



# REGULATORY INSIGHTS



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## Editorial

Competitive market platforms provide liquidity as well as efficient market prices. Power exchanges have served that purpose to a significant extent since the launch of the first power exchange in the country since 2008. While more needs to be achieved to enhance scope for competition and better market monitoring, other short-term market segments particularly those through traders and the newly proposed OTC platform also have a role to play. While introducing OTC platform in the Indian power market, it is important to ensure that there is significant transparency in availability of data that allows the regulator to evaluate efficacy of the platform without inhibiting the ability of the market to move towards a more competitive outcome.

SEBI, the capital market regulator, while allowing OTC platforms seeks greater data transparency with sufficient public disclosures through CERC's website or through NLDC or the PXs. In the case of capital markets, SEBI has mandated such information to be available on the website of stock exchanges. Furthermore, self-disclosure of market abuse does not provide any incentive for timely and full reporting of market abuse. Apart from the guidelines for the OTC platforms, the prevailing power market regulation should also incorporate sufficient provision to ensure greater transparency, data disclosure and effective market monitoring by CERC.

The definition of RPO as enshrined in section 86(1)(e) of the Electricity Act 2003, clearly related this to total consumption in the area of the distribution licensee. Clearly, this includes any consumption from RES as well. The definition should be retained in respective regulations emerging out of SERCs. Excess RE procurement by consumers with captive generator or those utilising open access, has economic value and such consumers should be allowed to reap its economic benefit through RECs or a transfer value, in case passed on or claimed by the respective discom.

Ministry of Power has introduced a number of regulatory interventions through the route of electricity rules, under the Electricity Act 2003. Some of the SERCs have begun to adopt these rules with limited modification to suit local conditions. While the MoP rules provide a broad framework, sufficient flexibility is available with SERCs to adopt these to gel with the prevailing regulatory framework/conditions across states.

This issue of Regulatory Insights highlights the localisation example through analysis of proposed amendments by GERC to regulations related to Electricity Supply Code, Consumer Grievances Redressal Forum and Ombudsman, and the Licensees' Power to Recover Expenditure incurred in providing Supply and other Miscellaneous Charges.

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## CERC Guidelines for Registration and Filing Application for Establishing and Operating Over the Counter (OTC) Platform [Draft]

CERC on 26<sup>th</sup> January, 2022 notified the draft Guidelines for Registration and Filing Application for Establishing and Operating Over the Counter (OTC) Platform. The key highlights of the draft are mentioned below:

**1. Registration for the operation of OTC Platform:** Entities shall not operate the OTC Platforms unless registration has been granted under the Power Market Regulations (PMR), 2021.

**2. Criteria for Eligibility:**

General Criteria	Technological criteria	Financial criteria
<ul style="list-style-type: none"> <li>i. Company incorporated in India under the Companies Act, 2013.</li> <li>ii. Shareholding by non-residents, shall conform to all applicable Laws and Regulations. Non-resident shareholders who conform to all applicable laws and Regulations.</li> <li>i. Company having <b>key managerial personnel</b>, as defined in the Companies Act, 2013, with a minimum experience of five years in operating or developing technology services or products, preferably for the power sector.</li> <li>ii. The following shall be ineligible to establish and operate OTC Platforms: <ul style="list-style-type: none"> <li>a) power exchange or its associates</li> <li>b) trading licensee or its associates</li> <li>c) grid-connected entities <i>i.e.</i>, GENCOs, DISCOMs, OA consumers, or entities acting on their behalf, or their associates.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>I The applicant shall possess and maintain a robust technology infrastructure with a high degree of reliability, availability, scalability, and security in respect of its systems, data, and network, appropriate to support its operations and manage the associated risks.</li> <li>ii. The applicant's technological infrastructure shall have the capability to disseminate transaction information on a real-time basis or near real-time basis.</li> </ul>	<ul style="list-style-type: none"> <li>I Applicant should have a minimum net worth of Rs.1 (one) Crore on any date falling within 30 days immediately preceding the date of application for grant of registration.</li> <li>ii. The Company or any of its Associates, partners, promoters, or Directors shall not have been declared insolvent.</li> </ul>

**3. Application filing Procedure:** Form-I shall be filed along with the application fee as specified in the Fee Regulations. The application shall be published along with details as per Form-II, inviting suggestions for up to 30 days, and replies shall be submitted on the suggestions received.

**4. Grant of Registration:** The non-transferable registration shall be in force for five years from the date of grant, unless it is revoked or cancelled earlier. The Commission may renew the registration for a further five years at a time, after making necessary inquiries.

**5. Annual Registration Charge:** Annual registration charge to be payable by the 30<sup>th</sup> of April every year as per the Payment of Fee Regulations.

**6. Operating Framework:** Operator shall ensure that the OTC Platform operates as per its Business Rules, and shall adhere to the following requirements:

- a. Participation:** Operator shall have fair and transparent criteria for participation on the Platform. It shall undertake due diligence during the on-boarding of participants and maintain their data. The operator should identify this data with identification using Legal Entity Identifier (LEI) or Permanent Account Number (PAN).
- b. Access to Information:** Operator shall make analytics services, information such as historical trade analysis, or such other relevant information, available to participants in a fair, non-discriminatory basis.

**7. Risk Management Framework:** Operator shall establish a risk management framework covering all aspects of operations, such that risks are identified and managed prudently. The operator shall ensure access control for participants and prevent unauthorised access. It shall not engage in services where there is likelihood of conflict of interest, and ensure that the operations follow conditions of registration, with legal and regulatory requirements. The platform shall not get involved in the negotiation, execution, clearance, or settlement of contracts, and shall not influence the decision making of the participants in any manner.

## 8. Preservation, Access, and Reporting of Data:

- The activities related to data on the platform shall be maintained in an easily recoverable mode for at least ten years. Data sought for any investigation under Indian laws or Regulations shall be maintained for three years from the date of completion of the investigation.
- Operator shall provide data or information within the time frame and in the format as sought by the Commission. They shall submit copies of Annual Reports including Directors' report, Auditors' report, Balance Sheet and Profit and Loss Account along with all Schedules and notes to the accounts, within nine months after the closure of the respective financial year; and inform the Commission of any event(s) resulting in disruption of activities or market abuse, if observed, without delay.

## 9. Revocation of Registration:

- Commission may revoke the registration if the provisions of PMR 2021 or these Guidelines or any other Rules or Regulations or conditions of registration get violated.
- In case of rejection of renewal application or revocation of registration, Operator shall stop operations within 90 days unless Commission has indicated any other specific date to stop operations; additionally, the original registration shall be surrendered.

## CER Opinion

**CER Role of OTC Platform in Power Market:** In the context of an illiquid market, OTC platforms play a key role in bringing together buyers and sellers and help in trade in such products. In 2007, the Security and Exchange Board of India (SEBI) permitted stock exchanges to launch an order-driven trade-matching platform, which essentially offers features of an OTC platform. It is important to note that the OTC platform is generally limited to debt securities, which are illiquid as compared to the equity market and hence lack competitive price discovery.

OTC platforms can play a significant role in information dissemination and order matching for illiquid products. However, **efforts should be to ensure greater competitiveness across all products in the power market.** In the current context, the DEEP platform has served such a role, but it continues to lack liquidity and competitiveness. Stakeholders also do not have visibility to the contracts available for trade and contracts matched thereof. **The availability of information from the OTC platform should attract regulatory attention while issuing guidelines for the same.**

**CER Public Information Disclosure by OTC Platform:** Non-availability of information makes it challenging to develop analytical tools that can help in the optimisation of available resources (the key objective of NEP u/s 3 of the Act). The OTC Platform should share the detailed data in the public domain to enable efficient decision-making by the stakeholders.

**In the context of the capital market, SEBI mandates reporting of OTC transactions at reporting platforms of the stock exchanges. These guidelines must also mandate the availability of detailed information on contracts matched, including contracts not matched but were available for trade. These should be reported by all OTC platforms at the registered power exchanges.**

**CER Negative List (Clause 6.1 (iv)):** As per the draft guidelines, “grid connected entities such as generating companies, distribution licensees, open access consumers or any person acting on their behalf, or any of their associates”, are included in the “Negative List”. **It is suggested that all transmission licensees, being grid-connected entities, should also thus be included in the same list as mentioned in Clause 6.1 (iv) (c).**

The negative list mentioned in Clause 6.1 (iv) seems to apply only in the context of ‘application for setting up and operating a platform’. **To ensure that the negative list is followed in its ‘true spirit’, the purchase and the merging of existing OTC platforms should not be allowed by entities on the negative list.**

**CER Financial Criteria (Clause 6.3 (i)):** The draft guidelines states, “In terms of sub-clause (a) of clause (1) of Regulation 43 of PMR 2021, the minimum Net worth of the applicant shall be Rs.1 (one) Crore as on any date falling within 30 days immediately preceding the date of filing the application for grant of registration.” **It is suggested that the net worth of the applicant must be certified by a practicing Chartered Accountant to prove that it meets the prescribed minimum value. Further, in case the net worth of the OTC operator falls below “Rs. 1 (one) Crore”, it should promptly be informed to the Commission within one (1) week of such change by the CEO/ CFO of the OTC Platform operator.**



**CER Procedure for Filing Application (Clause 8.2):** The draft guidelines states, “*The applicant shall publish the application along with details of the proposed OTC platform on its website as per Form-II inviting public objections and suggestions up to a period of 30 days from the date of publication of such notice on the website.*”

The provision to publish an application for the OTC platform on ‘its website’ needs to address the search and transaction costs associated with stakeholders trying to locate the same. Provision for making available link to such information through the CERC’s website would address this concern.

**CER Conditions of Registration (Clause 11 (ii)):** The draft guidelines states, “*the OTC Platform Operator shall inform the Commission in writing, whenever there is any material change in the information already submitted by the OTC Platform Operator to the Commission.*” It is suggested that such information must be also made available in the public domain so that the public at large may also review the changes thereof.

**CER Operating Framework (Clause 12 (i) (a) and (ii)):** As per the draft guidelines, “*An OTC Platform Operator shall: Have objective, fair and transparent criteria for participation on its OTC Platform.*” Given that the OTC platform is only an information exchange platform, the reference to the “*participation*” in the OTC platform thus needs to be clarified.

The draft guidelines also states that, “*Access to Information: An OTC Platform Operator shall make available analytics services, information such as historical trade analysis, or such other information, to all participants in a fair and non-discriminatory basis.*” Availability of information is the key to ensuring transparency and competitiveness in the power market. Any information associated with the OTC platform and the transactions undertaken therein should be available in the public domain in as much detail so as to ensure that this information enhances transparency and competitiveness in the power market and also ensures that there is no market manipulation being resorted to.

**CER Compliance Framework (Clause 13.3 and 13.4):** The Commission should develop a compliance framework to ensure that the OTC platform is not engaged in “*the negotiation, execution, clearance, settlement, promotion or soliciting of the contracts*”. Public scrutiny is one of the most useful and easiest forms of compliance framework. The regulatory gap in ensuring this compliance can be addressed to a great extent by ensuring that the OTC platform shares all the detailed information in the public domain.

**CER Transparency (Clause 16):** This Clause in the draft guidelines may be rephrased as “*An OTC Platform Operator shall disclose conflict of interest, if any, arising from participation of related parties or group agencies to the Commission within one (1) month of the participation of such related parties or group agencies.*” (Emphasis added). Such disclosure should also be made promptly on the website of the OTC operator.

**CER Market Abuse (Clause 17.2 (iii)):** As per this Clause “*... inform the Commission of any event(s) resulting in disruption of activities or market abuse, if observed, without undue delay.*” The reference to “*market abuse*” does not carry sufficient regulatory teeth as the OTC platform operator is expected to define, identify and report the market abuse. Such a provision would be self-defeating as the OTC platform operator will not have any incentive to engage itself in identifying the market abuse. Furthermore, in the absence of a clear definition of “*market abuse*”, the individual OTC platform operators may end up having their own criteria to define such a situation. Moreover, market abuse would not be limited to a single OTC platform, but it may extend across various market participants across various platforms.

**CER Market Monitoring Framework:** Section 66 of the Electricity Act, 2003 empowers the Commission to develop a healthy power market, which also needs an effective market monitoring framework. A Market Monitoring Framework should ensure that it is able to identify market abuse across all market platforms including power exchanges as well as OTC platforms and take corrective actions thereof.

## APERC Renewable Power Purchase Obligation (Compliance by purchase of Renewable Energy/Renewable Energy Certificates) Regulations, 2022 [Draft]

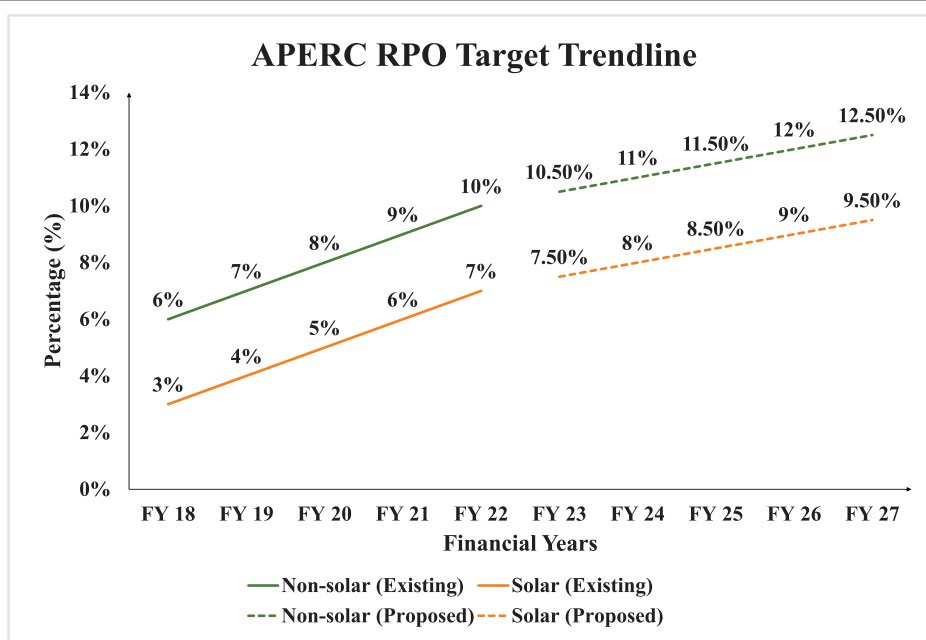
APERC notified the draft “APERC Renewable Power Purchase Obligation (Compliance by purchase of Renewable Energy/ Renewable Energy Certificates) Regulations, 2022” on 17<sup>th</sup> March, 2022. The key highlights of the draft are mentioned below:

Renewable power can be purchased by Distribution Licensees, Open Access (OA) Consumers, and captive generating plants (with an installed capacity of one MW or more and connected to the grid) to meet their Renewable Power Purchase Obligation (RPPO) from:

- ❖ Roof-top Solar PV System, if such consumer is an obligated entity.
- ❖ Distribution Licensees can purchase renewable energy from other Distribution Licensees.
- ❖ Renewable Energy Certificates.
- ❖ Fulfilment of solar RPO can be met through either purchase of Solar energy or Solar RECs. On achievement of Solar RPO compliance to the extent of 85% and above, the remaining shortfall, if any, can be met by excess non-solar energy consumed beyond specified non-solar RPO and vice-versa.
- ❖ Renewable energy sources bundled with coal/ lignite based thermal generation.
- ❖ Distribution Licensees shall compulsorily procure 100% power produced from all the Waste-to-Energy plants in the State.
- ❖ There shall be no separate Renewable Power Purchase Obligation on the RESCOs.
- ❖ Power procured by the OA users from 3rd party generators under Power Wheeling and Purchase Agreement (PWPA) is exempted from RPPO.
- ❖ Any generating plant not meeting the eligibility condition for Captive Consumer as prescribed in the Indian Electricity Rules, 2005, but having self-consumption, is also required to meet RPPO.

RPO Targets, from FY 2022-23 to FY 2026-27 are mentioned below:

Biomass (%)	FY-18	FY-19	FY-20	FY-21	FY-22	FY-23	FY-24	FY-25	FY-26	FY-27
Non-Solar	6%	7%	8%	9%	10%	10.50%	11%	11.50%	12%	12.50%
Solar	3%	4%	5%	6%	7%	7.50%	8%	8.50%	9%	9.50%
Total	9%	11%	13%	15%	17%	18%	19%	20%	21%	22%



## CER Opinion

**CER Renewable Purchase Obligation (Clause 3):** The draft Regulation states “*Provided that the obligation will be on total consumption of electricity by a Distribution Licensee/Open Access User/Captive User, excluding consumption met from Renewable Energy Sources and hydro sources of power other than mini hydel sources of power*”.

Section 86(1)(e) mandates the SERCs to specify a percentage of total consumption in the area of the licensee to be sourced from renewable energy sources. **Redefinition of ‘total consumption’ to exclude consumption from RES suggests a departure from the provision of the Act and should be avoided.**

**CER Purchase Obligation from Waste-to-Energy (WTE) plants (Clause 3(3.1)):** The draft Regulation states that “*Distribution Licensees shall compulsorily procure 100% power produced from all the Waste-to-Energy plants in the State*”. **This may be rephrased to ‘Distribution Licensees shall compulsorily procure 100% power produced from all the Waste-to-Energy plants in the area of supply of the distribution licensees’.**

In the case of multiple distribution license areas within a state, what proportion of electricity generated from WTE plants needs to be procured by the respective distribution licensee? Will each of the discom be liable to ensure 'proportional' procurement ensuring 100% procurement from WTE plants within the state? Will the discom, in whose area the WTE is located, be required to procure 100% electricity generated from that WTE source? **Clarification in this respect would reduce regulatory uncertainty.**

**CER Consumer owning Captive Generating Plant (Clause 3(3.3)):** states “Every consumer owning a captive generating plant of installed capacity of One (1) MW and above and Connected to the Grid, shall purchase Renewable Energy Certificates...”, read with the first proviso “Provided that the purchase of energy from renewable energy sources shall also be treated as the fulfilment of the Renewable Power Purchase Obligation (RPP0) prescribed herein” suggests that RPO is to be primarily met from RECs, and seems to accord secondary status to RE procurement as such. Proviso may be appropriately modified to obviate such an interpretation.

**CER Accounting of Excess RE with Roof-top Solar PV System by OA Consumer/ Captive Generators:** Excess RE procurement by OA consumer/ captive generators has economic value, which can be traded as RECs, or can be banked (if permitted) to adjust RPO compliance in the later years. **The OA consumer/ captive generators should firstly be allowed to derive the benefit of such excess RPO (in REC equivalent terms), and thereafter, with their consent, any remaining excess RE can be allowed for accounting towards distribution licensee’s RPO.**

## GERC (Electricity Supply Code and Related Matters) (Third Amendment) Regulations, 2022 [Draft]

GERC notified the draft GERC (Electricity Supply Code and Related Matters) (Third Amendment) Regulations, 2022 on 19<sup>th</sup> February, 2022. The key highlights of the draft are mentioned below:

- ❖ Licensee shall provide an application tracking mechanism based on the unique registration number through website/ mobile app/ SMS/ any other electronic mode to monitor the application status.
- ❖ Licensee shall provide new avenues for application or modification of existing connection for online submission of the application form. Application may be made in hard copy or through any electronic means. The licensee shall establish a 24/7 toll-free call centre which may minimise the applicant's interface with the licensee.
- ❖ Licensees shall endeavour to provide all services through the Customer Relation Manager (CRM) System which shall have facilities for receipt of application, completion of service, change in status of application, etc., and online status tracking and auto-escalation to a higher level, in case services are not provided within the specified time-period.
- ❖ Licensee shall provide services to senior citizens at their door steps.
- ❖ For new connections up to 10 kW, the application form shall be accompanied by identity proof of the applicant and proof of the applicant's ownership or occupancy over the premises for which a new connection is being sought.
- ❖ Excess amount collected by the licensee during application shall be refunded to the Consumer by either account payee cheque or electronic mode within 30 days of energisation of connection, failing which licensee shall pay interest at the rate equivalent to Late Payment Surcharge (LPS) as per the prevailing tariff order.
- ❖ Excess expenditure incurred by the licensee shall be paid by the Applicant within 30 days of demand, failing which the amount shall be debited to the next electricity bill.
- ❖ If the meter is found to be defective/ burnt due to voltage fluctuation, transients, etc. or if the Third-party test results are contrary to the test results of the licensee, the licensee shall refund the test fee to the consumer by adjustment in the next electricity bill.
- ❖ Third-party test results and meter data shall be issued to the consumer after completion of such test and the said results are final and binding on both consumer and licensee.
- ❖ If any bill is served with a delay of 60 days the consumer shall be given a rebate of two percent.
- ❖ The consumer shall mandatorily pay a bill amount of more than Rs. 1000 through e-payment mechanism. In case a consumer has paid all bills of a financial year within the due date through e-payment mechanism, the licensee shall give a rebate of 0.01% or Rs. 50, whichever is less, calculated on the annual energy bill amount. The licensee may claim such rebate amount in their Annual Revenue Requirement.
- ❖ In case of pre-payment meter, the supply shall be automatically cut-off when the amount credited is exhausted. This shall not be treated as a disconnection and the supply will be resumed whenever the meter is recharged.

## CER Opinion

**CER** **Specification of Format in Application Form:** Clause 2.3 (5) states *“Application Form’ refers to an application form complete in all respects in the appropriate format, as specified by the Commission, before any payment of applicable charges”.*

The distribution licensee, which engages with the customers while undertaking the business of supply of electricity, is more aware of information/ data needs for the process. Thus, the licensee should develop an appropriate application form, which can then be approved by the Commission. The Commission may specify or provide guidelines about broad aspects of information/ data that needs to be incorporated in the application form. The task of specifying an application format (by the Commission) would make the same task burdensome for the Commission and rigid for the licensee.

**CER** **Adjustment of Excess Amount:** Clause No. 4.35 states *The excess amount, if any, shall be refunded to the Consumer by issuing account payee cheque or by electronic mode within 30 days of energisation of connection, failing which the Licensee shall be liable to pay interest at a rate equivalent to the Late Payment Surcharge as per the prevailing Tariff Order issued by the Commission. The Applicant/ Consumer shall be given the detailed bill showing the details of item-wise estimation and actual expenditure along with item-wise figures of variance to the extent possible. Further, if Applicant/ Consumer seeks further information, the Distribution Licensee shall furnish the same or state the reasons for not furnishing the same within 10 days of receipt of such request. ”*

It is suggested that in case the excess amount under consideration is less than or equal to 50% of the (average) monthly bill, the amount may be adjusted in the subsequent monthly bill along with the due interest. If the ‘actual’ bill of the next month is lower than the amount to be adjusted, the remainder should be credited to the consumer’s bank account (or e-wallet).

In case the excess amount is more than 50% of the (average) monthly bill under consideration, the amount should be refunded to the consumer/ prosumer/ applicant as per the draft Clause No. 4.35.

This would reduce the administrative cost associated with multiple financial transactions required to be undertaken in such cases.

Further, the need for issuing a cheque should be minimised and online transactions be encouraged as the cost of issuing a cheque and its handling by the issuers and consumers would have associated transaction cost and time delay.

**CER** **Maintenance of List of Third Parties at Licensee offices:** Clause No. 6.30 states *The meter may be tested for accuracy at a third party facility approved by the Commission, if so desired by the consumer. The list of third party agencies approved by the Commission for testing of meters shall be available in their various offices as well as on the website of the licensee.”*

Given that most of the information is accessible now through online platforms, the maintenance of a physical list of ‘third party agencies’ at the offices of the licensee is devoid of purpose and would impose unnecessary burden on the offices of the licensee. However, the licensee should ensure that updated list is timely available on its web portal and is easily navigable. In the absence of the same, the Commission may respond appropriately to penalise the licensee. The utility officials, if enquired, should direct the consumer to such web pages.

**CER** **Restoration of Supply:** Para (2) of Clause Nos. 6.42 and 6.46 states *Non-availability of meter with Licensee shall not be a reason for delay in restoration of supply.”*

The above clause may be construed to mean that the supply of electricity may also be made available ‘without meter’, in case of unavailability of meter with the licensee. To ensure that such a situation does not arise and the consumer is able to get the supply in time, an option to the consumer to procure the meter (which is generally available) directly from the market avoids such a situation. This aspect may be included appropriately in the above clause.

**CER** **Electronic Billing System for Spot Billing:** Clause 6.52 states *“The bill will be delivered to the consumer immediately in case of spot billing. In all other cases, the licensee shall ensure that the bill is delivered to the consumer by hand/post/courier/any electronic mode at least 10 days prior to the due date of payment.”*

The draft clause provides for electronic delivery of bill in cases other than spot billing. It is suggested that electronic delivery of bill may be made available for spot billing as well, by linking the handheld billing device



through appropriate means, to send electronic bills through SMS/ e-mail/ WhatsApp/ etc., which may be accessible through the web portal as well. This would avoid usage of paper for printing and ensure that bills are easily accessible to the consumers.

**CER** The licensee should be obligated to archive and make available the billing and payment history to the consumer for as long a time period as feasible (at least for a period of 10 years).

**Delivery/ Receipt of Bill:** Clause 6.53 states *"If a consumer does not receive the bill within 7 days of normal bill issue date, he may obtain a duplicate bill from the concerned billing office of the licensee. The licensee shall issue a duplicate bill immediately if the consumer contacts the licensee's office in person/ telephonically, or on the date of acknowledgement if received by post. Non-receipt of the bill shall not entitle the consumer to delay payment beyond the due date. If any bill is served with a delay of 60 days the consumers shall be given a rebate of two percent."*

**CER** In case of delay in receipt of bill, the party bearing the burden of proof must be clarified in the Regulations. As such, a clear definition of 'Delivery of Bill' may be incorporated in these Regulations. This definition may mean delivery of bill through email (which hasn't bounced back to sender)/ SMS or courier (for which receipt tracking shows delivery of bill), etc. 'Delivery of bill' should be supplemented with SMS/ email with information of amount payable, bill number and due date, etc.

**Rebate on e-payment and its inclusion in the ARR:** Second para of Clause 6.74 states *The consumer shall mandatorily pay bill amount more than Rs. 1000 through e-payment mechanism. The Licensee shall give a rebate of 0.01% or Rs. 50, whichever is less, calculated on the annual energy bill amount, to such consumer who has paid all the bills of a financial year within due date of payment of such bills through e-payment mechanism. The Licensee may claim amount of such rebate given to the eligible consumer in their Annual Revenue Requirement."*

Due to ease of associability to pay through online portals, most people would gradually prefer to pay by e-payment mode. In any case, an incentive of 0.01% (i.e. 10 paise on a bill of Rs. 1000) is insignificant to make any impact on the choice of payment method. Furthermore, allowing passage of the overall incentive given to all customers, if passed through the ARR, would ultimately burden the consumers themselves to pay for it (with limited differential impact on e-paying vs non-e-paying consumers). Given its superficial impact, this provision may be excluded.

**CER** Issuance of e-receipts: Clause 6.80 states *"Receipt shall be issued to the consumer for payment of bills made. In all cases, payments shall be acknowledged in the next bill."*

It is suggested to specifically include e-receipts to reduce dependency on paperwork.

**CER** Pre-payment Meter: Clause 8.3 (7) states *"In case of pre-payment meter, supply shall be automatically cut-off when the amount credited is exhausted. This shall however not be treated as a disconnection and the supply will be resumed whenever the meter is recharged."*

The given clause may be interpreted in a way to mean that the recharge amount is only linked to energy charges. **This clause must therefore be amended to include the fixed charges as well.** 'Whenever' meter is recharged seems to disregard amount of recharge that may be required to resume supply. **It is suggested that the clause be rephrased to 'This shall however not be treated as a disconnection and the supply will be resumed whenever the meter is recharged with the requisite amount.'**

It is further suggested that warning SMSs/ emails be sent on the registered mobile number/ email address and additionally, notifications be sent on a mobile application of the licensee on the consumption of 50%, 85% and 95% credit amount. Alternatively, the notification sent may also display the remaining days of supply (based on average historical consumption), in order to make the consumer aware of the demand/ consumption pattern, and to allow the consumer to top-up the credit balance before the supply is cut-off.

There should also be a facility for emergency credit amount, depending upon the payment history of the consumer. At the end of credit balance, the consumer may be given an emergency supply for up to 8-12 hours of supply, and the next time such balance should be provided if the consumer continues to recharge on a timely manner. Whenever the recharge is made, the amount will be first adjusted towards the emergency credit provided by the licensee and the remaining amount would then be available for availing electricity supply, if there is sufficient amount of remaining value.



## GERC (Consumer Grievances Redressal Forum and Ombudsman) (First Amendment) Regulations, 2022 [Draft]

GERC notified the draft GERC (Consumer Grievances Redressal Forum and Ombudsman) (First Amendment) Regulations, 2022 on 19<sup>th</sup> February, 2022. The key highlights of the draft are mentioned below:

Discoms shall establish the following Consumer Grievances Redressal Forums:-

	Company Level CGRF	Zonal Level CGRF	Circle Level CGRF
<b>Members of Forum</b>	<ol style="list-style-type: none"> <li>Chairperson (Technical officer of Discom) (Rank <math>\geq</math> Additional Chief Engineer)</li> <li>Finance and Accounts officer of Discom (Rank <math>\geq</math> Deputy Chief Accounts Officer)</li> <li>Representative of Consumer (From Consumer Associations in area of distribution)</li> <li>Representative of Prosumer (From Prosumer Associations in area of distribution)</li> <li>Independent Member (Possessing Law degree, preferably with 10yrs experience in handling legal matters)</li> </ol>	<ol style="list-style-type: none"> <li>Chairperson (Technical officer of Discom) (Rank <math>\geq</math> Executive Engineer)</li> <li>Finance and Accounts officer of Discom (Rank <math>\geq</math> Superintendent of Accounts)</li> <li>Representative of Consumer (From Dominant Consumer category)</li> <li>Representative of Prosumer (From Dominant Prosumer category)</li> <li>Independent Member (Possessing Law degree, preferably with 10yrs experience in handling legal matters)</li> </ol>	<ol style="list-style-type: none"> <li>Chairperson (Technical officer of Discom) (Rank <math>\geq</math> Executive Engineer)</li> <li>Finance and Accounts officer of Discom (Rank <math>\geq</math> Superintendent of Accounts)</li> <li>Representative of Consumer (From Dominant Consumer category)</li> <li>Representative of Prosumer (From Dominant Prosumer category)</li> <li>Independent Member (Possessing Law degree, preferably with 10yrs experience in handling legal matters)</li> </ol>
<b>Convener</b>	Designated by Discom	Designated by Discom (Rank $\geq$ Junior Assistant)	Designated by Discom (Rank $\geq$ Junior Assistant)
<b>Monetary Complaints</b>	Above Rs. 1,00,000/- except the cases covered under Section 126 and 135 of the Act	Up to Rs. 1,00,000/- except the cases covered under Section 126 and 135 of the Act	Up to Rs. 1,00,000/- except the cases covered under Section 126 and 135 of the Act
<b>Quorum</b>	<ol style="list-style-type: none"> <li>Chairperson</li> <li>Finance/Accounts Member</li> <li>Representative of Consumer/Prosumer</li> <li>Independent Member</li> </ol>	<ol style="list-style-type: none"> <li>Chairperson</li> <li>Finance/Accounts Member</li> <li>Representative of Consumer/Prosumer</li> <li>Independent Member</li> </ol>	<ol style="list-style-type: none"> <li>Chairperson</li> <li>Finance/Accounts Member</li> <li>Representative of Consumer/Prosumer</li> <li>Independent Member</li> </ol>
<b>Procedure</b>	<p>A Complainant can approach the Forum in the following events:</p> <ol style="list-style-type: none"> <li>If the Licensee fails to register a Complaint</li> <li>If the Licensee fails to resolve a Complaint in accordance with the Standards of Performance specified by the Commission</li> <li>The consumer aggrieved by the decision of Circle/ Zonal level Forum will have the option to approach the Company level forum before making an appeal to the Ombudsman</li> </ol> <p>The Complainant may directly approach the Company level Forum with a Complaint at the office of the Company level Forum, which the Company level Forum may forward to the Licensee for necessary action. In case of urgency of the issue involved, the Company level Forum may initiate the procedure of addressing the Complaint at its level.</p> <p>After considering the Complaint, comments by the Discom and all other records available, the Forum shall pass the order within 30 days from the date of receipt of the Grievance.</p> <p>Company level Forum shall pass its order on representation received against the order issued by Circle/ Zonal level Forum within 15 days from the date of receipt of the representation by the Company level Forum.</p>		

<sup>1</sup> As available in the case of pre-paid mobile phone services.

Order of Circle/ Zonal level Forum shall mention contact details of Company level Forum and Ombudsman. Order of Company level Forum shall mention contact details of the Electricity Ombudsman. The order shall also mention the period within which the representation to the higher forum is to be made.

Representation before the Company level Forum may be made within 15 days of issuance of order by the Circle/ Zonal level Forum or within expiration of 15 days after the deadline specified for issuance of the order, or within 15 days after the deadline specified for implementation of the order, whichever is applicable.

Representation before the Ombudsman may be made within 15 days of issuance of order by the Circle/ Zonal/ Company level Forum or within expiration of 15 days after the deadline specified for issuance of the order, or within 15 days after the deadline specified for implementation of the order, whichever is applicable.

The Company level Forum shall dispose application for injunction within 7 working days:

In case injunction has been granted without notice to the opposite party, the Company level Forum shall dispose of the application within 15 days from the date of granting of injunction; and where it is unable to do so, it shall record the reasons for such inability.

## CER Opinion

**CER Enhancement of the Consumer Grievances Redressal Forum and Ombudsman:** The draft GERC Regulation aims to broadly align the prevailing framework with the Ministry of Power (MoP) rules in this context. This would enhance the options available to consumers for redressal of their concerns. However, **this may also lead to greater burden on the higher levels of redressal. This can be addressed by enhancing the capacity of the lower as well as higher-level institutional mechanism, and also by including certain provisions that may include certain criteria**, which would allow a choice to consumers for escalation of the unaddressed concerns to the highest level i.e. Ombudsman level.

**CER Increased burden on the Ombudsman Level:** Clause No. 2.30 (iii) states "*The consumer aggrieved by the decision of Circle/ Zonal level Forum will have the option to approach the Company level forum before making an appeal to the Ombudsman.*" However, since there is no obligation to approach the 'Company level forum', and the 'aggrieved' has the inherent right (provided by the Electricity Act, 2003) to move a case directly to the Ombudsman by bypassing the 'Company level forum', **this may increase the burden on the 'Ombudsman level' with issues which could have been resolved at the 'Company level forum'. As such, the Ombudsman should be allowed to prioritise the cases it should take up in case it has limited resources to handle a high volume of cases.**

**CER Limited Time and Resources at Disposal:** It is possible that the 'lower level redressal forums' may not have the necessary resources, skills and/ or experience to handle complicated disputes, and as a result, the forum may potentially give faulty decisions in such cases which are then finally sent to the Ombudsman. In such cases, the 'aggrieved' makes high efforts, spends time and uses resources that could have been avoided. It may not be worth for the 'aggrieved' to spend its time and resources on such cases which may quite possibly lead to 'thinning' of resources and 'stretching' the capability of the 'higher level redressal forums'.

**It is suggested that the existing timelines for resolution of disputes at various levels be made commensurate with the resources available at each level, and these timelines may, thereafter, be squeezed in a graduated manner. The licensees/ utilities should additionally be directed to provide appropriate resources so that such mechanism ensures due attention to and redressal of the concerns of the consumers/ prosumers/ applicants with the use of an online publicly accessible central level platform in compliance with the Consumer Protection Act, 2019. It is further suggested that consumers/ prosumers/ applicants, especially in small towns and villages, be made aware about and 'trained' in the use of the redressal systems being setup, which would strengthen and make the online system more transparent and easy to use.**

## GERC (Licensees' Power to Recover Expenditure incurred in providing Supply and other Miscellaneous Charges) (Third Amendment) Regulations, 2022 [Draft]

GERC notified the draft GERC (Licensees' Power to Recover Expenditure incurred in providing Supply and other Miscellaneous Charges) (Third Amendment) Regulations, 2022 on 19<sup>th</sup> February, 2022. The key highlights of the draft are mentioned below:

Clause No. 7 (vi) (Manner of Accounting and Adjustment)	
Principle	<b>The balance amount, if any, shall be refunded to the Consumer by way of adjustment in the next electricity bill.</b> The Consumer shall be given the detailed bill showing the details of item-wise estimation and actual expenditure along with item-wise figures of variance to the extent possible. Further, if Applicant seeks further information, the Distribution Licensee shall furnish the same or state the reasons for not furnishing the same within 10 days of receipt of such request.
3 <sup>rd</sup> Amd [Draft]	<b>The excess amount, if any, shall be refunded to the Consumer by issuing account payee cheque or by electronic mode within 30 days of energisation of connection, failing which the Licensee shall be liable to pay interest at a rate equivalent to the Late Payment Surcharge as per the prevailing Tariff Order issued by the Commission.</b> The Applicant/ Consumer shall be given the detailed bill showing the details of item-wise estimation and actual expenditure along with item-wise figures of variance to the extent possible. Further, if Applicant/ Consumer seeks further information, the Distribution Licensee shall furnish the same or state the reasons for not furnishing the same within 10 days of receipt of such request.
Clause No. 7 (vii)	
Principle	Any expenditure incurred in excess of the amount deposited by the Applicant shall be paid by the Applicant within <b>fifteen days of demand.</b>
3 <sup>rd</sup> Amd [Draft]	Any expenditure incurred in excess of the amount deposited by the Applicant/ Consumer shall be paid by the Applicant/ Consumer within <b>thirty days of demand, failing which such amount shall be debited to the next electricity bill of the consumer.</b>

## CER Opinion

**CER Adjustment of Excess Amount:** Clause No. 7 (vi) states *"The excess amount, if any, shall be refunded to the Consumer by issuing account payee cheque or by electronic mode within 30 days of energisation of connection, failing which the Licensee shall be liable to pay interest at a rate equivalent to the Late Payment Surcharge as per the prevailing Tariff Order issued by the Commission. The Applicant/ Consumer shall be given the detailed bill showing the details of item-wise estimation and actual expenditure along with item-wise figures of variance to the extent possible. Further, if Applicant/ Consumer seeks further information, the Distribution Licensee shall furnish the same or state the reasons for not furnishing the same within 10 days of receipt of such request."*

**CER** It is suggested that in case the excess amount under dispute/ consideration is less than or equal to 50% of the (average) monthly bill, the amount may be adjusted in the subsequent monthly bill. If the 'actual' bill of the next month is lower than the amount to be adjusted, the remainder should be credited to the consumer's bank account (or e-wallet).

In case the excess amount is more than 50% of the (average) monthly bill under consideration, the amount should be refunded to the consumer/ prosumer/ applicant as per the draft Clause No. 7 (vi).

**CER** Electronic Transfer Options: Utilities should undertake only electronic transactions to deal with transfer of excess due amount. 'Issuing of cheque' entails significant cost for the utility as well as the consumers, and should only be the last option, in case that is opted for by the consumer and only if the amount is greater than a limit to be decided by the utility. Further, given the growth of e-wallets, an option for transfer of the said amount to such e-wallets may be considered, if opted for by the consumer.



## Regulatory Updates

### Tariff



HPERC determined the generic levelled tariff for Solar PV projects for FY 2022-23 as given below:

S.No.	Capacity	Generic levelled tariff (/ kWh)
1.	Projects to be set up in other than industrial and urban areas	
(a)	Up to 1 MW	3.75
(b)	Above 1 MW and up to 5 MW	3.71
2.	Projects to be set up in industrial and urban areas	
(a)	Up to 1 MW	3.82
(b)	Above 1 MW and up to 5 MW	3.78



KERC approved the tariff of Rs. 7.08/ kWh to L. Lakshmipathy and directed BESCOM to calculate and make good the amounts withheld from January, 2018 to March, 2021 as per the tariff rate agreed under PPA within 2 months from the order.



OERC approved the modified PSA to be executed between NTPC and GRIDCO towards the procurement of 200 MW solar power at an applicable tariff of Rs. 2.50/ kWh including a trading margin of Rs. 0.07/ kWh through the ISTS-connected solar projects for the fulfilment of the RPO of GRIDCO.

OERC approved the tariff of Rs. 5.71/ kWh for 24 MW Baitarani SHEP. GRIDCO may decide whether to procure power from the project for 35 years or 40 years. Amendments to PPA may be made accordingly by both parties if necessary. Approved project specific tariff shall be effective from 1<sup>st</sup> February, 2022 for energy to be sold to GRIDCO.

OERC approves the generic tariff of Rs 5.71/ kWh for 24 MW Baitarani SHEP derived by CERC may be considered as a maximum allowable limit.



TNERC directed for a refund of Rs. 3,30,000/- to DCW Ltd. with the interest of 12% per annum, since DCW Ltd. had not provided documents for recovery of the EMD amount of Rs. 10,51,594/-, but TANGEDCO had provided documentary evidence for deduction of Rs. 3,30,000/-.

### Power Procurement



APERC directed the APSPDCL to execute the amendments to the final PPA dated 12<sup>th</sup> February, 2014.

APERC directed the APSPDCL to pay 50% of the LPS amount ( 5,71,033) to

M/s. M.G.M. Springs Pvt. Ltd. within one month from the date of order.

APERC directed the Blyth Wind Park Pvt. Ltd. to pay Inter-DISCOM charges for 8.8 MW capacity till amendment to LTOA was approved on 15<sup>th</sup> October, 2020.



BERC approves solar power purchase of 200 MW on a long-term basis for 25 years at a discovered tariff of Rs. 3.11/ kWh of M/s SJVNL Ltd.

BERC approves the proposal of instant procurement of 480 MW (Tranche-V) solar power from SECI in the long term for 25 years at the Individual discovered tariff duly approved by the CERC and the terms and conditions outlined in the said orders of CERC. Discoms shall explore all available avenues to utilize the surplus contracted conventional energy to minimize the burden of the power purchase cost to the consumers.



CSERC approved the power sale agreement executed on 12th August, 2021 between CSPDCL and SECI for procurement of 300 MW of solar power on a long-term basis.



DERC approved BRPL for the Letters of Intent dated 22<sup>nd</sup> February, 2022 issued to Manikaran Power Ltd. and the weighted average tariff of Rs. 4.61/ kWh at the BRPL periphery was discovered through the participation of various bidders at the DEEP portal. In case of failure of agreement, BRPL shall be responsible for power procurement & supply at the tariff discovered in the said bidding process. Any additional liability for this quantum of power, shall not be passed through in ARR of FY 2022-23.



GERC approved the Short-term power purchase of Round-the-Clock (RTC) power for the period 16<sup>th</sup> November, 2021 to 31<sup>st</sup> March, 2022. GERC directed Torrent Power Ltd. to make the bids public for transparency by indicating the tariff quoted by all the bidders.



## Regulatory Updates



HERC ordered that Rs. 1.08/ kWh shall be the Additional Surcharge applicable from the date of order and shall apply to the consumers of UHBVN and DHBVN who avail power under the Open Access mechanism from any source other than the distribution licensees. The additional surcharge shall continue to be effective till the same is revised/ amended by HERC.



TNERC adopts the procurement of 107.506 MU by TANGEDCO at Rs. 4.50/ kWh during the period from 06.09.2021 to 30.09.2021.



UPERC directs ASEL, UPPCL, PUVNL and SLDC to sign a new PPA as ASEL has agreed to revise the tariff for the power supply. UPPCL is directed to make payment for supplied energy from the ASEL's generating unit considering the tariff of Rs. 2.598/ kWh.

KERC condoned in commissioning of Solar Power Project in Jalageri Village, Vijayapura Taluk, Vijayapura District and allowed the tariff at Rs. 8.40/- as per PPA to the M/s Nagagouda Energies Pvt. Ltd. KERC also directed HESCOM to return the levy of liquidated damages to the M/s Nagagouda Energies Pvt. Ltd. within two months.

KERC condoned the Solar Power Project commission in Hunshyala Village, Vijayapura Taluk, Vijayapura District and allowed the tariff at Rs. 8.40/- as per PPA to the M/S G. Arakeri Solar Power Pvt. Ltd. KERC also directed HESCOM to return the levy of liquidated damages to the M/S G. Arakeri Solar Power Pvt. Ltd. within two months.

UPERC approves the SPPA executed between UPPCL and Uttam Sugar Mills Ltd to increase the power export to the grid from (10 MW to 15 MW & 6.5 MW to 10 MW) and import power from (1 MW to 4 MW & 0.3 MW to 3 MW respectively) in terms of Regulation 5 of the UPERC (Captive and Renewable Energy Generating Plants) Regulations, 2019.

UPERC approves the UPPCL's proposal for the procurement of short-term power for the period May, 2022 to September, 2022 through the DEEP portal of the Government of India and approves the quantum of short term power as part of overall power procurement requirements along with ARR for FY 2022-23.

OERC directed GRIDCO, is to provide a long-term projection of power requirements for the next 10 years with a plan to meet such requirements from various generating sources and submit its RPO compliance status for the last 10 years within three months, as per Orissa Reform Act, 1995.

GRIDCO has entered the exercise for procuring 200 MW solar power through ISTS-connected solar power projects towards the meeting of the RPO from NTPC without any actual necessity. OERC approves the aforesaid modified/revised standard PSA to be executed between NTPC and GRIDCO towards the procurement of 200 MW solar power at an applicable tariff of Rs. 2.50/ kWh including a trading margin of Rs. 0.07/ kWh.

## Renewable Energy, RPO and REC

JERC (Goa & UTs) approves the purchase of 100 MW solar power under the said Power Sale Agreement at the total cost of Rs. 2.70/ kWh for 25 years is much less than that of the present power purchase cost i.e. Rs. 3.89/ kWh. Hence, the JERC approved the modified PSA for 100 MW Solar Power from NTPC Ltd. Under Section 86(1)(b).

KERC condoned the Solar Power Project commission in Turuvekere Taluk, Tumkuru District and allowed the tariff at Rs. 4.84/- as per PPA to the Renew Wind Energy (Rajasthan Four) Pvt. Ltd. KERC also directed BESCOM to return the levy of liquidated damages to Renew Wind Energy Pvt. Ltd. within two months.

KERC condoned the Solar Power Project commission in Honnali Taluk, Davangere District and allowed the tariff at Rs. 5.05/- as per PPA to the Renew Wind Energy (MP Three) Pvt. Ltd. KERC also directed BESCOM to return the levy of liquidated damages to Renew Wind Energy Pvt. Ltd. within two months.

KERC condoned the delay in commissioning of the Solar Power Project in Kamanadurga Village, Nagalamadike Hobli, Pavgada Taluk, Tumkuru District up to 7<sup>th</sup> August, 2017 and allowed the tariff at Rs. 6.51/- as per PPA to the M/s Sri. Ugrappa Solar Pvt. Ltd. KERC also directed BESCOM to return the levy of liquidated damages to the M/s Sri. Ugrappa Solar Pvt. Ltd. within two months.

## Others

APERC ordered APSDCL to pay Rs. 3.50 Cr. within a time limit of 2 months for Late Payment of Surcharge (LPS).

BYPL has submitted that the revised average recorded consumption was found to be 39.91% of the alleged consumption, and therefore, a revised bill for Rs. 10,51,741/- was issued. On perusal of documents, it is

## Regulatory Updates

observed that in the revised speaking order dated 16<sup>th</sup> November, 2017, the average recorded consumption was found to be 39.91% and the bill was revised to Rs. 10,51,741/-. Therefore, Mohd Isa is not held liable for the violation. DERC thus imposes a penalty of Rs. 20,000/-

CSERC provided relaxation in the provision of the Supply Code to LV-1 category consumers and granted CSPDCL ex-post facto approval to raise and recover only 50% of the additional security deposit evaluated by clause 6.9 during the billing month of October, 2021.

CSERC directed CSPDCL and CSPTCL to adjust the power bank in the energy bills from 19<sup>th</sup> August, 2021 and to issue revised bills for the subsequent months in which the power would be adjusted as per provisions in the amended Regulations. CSERC also ordered that this process should be completed within two months from the date of order.

CSERC exempted M/s Dongargaon Paper Mills Pvt. Ltd. from having a dedicated feeder for connectivity and allowed long-term open access with the conditions that it would not increase the contract demand at the drawl point and will not make any claim in case of failure/under maintenance of multi-consumer EHV/HV feeder through which its plant is connected for drawl of power.

OERC ordered Jindal Stainless Ltd. (JSL) to be classified as a Large Industry consumer under Regulation 80 (10) of the Supply Code, 2004 with a Contract Demand of 50 MW and adjust the differential amount within 2 months. Also, Jindal Stainless Ltd. can be legally billed under the category of Large Industry for the relevant period in the absence of Contract Demand.

OERC directed OHPC to provide details relating to the Residual Life Assessment (RLA) study, which would add generation with minimum investment, without any environmental issues; plan for generation addition in form of Run of the River (RoR) scheme/ bondage based scheme & PSS along with steps being taken to address

the slit deposit problem in various power plants, which decrease the live storage capacity of the reservoir; and Installation of early warning and details of secondary energy fund.

OERC directed SLDC to submit the information relating to power flow in 400 kV, 220 kV and 132 kV transmission lines of State Transmission Utility (STU) i.e., Intra-state lines for the last few years and take necessary action for installation of PMU to the Commission by 30th June, in-order-to achieve safe, secure & efficient operation of the power system. Also, SLDC is directed to intimate the measures taken by them to prevent cyber-attack.

OERC directed M/s. Vedanta Ltd. to supply the full quantum of power with effect from the date of this order i.e. 19<sup>th</sup> February, 2022 forthwith as per para 30(b), (c) and (f) of the OERC order dated 05.10.2021 in Case No. 34 of 2018 till the end of 31<sup>st</sup> March 2022 by procuring and utilising linkage/concessional coal available under Unit-II (600 MW) under the valid long term FSA pending disposal of Case No. 06 of 2022.

OERC directed OPGC to install dedicated silos for the storage of dry fly ash for at least sixteen hours of ash-based on installed capacity and send the same to SPCB or PCC and provide real-time data daily of availability of ash with Thermal Power Plant (TPP), by providing a link to Central Pollution Control Board's web portal or mobile phone App for the benefit of the actual user(s)

OERC directed OPTCL to delegate adequate technical, administrative, and financial power to those officers entrusted with the timely completion of the proposed projects. A committee may be constituted with the concerned officials of OPTCL and DISCOMs for each project to prepare and subsequent adherence to the timeline of the project execution schedule while the Managing Director of OPTCL should conduct monthly coordination meetings.

## Tariff Orders

State/Union Territory (SERC)	Licensee/Utility	True-up	Annual Performance Review (APR)	Aggregate Revenue Requirement (ARR)	Tariff
Assam (AERC)	APDCL, NRPP (APGCL), APGCL, Assam SLDC, AEGCL	FY 20-21	FY 21-22	FY 22-23 to FY 24-25	FY 22-23
Andhra Pradesh (APERC)	APCPDCL, APEPDCL, APSPDCL	Retail Sale: FY 19-20 & FY 20-21, Transmission and Distribution: FY 14-15 to FY 18-19			FY 22-23
Bihar (BERC)	NBPDCL & SBPDCL, BGCL, Bihar SLDC, BSPTCL	FY 20-21	FY 21-22	FY 22-23 to FY 24-25	FY 22-23
Gujarat (GERC)	Gujarat SLDC, GETCO, GSECL, MUL, PGVCL, MGVL, DGVCL, UGVCL, TPL-D (Dahej), TPL-D (Surat), TPL-D (Ahmedabad), TPL-G (Ahmedabad), DPT, AIVPL, GIFT PCL	FY 20-21		FY 22-23	FY 22-23
Himachal Pradesh (HPERC)	HPSEBL	FY 18-19 to FY 20-21	FY 20-24		FY 22-23
Haryana (HERC)	HVPNL, HPGCL	FY 20-21	FY 21-22	FY 22-23	FY 22-23
Madhya Pradesh (MPERC)	MPPKVVCL (East), MPPKVVCL (West), MPMKVVCL, MPPMCL			FY 22-23 to FY 26-27	FY 22-23
Meghalaya (MSERC)	MePDCL, MePTCL, MePGCL	FY 18-19 & FY 19-20		FY 22-23	FY 22-23
Odisha (OERC)	OHPC, OPGC, GRIDCO, OPTCL, Odisha SLDC, TPSODL, TPWODL, TPNODL, TPCODL			FY 22-23	FY 22-23
Punjab (PSERC)	PSPCL, PSTCL	FY 20-21	FY 21-22	FY 22-23	FY 22-23
Uttarakhand (UERC)	Uttarakhand SLDC, PTCUL			FY 22-23 to FY 24-25	
Uttarakhand (UERC)	UPCL			FY 22-23 to FY 24-25	FY 22-23
Sikkim (SSERC)	Power Department, Govt. of Sikkim	FY 20-21	FY 21-22	FY 22-23	FY 22-23
JERC (M&M)	PED Mizoram	FY 20-21	FY 21-22	FY 22-23	FY 22-23
JERC (M&M)	MSPDCL, MSPCL		FY 21-22	FY 22-23	FY 22-23
JERC (Goa & UTs)	PED, ED D&D, ED (T) DNH, DNH PDCL	FY 20-21	FY 21-22	FY 22-23 to FY 24-25	FY 22-23
JERC (Goa & UTs)	PPCL	FY 19-20		FY 22-23 to FY 24-25	FY 22-23
JERC (Goa & UTs)	Lakshadweep Electricity Department (LED)	FY 17-18 to FY 18-19	FY 21-22	FY 22-23 to FY 24-25	FY 22-23
JERC (Goa & UTs)	ED-Goa			FY 22-23 to FY 24-25	FY 22-23

## Regulations

Title	Date of Approval/Notification
<b>Renewable Energy (including RPO and REC)</b>	
DERC (Group Net Metering and Virtual Net Metering for Renewable Energy) (Fourth Amendment) Guidelines, 2022	24 <sup>th</sup> February, 2022
OERC (Procurement of Energy Renewable Sources and its Compliance) Regulations, 2021	17 <sup>th</sup> January, 2022

JERC Goa & UTs (Procurement of Renewable Energy) (Fourth Amendment) Regulations, 2022	28 <sup>th</sup> March, 2022
<b>Consumer Grievance</b>	
AERC (Electricity Ombudsman) Regulations, 2022	2 <sup>nd</sup> February, 2022
BERC (Consumer Grievance Redressal Forum, Electricity Ombudsman and Consumer Advocacy) (Second Amendment) Regulations, 2021	25 <sup>th</sup> January, 2022
<b>Others</b>	
APERC (Terms & Conditions for Procurement/ Sale of power on Short-term basis by the Distribution Licensees) Regulations, 2022	10 <sup>th</sup> February, 2022
PSERC (Electricity Supply Code and Related Matters) (Tenth Amendment) Regulations, 2022	17 <sup>th</sup> March, 2022
PSERC (Terms and Conditions for Determination of Generation, Transmission, Wheeling and Retail Supply Tariff) (First Amendment) Regulations, 2022	18 <sup>th</sup> March, 2022
TNERC (Fees and Fines) Regulations, 2022	26 <sup>th</sup> January, 2022
TNERC (Grid Connectivity and Intra-state Open-access) (Amendment) Regulations, 2022	21 <sup>st</sup> March, 2022
UPERC (Multi Year Tariff for Distribution and Transmission) (Second Amendment) Regulations, 2022	4 <sup>th</sup> January, 2022

**\*Disclaimer:** The information provided herein is extracted/ reproduced from Order/ Regulation/ Document etc, of the respective Commissions. This is for information purpose only and does not in any matter reflect opinion or analysis thereon.

### 15<sup>th</sup> Capacity Building Programme (CBP) for Officers of Electricity Regulatory Commissions

CER, on behalf of the Forum of Regulators (FOR), organised the 15<sup>th</sup> Capacity Building Programme (Online) for Officers of Electricity Regulatory Commissions on “Regulatory Best Practices for the Power Sector: Preparing for the Emerging Scenario” from 9<sup>th</sup> to 11<sup>th</sup> March, 2022.

The speakers included Mr. S.K. Mishra (Dir.-Power System, SECI), Ms. Shilpa Agarwal (Jt. Chief Engg. - CERC), Mr. S. C. Shrivastava (Ex-Chief Engg. - CERC), Mr. Vivek Pandey (G.M., POSOCO), Mr. Vivek Mishra (Ex-Dir. Tariff, MPERC), Mr. Amal Sinha (Dir. & CEO, BSES Ltd.), Mr. Jogendra Behera (V.P. Market Design & Economics, IEX), Mr. Buddy A. Ranganadhan (Advocate, Supreme Court of India). Sixteen officers from different State Electricity Regulatory Commissions participated in the event.

Various topics covered during different sessions of this programme were Economics of Regulatory Approach to Tariff Determination, Experience from Competitive Bidding of Hybrid RE and Storage Projects, General Network Access (GNA): Implications for Transmission Access and Transmission Charges, Regulated Tariff Determination for Generation, Power System Operation and Deviation Settlement Mechanism (DSM), Resource Adequacy: Principles and Practices, MYT Framework for ARR and Tariff Determination for DISCOMs, Technological Interventions for Customer Service and Consumer Grievance Redressal, Functioning of Power Exchanges and Recent Developments, Recent Legal Development and APTEL Orders, Outlook for Derivatives for the Electricity Market etc.

### Long-term Demand Forecasting: Modelling Approach for DISCOMs

CER, IIT Kanpur is pleased to announce the Training and Capacity Building Programme for Power Sector Institutions on “Long-term Demand Forecasting: Modelling Approach for DISCOMs”, in association with Bask Research and CUTS International on 28<sup>th</sup> April, 2022.

The programme was suitably designed for Officers of Electricity Regulatory Commissions (ERCs), relevant Ministry and Government Departments, Stakeholders from Power Generating Companies, Licensees (Transmission, Distribution, and Trading), Power Exchanges, Open Access Consumers, Load Dispatch Centers, Financial Institutions and Investors, Consultants, Faculty, Researchers, and Students from Academic Institutions, Consumer Organisations,



NGOs and other stakeholders who want to enhance their knowledge and understanding of this multi-disciplinary area. For further details regarding this programme, please visit [https://cer.iitk.ac.in/cer/OLET\\_CBP\\_LTDF](https://cer.iitk.ac.in/cer/OLET_CBP_LTDF).

## e-Masters Programme

IIT Kanpur has introduced the eMasters programme on "Power Sector Regulation, Economics and Management" under the aegis of the Department of Industrial and Management Engineering (IME). This multi-disciplinary programme aims to provide a conceptual and applied understanding of power sector regulation from economic and regulatory perspectives. The modules currently being covered include Power Sector Regulation in Practice: MYT Framework for Generation, Transmission & Distribution, Competition and Power Market Development and Smart Grid Technologies and Implementation. For more details please visit <https://emasters.iitk.ac.in/powersector>

## I-AEE: India's Energy Transition – Aspirations, Preparedness and Way Forward

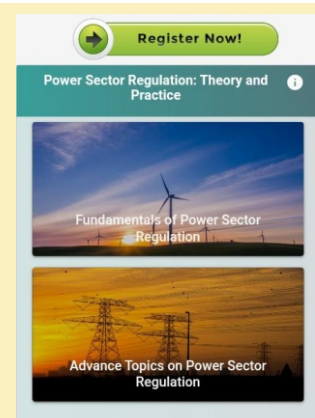
Dr. Anoop Singh (Prof. IIT Kanpur, Founder & Coordinator CER & Vice President, I-AEE) moderated the 2<sup>nd</sup> online debate of the Indian Association of Energy Economics (I-AEE) on “India's Energy Transition – Aspirations, Preparedness and Way Forward” which was conducted on 16<sup>th</sup> March, 2022. The key speakers included Dr. R. B. Grover (Padma Shri, Emeritus Professor, HBNI, Fellow of the Indian National Academy of Engineering, Member of Indian Atomic Energy Commission), and Mr. Partha.S. Bhattacharya (Former Chairman, Coal India Ltd, & Former MD, Haldia Petrochemicals Ltd.), Dr. Winfried Damm, (Head of Indo-German Energy programme, (GIZ) GmbH) and Mr. Anurag Pandey, Reliance, (Group Lead, Hydrogen Economy, R&D, Reliance Industries Ltd.).

## Registrations Open for Regulatory Certification Programmes

CER, IIT Kanpur is pleased to announce that registrations for Regulatory Certification Programmes on “Power Sector Regulation: Theory and Practice” and “Power Market Economics and Operation” is now open.

The programme on “Power Sector Regulation: Theory & Practice” will help in understanding and analysing key issues in the power sector from the economic, legal, and regulatory perspectives. “Power Market Economics and Operation” provides insights into the economics and operational aspects of power market, its products, and their role in the Indian power market. These two programmes will be conducted under the aegis of the Centre for Continuing Education (CCE), IIT Kanpur.

For further programme details including key topics, registration fee, resource persons, please visit <https://cer.iitk.ac.in/olet/rcp>



We invite readers to register at CER's web portal to access CER's publications and resource material. This would also help us design CER's activities and deliver a more relevant output by engaging with stakeholders. We also request your inputs on the newsletter and the activities of the Centre.

*Regulatory Insights Team*

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### Other Initiatives



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**Note:** Additional information can be accessed through the hyperlinks provided in the online version of this newsletter.