



# Procedure for Distribution Open Access to Tata Power Distribution System

May 2020

R0	June 2016	As per the requirements of the MERC (Distribution Open Access) Regulations, 2016 issued on 30 <sup>th</sup> March, 2016
R1	May 2020	As per the requirements of the MERC (Distribution Open Access) (First Amendment) Regulations, 2019 issued on 7 <sup>th</sup> June, 2019

## 1. INTRODUCTION

### 1.1 Background

1. Maharashtra Electricity Regulatory Commission (hereinafter referred to as “**Hon’ble Commission**”) has notified the MERC (Distribution Open Access) Regulations, 2016 on 30<sup>th</sup> March, 2016. Subsequently, the First Amendment to the said Regulations was notified on 7<sup>th</sup> June, 2019.
2. This procedure is being framed by the Tata Power Company Limited-Distribution business (herein after referred to as “**Tata Power-D**”) in accordance with the above mentioned Regulations and amendments made thereunder and shall be applicable for all applications made to Tata Power-D for seeking open access on their Distribution System. Further, certain parts of this procedure shall be applicable to consumers with in-situ captive generating stations having generating capacity of 1 MW and above (for scheduling and billing).
3. The eligible consumer wishing to avail open access from Tata Power-D shall comply with all the relevant provisions pertaining to the MERC (Distribution Open Access) Regulations, 2016 and amendments thereof, the State Grid Code and any other procedure of the Maharashtra State Load Despatch Centre (MSLDC) related to Open Access arrangements, failing which Tata Power-D shall be at liberty to revoke the Open Access permission.
4. The procedure covers requirements in the Maharashtra Electricity Regulatory Commission (Forecasting, Scheduling and Deviation Settlement for Solar and Wind Generation) Regulations, 2018, Maharashtra Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2019 and the Scheduling and Despatch Code, 2019, related to Open Access for completeness of the entire procedure.
5. Tata Power-D may review / revise / modify / amend the provisions of these procedures prospectively as and when considered necessary and in accordance with the MERC (Distribution Open Access) Regulations, 2016 and its amendment or any general or specific Order / Regulations issued by the Hon’ble Commission from time to time, pertaining to open access arrangement.
6. The Distribution Open Access Procedure has been made in line with the Distribution Open Access Regulations and its amendments. However, in case there is a discrepancy in the Distribution Open Access Procedure and the Distribution Open Access Regulations and its amendments, the conditions as per the Regulations shall prevail.

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LIST OF ABBREVIATIONS	
Abbreviation	Description
CA	Chartered Accountant
DSM	Deviation Settlement Mechanism
F&S	Forecasting and Scheduling
LoI	Letter of Intent
LTOA	Long Term Open Access
MERC	Maharashtra Electricity Regulatory Commission
MoU	Memorandum of Understanding
MSLDC	Maharashtra State Load Despatch Centre
MTOA	Medium Term Open Access
MVA	Mega Volt Ampere
OA	Open Access
PPA	Power Purchase Agreement
SEM	Special Energy Meter
SLD	Single Line Diagram
STOA	Short Term Open Access
Tata Power	The Tata Power Company Ltd.
Tata Power-D	Distribution Business of The Tata Power Company Limited

## 2. PROCEDURE FOR SEEKING OPEN ACCESS

### 2.1 Eligibility for seeking Open Access

2.1.1 A consumer, located in the Distribution Licence Area of Tata Power-D, connected to or proposing to get connected to the distribution network of Tata Power-D, who has no dues pending with Tata Power-D and fulfils the conditions listed in the Table 1 below, shall be eligible for seeking Distribution Open Access (Regulation 3.2). This document does not cover the changeover protocol i.e. consumers taking power supply from one Distribution Licensee but connected on the network of another Distribution Licensee

2.1.2 This procedure is also applicable to consumers who are taking/ proposing to take power supply from Tata Power-D but are not connected to the Distribution Wires Network of Tata Power-D. However, in cases where the consumer is already having an existing open access arrangement with another distribution licensee, the consumer would have to apply for open access afresh to Tata Power- D.

### 2.2 Eligibility criteria for availing Open Access on Tata Power-D network

**Table 1: Eligibility criteria for availing Open Access**

Specific parameters	Eligibility Conditions
Open Access (OA) Applicant	<ul style="list-style-type: none"> <li>• Applicant for OA can be i) a Generator, ii) an Eligible Consumer, iii) a Distribution Licensee, iv) a Trading Licensee (hereinafter referred to as “<b>Eligible Consumer</b>”)</li> <li>• Eligible consumer shall be connected to or proposing to get connected to the distribution network of Tata Power-D</li> <li>• Eligible consumer shall have no dues pending with the Distribution Licensee</li> <li>• Eligible consumer located in the area of a Distribution Franchise shall be eligible for OA</li> <li>• Distribution Franchisee shall not be eligible for OA except in its capacity as an eligible consumer</li> <li>• Eligible Consumer intending to have / having Roof-Top Solar Photo Voltaic Systems can simultaneously avail open access under these Regulations; subject to a condition that in such cases, the credit for solar generation shall be adjusted on Gross metering basis for such period for which open access is availed by the Consumer</li> </ul>

Consumer Contract Demand	The Contract Demand of the Consumer seeking open access (OA) from Tata Power-D should be equal to or more than 1 MVA.
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### 2.3 Requirements related to Open Access

- 2.3.1. Eligible Partial Open Access consumer shall be permitted to avail OA for the capacity not exceeding its existing Contract Demand with Tata Power-D on the date of application.
- 2.3.2 Eligible Full Open Access Consumer shall be permitted to avail OA for capacity not exceeding its sanctioned load.
- 2.3.3 The above specified condition shall not be applicable to eligible Open Access consumers sourcing renewable energy power, subject to conditions of resultant power flow as per Regulation 8.10.
- 2.3.4 Eligible Open Access Consumer can avail supply from multiple sources of power such as Generators including Captive Generators, Trading Licensees, Power Exchanges, Other Distribution Licensees etc.

### 2.4 Duration of Open Access

The open access can be availed for the following categories based on duration of open access required:

**Table 2: Open Access Categories**

Sr. No	Type of OA	Time Period
1	Short Term Open Access (STOA)	Not exceeding 1 month at a time
2	Medium Term Open Access (MTOA)	Exceeding 3 months but not exceeding 5 years
3	Long Term Open Access (LTOA)	Exceeding 7 years

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## 2.5 Application Format and Documentation

- 2.5.1 Tata Power-D shall be the Nodal Agency for open access and connectivity for eligible consumers located in its Licence Area except for inter-state transactions (Refer Table under Regulation 8.4).
- 2.5.2 This document providing detail procedure for seeking open access along with associated formats is available on Tata Power website at the following link [https://cp.tatapower.com/sap/bc/ui5\\_ui5/sap/ztatapowerserv/index.html#/Loginpage](https://cp.tatapower.com/sap/bc/ui5_ui5/sap/ztatapowerserv/index.html#/Loginpage) or <https://www.tatapower.com/regulatory/regulatory-mumbai.aspx>
- 2.5.3 In addition to the detailed procedure, the name, designation and contact details of Tata Power-D nodal officer who is a single point contact for all open access and connectivity related matters is provided on the Tata Power website.
- 2.5.4 An eligible consumer located in the Licence Area of Tata Power-D seeking open access shall have to make an online distribution open access application in the prescribed form to Tata Power-D.
- 2.5.5 A separate Application shall be made for each month, and for each transaction in a month in case injection or drawal point(s) are different. However, a Captive Generating Company may make a single Application with single injection and multiple drawal points.
- 2.5.6 A consumer applying for Open Access to the Distribution System shall settle all dues of the Distribution Licensee prior to applying for Open Access.
- 2.5.7 Where there is a dispute between the Distribution Licensee and the Consumer relating to any charge for electricity or some other charge for electricity, such consumer shall be allowed Open Access pending resolution of such dispute upon deposit of the disputed amount with the Distribution Licensee, in accordance with Section 56 of the Act;
- 2.5.8 The eligible consumer may apply for short term or medium term or long term distribution open access to Tata Power-D depending on the duration of the open access sought, as described in Section D above.
- 2.5.9 The application for grant of Day ahead open access shall be made for continuous period of minimum duration of eight hours.
- 2.5.10 The application form shall be accompanied with mandatory documents, case specific documents (in prescribed formats wherever applicable), application fees and any other charges as may be stipulated by the Hon'ble Commission from time to time.

The list of mandatory documents, formats and case specific documents / formats, applicable fees and charges to be submitted as part of the Distribution Open Access Applications are enclosed as **Annexure 1** to this procedure.

2.5.11 The completed application along with all relevant attachments shall be submitted online on the link specified above. In case, due to some technical reasons, if the applicant is unable to submit the application online, the same can be submitted through email on following email addresses – [tpoa@tatapower.com] and through and through FAX on [022-6717-2730]

2.5.12 Where there is any change in location of either the drawal point or the injection point or an increase of more than ten percent in the quantum of power for Long Term Open Access using the Distribution System, a fresh Application shall be made.

## 2.6 Timelines for making application

2.6.1 The timelines for submitting the Open Access applications to Tata Power-D for grant of various open access shall be as follows:

**Table 3: Timelines for making Open Access Applications**

	Type of OA	Duration of open access	Timeline for making application
I	Short Term Open Access	Not exceeding 1 month at a time	Upto 4 months in advance and not later than 10 <sup>th</sup> day of preceding months. (Separate application shall be made for each month and for each transaction in a month)
A	In Advance		
B	Day-ahead		
II	Medium Term Open Access	Exceeding three months but not exceeding five years	Between 3 months to 12 months prior to the intended commencement of OA
III	Long Term Open Access	Exceeding seven years	At least 2 years before the date from which OA is sought

*Example:*

### **STOA:**

*An Application for Short-term Open Access for the month of August 2020, shall be submitted between 1<sup>st</sup> April and 10<sup>th</sup> July 2020.*

*Day Ahead:*



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*An Application for Day-Ahead transaction required for 15<sup>th</sup> August 2020, shall be received on 14<sup>th</sup> August 2020 upto 0900 Hrs.*

**MTOA:**

*An Application for grant of MTOA commencing 1<sup>st</sup> August, 2020, shall be made between 1<sup>st</sup> August, 2019 and 30<sup>th</sup> April, 2020.*

**LTOA:**

*An Application for grant of LTOA commencing from 1<sup>st</sup> August, 2022, shall be made before 1<sup>st</sup> August, 2020.*

## **2.7 Scrutiny of Application**

2.7.1 On receipt of an open access application, Tata Power-D shall scrutinise the application and the supporting documents for completeness, correctness and relevance of the application as per the following checklist:

- Completeness of the Application form along with receipt of payment;
- Verification of Contract Demand with Tata Power-D records and eligibility criteria;
- Status of Connection Agreement;
- Matching the dates / duration of open access requested with the dates / duration of the Letter of Intent (LoI) / Memorandum of Understanding (MoU) / Power Purchase Agreement (PPA) between the Consumer and Supplier;
- Dues, if any, for more than two billing cycles;
- Outstanding disputes related to electricity charges; and
- Verification of metering arrangement and distribution capacity as per Regulation 12.1 of the Open Access Regulations.

2.7.2 Availability of capacity in the Distribution system is a mandatory requirement for approval of open access in the cases of new consumers not connected to Tata Power-D network and consumers intending to enhance their Load. Accordingly, if augmentation of the Distribution System is required, the applicant shall have to bear the cost as per the applicable Schedule of Charges approved by the Hon'ble Commission.

- 2.7.3 For installation of electrical plant or equipment for providing connectivity to new consumers / load enhancement cases, a suitable piece of land or room shall have to be provided in the Applicant's premises.

## **2.8 Revision of Contract Demand**

- 2.8.1 The Contract Demand of a consumer availing LTOA or MTOA shall be governed by the provisions of the Electricity Supply Code and the Regulations of the Hon'ble Commission governing the standards of performance.

- 2.8.2 An STOA consumer shall not be eligible to revise the contract demand with distribution licensee during the tenure of STOA but may do so at the time of applying for Open Access.

## **2.9 Grant of Connectivity and Signing of the Connection Agreement**

- 2.9.1 If the consumer in the Licence Area of Tata Power-D seeking open access is not already connected to the Distribution System of Tata Power-D, the grant of connectivity shall be governed by the procedure specified in the Electricity Supply Code.

- 2.9.2 A Generating Station seeking connectivity to the Distribution System of Tata Power-D shall make an application for grant of connectivity in line with Regulation 5 of the Distribution Open Access Regulations, 2016.

- 2.9.3 Subsequent to the grant of connectivity by Tata Power-D, the consumer and Tata Power-D shall initiate the process of signing the Connection Agreement as per format provided in Annexure II of the Distribution Open Access Regulations, 2016 and its amendments. The Connection Agreement Format is available on Tata Power-D website in downloadable format on the following link:  
<https://www.tatapower.com/corporate/regulatory/pdf/Annexure-II-Connection-Agreement.pdf> or  
[https://cp.tatapower.com/sap/bc/ui5 ui5/sap/ztatapowerserv/index.html#/Loginpage](https://cp.tatapower.com/sap/bc/ui5_ui5/sap/ztatapowerserv/index.html#/Loginpage)

- 2.9.4 The Connection Agreement shall be signed by the consumer connected to the network of Tata Power-D and authorised representative of Tata Power-D before commencing with open access. The grant of connectivity shall not itself entitle the consumer to interchange power through open access unless it obtains approval of open access.

- 2.9.5 The Connection Agreement is mandatory for seeking open access. If any existing consumer seeking open access, by virtue of him being connected to Tata Power-D for

a long time does not have a connection agreement, the same needs to be regularised before grant of open access.

## **2.10 Installation of Special Energy Meters**

2.10.1 All open access consumers and Generators shall install Special Energy Meters (SEMs).

2.10.2 Tata Power-D shall test and install SEMs within sixty days from receipt of a request from the eligible consumer, that is capable of time-differentiated measurement for time-block-wise active energy in accordance with State Grid Code and with online communication facility for energy accounting for consumers seeking Open Access at their cost.

2.10.3 The Open Access consumer shall purchase this meter as per specifications provided by Tata Power-D. However, installation of such meters shall be done by Tata Power-D. If the other entity (supplier or consumer) is not in the Licence Area of Tata Power-D, the Applicant shall provide a commissioning certificate of the SEM meter for that entity.

2.10.4 Generating Stations having multiple generating units wherein one or more units are contracted under captive route or third party route for sale of power, shall install at their cost, SEMs, separately for each generating unit, in accordance with requirements stipulated by the Nodal Agency and/or MSLDC. Eligible consumer in the Licence Area of Tata Power-D who wishes to source power from Generation Station having multiple generating units shall have to provide a commissioning certificate for such unit wise metering arrangement.

2.10.5 The installed SEMs shall be available for inspection by the Distribution Licensee or the MSLDC at any time.

## **2.11 Communication of acceptance or shortfall in the application to Applicant**

2.11.1 Tata Power-D shall communicate to the Applicant / consumer about acceptance of application within (5) working days (subject to receiving requisite concurrence from the concerned authorities like Maharashtra State Load Despatch Centre (MSLDC) of the receipt of application along with the following information / requirements:

- Details of any shortcoming in application or supporting documentation, with advice to rectify the shortcoming.
- Details of outstanding dues existing for more than two billing cycles or any outstanding disputes related to electricity charges.
- Details of timelines for enhancement of infrastructure by Distribution Licensee and modification in metering arrangement, if required.

- Space required in the consumer's premises for installing equipment / metering arrangement.

2.11.2 The acknowledgement of receipt of completed application for Open Access shall be provided in the formats as given in the Distribution Open Access Regulations, 2016 and its amendment thereof as specified below for various types of OA:

- Tata Power-D will convey grant of open access or otherwise as per the format provided in **Annexure III - ST2** in case of Short Term Open Access along with schedule of payments to the consumer within 10 working days and assign specific reason in writing if open access is not granted.
- Tata Power-D will convey grant of open access or otherwise as per the format provided in **Annexure IV**-in case of MTOA within 60 days. In case the open access is granted for a period less than that sought by the applicant, Tata Power-D shall record the reasons in writing.
- Tata Power-D will convey grant of open access or otherwise in case of LTOA within 120 days if system augmentation is not required and within 180 days, if otherwise. While granting open access on long term, Tata Power-D shall communicate to the Applicant the date from which Long Term Open Access shall be granted and the details of associated charges like wheeling charges, cross subsidy surcharge, regulatory asset charges and additional fixed charges.

2.11.3 In case of rejection of an open access application, the application processing fee plus applicable taxes as approved by the Hon'ble Commission, shall stand forfeited.

## 2.12 Open Access Agreement

2.12.1 An Open Access Agreement shall be entered into upon grant of Medium or Long Term Open Access in the format provided in Annexure V of the Open Access Regulations. The Open Access Agreement Format is available on Tata Power-D website in downloadable format on the following link <https://www.tatapower.com/regulatory/regulatory-mumbai.aspx> or <https://cp.tatapower.com/sap/bc/ui5/ui5/sap/ztatapowerserv/index.html#/Loginpage>

2.12.2 Tata Power-D shall give the Applicant a notice of not less than ten days prior to signing of the Open Access Agreement, after confirmation of completion of all works and fulfilment of all requirements under the Act and Regulations.

2.12.3 The Applicant shall enter into the Open Access Agreement within 30 days of such notice, failing which Open Access may be terminated by Tata Power-D unless sufficient cause is shown for the delay.

### **2.13 Meter Reading**

2.13.1 Tata Power-D shall conduct testing of meter and associated equipment before commencement of open access.

2.13.2 Final Meter reading of the consumer shall be taken by Tata Power-D from the date of commencement of Open Access. It shall be taken in the presence of the Consumer or his representative, and the Generating Company or Licensee from whom the consumer intends to obtain supply of electricity, after written intimation to them. However, if these entities are not present as scheduled, Tata Power-D will take the final reading and intimate to all concerned.

2.13.3 Tata Power-D shall carry out the meter reading at least once in every month.

### **2.14 Date of effectiveness of Open Access**

2.14.1 The OA granted to the consumer by Tata Power-D shall be effective from the commencement date of Open Access as requested in the Application, consent given by Tata Power-D and as in the Open Access Agreement (for MTOA/LTOA). This date should necessarily conform to the timelines for submission of application.

2.14.2 Irrespective of which date the Consumer schedules power (in case of firm source) / (in case of non-firm source), Open Access shall commence from the Effective Date as per paragraph 49 above for all commercial purposes.

2.14.3 Consumers are advised to requisition open access from the 1<sup>st</sup> day of a month or commence scheduling of power under the OA Agreement from the 1<sup>st</sup> day of a month for operational purposes and in order to avoid the complications of pro-rata billing.

### **2.15 Scheduling of Power**

2.15.1 The scheduling of Inter-state open access transactions shall be in accordance with the provision of the Indian Electricity Grid Code.

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### 2.15.2 Intra-state Open Access transactions in respect of –

- i. Full Open Access Consumers connected to Distribution System and all Generating stations connected to Transmission system shall be scheduled by MSLDC in accordance with the State Grid Code.
- ii. By 0900 hours daily, Partial Open Access Consumers, in-situ captive consumers, Captive consumers and Generators connected to the Distribution system of Tata Power-D shall submit his Day-ahead consolidated schedule to Tata Power-D, availability in MW for the next day, i.e., from 0000 hrs to 2400 hrs of the following day on 15 minute time block in Form- 1A (Provided as **Annexure 2** to this Procedure) This Form shall be submitted online on the following link of Tata Power Web Portal:  
([https://cp.tatapower.com/sap/bc/ui5 ui5/sap/ztatapowerserv/index.html#/Loginpage](https://cp.tatapower.com/sap/bc/ui5_ui5/sap/ztatapowerserv/index.html#/Loginpage) ).
- iii. Revision in Schedule-  
By 1900 hrs every day each, partial open access consumers, in-situ captive consumers, Captive consumers shall furnish its revised drawal schedule for next day, on 15-minute block basis against their STOA, MTOA, LTOA, Collective transactions and also considering captive generation, in Form – 1A- R respectively (Provided as **Annexure 2** to this Procedure). This Form shall be submitted online on the following link of Tata Power Web Portal:  
([https://cp.tatapower.com/sap/bc/ui5 ui5/sap/ztatapowerserv/index.html#/Loginpage](https://cp.tatapower.com/sap/bc/ui5_ui5/sap/ztatapowerserv/index.html#/Loginpage))
- iv. If the above schedule is not furnished before 1900 hrs, the open access schedule shall be considered the same as provided at 0900 hrs the previous day.
- v. Further, scheduling for Non-firm Renewable Energy sources shall be governed as per provisions of Maharashtra Electricity Regulatory Commission (Forecasting, Scheduling and Deviation Settlement for Solar and Wind Generation) Regulations, 2018.
- vi. The schedule given against the day ahead open access shall be uniform atleast for a period of eight hours and the minimum schedule during the day shall at any time not be less than 75% of the maximum schedule of the day.
- vii. Tata Power-D shall permit the revision of drawal schedule of the partial open access consumers, in-situ captive consumers, Captive consumers during the remaining period of the day/block with advance notice of at least 6 time blocks. Revised drawal schedule in such cases shall become effective from the 6th time block, counting the time block in which the request for revision has been received by Tata Power-D to be the first one. (The above is required to facilitate the revision of schedule by the Distribution Licensee to MSLDC)

## 2.16 Scheduling and Operation Cooperation

2.16.1 Open Access consumer shall designate a coordinator for scheduling related activities.

2.16.2 Open Access Consumer shall submit to Tata Power-D, the contact details, Phone/Mobile number, FAX number, email address, etc. of the coordinator appointed by him for scheduling and operations coordination and to keep Tata Power-D updated in case of any changes in the same.

2.16.3 The "Schedule with Tata Power" shall be submitted Online ([https://cp.tatapower.com/sap/bc/ui5 ui5/sap/ztatapowerserv/index.html#/Loginpage](https://cp.tatapower.com/sap/bc/ui5_ui5/sap/ztatapowerserv/index.html#/Loginpage)) to Power system control centre ( PSCC) Tata Power-D at Email: psc@tatapower.com, Fax: 022-67175385/ Tel: 022- 25543331/022- 67175377. PSCC shall incorporate this schedule of the Open Access Consumer in the schedule of Tata Power, as the Open Access Consumer is an embedded consumer of Tata Power-D.

## 2.17 Energy Accounting and Commercial Settlements

Energy accounting and settlement shall be carried out on 15 minutes time block basis.

2.17.1 From the energy / demand recorded in the Consumer meter, scheduled OA entitlement shall first be adjusted to arrive at energy / demand consumption from Tata Power-D.

2.17.2 The credit of OA energy, supply energy under Contracted Demand and imbalance charges shall be as per the relevant sections in the Regulations.

### Non- Firm Power:

- i. Tata Power-D will raise the bill on open access consumer on 1<sup>st</sup> day of the month.
- ii. The Credit of energy based on the implemented 15 minute schedule finalized by MSLDC will be considered in the monthly billing.

### Firm Power:

- i. In case generator of the Consumer is a State Pool Participant: The Credit of energy based on the implemented 15 minute schedule finalized by MSLDC will be considered in the monthly billing.
- ii. In case of Open Access from Captive Power Plant: Consumer shall by 30<sup>th</sup> April of each financial year, submit a certificate issued by the MSLDC or the Distribution

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Licensee providing Generation Credit Note about the percentage of generation allocated from the generating plant to the Consumer in such financial year.

## **2.18 Requirements during Open Access**

- 2.18.1 Maximum Demand of an OA Consumer in each financial year subsequent to his being granted Open Access shall be equal to or greater than seventy (70) percent of the threshold level at which he has become eligible for Open Access;
- 2.18.2 If the OA Consumer fails to achieve the Maximum Demand in three consecutive months, Tata Power-D shall be entitled to a penalty equal to two times the wheeling charges for the financial year or part thereof for which he the Consumer failed to achieve such Maximum Demand.
- 2.18.3 If the OA Consumer has not complied with the above requirement in 3 consecutive months, Tata Power-D may initiate the process of reassessment and reinstatement or reduction of Contract Demand.
- 2.18.4 A Generating Station which has been granted connectivity shall be allowed to inject infirm power into the grid by availing open access in line with the provisions of Regulation 5 of the Distribution Open Access Regulations, 2016 and its amendments.
- 2.18.5 In the event of any change in the shareholding pattern of the captive users during the financial year for which captive status is sought, the CA certificate providing revised shareholding and voting rights should be provided to Tata Power-D within 10 days of the change.
- 2.18.6 If the open access consumer is unable to utilize for more than 4 hours the full or substantial part of its allocated capacity, it shall inform Tata Power-D and may surrender the use of such capacity but shall pay transmission and wheeling charges applicable to the original reserved capacity & period. If Tata Power-D is able to re-allocate this capacity, the entity who has surrendered the capacity shall be refunded transmission & wheeling charges based on the amount & period of the reallocated capacity.
- 2.18.7 Tata Power-D may cancel or reduce the capacity allocated, to the extent that it is under-utilised and after giving notice to the affected parties;
- i. When such capacity is under-utilised for more than 3 days, or
  - ii. When the open access Consumer fails to inform Tata Power-D of its inability to utilize the allocated capacity.



2.18.8 The capacity available as a result of such surrender or reduction cancellation of capacity may be allocated to any other STOA applicant in the serial order of pending Applications.

## **2.19 Banking of Renewable Energy Generation**

2.19.1 The surplus energy from a 'non-firm' Renewable energy generating station after set off shall be banked with the Tata Power-D as follows:

- i. The banking of energy shall be permitted only on monthly basis.
- ii. The credit for banked energy shall not be permitted to be carried forward to subsequent months and the credit for energy banked during the month shall be adjusted during the same month as per the energy injected in the respective Time of Day ('TOD') slots determined by the Commission in its Orders determining the Tariffs of the Distribution Licensees.
- iii. The energy banked during peak TOD slots may also be drawn during off-peak TOD slots, but the energy banked during off-peak TOD slots may not be drawn during peak TOD slots.
- iv. 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.

## 2.20 Billing

- 2.20.1 Tata Power -D shall issue bills on a monthly basis and the consumer shall pay the bills as per the timelines specified Electricity Supply Code.
- 2.20.2 In case of partial open access, the energy used from Tata Power-D will be billed as per relevant MERC Tariff Orders issued from time to time and open access charges shall be billed as per the relevant provisions in the MERC (Distribution Open Access) Regulations, 2016 and amendments thereof in addition to Forecasting & Scheduling (F&S) Regulations, 2018 and Deviation Settlement Mechanism (DSM) Regulations, 2019<sup>1</sup>.
- 2.20.3 For the firm power open access consumers, the energy procured from Tata Power-D in 15 minutes time slot shall be arrived at after deducting the power procured (as per MSLDC) on OA in 15 minutes time slot from the metered consumption in 15 minutes time slot.
- 2.20.4 In case, 15 minutes reading at the generator end is not available for wind/solar/hydro generation procured on open access, the same shall be adjusted in TOD slots to arrive at power procured from Tata Power in the TOD time slots.
- 2.20.5 In case an open access consumer sources power from multiple sources, the priority for adjustment of energy drawal shall be as per the sequence provided in Regulation 14.10 of the Distribution Open Access Regulation (First Amendment).
- 2.20.6 The charges for open access shall include the following:
- i. For non-RE based STOA, MTOA and LTOA consumers, who do not opt for reduction in Contract Demand upto Open Access Capacity, the Demand Charges at approved Demand Charge rate shall be applicable for recorded demand upto Notional Contract Demand and Incremental Demand Charges at the rate of 1.25 times the approved Demand Charge Rate shall be applicable for the Demand beyond Notional Contract Demand upto Open Access capacity availed shall be applicable. Please refer to the illustration provided in Regulation 4.2 of the MERC (Distribution Open Access) (First Amendment) Regulations, 2019. This condition is not applicable to RE based OA transactions.
  - ii. **Demand less than 70% of Contracted Demand through Open Access (Regulation 3.2):** In case, the Open Access consumer fails to achieve the maximum demand of

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<sup>1</sup> The commercial arrangement specified under the MERC (Deviation Settlement Mechanism and related matters) Regulations, 2019 shall come into effect as per notification by the Hon'ble MERC. Till such time, the existing provisions under relevant Orders/ Regulations of the Hon'ble MERC shall continue.

- 70% of the Contracted Demand through Open Access for 3 consecutive months, Tata Power-D shall levy a penalty equal to 2 times wheeling charges for the period during which such exceptional event was recorded. In such case Tata Power-D shall initiate the process of reassessment and reinstatement / reduction of Contract Demand if the consumer has not complied this condition for 3 consecutive months.
- iii. **Transmission Charges** (Regulation 14.1(v)) - Applicability of Transmission Charges for various combination of OA Transactions shall be as per Regulation 14.6(A). Applicable Transmission charges in case of repeated STOA transactions of Open Access Consumer(s) shall be increased by a multiplication factor of 1.25, 1.5 and 2.0 respectively for every 2nd, 3rd and 4th STOA transaction during financial year beyond which the Transmission Charges for STOA shall be payable at two times of the approved Transmission Charges for STOA. A partial OA consumer availing STOA is liable to pay Transmission Charges irrespective of whether or not the Generator from whom they source the power has a Bulk Power Transmission Agreement (BPTA) with State Transmission Utility (STU). For renewable energy based MTOA and LTOA, the applicable Transmission Charges shall be on per unit basis and shall be equivalent to two times the approved Transmission Charges for STOA. Partial OA consumer shall pay Transmission Charges to Tata Power-D for use of transmission network.
- iv. **Wheeling Charges**- Applicability of Wheeling Charges for various combination of Open Access Transactions shall be as per Regulation 14.6(A). Wheeling Charges shall be payable on the basis of actual energy drawal at the consumption end and the rate shall be as determined by the Hon'ble Commission through their Tariff Orders issued from time to time. Wheeling charges shall not be applicable to a Generating Station if it is connected directly to a Transmission line or using dedicated lines owned by the Generator but only if such dedicated lines are used for point to point transmission or wheeling of power from Generating station to load centre without any interconnection with Distribution System of Tata Power-D (Regulation 14.6).
- v. In addition to the Transmission and Wheeling Charges, Transmission Losses (inter-state and intra-state as applicable) and Wheeling Losses shall be applicable to the OA transaction. The energy settlement shall be based on approved loss in the intra-state Transmission System.
- vi. **Cross Subsidy Surcharge (CSS)** shall be levied to all open access consumers other than for power purchase on open access through a captive generating plant and

- shall be based on actual energy drawn at consumption end i.e. at the meter (Regulation 14.7). However, the captive open access consumers have to certify their captive status at the end of each financial year. In case the captive conditions are not met CSS will be applicable on the entire consumption through open access (detailed procedure provided in Clause U below).
- vii. **Additional Surcharge** shall be applicable for all OA consumers and shall be as determined by the Hon'ble Commission through Tariff Orders from time to time. The Additional Surcharge determined on a per unit basis shall be payable monthly by the OA consumer based on the actual energy drawn during the month through open access. The Additional Surcharge is not payable by a Generating Station, Trading Licensee or Power Exchange.
- viii. **Regulatory Asset Charge** shall be applicable to all OA consumers and shall be as determined by the Hon'ble Commission through Tariff Orders from time to time. (Regulation 14.1 (vi))
- ix. **MSLDC Fees** (Regulation 14.1) - As Tata Power-D schedules power for the Long-term and Medium-term Open Access Customer, the MSLDC fees and charges payable by Tata Power-D shall be shared with the consumer based on the ratio of scheduled demand of Open Access sought to the total demand of Tata Power-D on a pro-rata basis.
- x. **Scheduling and other Operating Charges** (Regulation 14.1) - The scheduling and other operating charges shall be levied by Tata Power-D to Short term Open Access consumer at the rate approved by the Hon'ble Commission in the Orders for MSLDC Fees & Charges and applicable Schedule of charges.
- xi. **Additional Security Deposit: (Regulation 14.9)** - The OA consumer shall furnish an additional security deposit for wheeling equivalent to one month's billing for Wheeling Charge, CSS and Additional Surcharge on the charges of wheeling. In case of STOA, Tata Power-D shall collect an Additional Security Deposit for wheeling commensurate with the duration of OA instead of on the basis of one month's billing. In case of a new Consumer opting for Open Access along with connectivity for the first time Tata Power-D shall calculate the Additional Security Deposit based on the anticipated use of the distribution system for wheeling of electricity and raise the demand accordingly. The amount of Additional Security Deposit will be adjusted when the amount of additional security required or surplus security held exceeds 10% of the balance with the Tata Power-D, in accordance with Regulation 14.9 of the Regulations.

On receipt of a notice from Tata Power-D for deposit of Additional Security Deposit, the OA Consumer shall deposit the same within fifteen (15) days from the receipt of the notice.

Additional Security Deposit can be made in the form of Cash, Irrevocable Letter of Credit (L/C) or unconditional Bank Guarantee (BG). Cash deposit shall be entitled to earn interest at Bank Rate of the Reserve Bank of India and interest will be credited back to Consumer account as per prevailing practice.

- xii. **Power Factor (PF) Incentive / Penalty (Regulation 14.11)** - PF incentives / penalty, as the case may be, as specified under Tariff Schedule of the Tariff Order issued from time to time shall be applicable only on the net energy supplied by Tata Power-D to the Open Access consumer and captive user after adjusting the banked energy and actual open access consumption during the month.
- xiii. **Imbalance Charges** - The treatment of imbalance in case on firm / infirm power will be in accordance with the MERC Distribution Open Access Regulations, 2016 and subsequent amendments.
- xiv. **Reactive Energy Charge:** The computation of Reactive Energy Charge shall be in following manner:

**Table 9: Reactive Energy Charge**

Consumer	Chargeability
<b>OA Consumer having load 5 MW or more</b>	In accordance with provisions stipulated in the State Grid Code and MYT Regulations, 2015
<b>OA Consumer having load less than 5 MW</b>	Shall be calculated on Power Factor basis as specified by the Commission
<b>Renewable Energy Generating Stations</b>	Shall be in accordance with the charges approved by the commission in its relevant Tariff Orders.

- xv. **Settlement of Infirm power injected by Generator:** The commercial treatment of infirm power from a non-RE generator shall be as per MERC (Deviation Settlement Mechanism and related matters) Regulations, 2019<sup>2</sup>.

<sup>2</sup> The commercial arrangement specified under the MERC (Deviation Settlement Mechanism and related matters) Regulations, 2019 shall come into effect as per notification by the Hon'ble MERC. Till such time, the existing provisions under relevant Orders/ Regulations of the Hon'ble MERC shall continue

- xvi. **Banking Charges:** Banking charges for banking of renewable energy shall be adjusted in kind @ 2% of the energy banked by Tata Power-D.
- xvii. **Late / Default in Payment:**
- a) In case the payment of any bill for charges payable is delayed by an Open Access customer beyond the due date, without prejudice to any action under the Act or any other regulation thereunder, a late payment surcharge at the rate of 1.25 per cent (%) per month shall be levied.
  - b) Non-payment of any charge or sum of money payable by an Open Access consumer shall be considered as a non-compliance of Regulations. Tata Power-D may discontinue Open Access after giving the consumer an advance notice of fifteen days without prejudice to its right to recover such charges as per provisions of the Act.
  - c) For default in payment of any MSLDC charges, Tata Power-D, under the direction of MSLDC disconnect the OA consumer from the grid.
- xviii. **Any other applicable charge:** Tata Power-D may levy any other charge, Surcharge or other sum recoverable from the consumer under the act or any Regulation or order of the Commission.

## 2.21 Compliances by Open Access Consumers

- 2.21.1 The OA consumer shall comply with the provisions of the Open Access Regulations, State Grid Code and all other relevant Regulations, Laws & norms or amendments thereof. Not complying with the provisions of the State Grid Code may lead to revocation of the Connection Agreement.
- 2.21.2 In addition, the open access consumer shall comply with the provisions of the DSM Regulations, 2019 as well as the Scheduling and Despatch Code, as applicable.
- 2.21.3 The Hon'ble Commission had issued an Order in Case no. 23 of 2017 dated 17<sup>th</sup> January, 2018 with respect to captive generators and consumers, wherein following modalities need to be followed by the Distribution Licensees and the entities claiming to be Captive. These are necessary to be complied with for ensuring captive status at the end of the FY.

### **Shareholding Pattern:**

- i. When Open Access is first sought, details of the equity shares as per the Electricity Rules, 2005, of the claimed CPP shall be submitted. The details

should comprise of the equity shares held by the captive user(s) in the generating station which shall not be less than twenty six per cent of the proportionate of the equity of the company related to the generating unit or units identified as the captive generating plant.

- ii. The above details should be supported by a Chartered Accountant (CA) Certificate for the captive user in compliance with Electricity Rules, 2005.
- iii. In the event of any change in the equity shareholding or the shareholding pattern during the financial year, the revised shareholding should be intimated to Tata Power-D within 10 days, with CA certification.
- iv. The CA Certificate should contain details of all shareholders, including the Captive Users, their voting rights and period of shareholding (from & to).
- v. In case there is no change in the shareholding pattern during the financial year, the Generators should provide an undertaking to that effect along with the CA Certificate as at the end of the year.

**Metering:**

- i. Each CPP Generating Unit shall have a separate Special Energy Meter (SEM) as per the specifications in the Central Electricity Authority (CEA) (Installation and Operation of Meters) Regulations, 2006 as amended from time to time.
- ii. The CPP should submit the details of all the unit wise meters to the Tata Power-D, like meters at generator terminal, meter for unit wise auxiliary consumption, meters at EHV side of the generator terminal, meters recording the consumption at the outgoing feeders and the consumption of captive consumers etc.
- iii. Downloading of monthly data of all meters, sealing of respective meters and their testing etc. shall be jointly undertaken by the Generator, Tata Power-D, State Transmission Utility (STU) (if relevant) and any other concerned Distribution Licensee.
- iv. The SEM meters should be tested periodically as per the prescribed testing procedures jointly with Tata Power-D. It should be periodically tested once in 5 years and these meters shall be tested whenever the energy and other quantities recorded by the meter are abnormal or inconsistent.

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**Compliances during and post completion of the year**

- i. Tripping events of the CPP Generating Unit and transmission line should be informed to the Tata Power-D and MSLDC along with the period of outage.
- ii. Power from the non-CPP Units shall not be injected into the grid without appropriate permissions of the respective authorities.
- iii. By 30th of April, the Generator / consumer shall submit all relevant data required for establishing its CPP status in the previous financial year.
- iv. The data shall include the quantum of generation at the Generator Terminal, auxiliary consumption, consumption recorded at the EHV side of the Generator Transformer, the consumption recorded at the outgoing feeders and the consumption of captive consumers grossed up at the Generator Terminal level (along with the necessary computations).
- v. This data shall be provided for each month of the financial year, in Excel format.
- vi. Tata Power-D shall seek clarifications, if any, and confirm the CPP status or otherwise by 31st May. In case any clarifications required are not received or are inadequate, then Tata Power-D and the other concerned Distribution Licensee(s) shall jointly decide on the CPP status and inform the Generator accordingly.
- vii. If the Generator is not satisfied with the status as determined by the Distribution Licensee(s), it may approach the Hon'ble Commission by 15th June. In that event, the Distribution Licensee(s) shall not levy CSS and Additional Surcharge, if any, till the final decision of the Hon'ble Commission.
- viii. If the Generator does not approach the Hon'ble Commission by 15th June with any dispute regarding its CPP status, the Distribution Licensee(s) may proceed to levy the CSS and Additional surcharge, if any, with applicable interest. This shall be without prejudice to the Generator's statutory right to approach the Hon'ble Commission for adjudication of its dispute after that date.

**2.22 Amendments**

- 2.22.1 Amendments to the procedure shall be issued by Tata Power-D from time to time in accordance to the General or Specific orders of the Hon'ble Commission or as a result of any amendments in the relevant Regulations or as Tata Power-D may deem fit so long as they are consistent with the regulation.



**Annexure 1****Documentation and Applicable Fees and Charges to be provided with Distribution  
Open Access Application****A. Mandatory Documents for any type of Open Access Application**

- i. Application form (Refer **Annexure III** for Short Term Open Access Application Form and **Annexure IV** for Medium / Long Term Open Access Application) as provided in the Open Access Regulations, 2016
- ii. Application for Connectivity in case Applicant is a Generating Station/ Licensee (Refer **Annexure I** of the Open Access Regulations, 2016)
- iii. Connection Agreement (Refer **Annexure II** of the Open Access Regulations, 2016)
- iv. Copy of Supply Agreement (indicating fixed and variable charge or composite charge for power supply in line with Regulation 8.9)
- v. Consent from Seller if Buyer is the applicant or consent from Buyer, if Seller is the applicant
- vi. Non-refundable Application Fees as per Schedule of Charges approved by the Hon'ble Commission plus applicable taxes per application via online payment.
- vii. Proof of payment of Application Fee
- viii. Security Deposit as per Regulation 14.9 of the Distribution Open Access Regulations.
- ix. Latest paid electricity bill of the consumer

**B. Case Specific Documents**

- i. Copy of Trading Licence if the Trading Licensee is involved in the transaction
- ii. Copy of relevant document from the Power Exchange if power is sought from Power Exchange (Registration/Membership details, Member-client agreement, etc.)
- iii. Consent from concerned SLDC and Distribution Licensee if power is sourced / sold outside Maharashtra

- iv. Single Line Diagram (SLD) pertaining to Injection & Drawl Points for medium term / Long Term Open Access.
- v. SEM Commissioning certificate, if already installed.
- vi. For Open Access through Captive Model, the additional documents are as detailed in Clause 2.22.3.
- vii. Certificate of commissioning or grid connectivity of the source generator - to be provided prior to intended date of medium term or long term open access.
- viii. Bank Guarantee in favour of Tata Power-D for Rs. 10,000/- (Rupees Ten thousand) per MW of the total power to be transmitted and Rs. 5000/- per MW in case the source is a Renewable Energy Source for Long Term Open Access transactions. The Bank Guarantee shall subsist till the execution of the Long Term Open Access Agreement in case augmentation of distribution system is required and till operationalization of Long-term Open Access in case augmentation of distribution system is not required. Tata Power-D shall encash the Bank Guarantee in the case of withdrawal of open access application by consumer anytime before the effectiveness of the Open Access Agreement.

### **C. Applicable fees and charges**

<b>Open Access - Schedule of Charges</b>					
<b>Process Name</b>	<b>Phase</b>	<b>Demand more than (kVA)</b>	<b>Demand less than or equal to (kVA)</b>	<b>Appln. Processing Charges (Incld 18% GST) (in Rs.)</b>	<b>Operating Charges (Incld 18% GST) (in Rs.)</b>
<b>Open Access</b>	<b>HT Three</b>	-	<b>1 MW</b>	<b>17,110.00</b>	<b>17,110.00</b>
		<b>1 MW</b>	<b>5 MW</b>	<b>25,960.00</b>	<b>17,110.00</b>
		<b>5 MW</b>	<b>20 MW</b>	<b>51,920.00</b>	<b>33,040.00</b>
		<b>20 MW</b>	<b>50 MW</b>	<b>88,500.00</b>	<b>33,040.00</b>
		<b>50 MW</b>	<b>above</b>	<b>88,500.00</b>	<b>33,040.00</b>

\*As per MYT FY 21 -25 Dated 30.03.2020 & w.e.f 01.04.2020

**Annexure 2**

	<b>FORMAT-1B</b>				<b>Revision No.</b>	<b>R0</b>
<b>Submission of Day Ahead Drawal Schedule by Partial OA/Captive to Tata Power-D</b>						
<b>Day Ahead (D-1 day) Drawal of Partial OA/Captive Consumer</b>						
<b>Name of Entity:</b>						
<b>Buyer Code:</b>						
<b>Delivery Date:</b>						
<b>Time Block</b>	<b>Projected Demand</b>	<b>NOC 1</b>	<b>NOC 2</b>	<b>Captive</b>	<b>In-Situ Captive</b>	<b>Net Drawal Schedule TPC</b>
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F=A-(B+C+D+E)</b>
	<b>MW</b>	<b>MW</b>	<b>MW</b>	<b>MW</b>	<b>MW</b>	<b>MW</b>
1						
2						
3						
96						
<b>Average</b>						
<b>Min</b>						
<b>Max</b>						

**Annexure 2**

	<b>FORMAT-1B R</b>				<b>Revision No.</b>	<b>R1</b>
<b>Submission of Day Ahead Drawal Schedule by Partial OA/Captive to Tata Power-D</b>						
<b>Day Ahead (D-1 day) Drawal of Partial OA/Captive Consumer</b>						
<b>Name of Entity:</b>						
<b>Buyer Code:</b>						
<b>Delivery Date:</b>						
<b>Time Block</b>	<b>Projected Demand</b>	<b>NOC 1</b>	<b>NOC 2</b>	<b>Captive</b>	<b>In-Situ Captive</b>	<b>Net Drawal Schedule TPC</b>
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F=A-(B+C+D+E)</b>
	<b>MW</b>	<b>MW</b>	<b>MW</b>	<b>MW</b>	<b>MW</b>	<b>MW</b>
1						
2						
3						
96						
<b>Average</b>						
<b>Min</b>						
<b>Max</b>						