

Bhopal, the 5th April 2023

No. MPERC/2023/730 In exercise of powers conferred by Section 39(2)(d), 40(c) and 42(2) and (3) read with Section 181(1) of the Electricity Act 2003, (36 of 2003) and all other powers enabling it in that behalf, the Madhya Pradesh Electricity Regulatory Commission hereby makes the following Regulations to amend Madhya Pradesh Electricity Regulatory Commission (Terms and Conditions for Intra-State Open Access in Madhya Pradesh)(Revision-I) Regulations, 2021 ({RG-24(I) of 2021} herein after referred to as “the Principal Regulations” namely: -

SECOND AMENDMENT TO MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION (TERMS AND CONDITIONS FOR INTRA-STATE OPEN ACCESS IN MADHYA PRADESH) (REVISION-I) REGULATIONS, 2021 {RG-24(I)(ii) OF 2023}

1. Short Title and Commencement-

1.1. These Regulations shall be called “Madhya Pradesh Electricity Regulatory Commission (Terms and Conditions for Intra-State Open Access in Madhya Pradesh) Regulations, (Revision-I) 2021 (Second Amendment) {ARG-24(I)(ii) of 2023}”.

1.2. These Regulations shall come into force from the date of their publication in the Madhya Pradesh Gazette.

1.3. These Regulations shall extend to the whole of the Madhya Pradesh.

2. Amendment to Regulation 2 of the Principal Regulations.

2.1 The sub-clause (ix)(a) of clause 2.1 of the Principal Regulations is deleted and following sub clauses namely (ix)(a), (ix)(b), (ix)(c) and (ix) (d) shall be inserted, after sub-clause (ix) of clause 2.1 of the Principal Regulations:

“(ix)(a) - ‘Day Ahead Market (DAM)’ shall have the same meaning as defined in Madhya Pradesh Electricity Regulatory Commission (Methodology for determination of Open Access charges and Banking charges for Green Energy Open Access consumers) Regulations 2023 (G-46 of 2023) as amended from time to time;

(ix)(b)- 'Fossil Fuel' shall have the same meaning as defined in Madhya Pradesh Electricity Regulatory Commission (Methodology for determination of Open Access charges and Banking charges for Green Energy Open Access consumers) Regulations 2023 (G-46 of 2023) as amended from time to time;

(ix)(c)- 'Green Energy' shall have the same meaning as defined in Madhya Pradesh Electricity Regulatory Commission (Methodology for determination of Open Access charges and Banking charges for Green Energy Open Access consumers) Regulations 2023 (G-46 of 2023) as amended from time to time;

(ix)(d)- 'Green Energy Open Access Consumer' shall have the same meaning as defined in Madhya Pradesh Electricity Regulatory Commission (Methodology for determination of Open Access charges and Banking charges for Green Energy Open Access consumers) Regulations 2023 (G-46 of 2023) as amended from time to time;

3. Amendment to Regulation 13 of the Principal Regulations.

3.1 A new proviso shall be inserted after sub-clause 13.1 (vi) of clause 13A of Regulation 13, namely: -

“Provided that the cross-subsidy surcharge shall not exceed 20% of average cost of supply.”

3.2 A new proviso shall be inserted after sub-clause 13.1 (vii) of clause 13A of Regulation 13, namely: -

“Provided that such additional surcharge shall not be levied in case a person is availing power from the plant established as captive generation plant for his own use:”

3.3 The sub-clause (i) of clause 13B of Regulation 13 shall be substituted by the following sub-clause (i), namely: -

“(i)- The charges on Green Energy Open Access consumers shall be as follows:

- Transmission Charges;

1.1. Wheeling Charges;

1.2. Cross Subsidy Surcharge;

1.3. Additional Surcharge;

1.4. Standby charges wherever applicable;

1.5. Banking Charge; wherever applicable; and

1.6. Applicable Scheduling Fees/Charges of SLDC/RLDC and Deviation charges as per the relevant regulations of the Appropriate Commission.

3.4 The 3rd proviso to sub-clause (ii) of clause 13B of Regulation 13 shall be substituted by the following 3rd proviso: -

“Provided also that cross subsidy surcharge and additional surcharge shall not be applicable in case power procured from a non-fossil fuel- based Waste-to- Energy plant is supplied to the Open Access Consumer:”

3.5 The 5th proviso shall be inserted after 4th proviso to sub-clause (ii) of clause 13B of Regulation 13, namely: -

“Provided also that additional surcharge shall not be applicable in case of electricity produced from offshore wind projects, which are commissioned up to December 2025 and supplied to Open Access Consumer:”

3.6 The 6th proviso shall be inserted after 5th proviso to sub-clause (ii) of clause 13B of Regulation 13, namely: -

“Provided also that such additional surcharge shall not be levied in case a person is availing green power from the plant established as captive generation plant for his own use:”

3.7 The following new proviso shall be inserted, after sub-clause (iii) of clause 13B of Regulation 13 of the Principal Regulations:

“Provided that the cross-subsidy surcharge shall not exceed 20% of average cost of supply:”

3.8 The sub-clause (iv) of clause 13B of Regulation 13 shall be substituted by the following sub-clause (iv), namely: -

“(iv)-The standby charges, wherever applicable, shall be specified by the State Commission and such charges shall not be applicable, if the Green Energy Open Access Consumers have given notice, at least a day in advance before gate closure time of the Day Ahead Market on D-(minus) 1 day, ‘D’ being the day of delivery of power, for standby arrangement by the Distribution Licensee:”

- 3.9 The 1st proviso to sub-clause (iv) of clause 13B of Regulation 13 shall be substituted by the following 1st proviso, namely: -**

“Provided that the applicable standby charges shall not be more than twenty five per cent of the tariff applicable to consumer category:”

- 3.10 The 2nd proviso to sub-clause (iv) of clause 13B of Regulation 13 shall be substituted by the following 2nd proviso, namely:**

“Provided further 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.”

- 4. Regulation 15 of the Principal Regulations shall be substituted by the following Regulation, namely: -**

“15. PRIORITY FOR ADJUSTMENT OF ENERGY CREDIT

The priority for adjustment of energy drawl by an open access customer from different sources shall be as per the following sequence of reducing priority and shall be implemented for each time block, upon adjustment of applicable losses:

- (a) Renewable Energy Generators;
- (b) Captive Generating Plant;
- (c) Banked Energy;
- (d) Long-term Bilateral purchase;
- (e) Medium-term open access;
- (f) Short-term inter-State open access including Power Exchange transactions;
- (g) Short-term intra-State Open access;
- (h) Standby energy from Distribution Licensee under Green Energy Open Access, if any; and
- (i) Distribution Licensee.

Provided that energy credit from more than one source from the similar category shall be adjusted on pro-rata basis of the contracted generation capacity from such source.”

By order of the Commission,
UMAKANTA PANDA, Commission Secy.