



Regulations, 2019 and UPERC CRE Regulations 2019 & payment of all applicable charges as per Open Access Regulations, 2019 after adjusting the banking charges in accordance with UPERC CRE Regulations 2019, in case, withdrawal of power is not coinciding with point of injection.”

38 Accordingly, UPSLDC submitted that the aforementioned provision mandates that in the event the captive generating facility intends to supply power to its captive users, where the point of withdrawal of power and the point of injection do not coincide, the same can be done only after complying with the provisions of the UPERC (Terms and Conditions for Open Access) Regulations, 2019 (“**Open Access Regulations**”). It is further submitted that in terms of Regulation 31 of the CRE Regulations, the withdrawal can be done until the (Q +2)th quarter and hence it is beyond dispute that banking and withdrawal of power happens during different time periods.

39 UPSLDC also submitted that whether the withdrawal of power constitutes a separate open access transaction or not, has also to be seen in light of Regulation 2.3 of Schedule B of Open Access Regulations, itself prescribes as follows:

“Schedule-B

Procedure for Short-Term Open Access

2. Registration–

2.3 Any additional power or change in points of injection and/or drawl shall require fresh registration with SLDC including with or without inter-state network.”

As per the submission of UPSLDC, the aforementioned provision and the understanding for requirement of a separate STOA in the event of change in drawl point or quantum was also reiterated by the Hon’ble Commission as well.

Commission’s View

40 It is a known phenomenon that power once injected into the grid cannot be physically identified for any Captive Generating Plant (CGP) or its Captive Users. Identification can be done only by book keeping / energy accounting at the point of injection and withdrawal. Present Open Access Regulations, Forecasting and Scheduling, DSM Regulations and CRE Regulation mandates CGP to give the below schedule on day ahead basis to SLDC:





- a. Entire generation schedule of its plant
- b. Captive User wise schedule for:
 - i. Supply of power including banked energy to be withdrawn for supply to its Captive Users.
 - ii. Power to be banked
- c. Banked power to be withdrawn for its own usage.

Accordingly, the same day ahead scheduling procedure is applied for both supply as well as for banked energy.

- 41 Before analyzing the issue further, it needs to be underlined that Captive Generating Plant has to sign an Open Access agreement, Bulk Power Transmission Agreement (BPTA) with transmission licensees, Bulk Power Wheeling Agreement (BPWA) with Distribution licensee and a banking agreement with UPPCL. After showing the complete architecture of transactions involved in the present case it would be appropriate to reproduce Regulation 31 of the CRE Regulations 2019 and relevant clause of BPTA, BPWA & Banking Agreement to demonstrate the enabling framework of banking and withdrawal facility under CRE Regulations 2019.

Regulation 31 of CRE Regulations 2019

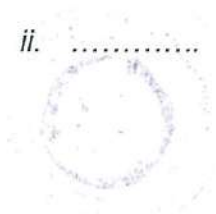
"Banking of Power

(a) Renewable Energy Source based Generation and Co-Generation Plants/Captive RE:

The Renewable energy generating power plants may be allowed to bank power subjected to the following conditions:

- i. *All Renewable energy generating power plants (except for SHP & MSW plants) shall be under ABT mechanism and procedure as mentioned in these regulations, shall apply to them. The Renewable Energy generating power plants (except for SHP & MSW plants) shall provide ABT complaint SEMs, capable of energy accounting for each block of 15 minutes, or as amended from time.*

ii.



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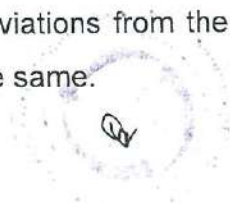


Similarly, Clause 4 of Banking Agreement is reproduced as under:

"the banking as well as withdrawal of banked energy shall be subject to the day ahead scheduling only at the point of injection of power. However, the captive generating facility (including renewal captive generators) may supply banked power to its users in accordance with the UPERC open access regulation 2019 and UPERC CRE Regulations, 2019 after adjusting the banking charges in accordance with UPERC CRE Regulations 2019, in case, withdrawal of power is not coinciding with the power of injection."

- 42 For energy accounting purposes, the energy banked will be returned to CGP at its injection though physical transfer of energy will happen in form of supply of energy from distribution licensee directly to captive user, but its treatment would be as supply of withdrawn energy from the CGP to the captive user in accordance with the Open Access Regulations and BPTA/ BPWA executed with Transmission and Distribution Licensee.
- 43 Accordingly, since the point of injection and point of drawl are not changing in this case and if the quantum for which open access has been granted is not exceeded in any corridor associated with transaction, there should not be any requirement of fresh short term open access for withdrawal of banked energy. However, if there is change in injection or drawl point or the quantum of energy generated, whether supplied and/ or banked, exceeds the sanctioned quantum for open access, there will be requirement for seeking a fresh open access. Needless to mention that the banked energy has to be withdrawn and consumed by the Captive user in accordance with BPWA signed with the distribution licensee to which CGP and Captive user is connected.
- 44 Summarizing the above, the Captive Generating Plant/ Captive Users shall not be required to apply for separate Open Access for availing banked energy
- i. if the injection point and withdrawal points are not getting changed
 - ii. If the quantum of power being generated by CGP either for the purposes of supply and/or banking does not exceed the quantum and time for which open access has been granted.

If there are any deviations from the above, then there will be requirement of fresh open access for the same.





45 While parting with the order, it is worthwhile to summarize the findings of the Commission in the nutshell –

- a. For the purpose of banking and withdrawal, there is no direct correlation of Peak/ Off-Peak hours as stipulated in CRE Regulations 2019 and the TOD structure of retail Tariff Order.
- b. For the purpose of banking and withdrawal of energy, the Commission declares peak period as 18:00 to 24:00 hours and Off-Peak hours as 00:00 to 18:00 hours.
- c. There will be no requirement for signing fresh Open Access agreement if following requirements are met
 - i. if the injection point and withdrawal points are not getting changed
 - ii. If the quantum of power being generated by CGP either for the purposes of supply and/or banking does not exceed the quantum and duration for which open access has been granted.

46 With respect to withdrawal of lapsed banked power, the issue has already been taken up by the Commission in a separate petition (Petition No. 1768 of 2021) in which directions have already been issued to respondent UPPCL to submit response. Since that petition is already in an advanced stage, with respect to this issue, therefore the Commission will prefer to deal with it there. After determination of this issue, in petition 1768 of 2021, if present petitioner feels that it has some issue left then it may prefer filing a separate Petition in the matter.

47 The Petition is hereby disposed of.

(Vinod Kumar Srivastava)
Member

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow

Dated: 01.12.2021



