

**JOINT ELECTRICITY REGULATORY COMMISSION  
(FOR THE UT OF J&K AND THE UT OF LADAKH)  
To be published in Extra-Ordinary Part III, Section 4  
DRAFT NOTIFICATION**

Jammu, the \_\_\_\_\_ 2023

**No. JERC-JKL/Reg/2023/.....** In exercise of the powers conferred under Section 181 of the Electricity Act, 2003 (36 of 2003), read with Sections 39, 40, 42, 61, and 86 thereof and all other powers enabling it in this behalf, the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh hereby makes the following Regulations.

**Chapter 1: Preliminary**

**1. Short Title, Commencement and Extent**

- 1.1. These Regulations shall be called the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh (Green Energy Open Access), Regulations, 2023.
- 1.2. These Regulations shall come into force from the date of their publication in the Official Gazette.
- 1.3. These Regulations extend to the whole of the UT of Jammu & Kashmir and the UT of Ladakh.

**2. Definitions**

In these Regulations, unless the context otherwise requires,

- (a) “**Act**” means the Electricity Act, 2003 (36 of 2003);
- (b) “**Banking**” means the surplus green energy injected in the grid and credited with the distribution licensee by the Green Energy Open Access consumers and that shall be drawn along with charges to compensate additional costs; if any;
- (c) “**Captive Generating Plant**” means a power plant as defined under Clause 3 of the Electricity Rules, 2005 as amended from time to time and such captive plant may have co-located or distant located consumption entity;
- (d) “**Central Commission**” means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act;
- (e) “**Central Nodal Agency**” means a Central Nodal Agency as notified by the Central Government to set up and operate a single window green energy open access system for renewable energy.
- (f) “**Commission**” means the Joint Electricity Regulatory Commission for the UT of Jammu & Kashmir and the UT of Ladakh constituted under the Act;
- (g) “**Day Ahead Market (DAM)**” means a market where Day Ahead Contracts are transacted on the Power Exchange(s);
- (h) “**Entity**” means any consumer who has contracted demand or sanctioned load of Hundred kW or more either through single connection or through multiple connections aggregating Hundred kW or more located in the same electricity division of a distribution licensee, except for captive consumers. However, in case of captive consumers, there shall not be any load limitation.
- (i) “**Existing Open Access Consumer/Customer**” means a person already availing open access for sourcing/supplying renewable (green) energy from/to the transmission system and/or distribution system of the licensees in the State under an existing agreement or Commission’s Regulations/orders on the date of coming into force of this Regulations;
- (j) “**Fossil Fuel**” means fuels such as coal, lignite, gas, liquid fuel or combination of these as its primary source of energy, which are used in Thermal Generating Station for generating electricity;
- (k) “**Green Energy**” means the electrical energy from renewable sources of energy including hydro, pumped Storage Hydro generation, energy storage system and storage (if the storage uses only renewable energy), Municipal Solid Waste-to-Energy based generation, biomass and bagasse-based co-generation plants or any other technology as may be notified by Govt. 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;
- (l) “**Green Energy Open Access Consumer**” means any person who has contract demand or sanctioned load of 100 kW or more, either through single connection or through multiple connections aggregating Hundred (100) kW or more located in same electricity division of a distribution licensee, shall be eligible to take Green Energy through Open Access (captive consumers shall not have any load limit) or such other limit as may be specified by Commission from time to time, who are supplied with electricity from green energy sources for their own use by a licensee or the Government or from its own Captive Generation Plant or by any other person engaged in the business of supplying electricity to the public including captive under the Electricity Act, 2003 or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving green energy with the works of a licensee, the Government or such person, as the

case may be. There shall be no limit of supply of power for the captive consumers taking power under Green Energy Open Access.”

- (m) “**Obligated Entity**” means the entities mandated under Clause (e) of sub-section (1) of Section 86 of the Act to fulfil the Renewable Purchase Obligation, which includes distribution licensee, captive consumer / user and open access consumer;
- (n) “**Standby charges**” means the charges applicable to green energy open access consumers against the standby arrangement provided by the distribution licensee, in case such green energy open access consumers are unable to procure/schedule power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission systems and the like;
- (o) “**Wheeling**” means operation whereby the distribution system and associated facilities of transmission licensee or distribution licensee as the case may be, are used by another person for the conveyance of electricity on payment of charges determined under Section 62 of the Act;

### **3. Scope of Regulation**

These Regulations shall be applicable for allowing Open Access to electricity generated from green energy sources as defined herein above in Regulation 2 of these Regulations, including the energy from non-fossil fuel based Municipal Solid Waste-to-Energy plant for use of Intra – State Transmission System or distribution system or both, which are incidental to Intra – State Transmission of electricity.

### **4. Criteria for Allowing Green Energy Open Access**

- 4.1 The long-term Green Energy Open Access shall be allowed in accordance with the transmission planning criteria and distribution planning code stipulated in the JERC for the UT of J&K and the UT of Ladakh (State Grid Code) Regulations, 2023.
- 4.2 The Short-Term/Medium Term Green Energy Open Access shall be allowed, if the request can be accommodated, by utilizing:
  - a. Inherent design margins
  - b. Margins available due to variation in power flows and
  - c. Margins available due to in-built spare transmission system capacity and/or distribution system capacity created to cater to future load growth;

### **5. Categorization of Green Energy Open Access:**

The Green Energy Open Access consumers shall be classified into the following categories based on the duration of use of the intra- state transmission and/or distribution system:

- i. “Long-term Green Energy Open Access” means the right to use the intra-State transmission system and/or distribution system for a period exceeding seven (7) years;
- ii. “Medium-term Green Energy Open Access” means the right to use the intra-State transmission system and/or distribution system for a period equal to or exceeding three (3) Months but not exceeding five (5) years;
- iii. “Short-term Green Energy Open Access” means open access for a period not exceeding One (1) month at a time;

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

### **6. Application procedure for Green Energy Open Access**

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

### **7. Eligibility Criteria for applying Green Energy Open Access**

- 7.1 Subject to the provisions of these Regulations and system availability, consumers shall be eligible for open access to the intra-state transmission system of the State Transmission utility or any transmission licensee/s and distribution system/s of the distribution Licensee/s within the State.

Provided that notwithstanding anything contained in these Regulations, any RE generating company having subsisting Power Purchase Agreement (PPA) with the Distribution Licensee, shall not be entitled to Open Access for the RE capacity, for which PPA is entered into, except in accordance with the terms of such PPA and also for such capacity (quantum of power) for which Open Access is already granted.

Provided further that, such open access shall be available on payment of such charges as may be determined by the Commission from time to time.

- 7.2 Every person, who has constructed a captive generating plant shall have the right to open access as per the provisions of Section 9 of the Act.

Provided that consumers (except captive consumers), who have contracted demand or sanctioned load of one hundred kW and above shall be eligible for Open Access for sourcing RE under these Regulations.

Provided further that the consumer shall not change the quantum of RE power consumed through open access for twelve-time blocks in a day, in order to avoid high variation in demand to be met by the distribution licensee.

## **8. Nodal Agency**

- 8.1 All the applications related to Green Energy Open Access shall be submitted to the portal set up by the Central Nodal Agency. The applications shall be routed to the State Nodal Agency (SNA) by the Central Nodal Agency. Provided that, till such time the procedures and formats are devised by Central Nodal Agency, the existing procedures/formats laid down by the SLDC may be followed in the matter.
- 8.2 State Load Despatch Centre shall operate as the State Nodal Agency for the grant of Short-Term Green Energy Open Access and State Transmission Utility (STU) shall be State Nodal Agency for the grant of Long-Term Green Energy Open Access and Medium-Term Green Energy Open Access.
- 8.3 The State Nodal Agency shall coordinate with transmission licensees including STU and the Distribution Licensees to make available all relevant information regarding green energy open access to the public on the portal of the Central Nodal Agency.

## **9. Treatment for existing entities**

The existing consumer(s)/generators may continue to avail the RE under open access as per the existing agreements or government policy for the period specified in those agreements or policies, to the extent they are not inconsistent with the Act.

Provided that the existing consumers/generators shall continue to pay the applicable charges as specified in their respective agreements, as may be determined by the Commission from time to time.

Provided further that RE open access for the subsequent period in respect of such consumer/generator shall be governed by provisions of these Regulations.

Provided also that if Open Access for any additional RE capacity is sought by such existing consumer(s)/generators in addition to the capacity already contracted under open access, shall be treated as a new application for open access to the extent of additional capacity sought.

## **10. Allotment Priority**

- 10.1 Distribution licensee shall have the highest priority over other Green Energy Open Access consumers;
- 10.2 Green Energy Open Access consumers shall have a preference (priority) over normal Open Access consumers in the same category of open access;
- 10.3 Amongst the Green Energy Open Access consumers, long-term Green Energy Open Access consumers shall have a preference (priority) followed by Medium term Green Energy Open Access consumers and subsequently short-term Green Energy Open Access consumers, at any given time, subject to availability of spare transmission/distribution system capacity margins;

Provided that the decision for allowing the Green Energy Open Access shall be on the basis of first come first serve.

## **11. Role of State Load Despatch Centre**

- 11.1 The State Load Despatch Centre shall be the apex body to ensure integrated operation of the power system in a State.
- 11.2 The State Load Despatch Centre shall –
- be responsible for optimum scheduling and despatch of electricity within a State, in accordance with the contracts entered into with the licensees or the generating companies operating in that State;
  - monitor grid operations;
  - keep accounts of the quantity of electricity transmitted through the State grid;
  - exercise supervision and control over the intra-State transmission system; and
  - be responsible for carrying out real time operations for grid control and despatch of electricity within the State through secure and economic operation of the State grid in accordance with the Grid Standards and the State Grid Code.

**12. Procedure for grant of Green Energy Open Access**

- 12.1 The Green Energy Open Access applicant shall submit an application complete in all respects, in the format as specified by Central Nodal Agency, on the central portal set up by the Central Nodal Agency.
- 12.2 The application shall be forwarded to the concerned State Nodal Agency by the Central Nodal Agency for further verification. The following time schedules shall be followed for processing the Application:

<b>S No</b>	<b>Particulars</b>	<b>Time-line</b>	<b>Remarks</b>
1	Date on which application is received by State Nodal Agency by Central Nodal Agency.	Zero date.	
2	Acknowledgement of receipt of Application	Zero date.	The acknowledgement shall be provided immediately by electronic mode
3	Acceptance of application by State Nodal Agency after confirming that all the relevant documents are furnished by the applicant including processing fees and BG	Within three working days from the zero date.	In case the application is incomplete, the State Nodal Agency shall inform the same in writing rejecting the application and furnishing the details of the defects. After rectifying the defects, a fresh application shall be made
4	Forwarding of application to JKPTCL/concerned DISCOMs.	Within Five working days from the zero date.	On acceptance of the application, the same shall be forwarded to JKPTCL / concerned DISCOMs for ensuring the system availability, metering infrastructure, no pending dues and that there is no subsisting PPA for the capacity for which the Green Energy Open Access is sought.
5	Concurrence from JKPTCL/ DISCOMs.	Within Ten working days from zero date.	In case system strengthening is required, the probable date of granting OA shall be intimated to SNA within the same time. In case concurrence is not received within the specified time, SNA shall consider it to be deemed concurrence. Provided that the system studies at the drawl point to ascertain the availability is not required for a consumer of the 6licensee availing Open Access, subject to the applicant furnishing an undertaking t7hat, he would not exceed the contract de8mand specified in his supply agr9eement with the licensee even after opting for Open Access.
6	Grant of Green Energy Open Access or otherwise.	Within twelve working days, from the zero date.	The SNA shall intimate the applicant, the grant of OA within the time specified. In case OA is not granted, the same shall be intimated within the above time furnishing the reasons in writing and also the probable date from which the OA can be granted. In case, SNA fails to intimate the grant of OA or otherwise, within the above specified time, the same shall be deemed to have been granted, which is subject to system availability.
7	Submission of agreement by the applicant for long term Open Access		In case JKPTCL/DISCOMs fail to submit the signed copies to the SNA within the specified time, the WBA is deemed to have been approved (Banking allowed only in case of solar, wind, and mini-hydel projects).

<b>S No</b>	<b>Particulars</b>	<b>Time-line</b>	<b>Remarks</b>
8	Submission of signed copies of the agreement by JKPTCL/Concerned DISCOMS.	Within twenty-five working days, from zero date.	In case JKPTCL/DISCOMS fail to submit the signed copies to the SNA within the specified time, the WBA is deemed to have been approved (Banking allowed only in case of solar, wind and mini-hydel projects).
9	Effective date for wheeling	In case the SNA receives the copy of the agreement signed by the applicant, the effective date for the commencement of operation of wheeling of electricity by the applicant shall be the next date from the date of submission of a signed copy of the agreement to the SNA. Provided that the above effective date for commencement of wheeling operation shall also be applicable for banking in the case of Solar, Wind, and Mini Hydel plants.	The applicant is allowed to wheel the energy from the effective date.

- 12.3 The State Nodal Agency shall ensure that a non-refundable processing fee of (i) Rupees Fifty Thousand for long-term/Medium term (ii) Rupees One thousand for short-term Green Energy Open Access shall be paid by the Applicant to the Nodal Agency and the Nodal agency shall intimate the same through electronic mode of communication, immediately on receipt of the application form from Central Agency. The applicant shall pay the processing fees within one working day.
- 12.4 An application for a short-term GEOA, for power plant(s) or its/their generating unit(s) which are yet to be commissioned, shall be made not before two months prior to the commissioning date of such power plant(s) or its/their generating unit(s), to avoid unnecessary blocking of the corridor.
- 12.5 An application for long-term/medium-term GEOA shall be accompanied by a Bank Guarantee (BG) of ten thousand rupees per MW, which shall be kept valid and subsisting till the signing of an agreement for wheeling of electricity and such BG shall be encashed by the Nodal Agency if the application is withdrawn by the applicant prior to the signing of such agreement. On signing the agreement for the wheeling of electricity, the BG shall be returned immediately to the applicant by the State Nodal Agency. The BG shall be submitted within three working days from the date of intimation by the SNA.
- 12.6 In case there is any material change with regards to the location of the injection point or quantum of power to be interchanged (by more than ten percent) using the intra-State transmission and or distribution system, a fresh application shall be made for the entire capacity to ascertain the system availability and such application shall be accompanied by relevant documents, application fees and in case of long term open access with required bank guarantee for the additional capacity and in case the additional capacity sought for cannot be accommodated in the existing network, the applicant is entitled for open access to the extent of his/her original allotment.
- 12.7 Where any application is rejected for any deficiency or defect, the processing fees and Bank Guarantee, if submitted, shall be returned to the applicant and in such cases, a fresh application to the Central Nodal portal shall be made by the applicant after curing the deficiency or defect.
- 12.8 The State Nodal Agency shall communicate to the applicant through a recognized mode of communication, the grant of open access or otherwise.
- 12.9 Further, during the pendency of the application for the grant of GEOA, the applicant shall not inject any energy into the licensee's network and the licensee shall not be liable to pay any charges for the energy injected during such period.
- 12.10 Any energy injected into the licensee's network from the date of grant of open access till the date of submission of the agreement for wheeling, the applicant shall be entitled to payment of energy charges at the Average Pooled Power Purchase cost (APPC) rate or 75% of the Generic tariff determined by the Commission for the relevant year for the relevant RE source, whichever is lower.

- 12.11 The person seeking open access shall execute the agreement for the wheeling of electricity within the time specified above, failing which the open access granted or deemed to have been granted shall stand cancelled.
- 12.12 The transmission Licensee/s, distribution licensee/s, and the SLDC shall ensure proper coordination while arranging for open access.
- 12.13 New generating plant(s) or generating Unit(s) seeking long-term open access and entering into an agreement for wheeling, shall commission such plant (s) or unit (s) within twelve months from the effective date, failing which the open access granted shall be deemed to have been cancelled, to avoid unnecessary blocking of the corridor.
- 12.14 An open access consumer shall enter into commercial agreements with generators, traders, and others, as applicable, and such agreements shall include provisions pertaining to payment security mechanism.
- 12.15 The State Nodal Agency shall host on its website the details of every application received from the Central Nodal Agency and the status of such application on a continuous basis, which shall be made available to the public.

Provided further that the State nodal Agency shall prepare formats in line with the procedure followed by Central Nodal Agency, for smooth implementation of the Green Energy Open Access in the State/UT.

**13. Procedure for applying for Day Ahead Green Energy Open Access Transactions. -**

- 13.1 The applicant shall apply to the Central Portal for Day Ahead Green Energy Open Access Transactions in the standard application format.
- 13.2 For the applications received by the State Nodal Agency from the central agency, before 13.00 hrs of the day immediately preceding the day of scheduling for day-ahead Green Energy Open Access transaction, the State Nodal Agency shall check for congestion in the system and convey a grant of approval or otherwise to the applicant through e-mail or fax, not later than 15:00 Hours of the day immediately preceding the day of scheduling for the day-ahead transaction, after ensuring that there is no subsisting PPA for the capacity sought under Open Access.
- 13.3 Non-refundable processing fee of One Thousand rupees for each transaction shall be paid by the applicant, in cash or by way of a demand draft or proof of payment through electronic transfer in favour of the State Nodal Agency.

Provided that the actual operationalization of open access shall be effected subject to payment by the applicant of the charges as specified in these Regulations and orders passed by the Commission from time to time, before 17:00 hours of the day immediately preceding the day of scheduling for the day-ahead transaction. Where open access is denied, the State Nodal Agency shall furnish reasons thereof to the applicant.

**14. Non-Utilisation of Open Access Service by Open Access Consumers**

- 14.1 In the event of the inability of the short-term open access consumer to utilize for more than four hours, full or substantial part of the capacity allocated to him, such a short-term open access consumer shall inform the respective SLDC of his inability to utilize the capacity, along with reasons therefore and may surrender the use of capacity allocated to him. However, such short-term consumers shall bear full transmission and /or wheeling charges based on the original reserved capacity and the period for which such capacity was reserved.
- 14.2 A medium-term/long-term consumer shall not relinquish or transfer his rights and obligations specified in the open access agreement without prior approval of the nodal agency. The relinquishment or transfer of such rights and obligations by a long-term consumer shall be subject to payment of compensation, as per the terms of the open access agreement.
- 14.3 The SLDC may cancel or reduce the capacity allocated to a short-term open access consumer to the extent it is underutilized when such a short-term open access consumer under-utilizes the allocated capacity more than 2 times in a month with a duration of underutilization exceeding 2 hours each time or fails to inform the distribution licensee of his/her inability to utilise the allocated capacity. Such cancellation shall be resorted to after giving due notice.
- 14.4 The surplus capacity available as a result of its surrender by the short-term open access consumer under clause (i) above or reduction or cancellation of capacity by the SLDC under clause (iii) above, may be allocated to any other short-term open access consumer in the order of pending applications based on the point of injection and drawal.

**15. Charges for Green Energy Open Access:**

The charges for Green Energy Open Access shall be as follows:

- 1. Transmission Charges
- 2. Wheeling Charges
- 3. Cross subsidy Surcharges
- 4. Additional surcharge
- 5. Banking Charges

6. Standby charges, wherever applicable
7. Other fees and Charges such as SLDC fees and Scheduling, deviation settlement (DSM) charges as per the relevant Regulations, orders of the Commission.

#### **16. Transmission Charges**

- 16.1. **For use of Inter-State transmission system:** As specified by the Central Commission from time to time.
- 16.2. **For use of intra-State transmission system:** Charges shall be levied on Green Energy Open Access Consumers as determined by the Commission in MYT Transmission Tariff Orders from time to time:

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

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

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

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

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

#### **17. Wheeling Charges**

- 17.1. Wheeling charges payable to distribution licensee, by the Green Energy Open Access Consumer for usage of the distribution network system shall be as determined by the Commission in the tariff order from time to time:
- 17.2. The Commission shall specify the wheeling charges of the Distribution Wires Business of the Distribution Licensee in its Order passed under sub-section (3) of Section 64 of the Act:

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

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

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

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

Provided also that in addition to wheeling charges, wheeling loss shall be applicable to consumers seeking Green Energy Open Access as may be determined in the Retail Supply Tariff Order of the Commission issued from time to time in accordance with applicable Regulations.

#### **18. Cross Subsidy Surcharge**

Cross Subsidy Surcharge shall be levied on Green Energy Open Access Consumers as determined by the Commission in its Retail Supply Tariff Order from time to time.

Provided that the Green Energy Open Access consumer, in addition to transmission and/or wheeling charges as applicable, shall be required to pay cross subsidy surcharge on actual energy drawn during the month through open access. The amount of surcharge shall be paid to the distribution licensee in whose area of supply such consumer is situated.

Provided also that such cross-subsidy surcharge shall not be levied in case open access is provided to a person who has established a captive generation plant for carrying the electricity to the destination of his own use.

Provided also that Cross Subsidy Surcharge shall not be applicable in case power produced from a non-fossil fuel-based Municipal Solid Waste-to- Energy plant is supplied to the Open Access Consumer;

Provided also that Cross-Subsidy Surcharge shall not be applicable if green energy drawn through green energy open access is utilized for production of green hydrogen and green ammonia.

Provided further that the cross-subsidy surcharge for Green Energy Open Access Consumer purchasing green energy, from a generating plant using green energy (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 further that Cross-Subsidy Surcharge shall not exceed 20% of the Average Cost of Supply (ACoS) as applicable to the category of the consumers seeking Green Energy Open Access.

#### **19. Additional Surcharge**

Cross Subsidy Surcharge shall be levied on Green Energy Open Access Consumers as determined by the Commission in its Retail Supply Tariff Order from time to time.

Provided that the Green Energy Open Access consumer, in addition to transmission and/or wheeling charges as applicable, shall be required to pay additional surcharge on actual energy drawn during the month through open access. The amount of additional surcharge shall be paid to the distribution licensee in whose area of supply such consumer is situated.

Provided that the additional surcharge shall not be applicable for green energy open access consumers, if fixed charges are being paid by such a consumer:

Provided also that such additional surcharge shall not be levied in case open access is provided to a person who has established a captive generation plant for carrying the electricity to the destination of his own use.

Provided also that Additional Surcharge shall not be applicable in case power produced from a non-fossil fuel-based Municipal Solid Waste-to- Energy plant is supplied to the Open Access Consumer;

Provided also that Additional Surcharge shall not be applicable if green energy drawn through green energy open access is utilized for production of green hydrogen and green ammonia.

Provided also that Additional Surcharge shall not be applicable if green energy is supplied to the green energy open access consumer from Off-Shore Wind Projects which are Commissioned up to December-2025.

#### **20. Standby charges**

Standby facility shall be granted to Green Energy Open Access Consumer on payment of standby charges as determined by the Commission in its Retail Supply Tariff Order from time to time.

Provided that in case the green energy open access consumer is unable to procure/schedule power from the generating sources with whom they have the agreements to procure power due to outages of generator, transmission systems and the like, standby arrangement shall be provided to Green Energy Open Access consumer by the distribution licensee of the area of its supply:

Provided that the Standby charges for Green Energy Open Access shall not be more than twenty-five per cent of the tariff applicable to the consumer category in the prevailing rate schedule specified in relevant Tariff Order passed by the Commission on year-to-year basis.

Provided also that the standby charges shall be in addition to the applicable tariff on standby energy supplied by the Distribution Licensee to the Green Energy Open Access Consumer.

Provided further that the standby charges shall not be applicable, if the green energy open access consumer has given notice, in advance at least a day in advance before gate closure in Day Ahead Market (DAM) on "D - 1" day, 'D' being the day of delivery of power for standby arrangement to the distribution licensee.

#### **21. Banking facility and charges**

21.1 Banking facility shall be provided to the consumers availing Green Energy Open Access. The surplus energy of a Green Energy Open Access consumer, from a Green Energy Generating Station, after consumption in its premises, may be banked with the Distribution licensee.

21.2 The drawal of banked energy shall be subject to Scheduling.



- 21.3 The injection of energy from 'Green Energy' Generating Station to the grid shall also be subject to scheduling subject to the limits as specified in the applicable Forecasting, Scheduling, Deviation settlement Mechanism and related matters of wind and Solar generating stations Regulations and relevant Orders of the Commission on different renewable energy based (Green Energy) projects as notified by the Commission from time-to-time.
- 21.4 The Banking Charges shall be adjusted in kind @ 8% of the energy banked.
- 21.5 The permitted quantum of banked energy by the green energy open access consumers shall be at least 30% of total monthly consumption of electricity from the distribution licensee by the green energy open access consumers.
- 21.6 The banking shall be permitted on monthly basis on payment of banking charges to the distribution licensee.

Provided that the credit for banked energy shall not be permitted to be carried forward to subsequent banking cycles and shall be adjusted during the same banking cycle as per the energy injected in the off-peak and peak periods determined by the Commission in its Retail Supply Tariff Order from time to time.

Provided further that, the energy banked during peak period shall be permitted to be drawn during peak as well as off-peak periods in 15-minute time block and the energy banked during off-peak period shall be permitted to be drawn only during off-peak periods in 15-minute time block by paying the banking charges.

Provided also that the licensee shall reconcile the banking charges recovered as mentioned in clause 21.4 above at the end of each financial year on the basis of actual cost of power purchase arranged by the licensee to return banked energy and additional expenses, if any, through a separate petition along with the truing up petition of Retail Supply Tariff of subsequent financial year.

Provided further that the unutilized surplus banked energy shall be considered as lapsed at the end of each month and the renewable energy generating station shall be entitled to get Renewable Energy Certificate (REC) to the extent of the lapsed banked energy.

- 21.7 In case the generator situated in the UTs of J&K and Ladakh and connected with the Inter-State Transmission System (ISTS) grid and selling power outside the UTs of J&K and Ladakh, the banking charges shall not be applicable.

## **22. Scheduling fees and Deviation Charges**

- 22.1. In addition to the above charges, the Consumer availing Green Energy Open Access shall also pay the following charges determined by the Commission as per the provisions of relevant regulations of the Commission as notified from time to time.
  - a) Applicable SLDC/RLDC fees and charges including scheduling charges
  - b) RE Deviation Settlement Charges (RE-DSM)

## **23. Payment Security Mechanism**

The Green Energy Open Access consumer, seeking access to long-term, medium-term, or short-term Green Energy Open Access, must open and provide an irrevocable Revolving Letter of Credit (LC) or Bank Guarantee (BG) in favor of the agency responsible for collecting various charges specified in these regulations. This LC/BG should cover the estimated amount of these charges for a two-month period. This financial instrument must be made available to the State Nodal Agency and the licensee during the Green Energy Open Access period. Failure to provide these valid financial instruments as payment security will result in the cancellation of the granted green energy open access.

## **24. Curtailment Priority:**

In case due to transmission/distribution system constraints or otherwise, it is necessary to curtail the service, the following priority shall be followed:

- a) The short-term open-access consumers (other than GEOA consumers) shall be curtailed first followed by short-term GEOA consumers.
- b) Next, medium-term OA consumers (other than GEOA consumers) followed by medium-term GEOA consumers shall be curtailed.
- c) Next long-term OA consumers (other than GEOA consumers) followed by long-term GEOA consumers shall be curtailed.

Provided that within a category, the GEOA consumers shall have equal curtailment priority and shall be curtailed on a pro-rata basis.

Provided further that distribution licensees shall be curtailed as a last resort.

**25. Dispute Resolution:**

All disputes and complaints relating to GEOA shall be made to the SLDC, which may investigate and endeavour to resolve the grievance.

No application for open access shall be denied unless the applicant has been given an opportunity of being heard in the matter.

If the SLDC is unable to redress the grievance, a Petition against the order of the State Nodal Agency shall be filed before the State Commission, within a period of thirty days from the date of receipt of the Order.

The Commission shall dispose of the matter within three months and orders of the Commission shall be binding.

**26. Special Energy Meters**

- 1) Tri-vector meters with Time of the Day (TOD) facility shall be installed by the GEOA Generators/consumers.
- 2) The meters shall be capable of time-differentiated measurements (15 minutes) of necessary parameters. These meters shall always be maintained in good condition and shall be open for inspection by any person authorized by the State nodal agency.
- 3) The meter shall include CTs, PTs, and associated accessories and shall be tested and calibrated at least once in a year.
- 4) The meters shall be sealed by the distribution licensee in whose area the Generator/Consumer is situated.
- 5) In case the meter is provided by the transmission/distribution licensee, the open-access consumer shall pay for its rent and also provide a meter security deposit.
- 6) The meter shall be capable of communicating its reading to SLDC on real-time basis.
- 7) The metering code prevailing in the State/UT shall be applicable to the GEOA consumers also.

**27. Energy losses**

Energy losses of the transmission and distribution system shall be applicable to the GEOA consumers as specified by the Commission from time to time.

**28. Compliance of Grid Code/Distribution Code**

GEOA consumers shall abide by the JERC for the UT of J&K and the UT of Ladakh (State Grid Code) Regulations 2023, JERC for the UT of J&K and the UT of Ladakh (Distribution Code) Regulations, 2023, all other Codes and Standards, DSM Regulations as applicable from time to time.

**29. Collection and Disbursement of charges**

The charges in respect of GEOA consumers shall be payable directly to the State Nodal agency in accordance with the terms and conditions of payment as specified by the State Nodal agency. SNA shall disburse the amount received to the appropriate licensees (Transmission charges to the transmission licensee and distribution network charges to the appropriate distribution licensee).

Other GEOA charges, in case of more than one licensee, is supplying in the same area, the licensee from whom the consumer was availing supply shall be paid the amounts so collected.

**30. Information System:**

- 1) SLOC shall post the following information on a separate web page titled "Green Energy Open Access Information" and also issue a monthly and annual report containing such information;
  - a) A status report on long term consumers/medium-term/short-term consumers;
  - b) Floor rate for bidding in case of congestion
  - c) Peak load flows on EHV and HV lines
  - d) Information regarding average loss in the transmission system and distribution system as determined by the licensee/s on a monthly basis.
- 2) The information shall be updated upon every change in status.
- 3) All previous reports: shall be available in the web-archives.
- 4) The SLDC shall post the above information on its website within one month from the date of notification of these Regulations.

**31. Reports:**

The Distribution/Transmission licensee shall submit a report to the Commission or as often requested by the Commission the information in the following format:

Sl.No.	Name and address of the access/wheeling consumer	Point of injection	Point of drawal	Capacity allowed (MW)	Period of Open access allowed	Actual annual utilization of energy in MU

**32. Communication facility**

JAKEDA consumers shall have the requisite communication systems in place to facilitate seamless communication of data/orders/ information to/from the State Nodal Agency.

**33. Issue of orders and practice directions**

Subject to the provision of the Electricity Act, 2003 and these Regulations, the Commission may, from time to time, issue orders and practice directions with regard to the implementation of the Regulations and procedures to be followed.

**34. Power to remove difficulties**

In case of any difficulty in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the GEOA consumers, generators and the licensees to take suitable action, not being inconsistent with the provisions of Electricity Act, 2003, which appears to the Commission to be necessary or expedient for the purpose of removing the difficulty. The GEOA consumers/licensees may make an application to the Commission and seek suitable orders to remove any difficulties that may arise in the implementation of these Regulations.

**35. Power to amend:**

The Commission may from time to time add, vary, alter, modify, or amend any provisions of these Regulations after following the necessary procedures.

**36. Interpretation:**

The decision of the Commission regarding the interpretation of these Regulations shall be final and binding.

**By Order of the Commission.**

**V.K. Dhar, (JKAS )  
Secretary, JERC  
J&K and Ladakh**