

Provided further that there shall be no load limitation for captive consumers taking power under Green Energy Open Access.

- 4.3 Any person intending to avail Open Access must have an existing connectivity with the concerned transmission or distribution licensee, in whose system it is connected with, in accordance with applicable rules and regulations. However, for Long-Term Open Access, the Applicant may submit the application for connectivity along with the application seeking Long-Term Open Access.
- 4.4 Any person intending to avail Open Access must have ABT compliant interface meters in line with CEA (Installation and Operation of Meters) Regulations 2006, as amended from time to time. In case the intending Open Access Customer is connected at 33 KV and above voltage level, then it must have a 24x7 control room along with dedicated communication system and real-time on-line data display facilities with SLDC and /or ALDC, as may be decided by SLDC. Any dispute in this regard shall be decided by the Commission. In the SLDC Detailed Procedures the on-line real time information to be displayed will be detailed out.
- 4.5 An Open Access Customer shall be eligible to re-apply for fresh reservation of capacity for Open Access after expiry of his Open Access term, subject to fulfilling the eligibility criteria and all other provisions of these Regulations.
- 4.6 A person against whom judicial proceedings are ongoing for power theft or unauthorized use of electricity, or against whom notice of disconnection has been issued u/s 56 of the Act by any licensee, shall not be eligible for Open Access.
- 4.7 An Open Access Customer having outstanding dues of any Transmission Licensee or Distribution Licensee or Nodal Agency or SLDC against billing for more than one month on account of any head shall not be allowed to avail Open Access, except in case of ongoing litigation on such matter or matter being sub-judice wherein there is an explicit direction by any court of law or ombudsman that such billed amount is not required to be paid subject to other conditions as provided in such applicable directions. Such Open Access will be curtailed after issuance of a notice of three days by SLDC on getting a request from the licensee for such curtailment. Such consumer shall become eligible for Open Access only after clearing his outstanding dues and his Open Access facility will be restored by the SLDC within 24 hours of clearing the outstanding dues.
- 4.8 If an Applicant for Open Access has already been charged and convicted by a court of law for having committed any offence under the Act, his application for Open Access shall be considered only after a competent court of law clears him.
- 4.9 An Open Access Customer, after expiry of his Open Access term, will not have any priority for getting Open Access under any new application for Open Access by virtue of his earlier status of Open Access Customer.
- 4.10 In their application for Open Access, all applicants shall have to indicate the potential hazards concerning public safety in line with the Environment (Protection) Act, 1986 or any other law as applicable. In addition to the above declaration submitted by the Open Access Customer as per the application format, the applicants shall also be required to submit details of such Critical Load including its quantum in a specific format as will be developed in the SLDC Detailed Procedures / STU Detailed Procedures Critical Load. Subject to approval by the SLDC after due consideration of such declaration, the Open Access Customer will be listed for Open Access after ensuring arrangement of Backup Power for the Critical Load, as applicable. In case of issuance of any direction to the Nodal agency by the State Government or Central Government or an appropriate statutory authority or Court of Law on the quantum of Critical Load, the Nodal agency will insist for Backup Power for Critical Loads as per such direction where the disruption of supply may lead to law and order problem or may cause safety hazards and in such case the Open Access Consumer or Consumer drawing power from in-situ generation source not belonging to the distribution licensee with whom it is connected (including Captive Generating Plant) or through dedicated transmission line from generation source not belonging to the distribution licensee with whom it is connected (including Captive Generating Plant), as the case may be, arrangement of Backup Power shall be a condition of eligibility for getting Open Access and such applicant has to ensure that it adheres to the provisions as specified in regulation 12.3 and 15.3(c) of these Regulations.

Provided that if such direction of State Government or Central Government or appropriate statutory authorities or Court of Law has been issued after the open access application of such applicant has been accepted or operationalisation of open access for such applicant then within 7 working days the concerned Open Access Consumer has to issue a consent letter in a format as will be provided in SLDC Detailed Procedures indicating their acceptance of such Critical Load and such consent letter where applicable will be deemed to be a part of the Connectivity Agreement, the Backup Power Agreement and the Open Access Agreement.

Provided also that for the period from date of receipt of such direction and signing of amended agreement or issuance of consent letter the contracted demand of Backup Power will be the Critical Load as has been mentioned in such direction.

Provided further that non-receipt of such consent letter shall render the applicant ineligible for open access and in case the open access has been operationalized the consent for open access will be withdrawn by the Nodal Agency and open access shall be terminated.

- 4.11 The application for Open Access by any consumer shall be only admitted if its latest bill of the distribution licensee to whom it is connected is paid and no dues are reflected in the bill as per sub-section (2) of section 56 of Electricity Act 2003. For this purpose, copy of the bill payment receipt is to be submitted.

Provided that where there is a dispute between the Distribution Licensee and the Consumer relating to any claim of charge for electricity or some other charges for electricity, the application of open access by such consumer shall be admitted upon deposit of the claimed amount with the Distribution Licensee subject to subsequent settlement of said dispute by the Grievance Redressal Forum and subsequently by Ombudsman or any court of law as per Grievance Redressal Regulations.

- 4.12 After admitting the open access application any dues may arise from consumer as per sub-section (2) of section 56 of Electricity Act 2003 in the period between the admission of open access application and operationalization of Open Access based on the approval order of Open Access from nodal agency. To protect such possibility such open access will not be operationalized in any case unless a certificate from Distribution Licensee reaches to SLDC with a copy to the Open Access Consumer that all the dues of the Distribution Licensee are paid specifically mentioning that no dues are pending as per sub-section (2) of section 56 of Electricity Act 2003 prior to operationalization of Open Access within three working days after getting notice for operationalization of Open Access by the Distribution Licensee from SLDC.

Provided that where there is a dispute between the Distribution Licensee and the Consumer relating to any claim of charge for electricity or some other charges for electricity, the application of open access by such consumer shall be admitted upon deposit of the claimed amount with the Distribution Licensee subject to subsequent settlement of said dispute by the Grievance Redressal Forum and subsequently by Ombudsman or any court of law as per Grievance Redressal Regulations.

- 4.13 If the consumer does not pay the dues as per the orders of the Grievance Redressal Forum or Ombudsman or court of law as applicable in pursuance to the provisions in the proviso of regulation 4.11 and 4.12 of these regulations then Open Access will be cancelled.

5. Special Provisions for Existing Distribution Licensees

A Distribution Licensee using intra-State transmission lines and / or the distribution systems and associated facilities with such lines and systems in the State on the Effective Date under an existing agreement shall be entitled to continue to avail Open Access on such transmission and distribution systems along with the associated facilities on the terms and conditions of the Open Access Agreement and on payment of applicable charges as may be determined by the Commission from time to time subject to conditions as specified in regulation 3.2 of these Open Access Regulations.

However, where the Distribution Licensee is using such facilities not under an existing agreement but through an informal arrangement then a formal agreement for Open Access and connectivity needs to be signed by the Distribution Licensee immediately, not later than one month from the date of publication of these Regulations, on such terms and conditions in line with the existing arrangement and in conformity with these Open Access Regulations and subject to payment of such transmission charges and wheeling charges as may be determined by the Commission