

Bihar State Load State Despatch Centre

Procedure for Grant of Short-Term Green Energy Open Access

*Prepared in Compliance
to
Bihar Electricity Regulatory Commission
Green Energy Open Access Regulation, 2024*

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1. Definitions

(1) In these regulations, unless the context otherwise, requires:

- a. **'Applicant'** means a consumer, trader, distribution licensee or a Generating company who has applied seeking Open Access.
- b. **'Banking'** means the surplus green energy scheduled and injected into the grid and credited with the distribution licensee by the Green Energy Open Access consumer.
- c. **'Bihar GEOA Portal'** is the portal operated by SLDC for processing Green Energy Open Access applications under the Short-Term Open Access category and shall be integrated with the GOAR.
- d. **'Central Nodal Agency (CNA)'** 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. POSOCO (now GRID-INDIA) has been designated as the CNA.
- e. **'Commission'** means the Bihar Electricity Regulatory Commission (BERC) constituted under the Act.
- f. **'Consumer'** means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public 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 electricity with the works of a licensee, the Government or such other person, as the case may be.
- g. **'Day Ahead Market (DAM)'** means a market where Day Ahead Contracts are transacted on the Power Exchange(s).
- h. **'Distribution Licensee'** means a licensee authorised to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply.
- i. **'Entity'** shall mean any consumer who has contracted demand or sanctioned load of 100 kW or more either through single connection or through multiple connections aggregating 100 kW or more located in same electricity division of a distribution licensee, except for captive consumers.

Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned load with Discoms.

- j. **'Existing Consumer'** shall mean a person already availing Open access for sourcing/supplying renewable energy to the transmission system and/ or distribution system of a licensee in the State under an existing agreement or Commission's Regulations/Orders on the date of coming into force of these Regulations.
- k. **'Green Energy'** means the electrical energy from renewable sources of energy as determined by the Central Government as per the provision of Clause G of sub-rule (2) of rule 4 of Electricity (Promoting Renewable Energy Through Green Energy

Open Access), Rules 2022 and amendments thereof.

- i. **'Green Energy Open Access Consumer' or GEOA consumer** means any person who has contract demand or sanctioned load of Hundred (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 avail Green Energy through Open Access, who is supplied with electricity from green energy sources for his 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 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. Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned load with Discoms availing power under Green Energy Open Access.
- m. **'GOAR'** or Green Open Access Registry is a transparent portal managed by GRID-India through which long term, medium term and short-term open access transactions are managed and performed to inter-state transmission system and intra state transmission system.
- n. **'Intra State Transmission'** means a system that transmits electricity within a state.
- o. **'Nodal agency'** means the nodal agency defined in Clause 5 of the Regulations.
- p. **'NOAR'** is a centralized online platform through which the short-term open access to the inter-state transmission system is being managed by GRID-India
- q. **'Open Access'** means the nondiscriminatory provision for the use of transmission lines or distribution system or associated facilities with such lines or system by any licensee or consumer or a generating company in accordance with the Rules and includes short-term open access.
- r. **'Open access customer'** means a consumer, buyer, seller trader, distribution licensee or a generating company who has been granted open access under these regulations.
- s. **'Regulations'** means Bihar Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2024.
- t. **'Rules'** means the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 and subsequent amendments.
- u. **'Short-Term'** means a period up to One month.
- v. **'SLDC'** means the Bihar State Load Despatch Centre.
- w. **'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 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.

- (2) Words and expressions used and not defined in these regulations but defined in the Act or IEGC or State Grid Code any other regulation of the Appropriate Commission shall have the meaning assigned to them under the Act or the IEGC or the State Grid Code or any other regulation of the Commission as the case may be.

2. Applicability and Scope of the Procedures

- 2.1. This procedure is in accordance with the Bihar Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2024, hereby referred as "Regulations".
- 2.2. This procedure covers guidelines, terms and conditions for registration & submission of application by the eligible applicants through GOAR and Bihar GEOA Portal for availing connectivity and Short-Term Green Open Access.
- 2.3. These procedures shall be applicable for allowing Short-Term Open Access to electricity generated from green energy sources as defined under item no. 2 (1) (n) of Clause 2 of the Regulations, including the energy from non-fossil fuel based Waste to Energy plant for use of Intra State Transmission System (InSTS) and/or distribution system in the State or both, including Intra State Transmission or Distribution System(s), which are incidental to Inter State Transmission of electricity.
- 2.4. Provided that existing consumers/generators shall continue to avail the open access as per the existing agreements or government policy for the period specified in those agreements or policies, unless specifically provided under any clause of the Regulations.
- 2.5. This procedure shall come into force from the date of approval of the Commission.

3. Nodal Agency

- 3.1. SLDC shall be the State Nodal Agency for grant of Green Energy Open Access for Short-Term (for a period up to One month).
- 3.2. All applications related to Short-Term Green Energy Open Access shall be received by the SLDC in accordance with the detailed procedure, through the single window green energy open access system for renewable energy developed by Central Nodal Agency.

4. Roles and Responsibility

4.1. Role of State Load Despatch Centre (SLDC):

- 4.1.1. SLDC shall be the nodal agency for registration of intra-state entities intending to avail interstate or intra-state Green Energy Open Access in the Short-Term.
- 4.1.2. SLDC shall provide standing clearance/concurrence for the intra state entities intending to avail intrastate or interstate Green Energy Open Access.

4.1.3. SLDC shall register the applicants and process the bilateral Short-Term Green Energy Open Access applications in accordance with the Green Energy Open Access 2022 and the Bihar Electricity Regulatory Commission (Green Energy Open Access) Regulations 2024 and these procedures.

4.1.4. All the information pertaining to registration and processing of application shall be updated by the SLDC on the GOAR and Bihar GEOA Portal.

4.2. Role of Distribution Licensee

4.2.1. The concerned Distribution Licensee shall facilitate non-discriminatory open access to its embedded entities as per extant Rules and Regulations.

4.2.2. The Distribution Licensees shall process the consent for standing clearance and upload the required approval or the reasons of refusal, as the case may be, on the Bihar GEOA Portal within 3 working days of receipt of such request from SLDC.

4.3. Role of other applicable entities

4.3.1. Any other applicable entities such as Qualified Coordinating Agency, Solar Power Park Developers, Wind Power Park Developers etc. shall abide by the extant regulations of CERC and the Commission as applicable.

5. Connectivity

5.1. Any new entity shall obtain connectivity to the grid prior to making an application for registration in the GOAR for Short-Term Open Access.

5.2. Entities are required to furnish the connectivity agreement with STU and/or Distribution Licensee to SLDC at the time of applying for Registration.

5.3. A consumer of Distribution Licensee intending to avail Short-term Green Open Access shall also submit a copy of the application to the concerned Distribution Licensee through the Bihar GEOA Portal.

6. Registration

6.1. Once the connectivity has been obtained by the entity, an application for registration shall be made on the GOAR as per the following:

6.2. Any entity who intends to avail Green Energy Open Access shall first get registered in the GOAR as per procedure defined by CNA.

6.3. In the case of an intra-state entity, the application for registration shall be processed by the SLDC. The SLDC shall process and recommend the applications of intrastate entities within 5 working days for new applications through the GOAR.

6.4. After the receipt of an application for registration, SLDC, shall conduct a preliminary scrutiny to ensure the application is complete in all respects. In case of any discrepancy/shortcoming/requirement for any further information, SLDC shall inform the applicant through the portal for rectification of the deficiency within a period of 2 working days. In case the applicant does not respond within a period of 2 working days with the required details to SLDC, the registration request shall be disposed of and reasons for such

disposal shall be communicated to the applicant through GOAR.

- 6.5. In case where SLDC has communicated any deficiency or defect in the application, the date of receipt of application shall be considered as the date on which the application has been received duly completed after removing the deficiency or rectifying the defects, 5 working days for SLDC shall be reckoned from such date.
- 6.6. In case of any change in the information provided by the entity, it shall be incumbent upon the entity to update the information in the GOAR. SLDC shall recommend the application of the intrastate entities to the host RLDC within 2 working days through GOAR after the complete application in all respects is received at the host SLDC.
- 6.7. In case of a change of name of an entity already registered in GOAR, such entity shall inform along with relevant documents from the appropriate authority such as Registrar of Companies or National Company Law Tribunal or any other Court, to SLDC, as the case may be, which shall upon verification of documents, update such change in its records in GOAR within 5 working days through GOAR, after the complete application in all respect is received at SLDC. The concerned entity shall settle all outstanding financial liabilities, before the commencement of the transaction in GOAR.
- 6.8. The open-access customer shall ensure that all details are correct, failing which, the registration may be canceled/denied by the concerned nodal agency.
- 6.9. The applicant shall be required to furnish any additional information or documentation as may be sought by SLDC in relation to the registration process for Short-Term Green Energy Open Access through the Bihar GEOA Portal.
- 6.10. The grid connected entities shall be able to make an application for seeking standing clearance or applying for Green Energy Open Access, only after the registration process is complete in all respects.

7. Standing clearance by Load Despatch Centre for intrastate entities

- 7.1. Online application, through GOAR, along with the requisite declaration as per standard format prescribed by the CNA, shall be made by the applicant, to the SLDC for the issuance of standing clearance for availing access to interstate transmission for a pre-specified quantum (MW), specified period, at a pre-specified interconnection point.
- 7.2. The application for standing clearance applied by the intrastate entities shall be processed by SLDC. SLDC shall provide the standing clearance for the intrastate entities up to the quantum requested by the intra-state entities for interstate transactions which include both bilateral and collective transactions.
- 7.3. The entity shall check if there is any change in the details as entered during the time of registration before submitting the request for standing clearance. Changes, if any, shall be submitted by the entity before applying for standing clearance.
- 7.4. For intrastate entities applying for standing clearance, SLDC shall obtain consent from the concerned Distribution Licensee regarding the conditions outlined in Clause 9.9 of this procedure. The Distribution Licensees shall process the consent for standing clearance and

upload the required approval or the reasons of refusal, as the case may be on the Bihar GEOA Portal within 3 working days of receipt of such request from SLDC. Upon receipt, SLDC shall then update the same in the GOAR.

- 7.5. SLDC shall process the application for grant of standing clearance or refusal within 7 working days from the date of receipt of the application for the new grid-connected entity and within 3 working days from the date of receipt of the application for an existing grid-connected entity.
- 7.6. In case the SLDC finds that the application for standing clearance is incomplete or defective in any respect, it shall communicate the same to the entity within 2 working days from the date of receipt of such application.
- 7.7. In the case where the SLDC has communicated any deficiency or defect in the application, the date of receipt of the application shall be considered as the date on which the application has been received duly completed after removing the deficiency or rectifying the defects, as the case may be and the period of 7 working days for the new grid-connected entity and 3 working days for an existing grid-connected entity shall be reckoned from such date.
- 7.8. In case the application is in order but the SLDC refuses to issue the standing clearance on the grounds of non-existence of necessary infrastructure or unavailability of surplus transmission capacity in intra-State transmission network, then such refusal shall be communicated to the entity through GOAR within the period of 3 working days or 7 working days, as the case may be, from the date of receipt of the application, along with reasons for such refusal.
- 7.9. In case the SLDC has not communicated the approval or refusal of the application for standing clearance for inter-state Open Access, within the period of 3 working days or 7 working days, as the case may be, the standing clearance shall be deemed to have been granted by 00:00 hours of the next day, after the expiry of such period of 3 working days or 7 working days, as the case may be, for a period for which such standing clearance was applied for or a period of 7 days, whichever is lower.
- 7.10. The standing clearance shall be issued by the SLDC for a maximum period of one month at a time.
- 7.11. The quantum of standing clearance issued by SLDC shall be at the regional periphery for all entities for the interstate and at the ex-bus for intrastate entities.
- 7.12. The approved standing clearance shall be terminated in GOAR automatically after 2 clear days in case of any major changes in the registration details. The applicant has to apply for fresh standing clearance with the revised registration details to the SLDC as the case may be. The major parameters are Name, Parent Company Name, Utility Type, Connectivity Details, etc. Intimation shall be provided through GOAR to SLDC.
- 7.13. For renewal of the standing clearance, the intra state entity shall apply at least one week before the expiry of the standing clearance through Bihar GEOA Portal, with a request for renewal along with the declaration.
- 7.14. SLDC shall be responsible for checking the margins available in the corridors where the grid-

connected entity is situated and shall issue the standing clearance accordingly.

- 7.15. The standing clearance approval or rejection shall be made available in GOAR to the applicant once the SLDC approves or rejects the application for standing clearance.
- 7.16. SLDC may withdraw the already issued standing clearance or downward revise the quantum (MW) or period of the standing clearance issued in respect of any Interstate Open Access applicant, in case of transmission or evacuation constraint or the interest of grid security. However, after the constraint is removed/cured, the SLDC shall revive the standing clearance at the earliest.
- 7.17. The standing clearance issued by the SLDC shall be used in all bilateral transactions on GOAR. They shall be cumulatively used in the collective transactions on the NOAR portal.
- 7.18. If the aggregate bid quantum of the intrastate entity under bilateral transactions and collective transactions, including the approved inter-state Open Access quantum exceeds the quantum of the standing clearance in any time block, by the intrastate entity, SLDC shall debar such intrastate entity from participating in bilateral and collective transactions for a period of 7 days under intimation to the concerned RLDC.

8. Application for interstate and intrastate Green Energy Open Access bilateral

- 8.1. An application for availing of Green Energy Open Access can be made through the GOAR only by the registered entities.
- 8.2. The application for availing Green Energy Open Access shall furnish the details as per standard formats prescribed by the CNA (Refer to Annexures).
- 8.3. The consumers with contract demand or sanctioned load of Hundred (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 avail Green Energy through Open Access, who is supplied with electricity from green energy sources for his 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 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. Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned load with Discoms availing power under Green Energy Open Access.

Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned load with Discoms.

- 8.4. An application for availing of inter-state Open Access shall be made through GOAR and shall be subjected to the procedures of the CNA for availing Green Energy Open Access, Ministry of Power's notification on the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules 2022 including all subsequent amendments, terms of the GNA Regulations and the CERC (Sharing of inter-State Transmission Charges and Losses)

Regulations, 2020, and its amendments thereof.

- 8.5. Provided that in respect of a consumer connected to a distribution system seeking inter-State short-term open access, the SLDC, before giving its consent, shall obtain the consent of the distribution licensee concerned through the Bihar GEOA Portal.

9. Grant of Short-Term Green Energy Open Access

- 9.1. All the applications for Short-term Green Energy Open Access complete in all respects shall be submitted on the portal setup by the Central Nodal Agency and these applications shall be routed to the SLDC as specified under the Rules and Regulations.
- 9.2. The SLDC shall, by an order in writing, approve the application for the Green Energy Open Access for intra-state transactions within a period of 15 days from the date of receipt of complete application for connectivity/ open access, failing which it shall be deemed to have been approved subject to the fulfilment of technical requirements.
- 9.3. The order of processing of applications for Green Energy Open Access shall be first in first out.
- 9.4. Provided further that among Green Energy Open Access consumers, Long Term Green Energy Open Access consumers shall have preference over others, followed by Medium-term and Short-term, at any given time. Provided also that, open access for non-fossil fuel source shall be given priority over the open access from fossil fuel.
- 9.5. The Short-Term Green Energy Open Access shall be allowed, if there is sufficient spare capacity available in the transmission system without any augmentation.
- 9.6. The Open Access shall be allowed for a minimum twelve-time block of 15- minute time interval during a day, for which the consumer shall not change the quantum of power consumed through open access.
- 9.7. Provided that open access allowed to such consumer shall be subject to the condition that they agree to the system constraints as well as power cut restrictions imposed by the STU/SLDC. In such cases, under drawl, if any, on account of power cut restrictions/ system constraints shall not be compensated.
- 9.8. There shall be no limit of quantum of supply of power for the captive consumers taking power under Green Energy Open Access.
- 9.9. Such consumers/entities, having been declared insolvent or bankrupt or having uncontested outstanding dues against them for more than two months billing of the distribution/transmission licensee or have been convicted of an offence of unauthorized use of electricity/theft of electricity in the preceding months of making an application, shall not be eligible for open access.

10. Special Energy Meters

- 10.1.1. Metering shall be done in accordance with the provisions of CEA (Installation and Operation of Meters) Regulations, 2006 & BERC Grid Code 2010 as amended from time to time.

- 10.1.2. Meters with Time of the Day (TOD) facility shall be installed by the GEOA Generators/consumers.
- 10.1.3. 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.
- 10.1.4. The meter shall include CTs, PTs and associated accessories and shall be tested and calibrated at least once in a year by a NABL accredited Laboratory.
- 10.1.5. The meters shall be sealed by the distribution licensee in whose area the Generator/Consumer is situated.
- 10.1.6. In case the meter is provided by the transmission/distribution licensee, the Open access consumer shall pay for its rent and provide meter security deposit.
- 10.1.7. The meter shall be capable of communicating its reading to SLDC on real time basis.
- 10.1.8. The metering code and/or any other rules/ regulations/ code relevant to metering in the State shall be applicable to the GEOA consumers also.

11. Revision of Procedure

- 11.1. SLDC shall revise/amend this procedure, if required, after due consultation with the stakeholders, in accordance with BERC Green Energy Open Access Regulations 2024 and amendments thereof.

12. Applicable Fees and Charges

- 12.1. The Transmission & Scheduling charges associated with Green Energy Open Access shall be computed and billed by SLDC and communicated to the consumers through the Bihar GEOA Portal.

The charges on Green Energy Open Access consumers shall be as follows:

12.2. Transmission Charges

- 12.2.1. For use of inter-State transmission system: Inter- State Transmission Charges and Inter-State Transmission losses shall be levied on Green Energy Open Access Consumer as determined by the CERC from time to time.
- 12.2.2. For use of intra-State transmission system: Intra State Transmission Charges shall be levied on Green Energy Open Access Consumer by SLDC as determined by the Commission in Tariff Order of respective Distribution Licensee sfrom time to time.
- 12.2.3. In case, where a dedicated transmission system used for open access has been constructed for exclusive use of an open access consumer, the transmission charges for such dedicated system shall be worked out by transmission licensee for their respective systems and get the same approved by the Commission. The charges shall be borne entirely by such open access consumer till such time the surplus capacity is allotted and used for by other persons or purposes.
- 12.2.4. In addition to Transmission Charge, Intra-State Transmission loss shall be applicable to consumers seeking Green Energy Open Access as may be determined and notified by

commission from time to time in accordance with applicable Regulations.

- 12.2.5.** Provided that the existing waivers or concessions in the Transmission Charges applicable for green energy open access transactions under BERC (Open Access Regulations) 2018 shall continue.

12.3. Wheeling Charges

- 12.3.1.** Wheeling Charges shall be levied on Green Energy Open Access Consumer by the concerned Distribution Licensee as determined by the Commission in Retail Supply Tariff Order issued from time to time and shall be levied by the concerned Distribution Licensee.

- 12.3.2.** In case, where a dedicated distribution system used for open access has been constructed for exclusive use of an open access consumer, the wheeling charges for such dedicated system shall be worked out by Distribution Licensee for their respective systems and get approved by the Commission. Such charges shall be borne entirely by such open access consumer till such time the surplus capacity is allotted and used for by other persons:

Provided that an open access consumer connected to the Intra State Transmission system shall be liable to pay the wheeling charges determined under this regulation, if such consumer was paying wheeling charges directly or indirectly before availing the green energy open access.

- 12.3.3.** In addition to Wheeling Charge, Wheeling loss shall be applicable to consumers seeking Green Energy Open Access and it shall be determined by the commission from time to time.

Provided that, the Wheeling loss shall include only technical loss and not Aggregate Technical and Commercial loss of that Distribution Licensee.

Provided also that if feeder-wise data of losses is not available, the Commission shall consider the voltage-wise sample feeder for determining the wheeling losses.

Provided further that the existing waivers or concessions in the Wheeling Charges applicable for renewable energy open access transactions under BERC (Open Access Regulations) 2018 shall continue.

12.4. Cross subsidy surcharge

- 12.4.1.** If green energy Open Access facility is availed by a cross-subsidising consumer of a distribution licensee of the State, then such consumer, in addition to transmission and wheeling charges, shall pay cross subsidy surcharge to the concerned Distribution Licensee as determined by the Commission. Cross subsidy surcharge determined on Per Unit basis shall be payable, monthly by the green energy open access consumers based on the actual energy drawn during the month through open access. The amount of surcharge shall be paid to the distribution licensee of the area of supply from whom the consumer was availing supply before seeking open access.

- 12.4.2.** 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.

- 12.4.3.** The Cross-Subsidy Surcharge shall not exceed 20% of the Average Cost of Supply (ACoS) applicable to the category of the consumers seeking Green Energy Open Access.

Provided that the Commission may fix a lower surcharge in the situation of shortages and load shedding by the distribution licensee.

Provided further that such cross-subsidy surcharge shall not be levied in case distribution

access is provided to a person who has been availing green power from the plant established as captive generation plant for his own use.

Provided also 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 also that cross subsidy surcharge shall not be applicable in case power produced from a non-fossil fuel-based Waste-to-Energy plant is supplied to the Open Access Consumer.

Provided also that cross subsidy surcharge shall not be applicable in case green energy is utilized for production of green hydrogen and green ammonia.

- 12.4.4.** Cross-Subsidy Surcharge for Green Energy Open Access shall be computed in Rs/kWh and shall be charged on the actual energy consumed by the consumer under Green Energy Open Access.

12.5. Additional Surcharge

Additional 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 Green Energy Open Access Consumer, in addition to transmission charges, wheeling charges and cross subsidy surcharge, shall pay additional surcharge to the concerned Distribution Licensee on the actual energy drawn during the month through open access. The amount of additional surcharge shall be paid to the Distribution Licensee of the area of supply from whom the consumer was availing supply before seeking open access.

Provided further 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 a person is availing green power from the plant established as captive generation plant for his own use.

Provided also that additional surcharge shall not be applicable in case power produced from a non-fossil fuel-based Waste-to-Energy plant is supplied to the Open Access Consumer.

Provided also that additional surcharge shall not be applicable in case green energy is utilized for production of green hydrogen and green ammonia.

Provided also that additional surcharge shall not be applicable in case electricity produced from offshore wind projects, which are commissioned up to December 2032 and supplied to the Open Access Consumer.

12.6. Standby Facility and Charges

- 12.6.1.** 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.

- 12.6.2.** The Standby Charges for Green Energy Open Access for such standby arrangement shall

be 125% of energy charges applicable to the consumer tariff Category.

Provided 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 that such Standby Charges shall not be applicable if the Green Energy Open Access Consumers have given notice, at least a day in advance before gate closure in DAM on 'D-1' day, 'D' being the day of delivery of power, for standby arrangement to the distribution licensee.

Provided also that Green Energy Open Access consumers would have the option to arrange standby power from any other source.

- 12.6.3.** The Standby Charges for Green Energy Open Access shall be computed in Rs/kWh, and it shall be charged on the actual energy drawn by the consumer from distribution licensee during the period of standby availed by Green Energy Open Access consumer in case of outage of RE generator under Green Energy Open Access.

12.7. Other Charges

In addition to above charges, the consumer availing Green Energy Open Access shall also pay the following charges determined by the Commission as per the provisions of the relevant regulations of the Commission.

- 12.7.1.** Scheduling charges- The Intra-state Green Energy Open Access consumers shall require to pay scheduling charge of Rs.2000/day/approval for Short-Term Open Access to the SLDC, the billing shall be on the monthly basis.
- 12.7.2.** RE Deviation Settlement Charges (RE-DSM)- The Green Energy Open Access consumers shall be governed by the "Bihar Electricity Regulatory Commission (Intra-state Availability Based Tariff and Deviation Settlement Mechanism) Regulations, 2020. They shall be liable to pay deviation charges, as per aforesaid Regulations as case may be, to SLDC.
- 12.7.3.** Reactive Energy Charge- In respect of Green Energy generator, the payment for the reactive energy charges to the SLDC shall be in accordance with provisions stipulated in the Electricity Grid Code notified by the Commission read with Tariff Order passed by the Commission from time to time.

13. Settlement of Open Access

- 13.1.** Settlement of open access energy for power drawn from inter-state as well as intra- state sources shall be in the following order of priority:
- i. Open Access Power through Exchange/ Bilateral transactions
 - ii. Captive Power /Third Party (Non-RE)
 - iii. RE generation after deduction of losses
 - iv. Banked energy.
 - v. Discom's Power
- 13.2.** Settlement of open-access energy for the generator shall be in the following order of priority:
- i. Open Access Power through Exchange/ Bilateral transactions
 - ii. Captive Power /Third Party (Non-RE)

14. Curtailement Priority

- 14.1. In case due to transmission/distribution system constraints or otherwise, it is necessary to curtail the service, the following priority shall be followed:
- i. The short-term Open-access consumer (other than GEOA consumer) shall be curtailed first followed by short-term GEOA consumers.
 - ii. Next, medium-term Open-access consumer (other than GEOA consumer) followed by medium-term GEOA consumer shall be curtailed.
 - iii. Next long-term Open-access consumer (other than GEOA consumer) followed by long-term GEOA consumer shall be curtailed.

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

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

15. **Provision for Banking:**

Banking provisions shall be governed by as per the Bihar Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2024 and its amendments thereof.

16. **Renewable Purchase Obligation (RPO):**

- 16.1. Provisions related to Renewable Purchase Obligation (RPO) shall be governed by as per the Bihar Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2024 and Bihar Electricity Regulatory Commission (Renewable Purchase Obligation, its Compliance and REC Framework Implementation) Regulations, 2010 and its amendments thereof.

17. **Renewable Energy Certificate (REC):**

- 17.1. Provisions related to Renewable Energy Certificate(s) (REC) shall be governed by as per the Bihar Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2024 and Bihar Electricity Regulatory Commission (Renewable Purchase Obligation, its Compliance and REC Framework Implementation) Regulations, 2010 and its amendments thereof.

18. **Compliance of Grid Code/Distribution Code:**

- 18.1. GEOA consumers shall abide by the State Grid Code, Indian Electricity Grid Code, Distribution Code and all other Codes and Standards, DSM Regulations as applicable.

19. **Dispute Resolution**

- 19.1. All disputes and complaints relating to GEOA shall be made to the SLDC, which may investigate and endeavor to resolve the grievance.
- 19.2. No application for Open access shall be denied unless the applicant has been given an opportunity of being heard in the matter.
- 19.3. If the SLDC is unable to redress the grievance, 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 Order.
- 19.4. The Commission shall dispose of the matter within three months and orders of the

Commission shall be binding.

20. Indemnification

The applicant shall keep the SLDC indemnified at all times and shall undertake to indemnify, defend and save the SLDC harmless from any and all damages, losses, claims and actions including those relating to injury to or death of any person or damage to property, demands, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the transactions.

ANNEXURES

Format A

Application for Registration (to be filled online)

1.	Applicant type	Distribution Licensee/ State Genco/ IPP / Merchant Plant/ CPP/ OA consumer/ Trading Licensee/ Power Exchange/ Cross border/Others
2.	Consumer Identification number (as applicable)	
3.	Type of Renewable Source (as recognized by Govt of India/MNRE)	
4.	Maximum Injection/drawl capacity	
5.	Date of commissioning (with supporting document)	
6.	Date of COD (with supporting document)	
7.	Applicant Name	
8.	Postal Address	
9.	Control area	SLDC/RLDC (wherever applicable)
10.	Region	ER/NER/NR/SR/WR (wherever applicable)
11.	State	
12.	Type	Injecting/ Drawee/ Both /Trading Licensee /Power Exchange (as applicable)
13.	SLDC Charges applicable(Y/N)	If no, upload certificate from SLDC
14.	STU Charges applicable(Y/N)	If no, upload certificate from STU/SLDC
15.	Connectivity	Connected to State Transmission network/ISTS network/Both (upload connectivity diagram)

16.	COD certificate	Applicable for generating station (upload COD certificate copy)
17.	State (Geographical location for grid connected entity where ISTS charges are levied)	
18.	Nodal person	Name, mobile number and email id
19.	GST number	Upload GST registration copy
20.	PAN and TAN number	Upload PAN card copy, TAN registration copy
21.	Bank account number	Upload cancelled cheque or copy of passbook
22.	Bank name	
23.	Bank IFSC code	
24.	Bank address	
25.	Trading licensee details	Upload trading license
26.	Additional details, if any with supporting documents needed by the nodal agency to be furnished in accordance with the extant CERC/SERC Regulation	

**Declaration for seeking standing clearance from SLDC for T-GNA/T-GNARE
transaction by generating station (to be filled online in GOAR)**

I, -----, s/o / d/o ----- aged ----- years working as -----, with having its registered office at -----do hereby solemnly affirm and state as follows:

- a)** I am the representative of ----- (hereinafter referred to as the "applicant") and I am duly authorized to make this declaration.
- b)** That I am dealing with the sale and purchase of power on behalf of the applicant.
- c)** The applicant has a generating station /captive generating plant with a total installed capacity of MW (for Unit No....) situated at
- d)** Standing clearance (at regional periphery) for the purpose of sale in interstate is requested as followed:

From Date	To Date	From Time	To Time	Quantum MW)

- e)** Standing clearance (at regional periphery) for the purpose of availing T-GNA in interstate for purchase (as per Regulation 26.1(iv) of the GNA Regulations for meeting its auxiliary consumption or start-up power or for meeting its supply obligations in terms of clause (3) of Regulation 6 of the Power Market Regulations is requested as followed:

From Date	To Date	From Time	To Time	Quantum MW)

- f)** I say that the SLDCs/RLDCs are being indemnified against any consequence or liability, including the cost of litigation, which may arise on account of dispute involving scheduling under T-GNA/T-GNA_{RE} using the instant standing clearance.
- g)** I say that aggregate quantum in each time block for all the bid(s) including GNA and T-GNA/ T-GNA_{RE} transactions shall not exceed the quantum for which standing clearance has been granted.
- h)** I say that the above declaration is being given on the clear understanding that the same is for obtaining standing clearance for scheduling under T-GNA/T-GNA_{RE} obtained by buyers, in accordance with the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 as amended from time to time and the facts mentioned above are true to enable the authorities to act on the same and decide on the T-GNA/T-GNA_{RE}.
- i)** I say that I shall not get the power scheduled in breach of any of my agreements and shall ensure all the power purchase agreements entered into by me are adhered to by me.

The statements made in paragraphs of the declaration herein are based on the Company's official record maintained in the ordinary course of business and I believe them to be true and correct.

I hereby declare that the above contents are true to my knowledge and belief and no part of it is false and nothing material has been concealed there from.

Name: _____

Designation: _____

Date:

Format B2

Declaration for seeking standing clearance from SLDC/RLDC for T-GNA/T-GNARE transaction in Inter State by grid connected entity other than generating station (to be filled online in GOAR)

I, -----, s/o/ d/o ----- aged ----- years working as -----, with having its registered office at ----- do hereby solemnly affirm and state as follows:

- a) I am the representative of----- (hereinafter referred to as the “applicant”) and I am duly authorized to make this declaration.
- b) That I am dealing with the sale and purchase of power on behalf of the applicant.
- c) The applicant is a distribution licensee and is entitled to engage in the sale of electricity to the consumers in the area of its distribution and surplus electricity to others.

OR

The applicant is a buyer and is entitled to engage in the purchase of electricity for its own consumption.

- d) The source of power for portfolio sale of Renewable Energy are by the DISCOM.
- e) Standing clearance (at regional periphery) for the purpose of availing interstate T-GNA/T-GNARE for purchase is requested as followed:

From Date	To Date	From Time	To Time	Quantum (MW)

- f) I say that the SLDCs/RLDCs/NLDC are being indemnified against any consequence or liability, including the cost of litigation, which may arise on account of dispute involving T-GNA/T-GNARE being sought under this application.
- g) I say that the aggregate quantum in each time block for all the bid(s) including approved T-GNA / T-GNARE transactions, shall not exceed the quantum for which standing clearance has been granted.

- h)** I say that the above declaration is being given on the clear understanding that the same is for obtaining standing clearance for T-GNA / T-GNA_{RE} transactions under the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 as amended from time to time and the facts mentioned above are true to enable the authorities to act on the same and decide on the T-GNA/T-GNA_{RE}.

The statements made in paragraphs of the declaration herein are based on the Company's official record maintained in the ordinary course of business and I believe them to be true and correct.

I, hereby, declare that the above contents are true to my knowledge and belief and no part of it is false and nothing material has been concealed there from.

Name: _____

Designation: _____

Date:

Format C**Standing Clearance issued by SLDC**

Reference Number:

Date:

1. Name of the SLDC :
2. Region : ER/NER/NR/SR/WR
3. Name of the Entity :
4. Type of Entity : DISCOM / Buyer / Generator/ Others (please specify)
5. Source of RE : (only in case of portfolio sale by DISCOMs)
6. Type of Generator : RE/NONRE, Type of RE viz. Solar, non-solar, Hydro etc.
7. Point of Connection :

8. Maximum MW (at regional periphery) allowed for injection:

From Date	To Date	From Time	To Time	Quantum MW)

9. Maximum MW (at regional periphery) allowed for drawl:

From Date	To Date	From Time	To Time	Quantum MW)

10. It is verified that the infrastructure necessary for time-block wise energy metering and accounting in accordance with the provisions of the Grid code are in place for (entity name)
11. It is verified that appropriate communication system in accordance with the provisions of the Communication Regulations is in place for (entity name)
12. It is verified that availability of transmission capacity in the (intrastate /interstate)
network for the sell and purchase of power, as applicable for..... (entity name)
is in
place.
13. It needs to be ensured by M/s ----- that the transaction limit as specified above shall be honored in case of simultaneous trading through multiple exchanges.
14. It needs to be ensured by M/s ----- that the maximum schedule under GNA and

T-GNA (collective & bilateral) transactions should not exceed the above-mentioned quantum as specified above. (applicable in case of regional entity)

OR

It needs to be ensured by M/s that the maximum schedule considering all T-GNA (collective & bilateral) transactions should not exceed the above-mentioned quantum. (applicable in case of intrastate entity)

15. It needs to be ensured that M/s shall utilize this standing clearance for purchase of power only in case of forced outage. (applicable only in case of generator)
16. M/s shall ensure that bidding in the short-term market has done taking into ramping constraints in account. (applicable in case of generator)
17. All trades/contracts to be done as per applicable CERC regulations/procedures/orders. Quantum of trades shall be restricted to margins available over the transmission system, in case of corridor constraints.
18. M/s -----shall approach RLDC/SLDC at least one week prior to the expiry of the standing clearance along with the declaration.
19. While contracting any trade using this standing clearance, M/s ----- needs to ensure that no PPAs are being breached.
20. RLDC/SLDC possesses the right to rescind the standing clearance in case of emergency of any adverse situations/ detection of undesired gaming or conditions/new developments which may warrant the same for preservation of grid safety or security or complaints regarding breach of PPAs.
21. M/s ----- shall be responsible for timely payment of dues into the regional/state pool accounts and RLDC / SLDC fees & charges account, as the case may be, within the due dates.

Name:

Designation:

Date:

Format D2

Application for availing Short Term Intra State Bilateral Green Energy Open Access

1.	The (Name and address of Nodal agency)	
2.	Application No.	
3.	Name of the Applicant	
4.	Address for Correspondence	
a)	Phone Number	
b)	Email ID	
5.	Category of the applicant	Trading Licensee / Consumer/ Generator/ Distribution Licensee/Power Exchange/other Type of open access: Long Term Open Access/ Medium Term Open Access/Short Term Open Access (Please mark appropriately)
6.	Type of Entity	
7.	In case of Portfolio sale from Distribution Licensee, please specify the following:	
a)	Name of the Injection Source (s)	
b)	Capacity of the plant (in MW)	
c)	Type of Renewable Source	
d)	[Solar/Wind/Hydro/Other Renewable (e.g.: Geo-Thermal, Small Hydro, Waste to Power, Tidal, Biomass, Bagasse)]	
e)	Other sources, if any, not covered under (d): (to be specified)	

f)	(Licensees to submit a copy of license valid under the Act by Distribution Licensee. Others to submit documentary evidence in support of above)																			
8.	Details of nodal person on behalf of the Applicant																			
a)	Name																			
b)	Designation																			
c)	Mobile																			
d)	E-Mail Address																			
9.	Capacity Applied	<table border="1"> <thead> <tr> <th colspan="2">Date</th><th colspan="2">Hours</th><th>MW</th></tr> <tr> <th>From</th><th>To</th><th>From</th><th>To</th><th></th></tr> </thead> <tbody> <tr> <td></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>				Date		Hours		MW	From	To	From	To						
Date		Hours		MW																
From	To	From	To																	
10.	Injecting Entity Details																			
a)	Name																			
b)	Point of Injection																			
c)	Name of Concerned SLDC/ALDC																			
d)	ABT Meter already Installed	Yes/ No																		
e)	Real time communication facility with Licensee and/ or SLDC	Ready/Not Ready (as applicable)																		
f)	Seller DISCOM consent	(supporting document upload)																		
11.	Drawee Entity Details																			
a)	Name																			
b)	Point of Drawl																			
c)	Name of Concerned SLDC/ALDC																			
d)	ABT Meter already Installed	Yes/ No																		
e)	Real time communication facility with Licensee and/ or SLDC	Ready/Not Ready (as applicable)																		

f)	Buyer DISCOM consent (supporting document)	
12.	Name and details of other agencies involved, if any (e.g.: Distribution Licensee)	
13.	Whether the Transaction type is captive (Yes/No)	(Supportive Document to be uploaded)
14.	Amount of Non-Refundable Application Fee	
15.	Application for: Long Term Open Access/Medium Term Open Access/Short Term Open Access	
16.	Bank Draft / Pay Order No./ RTGS or NEFT reference number	
17.	Date of payment	
18.	In favor of	
19.	Payable at	(With Supporting document attached)
20.	Additional details (if any) with supporting documents needed by the nodal agency to be furnished in accordance with the extant CERC/SERC regulation	
21.	Declaration	
a)	It is hereby certified that all agencies (including buyer, seller, trader etc.) to the transaction shall abide by the provisions of the State Electricity Regulatory Commission (Open Access) Regulations	
b)	The Applicant hereby agrees to pay all the relevant charges applicable to him in terms of the State Electricity Regulatory Commission (Open Access) Regulations and Regulations under the Act	

c)	The Applicant hereby agrees to keep the concerned SLDC, STU, Transmission Licensee and Distribution Licensee indemnified at all times and undertakes to indemnify, defend and save the concerned SLDC, STU, Transmission Licensee and Distribution Licensee harmless from any and all damages, losses, claims and actions relating to injury to or death of any person or damage to property, demands, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the transactions under this Approval	
22.	Any other information / details that may be required by the concerned Transmission Licensee(s) /STU/ SLDC/ Distribution Licensee shall be provided promptly by the Applicant	
23.	Place	
24.	Date	
25.	Name of the person	
26.	Designation	

Procedure for Grant of Long/MediumTerm Green Energy Open Access

In accordance with the

Bihar Electricity Regulatory Commission (Terms and Conditions of Green Energy Open Access) Regulations, 2024 and its amendment thereof.

And

Bihar Electricity Regulatory Commission (Terms and Conditions of Intra-State Open Access) Regulations, 2018 and its amendment thereof.

And

Ministry of Power, Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022 and Subsequent amendment thereof.

And

Grid Controller of India Limited (NLDC) Procedure for Grant of Green Energy Open Access and its amendment thereof.

And

Bihar Electricity Grid Code 2010

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**PROCEDURE FOR GRANT OF LONG/MEDIUM TERM GREEN
ENERGY OPEN ACCESS TO InSTS**

1. OUTLINE

- 1.1 This Procedure is in accordance with the various provisions of the Bihar Electricity Regulatory Commission (Terms and Conditions of Green Energy Open Access) Regulations, 2024.
- 1.2 This Procedure is in accordance with the various provisions of the Ministry of Power Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022 and Subsequent to Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2023.
- 1.3 This Procedure is in accordance with the various provisions of the “Grid Controller of India Limited (NLDC) Procedure for Grant of Green Energy Open Access”, dated 07.07.2023, hereinafter referred to as “NLDC Procedure”.
- 1.4 This Procedure is in accordance with the various provisions of the “Bihar Electricity Regulatory Commission Terms and Conditions of Intra-State Open Access) Regulations, 2018 here in after referred to as “the Regulations”. This procedure is to be read in conjunction with these Regulations.
- 1.5 This Procedure shall apply to the Registration and applications made for Green Energy Long/Medium Term Open Access (LTOA/MTOA) to the transmission lines or associated facilities of the intra-State transmission system (InSTS) in the State of Bihar, received by the State Transmission Utility (STU) on or after the date notified by the Commission of coming into force of the Regulations.
- 1.6 These regulations shall be applicable for allowing Connectivity and Open Access to electricity generated from green energy sources as defined under item no. 2(1) (n) of Regulation 3 of these Regulations, including the energy from non-fossil fuel-based Waste to-Energy plant for use of Intra-State Transmission System (InSTS) and/or distribution system in the State or both, including Intra-State Transmission or Distribution System(s), which are incidental to Inter-State Transmission of electricity.

Provided that existing consumer(s)/generators shall continue to avail the open access as per the existing agreements or government policy for the period specified in those agreements or policies, unless specifically provided under any clause of these regulations
- 1.7 Procedure for connectivity will remain same as existing procedure of BSPTCL.
- 1.8 The STU may review/revise/modify/amend the provisions of these Procedure prospectively as and when considered necessary subject to approval of the Hon'ble BERC.

2. NODAL AGENCY

- i. SLDC Bihar shall be the State Nodal Agency for grant of Green Energy Open Access as per clause 5(i) of BERC (Green Energy open access) Regulation, 2024 and State Transmission Utility (STU) shall be nodal agency for grant of Green Energy Open Access, for medium term (for a period exceeding Three months but not exceeding five years) and long term (for a period exceeding seven years).

- ii. All applications related with connectivity and green energy open access shall be received by the State Nodal Agency in accordance with the detailed procedure, through the single window green energy open access system for renewable energy developed by Central Nodal Agency.
- iii. Bihar Renewable Energy Development Agency (BREDA) shall be the Nodal Agency for registration of the project based on Renewable/Green Energy Source.

3. Roles and Responsibility:

Role as per BERC (Green Energy open Access) Regulation, 2024 & BERC (Open Access) Regulation 2018 and its Amendments time to time.

3.1 State Nodal agency

- (a.) SLDC shall be the State Nodal agency for grant of Green Energy Open Access
- (b.) The central nodal agency (CAN) shall exchange the registration and application information with the state Nodal agency (SLDC) in respect of the registered participants at the GOAR portal.

3.2 State Transmission Utility (STU)

- (a) The STU shall be the nodal agency for medium form & long term Green Energy open Access at the intra-state level.
- (b) The State Nodal agency shall exchange the registration and application information with the STU in respect of registered participants.
- (c) STU. Shall collect additional information required if any, in respect of the application for grid-connected intra-state entities intending to avail intra-state GEOA under LTA & MTOA while processing the application. These applications shall be processed as per the extant Rules and SERC Regulations.
- (d) All the information for the processing of the application shall be updated by the State Nodal agency on the Green Energy Open Access (GEOA) Portal.

3.3 Distribution Licensees (Discoms)

- (a) The Concerned Distribution Licensee shall facilitate non-discriminatory open access to its embedded entities as per extant Rules and Regulations by Hon'ble BERC.
- (b) While seeking Green Energy Open Access by Distribution Licensee's embedded entities, Distribution Licensee shall forward its consent to the STU as per BERC(Terms and Conditions of Intra-State Open Access) Regulations, 2018 and subsequent amendments thereof within specified timelines as per clause 15.2 of BERC(Terms and Conditions of Intra-State Open Access) Regulations, 2018.

3.4 Other applicable entities:

Any other applicable entities such as Qualified Coordinating agency (QCA), Solar Power Park Developers (SPPD), Wind Power Park Developers (WPPD) etc. shall abide by the extant regulations of CERC and/or BERC as applicable.

4. ELIGIBILITY

Eligibility for Green Energy Open Access to the Intra-State Transmission System:

Green Energy Open Access Consumer' means any person who has contract demand or sanctioned load of Hundred (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 avail Green Energy through Open Access, who is supplied with electricity from green energy sources for his 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 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.

Provided that there shall be no capacity restriction for setting up of RE projects for captive use with respect to the consumer's contract demand/sanctioned load with Discoms availing power under Green Energy Open Access.

Provided also that Such consumers/entities, having been declared insolvent or bankrupt or having uncontested outstanding dues against them for more than two months billing of the distribution/transmission licensee or have been convicted of an offence of unauthorized use of electricity/theft of electricity in the preceding months of making an application, shall not be eligible for open access.

5. PROCEDURE AND GRANT OF GREEN ENERGY OPEN ACCESS

- i. All the applications for Green Energy Open Access complete in all respects shall be submitted on the portal setup by the Central Nodal Agency and these applications shall be routed to the State Nodal Agency as specified under these Regulations for grant of green energy open access.
- ii. The State Nodal Agency shall, by an order in writing, approve the application for the Green Energy Open Access within a period of fifteen days from the date of receipt of complete application for connectivity/ open access, failing which it shall be deemed to have been approved subject to the fulfilment of technical requirements.

Provided that the order of processing of such applications for Green Energy Open Access shall be first in first out. Provided further that among Green Energy Open Access consumers, Long Term Green Energy Open Access consumers shall have preference over others, followed by Medium-term and Short-term, at any given time. Provided also that, open access for non-fossil fuel source shall be given priority over the open access from fossil fuel.

- iii. There shall be no limit of quantum of supply of power for the captive consumers taking power under Green Energy Open Access.

6. INFORMATION/DATA TO BE FURNISHED ALONG WITH THE APPLICATION

The information in the application shall be supported by a sworn in affidavit by the applicant as per the format given at **FORMAT- 1**.

The application for MTOA / LTOA shall be made as per the enclosed application format (**FORMAT -2**) and shall include details like quantum of power to be injected at the suppliers point, details of injection & drawl points, time period from and upto which access is required, the source of power, clearance from respective SLDCs for intra state entities etc. and other details as sought in the application format.

7. CONCURRENCE FROM SLDC/SLDCS/DISCOMS

If a State Utility or an intra state entity is applying for MTOA/ LTOA, concurrence of the concerned State Load Dispatch Centers, both from injection and drawl point SLDCs is to be submitted along with the application in the enclosed format (**FORMAT -3**).

8. APPLICATION FEE

An application for Medium-term open access / Long term open access shall be accompanied by a non- refundable application fee of Rs 2 lakhs to be paid in favour of “Bihar State Power Transmission Company Limited”

Application fees are to be paid through DD in favour of Senior manager BSPTCL or directly credited to Bihar State Power Transmission Company Limited, Account electronically through RTGS (Real-time gross settlement).

Provided that proof of payment directly credited to BSPTCL account must be attached with the application.

9. APPLICATION FOR GRANT OF LONG/MEDIUM TERM GREEN ENERGY OPEN ACCESS

9.1. Applicant intend to avail LTOA/MTOA to the InSTS shall submit its application for grant of LTOA/MTOA online through GOAR portal of NLDC only. The link for the is given below;

<https://greenopenaccess.in/landing>

9.2. The Application shall be accompanied by non-refundable processing fees of Rupees Two Lakh for Long Term Open Access (LTA) and Medium Term Open Access (MTOA) per application.

9.3. An incomplete Application, and/or an Application not found to be in conformity with these Procedures and Regulations, shall be rejected.

9.4. The following documents are to be submitted along with the application for grant of LTOA/MTOA:

- Copy of PPA or Sale/Purchase Agreement.
- If projects are already connected to the system, document certifying physical Inter connection with the InSTS or distribution system i.e. Grid connectivity.
- Special Energy Meter ('SEM') commissioning certificate, if already installed.
- Certificate from the concerned SLDC towards Real Time Visibility of generation.
- Certificate towards Commercial Operation Date (COD) prior scheduling date or commencement date of access (in case of existing projects).
- If the projects are not presently connected either to InSTS or distribution system, document confirming commissioning of physical interconnection with InSTS or distribution system before intended date of availing Open Access. This document shall be certified by the concerned Transmission/Distribution Licensee.
- If the point of injection and/or drawal is within distribution system, consent from the concerned Distribution Licensee.
- Copy of Memorandum of Association and Chartered Accountant's certificate of shareholding pattern, if power is for captive use.
- Recent Electricity Bill of consumer from Distribution Licensee indicating sanctioned load, contract demand, name of circle etc.

9.4. Distribution licensee shall submit consent/NOC for grant of LTOA/MTOA within 7 days from the receipt of application from nodal agency (i.e. STU) failing which it shall be considered as deemed consent to the grant of LTOA/MTOA.

9.5. It is mandatory that within 60 days from the date of grant of LTOA/MTOA, the full LTOA/MOTA consumer shall sign a Transmission Service Agreement (TSA) with STU (**FORMAT-5**). In case, the transmission network of transmission licensee other than STU is being utilized, a tripartite TSA shall be executed between Applicant, STU and the concerned transmission licensee.

****Note** - Incomplete application shall be ejected.

The application shall be addressed to

Chief Engineer (State Transmission Utility)
Bihar State Power Transmission Company Limited
4thFloor,Vidyut Bhawan-I Bailey
Road, Patna-800021
Email.Id.- stu.dept@bsptcl.bihar.gov.in

10. ALLOTMENT PRIORITY

The order of processing of LTOA/MTOA applications for Green Energy Open Access shall be first in first out.

The medium term open access shall be allowed, if there is sufficient spare capacity available in the transmission system without any augmentation whereas for long term open access, the transmission system may be augmented if required:

Provided that priority shall be given to long term in the existing system if spare capacity is available and further, open access for non-fossil fuel sources shall be given priority over the open access from the fossil fuel in the following order of priority-

- i. Long Term Green Energy Open Access
- ii. Medium Term Green Energy Open Access
- iii. Long Term Open Access for fossil fuel sources
- iv. Medium Term Open Access for fossil fuel sources

No application for open access shall be denied unless the applicant has been given an opportunity of being heard in the matter and all orders denying open access shall be speaking orders by the nodal agency.

11. LATE PAYMENT SURCHARGE

In case the payment of any bill for charges payable under these Regulations is delayed by an Green Energy Open Access Consumer, Generating Station or Licensee beyond the due date, and without prejudice to any other liability under the Act or other Regulations, it shall be liable to a late payment surcharge as specified in the Regulations of the Commission governing Multi-Year Tariff.

12. METERING AND COMMUNICATION

- i. Metering shall be done in accordance with the provisions of CEA (Installation and Operation of Meters) Regulations, 2006 as amended from time to time as well as with BERC guidelines and Bihar Electricity Grid Code 2010, their amendment from time to time.
- ii. Meters with Time of the Day (TOD) facility shall be installed by the GEOA Generators/consumers.
- iii. 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.
- iv. The meter shall include CTs, PTs and associated accessories and shall be tested and calibrated at least once in a year.
- v. The meters shall be sealed by the distribution licensee in whose area the Generator/Consumer is situated.
- vi. In case the meter is provided by the transmission/distribution licensee, the Open access consumer shall pay for its rent and also provide meter security deposit.
- vii. The meter shall be capable of communicating its reading to SLDC on real time basis.
- viii. The metering code and/or any other rules/ regulations/ code relevant to metering in the State shall be applicable to the GEOA consumers also.
- ix. Reliable speech and data communication system shall be provided to facilitate necessary data exchange, supervision and control of the Grid by NLDC, RLDC and SLDC in accordance with the CERC(Communication System and Interstate Transmission of Electricity) Regulation, 2017 and CEA Technical Standard of Communication.

13. GREEN ENERGY OPEN ACCESS CHARGES

Charges for Green Energy Open Access

The charges on Green Energy Open Access consumers shall be as follows: -

- (1) Transmission Charges;
- (2) Wheeling Charges;
- (3) Cross Subsidy Surcharge;
- (4) Additional Surcharge;
- (5) Standby Charges wherever applicable;
- (6) Banking Charge; and
- (7) Other fees and charges such as Application fees /SLDC fees and scheduling charges, deviation settlement (DSM) charges, reactive energy charges as per the relevant regulations.

(1)Transmission Charges

a) For use of inter-State transmission system:

Inter-State Transmission Charges and Inter-State Transmission losses shall be levied on Green Energy Open Access Consumer as determined by the CERC from time to time.

b) For use of intra-State transmission system:

- i. In case, where a dedicated transmission system used for open access has been constructed for exclusive use of an open access consumer, the transmission charges for such dedicated system shall be worked out by transmission licensee for their respective systems and get the same approved by the Commission. The charges shall be borne entirely by such open access consumer till such time the surplus capacity is allotted and used for by other persons or purposes.
- ii. In addition to Transmission Charge, Intra-State Transmission loss shall be applicable to consumers seeking Green Energy Open Access as may be determined and notified by commission from time to time in accordance with applicable Regulations.

Provided that the existing waivers or concessions in the Transmission Charges applicable for green energy open access transactions under BERC(Open Access Regulations) 2018 shall continue.

(2) Wheeling Charges

Wheeling Charges shall be levied on Green Energy Open Access Consumer as determined by the Commission in Retail Supply Tariff Order issued from time to time.

- i. In case, where a dedicated distribution system used for open access has been constructed for exclusive use of an open access consumer, the wheeling charges for such dedicated system shall be worked out by distribution licensee for their respective systems and get approved by the Commission. Such charges shall be borne entirely by such open access consumer till such time the surplus capacity is allotted and used for by other persons:

Provided that an open access consumer connected to the Intra State Transmission system shall be liable to pay the wheeling charges determined under this regulation, if such consumer was paying wheeling charges directly or indirectly before availing the green energy open access.

- ii. In addition to Wheeling Charge, Wheeling loss shall be applicable to consumers seeking Green Energy Open Access and it shall be determined by the commission from time to time.

Provided that, the Wheeling loss shall include only technical loss and not Aggregate Technical and Commercial loss of that Distribution Licensee.

Provided also that if feeder-wise data of losses is not available, the Commission shall consider the voltage-wise sample feeder for determining the wheeling losses.

Provided further that the existing waivers or concessions in the Wheeling Charges applicable for renewable energy open access transactions under BERC(Open Access Regulations) 2018 shall continue.

(3) Cross subsidy surcharge

- a) If Green energy open access facility is availed by a cross-subsidising consumer of a distribution licensee of the State, then such consumer, in addition to transmission and wheeling charges, shall pay cross subsidy surcharge determined by the Commission. Cross subsidy surcharge determined on Per Unit basis shall be payable, monthly by the green energy open access consumers based on the actual energy drawn during the month through open access. The amount of surcharge shall be paid to the distribution licensee of the area of supply from whom the consumer was availing supply before seeking open access.
- b) 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
- c) The Cross-Subsidy Surcharge shall not exceed 20% of the Average Cost of Supply (ACoS) applicable to the category of the consumers seeking Green Energy Open Access applicable to the category of the consumers seeking Green Energy Open Access.

Provided that the Commission may fix a lower surcharge in the situation of shortages and load shedding by the distribution licensee.

Provided further that such cross-subsidy surcharge shall not be levied in case distribution access is provided to a person who has been availing green power from the plant established as captive generation plant for his own use.

Provided also 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 also that cross subsidy surcharge shall not be applicable in case power produced from a non-fossil fuel-based Waste-to-Energy plant is supplied to the Open Access Consumer.

Provided also that cross subsidy surcharge shall not be applicable in case green energy is utilized for production of green hydrogen and green ammonia.

- d) Cross-Subsidy Surcharge for Green Energy Open Access shall be computed in Rs/kWh and shall be charged on the actual energy consumed by the consumer under Green Energy Open Access.

- (4) Additional Surcharge** –Additional 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 Green Energy Open Access Consumer, in addition to transmission charges, wheeling charges and cross subsidy surcharge, shall pay additional surcharge on the actual energy drawn during the month through open access. The amount of additional surcharge shall be paid to the Distribution Licensee of the area of supply from whom the consumer was availing supply before seeking open access.

Provided further 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 a person is availing green power from the plant established as captive generation plant for his own use.

Provided also that additional surcharge shall not be applicable in case power produced from a non-fossil fuel-based Waste-to-Energy plant is supplied to the Open Access Consumer.

Provided also that additional surcharge shall not be applicable in case green energy is utilized for production of green hydrogen and green ammonia.

Provided also that additional surcharge shall not be applicable in case electricity produced from offshore wind projects, which are commissioned up to December 2032 and supplied to the Open Access Consumer.

(5) Standby Facility and Charges

- a) 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.

- b) The Standby Charges for Green Energy Open Access for such standby arrangement shall be 125% of energy charges applicable to the consumer tariff Category.

Provided 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 that such Standby Charges shall not be applicable if the Green Energy Open Access Consumers have given notice, at least a day in advance before gate closure in DAM on 'D-1' day, 'D' being the day of delivery of power, for standby arrangement to the distribution licensee.

Provided also that Green Energy Open Access consumers would have the option to arrange standby power from any other source.

- c) The Standby Charges for Green Energy Open Access shall be computed in Rs/kWh, and it shall be charged on the actual energy drawn by the consumer from distribution licensee during the period of standby availed by Green Energy Open Access consumer in case of outage of RE generator under Green Energy Open Access.

Other Charges

In addition to above charges, the consumer availing Green Energy Open Access shall also pay the following charges determined by the Commission as per the provisions of the relevant regulations of the Commission.

- a) RE Deviation Settlement Charges (RE-DSM)-The Green Energy Open Access consumers shall be governed by the "Bihar Electricity Regulatory Commission (Intra-state Availability Based Tariff and Deviation Settlement Mechanism) Regulations, 2020. They shall be liable to pay deviation charges as per aforesaid Regulations as case may be.
- b) Reactive Energy Charge-In respect of Green Energy generator, the payment for the reactive energy charges shall be in accordance with provisions stipulated in the Electricity Grid Code notified by the Commission read with Tariff Order passed by the Commission from time to time.

14. COMPLIANCE OF GRID CODE/DISTRIBUTION CODE

GEOA consumers shall abide by the State Grid Code, Indian Electricity Grid Code, Distribution Code and all other Codes and Standards, DSM Regulations as applicable.

15. 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.

16. DISPUTE RESOLUTION

- All disputes and complaints relating to GEOA shall be made to the SLDC, which may investigate and endeavor 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, 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 Order.
- The Commission shall dispose of the matter within three months and orders of the Commission shall be binding.

17. GENERAL

The applicant shall keep the nodal agency and SLDC indemnified at all times and shall undertake to indemnify, defend and keep the nodal agency and SLDC harmless from any and all damages, losses, claims and actions including those relating to injury to or death of any person or damage to property, demands, suits, recoveries, costs and expenses, court costs, attorney fees, and all other obligations by or to third parties, arising out of or resulting from the long-term access transaction.

All costs/expenses/charges associated with the application, including bank draft, letter of credit etc. shall be borne by the applicant.

The applicant shall abide by the provisions of the Electricity Act, 2003, the BERC Regulations and Indian Electricity Grid Code, State Grid Code as amended from time to time.

This procedure aims at easy and pragmatic disposal of applications made for

Long/Medium Term Open Access in InSTS. However, some teething problems may still be experienced. The various implications would be known only after practical experience is gained by way of implementing these procedures. In order to resolve the same, this procedure shall be reviewed or revised by the Nodal agency with prior approval of BERC.

All complaints regarding unfair practices, delays, discrimination, lack of information, supply of wrong information or any other matter related to Long/Medium-term Open access in InSTS shall be directed to BERC for redressal.

FORMAT -1

On Non Judicial Stamp paper of Rs.100

AFFIDAVIT

In the matter of filing application to Bihar State Power Transmission Limited, for grant of Long Term Access/ Medium Term Open Access under Bihar Electricity Regulatory Commission (Green Energy Open Access) Regulations, 2024.

I.....(Name).....S/o Shri.....
(Father's name) Working as.....(Post).....
.in.....(name of the Company), having its registered office
at.....(address of the company)...do solemnly affirm and say as
follows:

1. I am the (Post)..... of(Name of the Company)....., the representative in
the above matter and am duly authorized to file the above application and to make this
affidavit.

2. I submit that M/s.....(name of the company)...is are registered
company.....(Public Ltd/Pvt. Ltd.)..... Registered under Companies Act. Under the
Article of Association of the Company and in accordance with the provisions of
Electricity Act, 2003/relevant Regulation(s) of BERC, the company can file the
enclosed application.

3 I submit that all the details given in the enclosed application for grant of
Connectivity /Long Term Access/Medium Term Open Access along with necessary
documents are true and correct and nothing material has been concealed thereof.

(Signature)
Name of the Applicant

(To be duly attested by Notary)

FORMAT-2

Application for Grant of Long Term Open Access (LTA)/ Medium Term Open Access (MTOA)

1 Name the Applicant

2 Address for Correspondence

3 Contact Details

Prime Contact Person

Designation

Phone No.(Landline)

Phone No.(Mobile)

Fax

E-Mail

Alternate Contact Person

Designation

Phone No.(Landline)

Phone No.(Mobile)

Fax

E-Mail

4 Nature of the Applicant

Normal Generator (other than captive)

Captive Generator

Bulk Consumer

Electricity Trader

Distribution Licensee

Others

5 Details for Long Term Open Access(LTA)/Medium Term Open Access (MTOA)

5a Quantum (MW) for which MTOA required

5b Date from which MTOA required *(not earlier than 5 months and not later than 1 year from the last day of the month in which application has been received)*

5c Date upto which MTOA required *(3 months to 3 years from the date from Which MTOA is required)*

5d Injection of Power

Entity

State/ Region

Quantum

Connectivity with the Grid

5e Drawal of Power

Entity

State/Region

Quantum

Connectivity with the Grid

6 Details of DD/Cheque (Application Fee)

Amount (in Rs.)

DD/Cheque No.

Date

Bank Name

Branch Name

7 Details of Bank Guarantee

Amount (inRs.)

Bank Name

Period of Validity

FORMAT-3

“No Objection Certificate of--<<Name of State>>-LDC/Distribution Licensee”

<<Format in which NOC is to be given by SLDCs to a Utility or intra-state Entity for submission to STU>>

NOC No. _____ Dated. _____

1. Name of the SLDC/Distribution Licensee issuing NOC :
2. Region :North/West/ South/East/North-East
3. Name of the Entity :
4. Status of Entity (e.g.; State Utility/CPP/IPP/Discom/Licensee etc.):
5. Point(s) of Connection :
6. Max.MW ceiling allowed or Injection*:
7. Max.MW ceiling allowed for Drawal* :
- (*SLDCs may specify different MW ceilings for different time blocks, if required.)
8. Validity Period :From:<<Date>>To:<<Date >>

9. Transmission losses (besides Regional Transmission losses)

	Whether Applicable or not (Yes/No)	(%)loss
State Transmission losses		
Distribution Licensees losses		
Any other losses		

10. Transmission charges (besides Regional Transmission charges)

	Whether Applicable or not (Yes/No)	Rate (Rs./MWh)
State Transmission losses		
Distribution Licensees losses		
Any other charges		

Declaration:

It is here by certified that:

- a) We have “No Objection” to seeking and availing Open Access by <<Name of Entity>>, through Intra-STS up to the MW ceiling as specified above, in accordance with applicable regulations of BERC.
- b) We have the required infrastructure for energy metering and time block wise accounting in place. The State/ Distribution licensee network has the required transfer capability for transfer of power as per specified ceiling.
- c) The Transmission Charges for the use of State/Distribution Licensee network and Operating Charges for the State Load Dispatch Centers shall be directly settled by Power Exchange with us.
- d) The State Utility designated for the purpose of collection/disbursement of UI charges shall be responsible for timely payment of State’s composite dues into the Regional Pool Account.
- e) Any mismatch between the Scheduled and Actual drawal/injection for the intra-State Entity shall be determined by us and will be covered in the intra-State UI accounting scheme, or as applicable.
- f) The Reactive Energy Charges shall be governed by the Regulations applicable within the State.
- g) We shall disburse the Transmission Charges for use of the State/Distribution Licensee Network to the State Transmission Utility /Distribution Licensee directly.
- h) We shall inform the total import and export capability of the State as a whole to all concerned. Attempt shall be made to declare this in advance through our website.
- i) Any change in the contents of the NOC shall be conveyed to the party to whom NOC was given, at least 10 working days prior to the day of transaction. In such cases, the SLDC shall also be informed simultaneously.

Signature

Name

Designation

(Authorized Signatory) Place:

Phone No.:

Date:

FORMAT-4

Intimation for grant of Long Term Open Access (LTA)/Medium Term Open Access (MTOA)

1 Intimation No.

Date :

2 Ref. Application No.

Date :

3 Name of the Applicant

4 Address for Correspondence

5 Nature of the Applicant

Normal Generator (other than captive)

Captive

Generator Bulk

Consumer Electricity

Trader Distribution

Licensee

6 Details for Long Term Open Access(LTA)/Medium Term pen Access(MTOA)

6a Quantum (MW) for which MTOA is granted

6b Date from which MTOA is granted

6c Date upto which MTOA is granted

7 Injection of Power

Entity

State/Region

Quantum

Connectivity with the Grid

8 Drawal of Power

Entity

State/Region

Quantum

Connectivity with the Grid

9 Transmission Charges Applicable

FORMAT-5

Transmission Service Agreement for Long /Medium Term Open Access

BULK POWER TRANSMISSION AGREEMENT BETWEEN

AND

BIHAR STATE POWER TRANSMISSION LIMITED

This Bulk Power Transmission Service Agreement entered in to on the.....day of.....Two thousand between BSPTCL, which is the STU, incorporated under the Companies Act, 1956 and wholly owned by Government of Bihar, having its registered office at 4th Floor, Vidyut Bhawan – I Bailey Road, Patna-800001(hereinafter called “BSPTCL” which expression shall unless repugnant to the context or meaning thereof include its successors and assigns) as party of the first part; and a Long Term/Medium Term transmission customer incorporated under the companiesAct,1956 having its office at (herein after called “Medium Term transmission Customer ”which expression shall unless repugnant to the context or meaning there of include its successors, and assigns) as party of the second part.

And

Whereas the Long/Medium Term transmission customer is a **generating company/licensee/ consumer permitted by State Commission** and is desirous to avail Long Term/Medium Term Open Access in accordance with BERC (Terms and condition of intra-state open access) Regulations, 2018 and Electricity Act 2003 to the Transmission System of BSPTCL.

And Whereas in accordance with “BERC (Terms and condition of intra-state open access) Regulations, 2018 and Electricity Act 2003 open access shall be allowed by BSPTCL to Long Term Open Access/Medium Term open access customer.

And Where as the Long Term Open Access/Medium Term open access is required by the Long Term/Medium Term transmission customer as per the following details:

Injection Utility

Name _____ Location _____

_____ Region _____

_____ Capacity _____

(MW) _____

Drawee Utility (ies)

Name _____

Location _____

Region(s) _____

Capacity (MW) _____

Date from which the open access is granted is _____ for a period of _____

And Whereas in accordance with the system studies carried out by BSPTCL, following transmission system is required to facilitate operationalization of above Long Term Open Access /Medium term open access.... (Name of transmission system)

And

Whereas the implementation of above transmission system is to be undertaken by Long Term Open Access /Medium Term Transmission Customer.

And Whereas Long Term/Medium Term transmission customer has agreed to share and pay all the transmission charges of Intra State Transmission System (INTRA-STTS) for the use of INTRA-STTS of Bihar and _____ Region (ERPC) as per the BERC Regulations and sharing of transmission charges in vogue.

And Whereas it has become incumbent upon both the parties to enter in to Bulk Power Transmission Agreement as envisaged under the BERC (Terms and condition of intra-state open access) Regulations, 2018.

AND WHEREAS the Long Term/Medium term transmission customer is desirous of wheeling its power through Long Term Open Access/Medium term open access on the same terms and conditions as contained under the Electricity Act 2003 or Bihar Electricity Grid Code or BERC (Terms and condition of intra- state open access) Regulations, 2018, as the case may be (including their amendments if any) and withstanding anything in this agreement, procedure for intra-state Long Term Open Access/Medium-term open access shall be as per Bihar Electricity Regulatory Commission (Grant of Connectivity, Long Term Open Access and Medium Term Open Access in Intra state Transmission and related matters) Regulations, 2018 or its statutory re-enactment as amended from time to time.

Provided that in respect of a consumer connected to a distribution system seeking intra-state Long Term Open Access/Medium term open access, the SLDC, before giving its consent as required under the commission's regulations, shall obtain the consent of the distribution licensee concerned.

Now, therefore in consideration of the premises and mutual agreements, covenants and conditions set forth herein, it is hereby agreed by and between the parties as follows:

1.0 (a) Long Term Open Access /Medium Term transmission customer shall share and pay the transmission charges of INTRA-STS of Bihar/SLDC Region and Region (as applicable) including charges for inter regional links and system strengthening scheme and any addition thereof.

(b) Long Term Open Access/Medium Term Transmission customer would provide security in the form of irrevocable Bank Guarantee (BG) in favor of BSPTCL, equivalent to two (2) months estimated average transmission charges of concerned Region(s) applicable to the long- term/medium term transmission customer. The security mechanism shall be valid till One month after the validity of the open access.

(c) The estimated average transmission charges would be reviewed every six months or till the period of Long Term Open Access/Medium term open access, whichever is lesser, and accordingly the amount of security would be enhanced / reduced by Long Term /Medium Term transmission customers.

(d) In case the Long/Medium Term transmission customer defaults in payment of the monthly charges BSPTCL bills then, BSPTCL shall be entitled to encash BG immediately.

(e) In case of encashment/ adjustment of the BG by BSPTCL against non-payment of monthly charges by Long Term Open Access/Medium-term transmission customer, the same should be immediately recouped by long term/medium term transmission customer before the next billing cycle.

(f) The format for bank guarantee is enclosed as Annexure-X. The Bank Guarantee shall be issued by

i) A Public Sector Bank or

ii) Scheduled Indian Bank having paid up capital (net of accumulated losses) of Rs.100 crore or above(duly supported by latest annual report) and also satisfying the minimum capital adequacy requirement

or

2.0 BSPTCL agrees to provide Long Term Open Access/Medium Term Open Access required by Long term/Medium term transmission customer as per the details mentioned above and in accordance with the Regulations.

3.0 The Long Term/Medium Term transmission customer may relinquish its rights, fully and partly as per the provisions of the Regulations.

4.0 All differences/ disputes between the parties arising out of or in connection with this Agreement shall be resolved in terms of the Dispute Resolution Mechanism provided under Regulation 40 of the BERC (Terms and condition of intra-state open access) Regulations, 2018.

5.0 This Agreement shall be valid from the date of signing of this Agreement till the validity of open access.

In witness where of both the parties have executed this Agreement through their authorized representative.

Witness:

**For and on
behalf of BSPTCL**

**For and on
behalf of
Customer**

ANNEXURE-„X“

PROFORMA FOR BANK GUARANTEE
(To be stamped in accordance with stamp Act)

Ref..... Bank Guarantee No.....
Dated

To
Bihar State Power Transmission Company Limited.

.....
.....
.....

Dear Sirs,

In consideration of the Bihar State Power Transmission company Ltd. (hereinafter referred to as the „BSPTCL“ which expression shall unless repugnant to the context or meaning thereof include its successors, administrators and assigns) agreed to provide its services relates to transmission/SLDC tohaving its registered office at(herein after referred to as the which expression shall unless repugnant to the context or meaning There of include its successors, administrators and assigns) resulting in the Agreement dated. With charges valued at Rs. And whereas the said Agreement has been unequivocally accepted by the(Applicant) and the having agreed to provide a Bank Guarantee in favor of the SLDC as payment security guaranteeing to bear the full charges of BSPTCL transmission system including charges for inter-regional links/SLDC charges amounting to Rs. For a period of

And where as Bank, a body incorporated under the law, having its branch office at and its Registered/Head Office at here in after referred to as the „Bank“ which expression shall unless repugnant to the context or meaning thereof include its successors, administrators, executors and permitted assigns, do hereby guarantee and undertake to pay the BSPTCL on its first written demand any and all monies payable by thein respect of the said transmission charges/ SLDC charges without any demur, reservation, contest, recourse or protest and/or without any reference to the..... Any such demand made by the BSPTCL on the Bank shall be conclusive and binding notwithstanding any difference between the BSPTCL andor any dispute pending before any Court, Tribunal, Arbitrator or any other authority. The Bank undertakes not to revoke this guarantee during its currency without previous written consent of the BSPTCL and further agrees that the guarantee herein contained shall continue to be enforceable till the BSPTCL discharges the guarantee. The decision of the

BSPTCL declaring the to be payment default as aforesaid shall
Be final and binding on the Bank.

The BSPTCL shall have the fullest liberty without affecting this guarantee, to postpone from time to time the exercise of any powers vested in them or of any right which they might have against the and to exercise the same at any time in any manner, and either to enforce or to forbear to enforce any covenants, contained or implied between the BSPTCL and the or any other course or remedy or security available to the BSPTCL. The Bank shall not be released of its obligations under these presents by any exercise by BSPTCL or its liberty with reference to the matters aforesaid or any of them or by reason of any other act of omission or commission on the part of the BSPTCL or any other indulgence shown by BSPTCL or by any other matter or thing whatsoever which under law would, but for this provision have the effect of relieving the Bank.

The Bank also agrees that the BSPTCL at its option shall be entitled to enforce this Guarantee against the Bank as a principal debtor, in the first instance without proceeding against the and notwithstanding any security or other guarantee the BSPTCL may have in relation to the liabilities.

Notwithstanding anything contained herein above the Bank's liability under this guarantee is restricted to Rs. ____ and it shall remain in force up to and including ____ and shall be extended from time to time for such period (not exceeding one year), as may be desired by the on whose behalf this guarantee has been given.

These presents shall be governed by and construed in accordance with Indian Laws.

The Bank hereby declares that it has the power to issue this Guarantee and the undersigned has full power to do so.

Dated this day of 20.. at

WITNESS

.....(Signature)

..... (Signature)

.....
(Name)

.....
(Name)

.....
Official Address)

.....
(Designation with Bank Stamp)