varma submitted that the said proviso is against Section 42(2) of EA 2003, which stipulates that such surcharge and cross subsidies shall be progressively reduced in the manner as may be specified by the State Commission.

### ***1.7.3 Analysis and Commission's Decision***

As regards the requests for exemption from CSS for GEOA consumers, it is clarified that the Commission has proposed the exemptions exactly in accordance with the MoP Rules.

It is clarified that CSS is not applicable for captive OA. Further, CSS is applicable for GEOA cases, other than that specifically exempted in the Rules and Regulations. The mere fact that the applicability of CSS for GEOA is sub-judice before the APTEL is irrelevant, as there is no stay in the matter.

As regards the comments regarding the CSS, and need to track the 12-year period, etc., the Commission has noted difficulties in implementation of this provision. The Commission has already implemented cap of 20% of ACoS for CSS in its Tariff Order. Therefore, considering practical difficulties in implementation of 2<sup>nd</sup> proviso in draft Regulations, the Commission has decided to delete the same. Accordingly, draft Regulations is modified as follows:

#### ***Introduction of 2<sup>nd</sup> and 3<sup>rd</sup> Provisos after 1<sup>st</sup> Proviso to Regulation 14.7 (d) of the Principal Regulations:***

*“Provided further 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.”*

## **1.8 Amendment to Regulation 14 of the Principal Regulations**

### **1.8.1 Introduction of 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Provisos after 1<sup>st</sup> Proviso to Regulation 14.8 (d) of the Principal Regulations**

*“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.”*

### **1.8.2 Comments Received**

Vidyut Urja, Shri Anil Patil, Shri Narendra Chaudhari, Ghodawat Energy, IEX, Amplus Solar, TPREL, InWEA, IWTMA and others submitted that it is necessary to extend the exemption in payment of Additional Surcharge as per the MoP Rules to all GEOA consumers paying fixed charges.

Vishwaraj Environment Pvt. Ltd. submitted that Additional Surcharge should not be applicable if green energy is utilized for production of green hydrogen, green ammonia, derivatives of hydrogen and charging of Battery Energy Storage System (BESS).

Sembcorp submitted that the Standby Charges should not be applicable, if the GEOA consumers have given notice in advance at least a day in advance before closure time of the Day Ahead Market on “D - 1” day, ‘D’ being the day of delivery of power for standby arrangement to the Distribution Licensee. Further, the applicable Standby Charges should not be more than twenty-five per cent of the energy charges applicable to consumer tariff category.

Enfinity submitted that applicability of Additional Surcharge should be revised as:

*“Provided also that additional surcharge shall not be applicable if green energy is utilized for production of green hydrogen and green ammonia **and their derivatives.**”*

Enfinity added that there are multiple uses of green hydrogen and green ammonia such as production of e-methanol and others, which can be produced at the point of production of green hydrogen / green ammonia. Therefore, it is requested to include green hydrogen and green ammonia derivatives in all relevant places of the Regulations.



GEOA submitted that the Commission should also consider non-applicability of Additional Surcharge to be extended to Solar/wind /Hybrid/BESS Projects.

MSPL submitted that the Additional Surcharge is not applicable to consumers who have used Open Access to receive supply from a source other than their Distribution Licensee in a captive mode.

MSEDCL submitted that in case of waste to energy projects and offshore wind projects, additional concession in terms of non-applicability of Additional Surcharge for sourcing this power through open access is not justified. The loss of revenue in terms of Additional Surcharge will be recovered by the Distribution Licensee by way of increase in tariff of common consumers. In view of the above, it is submitted that the applicability of Additional Surcharge for open access related to waste to energy and offshore wind projects should be retained. Additional Surcharge is not determined for the LT category who will avail Open Access under this Regulations. Open Access consumers should pay charges as per the provision of Standby arrangement equivalent up to Contract Demand / Sanctioned Load available with the Licensee for the quantum availed. In case the quantum of Open Access availed by the consumer is more than the Contracted Demand / Sanctioned Load with the Licensee, the open access consumer should be liable to pay Additional Surcharge as determined by the Commission for such additional quantum availed over the Contracted Demand / Sanctioned Load.

### ***1.8.3 Analysis and Commission's Decision***

The Commission has proposed the exemptions from levy of Additional Surcharge in accordance with the MoP Rules. However, the exemption from levy of Additional Surcharge in case the OA consumer is paying fixed charges had been inadvertently missed in the Draft Amendment. The Commission has incorporated the same as the 5<sup>th</sup> Proviso to Regulation 14.8(d) as under:

*"Provided also that additional surcharge shall not be applicable for Green Energy Open Access consumers, if fixed charges are being paid by such consumer."*

It is clarified that Standby Charges are not applicable for OA transactions in Maharashtra.

It is clarified that Additional Surcharge is not applicable for captive OA transactions.

### ***1.8.4 Part D of Principal DOA Regulations, 2016: Open Access Charges***

#### ***1.8.5 Comments Received***

In case of wheeling of power from a wheeling connected generator (33/22/11 kV) to a wheeling connected consumer (33/22/11 kV) in the same Distribution Licence area, both Transmission Charge and Wheeling Charge and Losses are currently applicable. However, since the Parties

are not using the transmission network, in this case, the Transmission Charges should not be applicable as is the case in most other States, such as Karnataka, Gujarat, Andhra Pradesh, Madhya Pradesh, etc.

#### **1.8.6 Analysis and Commission's Decision**

The Commission has clearly specified the applicability of OA charges for different voltages of injection and drawal in the 1<sup>st</sup> Amendment to MERC DOA Regulations, and the same have been retained without any modification.

#### **1.8.7 Regulation 14.1 (v) of Principal DOA Regulations, 2016: Transmission Charges**

*“Provided that a Partial Open Access Consumer, Generating Station or Licensee, as the case may be, shall pay the Transmission Charges to the Distribution Licensee instead of the Transmission Licensee for using a transmission network which shall be passed on to the STU within the stipulated time period as specified under Regulations 14.5.”*

#### **1.8.8 Comments Received**

TPC-D requested the Commission to provide the clarification regarding on which units (Input MU or the actual energy drawal at the consumption end), the open access consumer is liable to pay the Transmission Charges. Accordingly, the Transmission Charges need to get determined for the Distribution Licensee.

AEML-D submitted that the provision pertaining to the amount to be passed on to the STU may be deleted and the proviso may be amended as follows: *“Provided that a Partial Open Access Consumer, Generating Station or Licensee, as the case may be, shall pay the Transmission Charges to the Distribution Licensee instead of the Transmission Licensee for using the transmission network which shall be retained by the Distribution Licensee”*.

SPDA submitted that the applicable Transmission Charges in case of repeated short-term open access (STOA) transactions of GEOA consumer(s) due to any delay in approval of medium-term open access (MTOA) or long-term open access (LTOA) application, as the case may be, should not be increased. Further, for GEOA transactions, the applicable Transmission Charges should continue to be on per unit basis.

Integrum submitted that the Transmission Charges for renewable energy should be calculated on a per MW basis, in line with conventional power, rather than twice the short-term charges on per unit basis.

#### **1.8.9 Analysis and Commission's Decision**

The Commission is of the view that the proposed proviso is sufficient and the additional terminology sought to the extent that the Transmission Charges shall be retained by the Distribution Licensee is not required to be incorporated.

The Commission is of the view that the Transmission Charges for GEOA transactions should be continued on per kWh basis, as determination of the Transmission Charges in per MW terms would be disadvantageous for GEOA transactions.

Regarding levy of transmission charges, it is clarified that as billing of OA charges is based on drawl at consumer end, to avoid any billing dispute, transmission charges shall also be levied on energy drawl at consumer end.

## **1.9 Amendment to Regulation 17 of the Principal Regulations**

### ***1.9.1 Introduction of 2<sup>nd</sup> Proviso after 1<sup>st</sup> Proviso to Regulation 17.1 of the Principal Regulations***

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

### ***1.9.2 Comments Received***

Vidyut Urja and Persistent System Ltd. submitted that it is in the interest of all GEOA consumers that open access is provided based on ToD meter and it should not be linked to the Contract Demand. Therefore, all consumers whether their contract demand is below 1 MW or not should be allowed GEOA based on ToD meter.

Shri Yudhishtir Varma, Pragati Agencies and other Textile Industry entities submitted that the threshold to have SEM for availing GEOA should be increased up to 5 MW. This will greatly aid the cause of promoting and propagating use of green energy amongst all categories of consumers and in a large no. of consumers missing out on the benefit of availing green energy open access.

TPC-D requested for consideration of the suggested modification:

*“Provided further that Green Energy Open Access to Consumer with Contract Demand lower than 1 MW and greater than or equal to 100 kW shall be allowed based on ToD meter.”*

MSEDCL submitted that the existing open access transaction settlement system requires energy accounting and billing on a 15-minute time block basis, requiring the installation of Special Energy Meters. This system may become unmanageable for eligible consumers. Regulation 3.3 of the draft Regulations allows GEOA consumers to not change the quantum of power consumed through open access for at least twelve-time blocks. However, Regulation 17.1 allows GEOA based on ToD meters, which cannot record consumption data of 12-time blocks.

MindSpace Business Parks Pvt. Ltd. (MBPPL), Gigaplex Estate Pvt. Ltd. (GEPL), and KRC Infrastructure & Power Pvt. Ltd. (KRCIPPL) submitted as regards the 4<sup>th</sup> proviso that ToD meters are not capable of reading consumption on 15-minutes time block. If the Special Energy

Meters are not mandated for availing GEOA, then the condition stipulated in Regulation No. 3.3 cannot be satisfied. They requested the Commission to mandate installation of Special Energy Meters for availing Green Energy Open Access.

### ***1.9.3 Analysis and Commission's Decision***

The Commission has noted the concerns raised by various stakeholders and has incorporated the following modification to this proviso to the effect that ABT metering shall be required for all HT consumers, and TOD meters shall be sufficient for LT consumers. The modified proviso is as under:

*“Provided further that Green Energy Open Access to Consumer with Contract Demand lower than 1 MW shall be allowed based on Special Energy Meter for all High Tension consumers and ToD meter for all eligible Low Tension consumers.”*

### **1.10 Amendment to Regulation 20 of the Principal Regulations:**

#### ***1.10.1 Substitution of Regulation 20.4 of the Principal Regulations:***

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

#### ***1.10.2 Comments Received***

ITC Limited submitted that there are questions about the significance of this clause, as banking is not allowed beyond a month. The 8% charges are justified for annual banking of energy stored with Distribution Licensee for longer duration beyond a month.

Wada Green and TSSDG submitted that the Banking charges at 8% is a bit high, which will add to cost of energy sourced from RE generating systems; it should be around 2% to 5% for encouraging early adoption of this Regulation.

Shri Sudhir Budhay submitted that since, it is not mentioned in the draft Amendment, it is assumed that banked energy during peak hours can be drawn in off peak hours like in the past.

Sembcorp submitted that the energy banked during peak TOD slots should be permitted to be drawn during peak as well as off-peak TOD slots by paying banking charges. However, the energy banked during off-peak TOD slots should be permitted to be drawn during peak ToD slot by paying additional charges @ 2% over and above the banking charges. Also, as per the FOR Final Report on Model Regulation for Green Energy Open Access, off peak banked quantum can be adjusted for the peak period consumption at additional charge. Such provision is not provided in the draft Regulations. It is requested that the same may be included in the final Regulations.

Infinity submitted that the banking charges should be adjusted in kind @ 2% of the energy banked. Further, the energy banked during off- peak TOD slots may also be drawn during peak

TOD slots with additional Banking charges @ 8% of the energy banked, if the banked energy is used for production of Green Hydrogen / Green Ammonia. Energy banked during off- peak TOD slots should be allowed to be drawn during peak TOD slots with banking charges. As Green Hydrogen / Green Ammonia plants required a base load for its operation, so Green Hydrogen / Green Ammonia plants should be allowed to bank maximum energy subject to grid capabilities.

Amplus solar submitted that banking charges at the rate of 8% of banked energy as specified in the proposed Draft Amendment Regulations is on the higher side, as many other States like Chhattisgarh and Uttar Pradesh has approved banking charges of 2% and 6%, respectively. It is pertinent to mention that banking charges should be evaluated based on the actual impact on Distribution Licensees' cost for allowing such banking to the consumers.

NSEFOL submitted that increase in banking charges by 300% is too high, as already consumers in Maharashtra are paying high OA charges, viz., Transmission Loss -3.18%, Wheeling Loss - 7.50%, Administrative Cost – Rs. 0.10 per kWh, Transmission Charge – Rs. 1.10 per kWh, Wheeling Charge – Rs. 0.60 per kWh.

Pragati Agencies and other stakeholders submitted that the importance of banking for a RE source seems to have been lost both on the Central Govt. as well as the Commission. Almost 25% generation, i.e., 8 Lakh units is getting lapsed during high wind season. Only 50% of consumption is getting adjusted through RE. The Commission should consider allowing banking facility for at least 6-month period of high wind season and 100% annual banking for Captive Users, subject to banking charges in cash or kind.

Integrum sought clarification on whether the banked units will be calculated using surplus from TOD generation and consumption during the month, day, and 15-minute time block generation and consumption.

ABUT submitted that Banking charges should be adjusted in kind @5% of the energy banked, as consumers can use either intra-State transmission system or distribution system, or both, when used in conjunction with the inter-State transmission system. After setoff, surplus energy from a Green Energy generating station is banked with the Distribution Licensee. The Commission should allow energy banked during off-peak hours (TOD slots) to be drawn in peak hours (TOD slot) by paying additional banking charges in kind, to be defined in the Regulations, similar to other States like Karnataka. The Commission should define the Banking Cycle and it should be at least one quarter and banking should be applicable for the period of 25 Years or useful life of the project from the COD of the Captive Project. Additionally, 5% of Banking Charges will encourage developers and consumers to install more RE Projects, aiding in strategic investment decisions and all projects connected to GEOA, whether intra-State or inter-State, should be provided with banking facilities, ensuring that banking is available for both systems.

HPCL submitted that a detailed analysis is needed to justify the increase in banking charges from 2% to 8%, as the existing restrictions make RE projects challenging to sustain.

MSEDCL submitted that Banking Charges that are to be adjusted in kind are not sufficient and cost reflective. Banking Charge should be based on the value of energy banked and drawn in each 15-minute time block and a third-party study should be conducted to estimate the cost of banking service in Rs. / kWh terms, based on the quantum of energy banked and value of energy at the time of injection and drawal. Banking refers to the surplus green energy injected into the grid and credited to Green Energy Open Access consumers. This credit is not allowed to be carried forward to subsequent banking cycles and must be adjusted during the same banking cycle. The surplus energy after consumption set-off is accounted as banked energy and offset against consumption in the same time slot during the month.

### ***1.10.3 Analysis and Commission's Decision***

As elaborated in the Explanatory Memorandum, the Commission has proposed the banking framework and Banking Charges in accordance with MoP Rules and FoR Model Regulations.

It is clarified that energy banked during peak hours can be utilised during off-peak hours, however, the energy banked during off-peak hours cannot be utilised during peak hours, in accordance with the 2<sup>nd</sup> proviso of Regulation 20.3 of the 1<sup>st</sup> Amendment to the MERC DOA Regulations.

It is clarified that there is no limit on the quantum of energy banked linked to the energy generated or the energy consumed.

### ***1.10.4 Substitution of Regulation 20.5 of the Principal Regulations:***

*"20.5 The un-utilized 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."*

### ***1.10.5 Comments Received***

ITC Limited submitted that the clause should be reframed as:

*"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."*

Shri Sudhir Budhay requested for continuation of purchase of 10% of the banked energy as per earlier notification. Lapse of entire banked energy could be a big loss for seasonal businesses with variable power consumption.

Sembcorp submitted that Distribution Licensee should issue the statement for such lapsed energy within 15 days at end of each month, based on which RE generating station can apply for RECs in NLDC. SLDC should issue detailed guidelines in this regard. As per the current provisions of CERC REC Regulations, the REC project needs to be registered under CERC mechanism and NLDC shall issue the RECs. However, in the draft Amendment Regulations, it is mentioned that RE generating station shall be entitled to get RECs to the extent of lapsed banked energy. It is requested that the Commission may provide detailed guidelines/procedures and specific timelines for such issuance of REC in case of lapsed surplus banked energy.

Enfinity submitted that the un-utilised surplus banked energy should be considered as deemed purchase by the Distribution Licensee at the end of each banking cycle, at the average tariff discovered under competitive bidding for the preceding 6 months, to sustain the RE project's financial viability and to safeguard the interest of the developers.

Amplus Solar submitted that in case the RE generator is not eligible for RECs, the lapsed banked energy should be purchased by the Distribution Licensee at a rate equivalent to that stipulated under yearly Generic RE tariff, which should be counted towards the RPO of the Distribution Licensee. The Commission has allowed settlement of lapsed banked energy at the end of the month, limited to 10% of actual total generation by such RE generator in such a month at rate equivalent to that stipulated under yearly generic RE tariff Order applicable for respective technology in MERC Distribution Open Access (First Amendment) Regulations, 2019.

TRPEL and SPDA requested for retaining the earlier provision regarding purchase of energy by the Distribution Licensee up to 10% of the actual monthly total generation at a rate equivalent to that stipulated under yearly Generic RE Tariff Order applicable for respective technology. The lapsed banked energy above 10% should be allowed to get RECs. The existing provision as specified in the MERC DOA 1<sup>st</sup> Amendment Regulations, 2019 may be considered as similar provision has also been considered in 3<sup>rd</sup> and 4<sup>th</sup> Proviso to Clause 9(4)(d) of the draft OERC (Promotion of Renewable Energy through Green Energy Open Access) Regulations, 2023, wherein the unutilised banked energy limited to 10% shall be considered as deemed purchase by GRIDCO/Distribution Licensees.

Integrum requested for retaining the clause of deemed purchase of unutilised banked energy at the end of the month, limited to 10% of the actual total generation by such RE generator in such month, by the Distribution Licensee at a rate equivalent to that stipulated under yearly Generic RE Tariff Order applicable for respective technology. Such deemed purchase should be counted

towards the RPO of the Distribution Licensee. Further, the RE generating station should be entitled to get RECs to the extent of the lapsed banked energy.

ABUT submitted that the unutilised banked energy/surplus energy at the end of each banking cycle should not be considered as lapsed and should be purchased by the Distribution Licensee at the rate specified in the relevant Government Policy/Commission's Order. Surplus banked energy should not be considered as lapsed, as it is subject to 2% banking charges in kind.

TPC-D submitted that as per the current practice, the Distribution Licensees are using the unutilised banked energy for fulfilment of RPO of the Distribution Licensee and asked to continue the same.

Renew Pvt. Ltd. submitted that the un-utilised surplus banked energy should be deemed to be purchased by the Distribution Licensee at 85% of generic tariff determined by the Commission for the financial year. Also, CERC Regulations do not specifically cover any such scenario for REC eligibility. Also, the liquidity in REC market is very low with no provision of floor price, which will lead to lower price discovery. Also, the excess energy banked with the Distribution Licensees are sold to their consumers on real-time basis through which revenues are generated and cost is saved as per the Merit Order Dispatch. Hence, the Commission is requested to take cognizance of such scenario and specify a rate of at least 85% of governing generic Tariff Order issued from time to time.

AEML-D submitted that it has no objection to the proposed amendment, but suggested that it may further be added that the Distribution Licensee shall be eligible to use such energy to meet its RPO. This is because the energy towards banking charges will anyway be allocated to the Distribution Licensee by the MSLDC, and the generator is not allowed to get RECs on this energy as the same is sold as green energy. Hence, it naturally follows that Distribution Licensee should be allowed to account such energy towards its RPO.

TSSDG submitted that the Distribution Licensee should purchase lapsed energy as per the current Regulation, as these units are consumed by Distribution Licensee's consumers and paid for by them, ensuring the generator receives the benefit at nominal rates.

#### ***1.10.6 Analysis and Commission's Decision***

As elaborated in the Explanatory Memorandum, the Commission has proposed the banking framework and Banking Charges in accordance with MoP Rules and FoR Model Regulations.

It is clarified that the Distribution Licensee shall not be entitled to claim the lapsed units against its RPO targets, as the RE generating station is entitled to get RECs to the extent of lapsed banked energy as per MoP Rules, and the same units cannot be considered as RE units for 2 different entities.



## 2 Additional Points

---

### 2.1 Relief for Textile industry

#### 2.1.1 *Comments Received*

Many textile industry entities submitted that for textile industries, there should be no limit of 1 MW for Net Metering and there should be no charges for using RE power except payment of Transmission Charges. There is difference between the Govt. Textile Policy and Draft Amendment Regulations. GoM under Textile Policy, has provided that for textile consumers availing power through GEOA no other charges should be levied except Transmission Charges. It is requested to factor in both renewable and non-renewable energy for the calculation of Load Factor for the textile units. Further, separate GEOA Regulations should be notified rather than amendment to DOA Regulations and Public Hearing should be conducted before finalizing the Regulations. Also, the Commission should determine banking charges scientifically in cash or in kind.

#### 2.1.2 *Analysis and Commission's Decision*

As regards the stakeholders' submission regarding difference between the State Government Policy and the Commission's Regulations, it is clarified that the Draft Amendment Regulations have been proposed in line with the MoP Rules. Hence, any specific industry cannot be exempted from payment of OA charges. Further, the burden of such exemption will fall on the remaining consumers of the Distribution Licensee. Hence, all OA charges shall be applicable for GEOA consumers, except for the specific exemptions provided in the Regulations.

Further, as regards the exemption sought by Textile industry, if these industries opt for the incentives under GoM Policy and setup captive generating unit then they will get exemption from payment of CSS and Additional Surcharge.

Load factor is computed for determining eligibility of the consumer for Load Factor Incentive (LFI). It is important to note that LFI is given to consumer who is maintaining steady load which helps the Discoms to plan its power procurement. Therefore, LFI can be given only on power supplied by the Distribution Licensee. Hence, energy sourced from GEOA cannot be included in computation of Load Factor

Hence, the Commission has not modified the draft Amendment Regulations in this regard.

## **2.2 Open Access Charges**

### ***2.2.1 Comments Received***

InWEA and IWTMA submitted that CSS to be paid by open access consumers should not exceed 20% of the ACOS; no other charge should be levied on Renewable Energy. One Wind Turbine generator should be allowed to be allocated to more than one captive consumer as well as 3<sup>rd</sup> party sale and no Security Deposit should be taken from GEOA consumers.

### ***2.2.2 Analysis and Commission's Decision***

The Commission has already capped the CSS to be paid by OA consumers to 20% of the ACOS, while determining the CSS in the recently issued Mid-Term Review (MTR) Orders for different Distribution Licensees in the State of Maharashtra.

It is clarified that one WTG can be allocated to more than one captive consumer, as long as the captive OA consumers comply with all the Rules and Regulations for being qualified as captive consumers.

The Security Deposit to be paid by OA consumers has been specified in the Principal Regulations after due consideration and has not been modified.

Hence, the Commission has not modified the draft Amendment Regulations in this regard.

## **2.3 New Provisos**

### ***2.3.1 Comments Received***

AEML submitted that the following new proviso may be added:

*“Provided that Day Ahead Open Access shall not be available for Green Energy Open Access transactions.”*

### ***2.3.2 Analysis and Commission's Decision***

Regulation 11.3 of the Principal Regulations allows day ahead open access to all eligible consumers. Hence, there is no logic in restricting day ahead Open Access to GEOA transaction. As specified in the provisos to Regulations 4.1 and 8.1 of the Draft Amendment, the procedures and formats and timelines as devised by the Central Nodal Agency shall be followed for seeking and allowing GEOA.

## **2.4 GEOA Rules**

### ***2.4.1 Comments Received***

MSEDCL submitted that it is important to look into the existing infrastructure needs / developments of the State and current challenges faced by the State, which may pose a threat in implementing the GEOA Rules, 2022. The practical difficulties faced by the State need to be addressed before adopting the GEOA Rules, 2022. It also needs to be ensured that while implementing GEOA Rules, technical and financial feasibility of the State Distribution Licensee is not affected in any manner, which plays a vital role in providing uninterrupted and reliable supply and a considered view should be taken on the financial impact of various services (such as banking, standby, etc.) that are being provided by Distribution Licensees under these Regulations and accordingly frameworks should be devised for charges to be levied on such open access consumers. The distribution network's grid operations are threatened by lowering open access to 100 kW, requiring investments and arrangements to ensure stability and reliability. Charges for GEOA should be levied only as per MOP Rules and FOR Model Regulations.

IEX submitted that the Commission may add clauses to draft Regulations to submit schedules according to CERC and POSOCO procedures.

### ***2.4.2 Analysis and Commission's Decision***

The Commission has proposed the draft Amendments, wherein the eligibility for seeking GEOA has been reduced to consumers having Contract Demand/Sanctioned Load of 100 kW or above, in accordance with the MoP Rules.

As specified in the provisos to Regulations 4.1 and 8.1 of the Draft Amendment, the procedures and formats and timelines as devised by the Central Nodal Agency shall be followed for seeking and allowing GEOA.

**Sd/-**  
**(Surendra J. Biyani)**  
**Member**

**Sd/-**  
**(Anand M. Limaye)**  
**Member**

**Sd/-**  
**(Sanjay Kumar)**  
**Chairperson**

**Annexure – I**

| <b>Sl. No.</b> | <b>Name of Stakeholders</b>                           |
|----------------|---|
| 1              | Tata Power Renewable Energy Ltd. (TPREL)              |
| 2              | Indian Wind Turbine Manufacturers Association (IWTMA) |
| 3              | Pragati Agencies                                      |
| 4              | H. H. Patel & Company                                 |
| 5              | Raysons Marketing Pvt. Ltd.                           |
| 6              | Shri B. G. Raibage                                    |
| 7              | Harshita Sales Corporation                            |
| 8              | Shri Gajlaxmi Industries                              |
| 9              | S. K. Veerabhadrapa & Co.                             |
| 10             | Sridevi Trading Company                               |
| 11             | Sree Veerabhadreshwara Rice & Flour Mill              |
| 12             | Shri B. C. Shivakumar                                 |
| 13             | Shri B. C. Chandrashekhar                             |
| 14             | Shri B. C. Umapathy                                   |
| 15             | Jathar Textiles Pvt. Ltd.                             |
| 16             | Shri Tejas Sizers                                     |
| 17             | Balkrishna Sizing Industries                          |
| 18             | Dr. Santosh Kamalesh Prabhu                           |
| 19             | Shri Tradeco India Pvt. Ltd.                          |
| 20             | Indian Wind Energy Association (INWEA)                |
| 21             | AMPIN Energy Transition India Pvt. Ltd.               |
| 22             | O2 POWER  |
| 23             | Sheela-Shivraj  |
| 24             | Shri S. K. Shivaraj                                   |
| 25             | Shivashri Techno Homes Pvt. Ltd.                      |
| 26             | Shri Sai Krishna                                      |
| 27             | D. J. Malpani   |
| 28             | Unirose Textile Processors Pvt. Ltd.                  |
| 29             | Giriraj Enterprises                                   |
| 30             | Saroj Casting Pvt. Ltd.                               |

| <b>Sl. No.</b> | <b>Name of Stakeholders</b>                        |
|----------------|--|
| 31             | National Solar Energy Federation of India (NSEFOL) |
| 32             | Suttatti Enterprises Pvt. Ltd.                     |
| 33             | Hindustan Petroleum Corp. Ltd. (HPCL)              |
| 34             | Enfinity Global                                    |
| 35             | Jupiter Life Line Hospitals Ltd.                   |
| 36             | Amplus Energy Solutions Pvt. Ltd.                  |
| 37             | Ved Industries                                     |
| 38             | B. S. C. Textiles                                  |
| 39             | GEOA   |
| 40             | Shri B.S. Channabasappa & Sons                     |
| 41             | Sun Irrigation Systems Pvt. Ltd.                   |
| 42             | Shri S. K. Parik                                   |
| 43             | TSSDG India Pvt. Ltd.                              |
| 44             | Integrum Energy Infrastructure Pvt. Ltd.           |
| 45             | Arvind Dyeing & Bleaching Mills Pvt. Ltd.          |
| 46             | Mahindra Susten Pvt. Ltd. (MSPL)                   |
| 47             | Arvind Cotsyn India Ltd. (ACIL)                    |
| 48             | Aditya Birla Ultra Tech (ABUT)                     |
| 49             | Bajaj Finserv Ltd.                                 |
| 50             | JSW Energy Ltd.                                    |
| 51             | ITC-Limited  |
| 52             | Sembcorp   |
| 53             | Shri Sanjay Chaudhari (Persistent Systems Ltd.)    |
| 54             | Shri Vinod Pawar                                   |
| 55             | Vishwaraj Environment Pvt. Ltd.                    |
| 56             | Ghodawat Energy                                    |
| 57             | Shri Narendra Chaudhari                            |
| 58             | Shri Anil Patil                                    |
| 59             | Vidyut Urja Equipments Pvt. Ltd.                   |
| 60             | Cleanmax Enviro Energy Solutions Pvt. Ltd.         |
| 61             | Shri Sudhir Budhay                                 |
| 62             | Hygenco Green Energies Pvt. Ltd.                   |

| <b>Sl. No.</b> | <b>Name of Stakeholders</b>                    |
|----------------|--|
| 63             | Wada-Green Energies Pvt. Ltd.                  |
| 64             | Intergold India Pvt. Ltd.                      |
| 65             | Shree Cement Ltd.                              |
| 66             | Elegant Collection                             |
| 67             | Shri S. E. More                                |
| 68             | Dalmia Cement Bharat Ltd.                      |
| 69             | Renaissance Global Ltd.                        |
| 70             | Prayas Energy Group                            |
| 71             | Shri Sanjiv Puri                               |
| 72             | Maharashtra State Load Despatch Centre (MSLDC) |
| 73             | BEST (DISCOM)                                  |
| 74             | Fourth Partner Energy Pvt. Ltd.                |
| 75             | Shri Yudhishtir Varma                          |
| 76             | Arvind Universal textiles Pvt. Ltd.            |
| 77             | Mindspace (MBPPL) (DISCOM)                     |
| 78             | Gigaplex (GEPL) (DISCOM)                       |
| 79             | KRC Infra & Power (KRCIPPL) (DISCOM)           |
| 80             | Revalyu Recycling India Ltd.                   |
| 81             | YR Cottex                                      |
| 82             | NG Cottex                                      |
| 83             | PA Cottex                                      |
| 84             | DG Cottex                                      |
| 85             | PK Cottex                                      |
| 86             | Arvind Cottex                                  |
| 87             | Arvind Textile                                 |
| 88             | Arvind Texfab                                  |
| 89             | Arvind Texcom                                  |
| 90             | NG texfab                                      |
| 91             | PA texfab                                      |
| 92             | DG textile                                     |
| 93             | PK textile                                     |
| 94             | SR texcom                                      |

| <b>Sl. No.</b> | <b>Name of Stakeholders</b>          |
|----------------|--------------------------------------|
| 95             | PS texfab                            |
| 96             | PL texfab                            |
| 97             | Shri Mahesh Cop. Spinning Mills Ltd. |
| 98             | PB texfab                            |
| 99             | YR texfab                            |
| 100            | GS texfab                            |
| 101            | GB textile                           |
| 102            | AL textile                           |
| 103            | RD texfab                            |
| 104            | SD textile                           |
| 105            | LD textile                           |
| 106            | BD textile                           |
| 107            | Arvind Sizing Industries             |
| 108            | NG Fabtex                            |
| 109            | PA Fabtex                            |
| 110            | DG Fabtex                            |
| 111            | PK Fabtex                            |
| 112            | RR Fabtex                            |
| 113            | NR Fabtex                            |
| 114            | YR Fabtex                            |
| 115            | GS Fabtex                            |
| 116            | GB Fabtex                            |
| 117            | SR Fabtex                            |
| 118            | PS Fabtex                            |
| 119            | PL Fabtex                            |
| 120            | PB Fabtex                            |
| 121            | RD Fabtex                            |
| 122            | SD Fabtex                            |
| 123            | LD Fabtex                            |
| 124            | BD Fabtex                            |
| 125            | Arvind Warpings                      |
| 126            | Arvind Sizers                        |

| <b>Sl. No.</b> | <b>Name of Stakeholders</b>                                     |
|----------------|---|
| 127            | Autade Spinners   |
| 128            | Arihant Corporation   |
| 129            | Arihant cotton mills  |
| 130            | Arihant Exim  |
| 131            | Arihant Exports   |
| 132            | Arihant fab   |
| 133            | Adani Electricity Mumbai Ltd. (AEML) (DISCOM)                   |
| 134            | Arihant texcom  |
| 135            | Arihant industries  |
| 136            | Arihant Impex   |
| 137            | Indian Energy Exchange (IEX)                                    |
| 138            | Maharashtra Electricity Distribution Co. Ltd. (MSEDCL) (DISCOM) |
| 139            | Tata Power Co. Ltd. (TPC-D) (DISCOM)                            |
| 140            | Sustainable Projects Developers Association (SPDA)              |
| 141            | Renew Pvt. Ltd.   |