



## **PROCEDURE FOR DISTRIBUTION OPEN ACCESS**

**Revision: 01**  
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## 1 GENERAL

- 1.1 This procedure is being issued pursuant to and in accordance with the various provisions of MERC (Distribution Open Access) Regulations, 2016 (hereinafter referred as the "DOA Regulations").
- 1.2 This procedure shall apply to all the applications made for seeking Open Access to the Distribution System of AEML.
- 1.3 An Open Access Application can be made by an already connected consumer or a consumer intending to connect to the distribution system of AEML as per eligibility conditions given in the Regulations and reproduced in section 2 herein.

Provided, however, that a consumer connected to the distribution system of AEML, but taking supply from the other Distribution Licensee of the same area, would apply for open access to such other Distribution Licensee and not to AEML. Such other Distribution Licensee would be the Nodal Agency for processing open access application of such a consumer.

- 1.4 All the provisions of DOA Regulations, State Grid Code & other Regulations of MERC and procedure issued by SLDC, as amended from time to time, shall be complied with by the Open Access consumer, failing which AEML shall have the right to revoke the permission given for open access.
- 1.5 Adani Electricity Mumbai Limited (AEML) reserves the right to review / revise / modify / amend the provisions of these procedures prospectively as and when considered necessary in accordance with any

amendments to the Regulations or any General or Specific Orders issued by the MERC from time to time, having an effect on open access transactions.

## **2 ELIGIBILITY TO SEEK OPEN ACCESS & OTHER CONDITIONS**

- 2.1. An already connected consumer having a Contract Demand equal to or more than 1 MW with AEML is eligible to seek open access. Consumers intending to connect to the distribution system of AEML can also apply for open access along with the connectivity application provided their requirement of power (proposed Contract Demand) is equal to or more than 1 MW. Unity Power Factor shall be considered for conversion between MVA/kVA to MW/kW, for this purpose.
- 2.2. Individual Consumer located in Distribution Franchisee area shall also be eligible for Open Access; however Distribution Franchisee shall not be eligible for the Open Access except in its capacity as a Consumer.
- 2.3. Individual Open Access Consumer shall be eligible for availing supply from multiple sources of power such as Captive Generator, Third party Generators, Trader, Power Exchange, Other Distribution Licensee etc.
- 2.4. The Open Access consumer shall achieve the Maximum Demand of 700 kW during each financial year after the grant of Open Access. If Open Access Consumer fails to meet the above condition for three consecutive months, AEML shall levy a penalty equivalent to two times the applicable wheeling charges for the period for which the Consumer failed to achieve such Maximum Demand.

- 2.5. Subsequent to grant of Open Access, if the Consumer fails to achieve the threshold of 700 KW Maximum Demand for three consecutive Months, AEML may initiate the process of reassessment / reduction of the Contract demand for such Consumer. In case, reassessment of Contract Demand results in reduction of requirement of consumer to less than 1 MW, AEML shall be entitled to withdraw the facility of open access and the Open Access agreement shall stand terminated, with prior notification to the Consumer of the same.

### **3 TYPES OF OPEN ACCESS**

- 3.1. Long-Term Open Access – Period for which open access sought is greater than 12 years and not more than 25 years
- 3.2. Medium-Term Open Access – Period for which open access sought is greater 3 months and not more than 3 years
- 3.3. Short-Term Open Access – Period for which open access sought not exceeding One (1) month
- 3.4. Day Ahead Open Access – Open Access for the next day
- 3.5. Contingency Open Access – Open Access for the next day or part of day

### **4 TIMELINES FOR SUBMISSION OF APPLICATION**

- 4.1. Consumer shall submit the OA Application as per the following timelines i.e. the time difference between the date of application of open access and the start date of open access should be as per the following:

| <b>Long-Term</b>   | <b>Medium-Term</b>   | <b>Short-Term</b>  |
|--|--|--|
| Open Access start date cannot be less than 6 months from the date of application | Open Access Start date cannot be less than 3 months and cannot be more than 12 months from the date of application | Application for open access commencing on the first of a given month can be submitted upto 10 <sup>th</sup> day of preceding month |

**Example:** Application for short-term open access proposed to commence from 1<sup>st</sup> May, if received on or before 10<sup>th</sup> day of April (allowed application period: 1<sup>st</sup> Feb to 10<sup>th</sup> April) will be permitted open access from 1<sup>st</sup> day of May.

Day Ahead Open Access application shall be submitted only one day prior to the date of scheduling till 1200 Hrs.

Contingency Open Access Application shall be considered only in case of existing Open Access Consumers. Day ahead Open Access Application submitted by an existing Consumer after 1200 Hrs on day ahead basis shall be treated as Contingency Open Access Application.

## **5 MANDATORY CONDITIONS FOR OPEN ACCESS**

- 5.1. **Existence of Metering Infrastructure** – Eligible Open Access Consumers can avail open access subject to commissioning of Special Energy Meter (SEM) at both Injection and drawl points. Also the Consumer who wishes to avail Open Access in future shall also have the option of installing SEM at his premises.

5.1.1. Consumer may purchase the SEM from any supplier in accordance with Standards and specifications as stipulated in the CEA (Installation and Operation of Meters) Regulations, 2006 as amended from time to time.

5.1.2. Alternatively, Consumer can purchase the SEM from AEML on payment of charges, subject to availability and lead time of procurement.

On receipt of application and after preliminary checks are completed and cleared, AEML shall inform the Consumer/Applicant about its lead time for procurement of SEM.

As provided in the Regulations, AEML shall test & install the SEM within 60 days from the submission of the SEM by Consumer. Short-term open access applicants are, therefore, advised to factor in these timelines while applying for open access, so that their applications are not rejected for want of necessary metering infrastructure.

5.1.3. Consumer shall be liable to pay Meter Testing Charges per the applicable Schedule of Charges of AEML

5.2. Availability of Capacity in the Distribution System is a mandatory criterion for approval of open access in case of applicants not already connected to the distribution system of AEML or for those who wish to enhance their load while applying for open access.

5.3. The eligible Consumer shall settle all dues of AEML prior to applying for Open Access. In case of any disputes relating to any charges for

electricity, the Consumer shall be allowed Open Access subject to depositing such disputed amount with AEML in accordance with Section 56 of the EA03.

## 6 SUBMISSION OF APPLICATION

6.1 An application for seeking Open Access to the distribution system of AEML shall be made for each Connection/ Metering Point and for each transaction in the formats for short-term and long-term/medium-term open access, as the case may be, which are enclosed as **Annexure – I** herewith.

6.2 AEML has provided the Online Application facility for Open Access Consumers; details are available at the link- <http://www.adanielectricity.com/web/mumbaividyut/regulatory>

6.3 Consumers can also submit the application in hard copy to Divisional Office of AEML in the area in which connection falls. The list of Divisional Offices with their contact details is attached herewith as **Annexure – II**.

Provided that in case of day ahead and contingency application, the soft copy of the application shall also be submitted through email on following email addresses –

[AEML.DOA@adani.com](mailto:AEML.DOA@adani.com) , [abt.aemlmumbai@adani.com](mailto:abt.aemlmumbai@adani.com) and through FAX on 022-30093305.

6.4 AEML shall issue acknowledgement for receipt of OA application except in case of Day ahead and contingency application. The issue of acknowledgement shall not be construed as validity of application.



Application shall, thereafter, be processed and validated for data, information and supporting documents.

6.5 In case a Consumer supplied by another Distribution Licensee on AEML's network and provided open access by such Distribution Licensee has applied for migrating back to AEML, any OA Agreement signed by Consumer with the other distribution licensee or Consent or Approval of open access issued by such Distribution Licensee shall not be considered valid and the Consumer will have to apply afresh to AEML to seek open access from the date of his reverse migration:

6.5.1 In case of such consumers, AEML shall endeavor to process the Application so that the effective date of open access can coincide with the Joint Meter Reading (JMR) date (i.e. date of reverse change-over), so as to ensure seamless transition.

6.5.2 Any delays in providing necessary details, supporting documents or the Special Energy Meter (in case it is not already installed and Consumer is procuring the same) could delay open access provision by AEML beyond the Joint Meter Reading date and, in such case, no credit of open access shall be considered during the period between the JMR date and the Effective Date of Open Access.

6.5.3 AEML shall be the nodal agency for processing only such open access applications, which are applied for by its own supply consumers and where Consumer is intending to avail power supply from an Intra-State source. For Inter-State transactions, the nodal agency shall be as defined by Hon'ble CERC. Therefore, for inter-state transactions, AEML will issue consent only for AEML System,

thereafter, the Applicant shall have to coordinate with SLDC/RLDC or any other agency as may be required.

## **7 DOCUMENTS IN SUPPORT OF APPLICATION**

7.1. The following documents are required to be submitted by the Consumer along with the Open Access Application. These documents are required to be submitted along with every application, whether new or for renewal:

1. Copy of the LOI / MoU / PPA entered between the Buyer / Seller / Trader, it shall clearly indicate the fixed rate & variable rate or the composite rate applicable for the supply of power.
2. Power Exchange Membership, or Client registration documents in case of purchase from Power Exchange
3. Trading license in case an electricity Trader is the open access Supplier to the Consumer
4. Latest paid electricity bill of the Consumer
5. In case of consumer seeking open access from a Captive Power Plant:
  - a) a CA Certificate of shareholding pattern confirming consumer's contribution of at least 26% equity in the generating station as provided in the Electricity Rules 2005. The CA Certificate should contain details of all shareholders, including Captive Users and their Voting Rights;
  - b) Each Generating Unit of CPP shall have a separate meter as per CEA (Installation and Operation of Meters) Regulations, 2006.

6. Certificate of Commissioning of generator issued by the SLDC/ Distribution Licensee where generator is located
7. Consent form/letter by all parties involved in the proposed open access transaction(Generator-Buyer-Trader)
8. Synchronization permission & Generator registration document issued by SLDC (for all Non-Firm transactions)
9. In case generating station is not already connected, documentary evidence for completion of connectivity showing that the same shall be completed before intended date of Medium Term or Long-Term Open Access.
10. Non refundable "Application Processing Fee" as per Annexure-III in the form of DD issued in the favor of "Adani Electricity Mumbai Limited". If the Consumer withdraws his application for open access, before the issuance of Consent by AEML and subsequently re-applies, application fee shall have to be deposited afresh. In case of online application, payment of fees shall be done electronically through RTGS/NEFT.
11. In case of Long Term Open Access, Bank Guarantee as per section 9 below.
12. To avail exemption of Electricity Duty as per the GoM Policy for Power generation from Non-conventional Sources of Energy, 2008 dated 14/10/2008 and Comprehensive Policy for Grid connected Power Projects based on New and Renewable (Nonconventional) Energy Sources, 2015 dated 20/07/2015, the consumer will have to submit the following documents
  - a) Registration letter issued by MEDA regarding registration of Generator under above mentioned Policy;
  - b) Commissioning certificate issued by MSEDCL/ SLDC, and

- c) Letter issued by MEDA – indicating duty exemption for such Generator /plant

## **8 APPLICATION CHECK-LIST AND COMMUNICATION WITH APPLICANT**

8.1. Upon receipt of open access application, AEML shall check the application, applicant details and supporting documents for completeness and defects, if any. Inter-alia, following checks shall be carried out:

1. Completeness of data and required fields;
2. Verification of Contract Demand with AEML records;
3. Mismatch between the dates / duration of open access as requested and the dates / duration of the LOI/MoU/PPA between the Consumer and Supplier;
4. Existing dues for more than two billing cycles;
5. Outstanding Dispute related to electricity charges;
6. Observations if any, noted by other Distribution licensee (if applicable) & SLDC /STU.

### **8.2. Communication of acceptance or shortfall in application:**

8.2.1. AEML shall communicate to the applicant / consumer about any shortfall in application or supporting documentation, with advice to rectify the shortfall, within five (5) working days of the receipt of application:

8.2.2. In case of any dues existing for more than two billing cycles or any outstanding dispute related to electricity charges, AEML shall communicate to the Consumer about deposit of amount due /

disputed amount, pending disposal of such dispute, within five (5) working days of receipt of application;

Provided that if any of the other agencies involved in the transaction i.e. SLDC / STU / other Distribution licensee etc. as the case may be inform AEML of any pending dues with the Consumer or its generator/trader, AEML shall inform the applicant of the same.

8.2.3. The Application processing shall commence only after deposit of such amount due / disputed amount by the Consumer/Generator/Trader with AEML, Other Distribution Licensee (if applicable) & SLDC:

8.2.3.1. In case of Short-Term Open Access, the Consumer is required to ensure payment of the dues / deposit the disputed amount under protest within a period of five (5) days from receipt of communication from AEML. In case the same is not done, the application shall be rejected and application fee shall be forfeited.

8.2.3.2. In case of Medium Term or Long Term Open Access, the Consumer is required to ensure payment of the dues / deposit the disputed amount under protest within a period of fifteen (15) days from receipt of communication from AEML. In case the same is not done, the application shall be rejected and application fee shall be forfeited.

8.2.4. In case of Short-Term Open Access, AEML shall communicate its rejection of application to the Applicant / Consumer in case any

shortfall is not rectified and revised application is not submitted within a period of three (3) days from receipt of above communication from AEML.

8.2.5. In case of Medium Term or Long-Term Open Access, AEML shall communicate its rejection of application to the Applicant / Consumer in case any shortfall is not rectified and revised application is not submitted within a period of fifteen (15) days from receipt of above communication from AEML.

8.3. In case of rejection of application as per above, the application processing fee of Rs. 3,000/- shall stand forfeited. However, Consumer / Applicant shall be entitled to approach AEML with a fresh application for open access, subject to application timelines as per section 4 above.

## **9 SUBMISSION OF BANK GUARANTEE ALONG WITH OPEN ACCESS APPLICATION**

9.1. In case of long-term open access, Consumer / Applicant shall submit a Bank Guarantee of Rs. 10,000/- per MW of open access capacity requisitioned in case of Firm, Non-renewable source, or Rs. 5,000/- per MW of open access capacity requisitioned in case of Renewable Energy source.

9.2. The Bank Guarantee is required to be submitted by the Consumer, along with the Application for open access, in the template attached herewith as **Annexure - IV**.

9.3. In case of withdrawal of application by the Consumer anytime before the effectiveness of Open Access Agreement (i.e. Effective Date of OA

Agreement, as per Section 13 herein), AEML shall encash the Bank Guarantee provided by the Consumer.

## 10 ISSUANCE OF CONSENT

10.1. Pursuant to acceptance of Application and meeting of all conditions as listed out above, AEML shall convey the consent for OA as per following timelines (subject to consent by all other agencies involved):

| Type of Open Access |   |   |
|---------------------|---|---|
|                     | Inter-State   | Intra-State   |
| <b>Day Ahead</b>    | All the applications received till 1200 Hrs on day ahead basis shall be processed simultaneously and consent will be issued by 1400 Hrs   |   |
| <b>Contingency</b>  | Within 3 hours from receipt of the application through email / fax  |   |
| <b>Short Term</b>   | All the Applications received till the 10 <sup>th</sup> Day of the preceding month shall be considered for processing simultaneously. The Consent will be issued by 15 <sup>th</sup> day of the preceding Month | All the Applications received till the 10 <sup>th</sup> Day of the preceding month shall be considered for processing simultaneously. The Consent will be issued by 19 <sup>th</sup> day of the preceding Month |
| <b>Medium Term</b>  | Within 60 days from the date of Application   | Within 60 days from the date of Application   |

|                  |   |   |
|------------------|---|---|
| <b>Long Term</b> | Within 120 days if system augmentation is not required or within 180 days otherwise | Within 120 days if system augmentation is not required or within 180 days otherwise |
|------------------|---|---|

10.2. AEML will communicate the consent to the Consumer through email / fax mentioned in the Application as per above timelines.

10.3. The consent/approval for Short-Term Open Access will be issued in Format ST2 as provided in the Regulations and no further Agreement is necessary to be executed in case of short-term open access.

10.4. The consent for Long-Term and Medium-Term Open Access shall also be issued in a similar template as Format ST2, except "Schedule of Payments". However, issuance of consent in case of long-term or medium-term open access is only an in-principal permission of open access and actual scheduling under Open Access can only commence after execution of Open Access Agreement (hereinafter "OA Agreement").

10.5. In case of Intra-State Open Access applications, AEML, as a nodal agency, shall coordinate with other Distribution licensee, SLDC & STU as the case may be, for obtaining their consent for the transaction. However in case of Inter-State / Power exchange transactions AEML will issue the consent for the AEML's Distribution system only. With the Consent from AEML, the Applicant shall carry out the necessary coordination with SLDC / STU / RLDC / Power Exchange etc as applicable for arranging Inter-State Open Access.



- 10.5.1. Consumer shall submit to AEML, the necessary permissions received from SLDC / STU / RLDC / Power Exchange before the date of effectiveness of Open Access.
- 10.6. Irrespective of who has applied for Open Access (i.e. whether Consumer, Trader, Generator or Supplier), the Consent/Approval for Open Access shall only be issued in the name of the Consumer.
- 10.7. In case of MTOA / LTOA, pursuant to issue of consent, AEML shall forward the OA Agreement to the Consumer and Consumer shall take necessary steps for signing the OA Agreement with AEML.
- 10.8. If no response is received from the Consumer within 30 (thirty) days of sending of OA Agreement to the Consumer, the Consent for open access issued by AEML shall be treated as cancelled and Consumer/Applicant will have to make a fresh application for open access.

## **11 REDUCTION IN CONTRACT DEMAND**

- 11.1. If a Consumer intends to reduce its Contract Demand with AEML, in order to avail whole or part of its requirement of power through open access, the Consumer shall have to follow the provisions of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 and MERC (Standard of performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 as amended from time to time.

- 11.2. The Contract Demand, once revised, can be further revised, reduced or restored to original level, as desired by the Consumer, after following the due process for the same under the above mentioned Regulations, for each such revision.
- 11.3. There shall be no automatic reductions or restoration of Contract Demand. The Contract Demand, once revised, shall remain at such level till such time it is revised again, following a request from the Consumer under the above-said Regulations.
- 11.4. Short-term Open Access applicant, however, shall not be eligible for further revisions of Contract Demand during the tenure of open access i.e. the Contract Demand of such a Consumer with AEML shall remain the same throughout the duration of the short-term open access, as it was at the start date of open access.

## 12 APPLICABLE CHARGES

- 12.1. Non-refundable Application processing Fee: **as per Annexure III;**
- 12.2. Monthly Operating Charges for AEML System: Rs 3,000 per Month;
- 12.3. Share of SLDC Charges (applicable only for MTOA & LTOA): AEML share X OA Demand / AEML Share in CPD /NCPD – will change from year to year based on MSLDC Budget Orders approved by MERC;
- 12.4. Transmission Charges: As Approved by MERC from Time to Time through InSTS Tariff Order:
- 12.4.1. STOA – Rs. / KWH;

12.4.2. MTOA/LTOA – Rs./ MW / Month

- 12.5. Wheeling Charges: As Approved by MERC in Tariff Order of AEML-D from time to time;
- 12.6. Cross-Subsidy Surcharge as approved by MERC from time to time will be levied on all OA transactions. No cross-subsidy surcharge would be applicable for consumers seeking open access for supply from their own captive source;
- 12.7. Additional Surcharge on charges of wheeling, as approved by MERC for AEML from time to time;
- 12.8. Reactive Energy Charges, if any, approved by the Commission from time to time;
- 12.9. In case, the transaction involves distribution system of another Distribution Licensee, the charges w.r.t. to such other Distribution licensee shall be payable by Applicant to such Distribution licensee directly.
- 12.10. In case of Intra-State Open Access, the scheduling and operating charges or any other charges as submitted by SLDC shall be payable by Applicant to AEML within 3 days from the receipt of the Schedule of payments. AEML, in turn, shall transfer the amount to SLDC as provided.
- 12.11. Any other charges as per applicable Orders and Regulations of MERC
- 12.12. Except application fees, all the charge payable to AEML will be recovered on Monthly basis

### **13 DATE OF EFFECTIVENESS OF OA AGREEMENT**

13.1. The Open Access Agreement executed between the Supplier, the Consumer and AEML shall be effective from the commencement date of Open Access as requested in the Application and contained in the Open Access Agreement, which date should necessarily conform to the timelines for submission of application given in section 4 above.

13.1.1. In case of short-term open access, the date of effectiveness shall be the date mentioned in the Consent issued by AEML in Format ST2 provided in the Regulations.

Provided that wherever use of InSTS is involved, the effective date for transaction shall be the date as mentioned above or as approved by STU/ SLDC, whichever is later.

13.2. Irrespective of which date the Consumer schedules power (in case of firm source) / provide GCN (in case of non-firm source), Open Access shall commence from the Effective Date as per 13.1 or 13.1.1 above for all commercial purposes.

13.2.1. In case of Inter-State transactions if the Consumer or Supplier is unable to schedule power due to delay in permission of open access from any of the agency or for any other reason, it shall be the responsibility of the Consumer to approach AEML with a written request to cancel (or suspend for a certain period), the permission of open access given by AEML, in order to avoid commercial implications, if any.

13.2.2. The written request provided above must, in all cases of open access, be provided by the Consumer within 15 days of the date of effectiveness of open access as per 13.1 or 13.1.1 above.

13.3. For operational purposes and in order to avoid the complications of pro-rata billing, 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, as the case may be.

## 14 SCHEDULING & OPERATIONAL COORDINATION

14.1. Open Access Consumer shall designate a coordinator for scheduling related activities.

14.2. Consumer shall submit to AEML, the contact details, Phone/ Mobile number, Fax number email address etc. of the Coordinator appointed by him for scheduling & operational coordination and shall keep AEML updated in case of any changes in the same.

14.3. Contact details of AEML for Scheduling purposes:

ABT Cell, Contact no – 022 - 30093306, 30093307 & 30097298, Fax no – 022 3009 3305, E-MAIL: [AEML.DOA@adani.com](mailto:AEML.DOA@adani.com), [abt.aemlmumbai@adani.com](mailto:abt.aemlmumbai@adani.com)

14.4. **Scheduling of Power** - From the Effective Date of the open access (as per para 13.1 above), Consumer shall provide the schedule of power on day ahead basis before 10 am of the preceding day.

14.4.1. Non Firm Power – In case of non-firm power such as wind, Solar, small hydro, exact scheduling may not be feasible hence consumer should provide the actual generation of previous day by 10 am every day. Based on the trend AEML will schedule the generation as per the requirement of SLDC.

14.4.2. Firm Power – Consumer shall provide the schedule on day-ahead basis by 10 am of preceding day, failing which the schedule will be considered as zero and energy accounting will be done accordingly.

14.5. **Tripping of Generating Unit(s):** To be intimated by the generator/Consumer to the SLDC and concerned Distribution Licensee along with the period of outage. In case of tripping of captive generating Unit, power from non-CPP units shall not be injected without prior approval as per Regulations (Applicable for Firm Captive Generator).

## **15 UNDER / NON UTILISATION OF SHORT TERM OPEN ACCESS**

15.1. AEML may reduce or cancel the capacity allocated, to the extent it is underutilized after giving notice to the affected parties;

- (a) When such capacity is underutilized for more than 3 days or
- (b) When the Consumer, Generating Company or licensee as the case may be, fails to inform AEML of its inability to utilize the allocated capacity.

The capacity available as a result of such surrender or reduction cancellation of capacity may be allocated to any other STOA applicant.

## **16 SUBMISSION OF GCN, SCHEDULES, ENERGY CREDIT & COMMERCIAL SETTLEMENT**

- 16.1. Energy accounting & Settlement shall be carried out on 15 min Time block basis, for Consumers availing open access supply under Firm source.
- 16.2. First charge on OA scheduled capacity: From the energy/demand recorded in the Consumer meter, scheduled OA entitlement shall first be adjusted to arrive at energy / demand consumption from AEML.
- 16.3. The credit of OA energy, supply of energy under CD and imbalance charges shall be as per the Regulations.
- 16.4. Non Firm Power – The non firm OA transactions will be settled based on the Monthly ToD slots as provided in the Regulations. Also the banking facility will be available for these transactions.
  - 16.4.1. Consumer shall submit to AEML the monthly Generation Credit Note (GCN) along with 15 min data as issued by other Distribution Licensee / Transmission Licensee. If the GCN & data is not submitted by 5<sup>th</sup> of every month, AEML shall bill the Consumer considering NIL energy credit. Whenever Consumer provides the GCN with the data, the bill for respective month will be revised and financial credit will be provided in the subsequent billing cycle.

## 16.5. Firm Power –

16.5.1. In case generator of the Consumer is a State Pool Participant:  
The Credit of energy based on the implemented 15 min. schedules finalized by MSLDC will be provided to the consumer in the monthly billing.

16.5.2. In case generator is not a State Pool Participant: The credit of energy will be based on actual 15-min. injection based on the GCN / JMR to be provided by the Consumer by 5<sup>th</sup> of every month, for the previous month. In case GCN/JMR is not provided by the Consumer by the end of 5<sup>th</sup> day of the month, AEML shall bill the Consumer for the month, considering NIL energy credit. Whenever Consumer provides the GCN/JMR with the data, the bill for respective month will be revised and financial credit will be provided in the subsequent billing cycle.

16.6. In case of a single generator supplying power under open access to multiple consumers, the GCN issued to the generator must necessarily indicate the percentage or generation allocated to each consumer separately.

16.7. In case of multiple non-firm OA transactions, credit will be provided simultaneously (i.e. only after submission of GCNs of all the sources) to avoid the complications / reversal of banking, etc. Consumers are requested to submit the GCNs for all the sources of respective month, together. Further credit will be provided in the forward sequence only. (example - If credit of Month 'n' is pending for non submission of GCN or for any other reason and GCN for Month 'n+1' is submitted, then credit for Month 'n+1' will be kept on hold till the time credit for Month 'n' is effected).



16.8. Online facility for GCN submission to AEML is provided in Consumer Login. Valid GCN copy having outward number of MSEDCL should be uploaded. AEML may ask for the submission of the original copy of the GCN for billing which may be submitted to respective KAM (Key Accounts Manager) at the Zonal offices of AEML

## **17 PROCESS AND DOCUMENTATION REQUIREMENTS FOR VERIFICATION OF CAPTIVE STATUS**

In case of open access from Captive Power Plant, the process of verifying and updating the “captive” status of power plant shall be undertaken in the manner prescribed below:

- 1) At the time of application: Certificate from qualified Chartered Accountant to describe the Shareholding pattern in the CPP, containing details of all shareholders, including captive users and their voting rights;
- 2) Within 10 days of any change in Shareholding pattern: CA Certification of revised shareholding pattern, with details of all shareholders, including captive users and their voting rights;
- 3) At the end of a financial year, by April 30 of succeeding financial year: Re-submission of Certificate from qualified Chartered Accountant to describe the current Shareholding pattern in the CPP, containing details of all shareholders, including captive users and their voting rights. In case of no change in the shareholding pattern during the year, an Undertaking to that effect must be given by the concerned Generator, along with the CA Certificate.

- 4) Every year by 30<sup>th</sup> April, Every Captive Generator shall submit all the relevant data (Quantum of Generation at Generator terminal, Aux Consumption, Consumption recorded at EHV side of Generator Transformer, Consumption recorded at outgoing feeders and consumption of captive consumers grossed up to Generator Terminal) required for establishing the captive status in previous Financial year, in an Excel format. (Similarly for non firm generators : Total generation and breakup of sale of energy to various Users)
- 5) AEML shall seek additional information and/or clarifications as may be necessary to verify the captive status of the generator and confirm the status as Captive or Non-captive, as the case may be, by 31<sup>st</sup> May every year and communicate the same to the generator / consumer. In case of non-submission of necessary information or clarification, AEML shall be at liberty to take a call on the captive status of the generator.
- 6) In case, the generator is not satisfied with AEML's decision regarding the same, it shall be at liberty to approach MERC for adjudication by 15<sup>th</sup> June and, in such case, AEML shall not levy Cross-Subsidy Surcharge (CSS) and Additional Surcharge (AS) till the final decision of MERC.
- 7) In case, no representation has been made by Generator / Consumer before MERC till 15<sup>th</sup> June, AEML shall be entitled to charge CSS and AS charges to the consumer, along with applicable interest, without prejudice to consumer / generator's right to approach MERC any time later.

## **18 BILLING**

- 18.1. AEML shall raise the monthly bill on the Consumer containing the summary of the charges under the different heads.
- 18.2. The billing & payment of the scheduling and operating charges related to SLDC shall be as provided in the Regulations. These bills shall be payable within 3 days from the receipt of the bills.
- 18.3. Consumer shall pay the bills as per defined time lines failing which the OA facility will be withdrawn. In case of continued non-payment AEML will take necessary steps as per EA 2003.
- 18.4. All billing related complaints shall be handled as per the provisions of the Electricity Supply Code, as amended from time to time.

## **19 SECURITY DEPOSITS AND LETTER OF CREDIT**

- 19.1. Consumer shall deposit with AEML Security equivalent to one month's Wheeling Charges, Cross-Subsidy Surcharge and Additional Surcharge based on estimated open access usage.
- 19.2. In case of existing Consumers opting for open access, AEML shall estimate the additional Security, if any, required in view of above charges vis-à-vis the Security Deposit already held with AEML towards its consumption charges and any additional demand shall be raised or credit provided, as the case may be, on a yearly basis, in accordance with the Regulation 14.9 of the Regulations.

- 19.3. In case of a new Consumer opting for open access along with connectivity for the first time, AEML shall estimate security deposit based on open access usage and estimated charges for balance consumption, if any, from AEML (in case of partial open access) and raise the demand accordingly.
- 19.4. In case a consumer is supplied by another distribution licensee in the same area of supply on AEML's network and such Consumer is willing to migrate back to AEML and also seek open access, the Security Deposit shall be assessed in similar manner as given in clause 19.3 above, provided earlier Security Deposit was returned by AEML when the Consumer migrated to the other Distribution Licensee, otherwise estimation shall be as per clause 19.2 above.
- 19.5. AEML shall send a notice to the Consumer for deposit of additional Security Deposit and the same shall be required to be deposited by the Consumer within fifteen (15) days from the date of receipt of notice.
- 19.6. Security Deposit can be made in the form of cash, Irrevocable Letter of Credit (L/C) or unconditional Bank Guarantee (BG). L/C or BG shall be given as per format provided in **Annexure – IV / V**. Cash deposit shall be entitled to earn interest at Bank Rate and interest will be credited to Consumer account as per prevailing practice.
- 19.7. **In case of Long-Term and Medium-Term Open Access:** Consumer shall open an Irrevocable Letter of Credit (L/C) in favour of AEML for the estimated amount of Transmission and SLDC charges for a period of two months. L/C shall be provided in the format given in **Annexure – V**. This amount shall be communicated by AEML to the Consumer after

issuance of Consent and the Consumer shall provide the L/C within a period of one (1) month from the Effective Date of Open Access.

## **20 CONSISTENCY WITH REGULATIONS**

20.1. Any procedural details not specified herein shall be as per the Regulations.

20.2. Any procedural details specified, if inconsistent with the Regulations or Act, shall be superseded by the Regulations or Act, to the extent of such inconsistency.

## **21 AMENDMENTS**

21.1. Amendments to the procedure shall be issued by AEML from time to time in accordance with the General or Specific Orders of MERC, or as a result of any amendments in the Regulations.

21.2. The updated copy of the procedure shall be available on AEML's website and Consumers are advised to refer to the same before making application.