

**PUBLISHED IN THE KOLKATA GAZETTE, EXTRA ORDINARY, PT.I DATED  
AUGUST 10, 2010 VIDE NO. WB (Part-I)/2010/SAR-460**

**WEST BENGAL ELECTRICITY REGULATORY COMMISSION**

**NOTIFICATION**

**No. 47/WBERC**

**Kolkata, the 10<sup>th</sup> August, 2010**

In exercise of the powers conferred by sub-section (1) and clause (zp) of sub-section (2) of section 181 read with clause (e) of sub-section (1) of section 86 of the Electricity Act, 2003 (36 of 2003) and all powers enabling it on that behalf and in supersession of notification No.39/WBERC dated 25<sup>th</sup> March, 2008 published in the Kolkata Gazette, Extraordinary dated 25<sup>th</sup> March, 2008, the West Bengal Electricity Regulatory Commission hereby makes the following regulations:-

**1.0 Short title, extent and commencement:**

- i) These regulations may be called the West Bengal Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy) Regulations, 2010.
- ii) They extend to the whole of the West Bengal.
- iii) They shall come into force on the date of their publication in the Official Gazette.

**2.0 Definitions:**

2.1 In these regulations, unless the context otherwise requires,—

- (a) 'ABT' means Availability Based Tariff as defined in the Tariff Regulations;
- (b) The 'Act' means the Electricity Act, 2003;
- (c) 'ALDC' means Area Load Despatch Centre as defined in the State Grid Code;

- (d) 'Bio-gas plant' means a power plant generating electricity by using fuel produced through anaerobic digestion of wet biomass;
- (e) 'Biomass' means waste produced during agricultural and forestry operations (for example straws and stalks) or produced as a by-product of processing operations of agricultural produce (e.g., husks, shells, deoiled cakes, etc.), wood produced in dedicated energy plantations or recovered from wild bushes/ weeds and the wood waste produced in some industrial operations;
- (f) 'Commission' means the West Bengal Electricity Regulatory Commission;
- (g) 'DPL' means the Durgapur Projects Limited;
- (h) 'DVC' means the Damodar Valley Corporation established by the Damodar Valley Corporations Act, 1948;
- (i) 'KV' means Kilo Volt;
- (j) 'KVARh' means reactive energy in Kilo Volt Ampere hour;
- (k) 'kWh' means active energy in Kilo Watt hour;
- (l) 'Licensee' means a person who has been granted a licence under section 14 of the Act for distribution of electricity and includes a deemed licensee for supply of electricity under first, fourth and fifth provisos to section 14 of the Act;
- (m) 'MNRE' means Ministry of New and Renewable Energy of the Government of India;
- (n) 'MOU' means the Memorandum of Understanding entered into between the seller / developer and the licensee;
- (o) 'MSW power plant' means the power plant that generates electricity by utilizing municipal solid waste as fuel for generation of electricity;

- (p) 'MW' means Mega Watt;
- (q) 'Nodal Agency' means SLDC or ALDC of respective licensees;
- (r) 'Open Access Regulations' means the regulations as defined in the Tariff Regulations;
- (s) 'PPA' means the Power Purchase Agreement between two agencies for purchase / sale of power;
- (t) 'Renewable source' means renewable electricity generating sources such as small / mini / micro hydel project up to 25 MW capacity, wind, solar, biomass based on 100% producer gas on combustion route, urban / municipal waste, industrial waste, geothermal, tidal, ocean thermal energy conversion (OTEC) or other such sources as approved by the MNRE;
- (u) 'SLDC' means the State Load Despatch Centre;
- (v) 'Solar PV power plant' means the Solar Photo Voltaic Power plant that uses sunlight for direct conversion into electricity through Photo Voltaic technology;
- (w) 'STU' means State Transmission Utility;
- (x) 'State' means the State of West Bengal;
- (y) 'Tariff Regulations' means the regulations made by the Commission under section 61 of the Act;
- (z) 'TOD' means the Time-of the-Day;
- (za) 'Transmission licensee' means a person who has been granted a licence under section 14 of the Act for transmission of electricity and includes a deemed licensee for transmission of electricity under first, fourth and fifth provisos to section 14 of the Act;

(zb) 'UI' means Unscheduled Interchange;

(zc) 'WBERC' means the West Bengal Electricity Regulatory Commission;

(zd) 'WBREDA' means the West Bengal Renewable Energy Development Agency;

(ze) 'WBSEDCL' means the West Bengal State Electricity Distribution Company Ltd.

2.2 Words and expressions used and not defined in these regulations but defined in the Act shall have the meanings respectively assigned to them in the Act.

3.0 **Quantum of Purchase of Electricity from Cogeneration and Renewable Sources of Energy:**

3.1 All efforts shall be made to meet the targets, in the table below for purchase of electricity by the licensees from cogeneration and renewable sources, expressed as percentage of their total consumption of electricity in a year during the years 2010 – 11 to 2012 – 13.

year	Licensees				
	WBSEDCL %	CESC Ltd %	DPL %	DPSC Ltd %	DVC %
2010-11	2	2	2	2	2
2011-12	3	3	3	3	3
2012-13	4	4	4	4	4

The quantum of renewable purchase obligation indicated hereinbefore is with regard to the energy input in the system of a licensee after adjustment of losses. For subsequent years the increase shall be by 1% each year till 10% of the total consumption of electricity in the area of supply of a licensee is reached or the Commission fixes some other percentage of total consumption.

3.2 Purchase obligations for the licensees as specified in regulation 3.1 of these regulations are mandatory minimum percentages of purchase to be maintained by

the licensees. The licensees shall have the option to purchase in excess of target with the prior approval of the Commission.

- 3.3 The buyer licensee shall indicate the proposed quantum of purchase of energy from cogeneration and renewable sources for each ensuing year of a control period in the application for determination of Tariff for a control period or Annual Performance Review for a base year or an ensuing year duly indicating the sources of purchase.
- 3.4 The buyer licensee shall generally source the proposed quantum of electricity from cogeneration and renewable sources within the State. If, however, any licensee of the State is not able to meet the requirements of purchase obligation in a year from the cogeneration and renewable sources located in the State, it shall have the option of procuring the balance quantum of energy from cogeneration and renewable sources from outside the State:

Provided that the purchase rate for such quantum of energy from cogeneration and renewable sources procured from outside the State including transmission and wheeling charges of intervening system / systems does not exceed the capped price in terms of regulation 5.0 of these regulations at the boundary of the buyer licensee. Such quantum of energy from cogeneration and renewable sources purchased from sources located outside the State shall be counted towards fulfillment of purchase obligation of the aforementioned licensee of the state.

- 3.5 The metering point at which a licensee shall purchase energy from cogeneration and renewable sources shall be the delivery point as per regulation 6.1 of these regulations.
- 3.6 For the purpose of counter checking and monitoring of the fulfillment of purchase obligation of each licensee, the licensee shall report the quantum of energy purchased from cogeneration and renewable sources including energy consumed from such sources by open access customers and consumers using such energy from captive plant(s) in its own premises or purchased through open access during

the last financial year with the application for determination of Tariff for a control period or Annual Performance Review for a base year or an ensuing year.

- 3.7 Energy from cogeneration and renewable sources generated within the State and used for captive purposes within the State shall be taken into account for computing the achievement of purchase target of a licensee in whose licensed area such captive use of energy from cogeneration or renewable sources is made provided the licensee submits the necessary details of such use to the Commission each year. In case of captive use through open access, the quantum of energy wheeled through the system of the licensee in whose area such energy is consumed through open access shall also be taken into account as the achievement of purchase target for that licensee. Consumers using captive energy produced from co-generation and renewable sources either produced in its own premises or purchased through open access shall submit every month the quantum of energy consumed from such sources separately to the licensee in whose licensed area it is situated.
- 3.8 While contracting power purchase from cogeneration or renewable sources, the priority for purchase shall be on the basis of the comparative price of energy and availability from cogeneration and other renewable sources in a transparent manner through negotiation within the capped price specified under regulation 5.0 of these regulations until purchase targets in terms of regulation 3.1 of these regulations are achieved by a licensee. Thereafter, the licensee shall procure such power through competitive bidding within the capped price specified under regulation 5.0 of these regulations. For this purpose competitive bidding should be done every year through wide publicity including advertisements in the news papers. However, where competitive bidding route is used according to guide lines issued by the Central Government in pursuance of section 63 of the Act, the price will be as per the competitive bidding.
- 3.9 A licensee shall keep the Commission informed about its status against purchase target as mentioned in regulation 3.1 of these regulations by April every year for the previous year indicating the quantum of energy procured and its sources along

with reasons, if any, for non-achievement of purchase target. Failure to provide such information shall be considered as violation of this regulation.

#### **4.0 Determination of Tariff of Electricity from Cogeneration and Renewable Source:**

4.1 Tariff for purchase of electricity from cogeneration and renewable sources shall be agreed mutually by the licensees and the suppliers at a level not above the price capped indicated by the Commission in these regulations.

4.2 To facilitate examination of reasonableness of price at which a licensee shall procure energy from cogeneration and renewable sources, the prospective purchaser may require the seller to submit all cost data and finance charges to the purchaser. MOU/PPA shall also include the terms and conditions of meter-reading, meter-rent, billing, payment, payment security arrangements, rate of delayed payment surcharge etc. MOU / PPA as agreed between the seller and the purchaser shall be submitted to the Commission. The Commission at this stage does not debar a licensee from agreeing to a negotiated price within the capped price. However, competitive price within the capped level will be a preferred alternative. The Commission may accept the same for the present if the PPA is made as per these regulations. PPA, if any, entered into between the seller / developer and purchaser before the Act came into force and also the PPA already executed based on earlier Regulations of the Commission on cogeneration and generation of electricity from renewable sources made under Notification No. 28/WBERC dated 04.05.2006 or Notification No. 39/WBERC dated 25.03.2008 shall remain valid so far it is not inconsistent with the provisions of these regulations. However, the licensee shall not decline to purchase energy from such sources within the specified capped price as per these regulations from the existing units who have already covered the validity period of the capped price as was indicated in the earlier Regulations of the Commission until the minimum purchase obligation is achieved each year provided that connectivity and all other conditions are consistent with these regulations.

## **5.0 Price Capping for Energy from Cogeneration and various Renewable Sources:**

### **5.1 (i) Bio-mass**

The price at which the renewable energy from biomass source can be sold to a licensee is capped at Rs. 4.36 per kWh and shall remain fixed for ten years from the date of coming into force of these regulations. The Commission may re-fix the capped price and validity period along with the rate of escalation suo motu in consideration of information from market sources. Fuel for power generation from bio-mass source shall be generally rice husk or bio-mass made available by additional energy plantation undertaken by the owner of bio-mass plant. A maximum fuel mix of 15% conventional fossil fuel shall be allowed on yearly basis. The project developer shall furnish monthly fuel usage statement for each month along with monthly energy bill to the beneficiary. The statement shall include quantity of fuel consumed for each fuel type during the month, actual gross energy generation during the month, opening fuel stock quantity for each type of fuel in the beginning of the month, receipt of fuel quantity for each fuel during the month etc. At the end of the year a statement of audited accounts of fuel usage for each financial year certified by a Chartered Accountant shall be submitted to the beneficiary and any discrepancy noted by the beneficiary shall be brought to the notice of the Commission. Non-compliance with the condition of fossil fuel usage by the project developer shall result in withdrawal of applicability of tariff as per these regulations.

### **(ii) Wind**

For wind energy, the price cap shall be at Rs.4.87 per kWh for ten years from the date of coming into force of these regulations.

**(iii) Small Hydro**

For energy from small hydel projects, the price cap is fixed at Rs.3.64 per kWh for five years from the date of coming into force of these regulations.

**(iv) Cogeneration**

The price cap for bottoming cycle non-fossil fuel based co-generation plant shall be Rs.2.55 per kWh and the same shall remain in force for five years from the date of coming into force of these regulations.

**(v) Solar PV**

- (a) Licensees purchasing power from eligible grid connected Solar PV power plants of capacity ranging from 100 KW and upto 2 MW if set up either on the ground or on the top of a building in the licensed area of supply of a licensee shall avail generation based incentive as per guide lines dated 16.06.2010 of MNRE. The capped price of energy from such plants shall be Rs. 16.13/ kWh and shall remain valid for 25 years. The capped price of energy for grid connected Solar PV power plants (including those plants which are availing accelerated depreciation benefit under section 32 of the Income Tax Act, 1961) which are not eligible for any incentive declared by MNRE shall be Rs. 16.13/ kWh for sale to the licensees and such tariff will be applicable for the grid connected Solar PV power projects commissioned upto 2012-13 and shall remain valid for 25 years. The capped price of energy and period of validity for grid connected Solar PV power plants (including those plants which are availing accelerate depreciation benefit under section 32 of the Income Tax Act, 1961) which are commissioned after 2012-13 shall be specified on receipt of detailed information and proposal. If at any stage in future such Solar PV power plants which are ineligible to avail the generation based incentive, becomes eligible for any incentive declared by MNRE or by State or Central Government, the Commission may review the capped price of Rs.

16.13/ kWh or any other capped price for the plants commissioned after 2012-13, as the case may be, for sale to the licensees and fix a new capped price duly taking into consideration the allowable incentive to such Solar PV power plants. Tariff for grid connected Solar PV power plants of capacity ranging from 250 KW and upto 5 MW already commissioned and availing generation based incentive of MNRE, shall continue to be guided as per PPA already made out as per the Commission's earlier Regulations on cogeneration and generation of electricity from renewable sources made under Notification No. 39/WBERC dated 25.03.2008. Any incentive received by a licensee from MNRE on this account shall be passed on to its purchasers of electricity. The total purchase of energy of a licensee from grid connected Solar PV source in a financial year shall be limited in such a manner that the impact of purchase of such energy on the average cost of supply of the licensee as determined by the Commission in the respective tariff order of the year is not more than 2 paise / kWh in a year. Each proposal for addition of grid connected Solar PV power plant to the licensee's system will be examined and monitored by the licensee itself and the Commission is to be informed by the licensee about the aforesaid impact of cumulative capacity of solar PV projects in its licensed area on the average cost of supply of the licensee on the basis of actual data of a full financial year before finalizing any PPA or MOU with the developer of such solar PV power plant in the aforesaid area of supply of the licensee.

- (b) Roof-top Solar PV sources of capacity ranging from 2 KW (peak) and above but below 100 KW (peak) can be installed for injecting into the distribution system of a licensee only by such institutional consumer(s) like Government hospitals and health centres, hospitals and health centres owned and run by any private charitable organization, Government and Government aided schools and academic institutions, Government offices and organizations, any housing complex already promoted for this purpose by Government or any Government agency for

the development of renewable sources, local bodies like municipalities, panchayats and cooperative societies of consumers located in the same premises. Such injection from roof-top solar PV sources of the above mentioned consumer(s) shall not be more than 90% of the consumption from the licensee's supply by the above mentioned consumer(s) in a financial year. Such injection from roof-top solar PV sources of the above mentioned consumer(s) shall be settled on net energy basis at the end of each financial year. Any excess energy injected by the above mentioned consumer(s) from the roof-top solar PV sources being more than the 90% of the consumption of energy by that consumer(s) from the licensee's supply in each billing period shall be carried over to the next billing period within that financial year. Slab tariff, as per tariff order, shall be applicable for the net energy supplied by the licensee in a billing period if the supplied energy by the licensee is more than the injected energy by the roof-top solar PV sources of the consumer(s) after taking into account the quantum of energy, if any, carried forward from earlier billing period(s) of that financial year. If in a billing period the supplied energy by the licensee is less than or equal to energy injected by the roof-top solar PV sources of the consumer(s) after adding the cumulative carried over injected energy from previous billing periods of that financial year the billed amount for energy will be nil for that billing period(s). At the end of the financial year, if the total energy supplied by the licensee to the consumer(s) for that financial year is found to be less than the energy injected by the roof-top solar PV sources of that consumer(s) for that financial year, the licensee shall not pay any charge to the consumer(s) for that net energy injected by the consumer(s), in excess of 90% of consumption of that consumer(s) from the licensee's supply in that financial year and the same shall be treated as unwanted / inadvertent injection. At the beginning of each financial year, cumulative carried over injected energy will be reset to zero. Payment in a billing period by the consumer(s) (owning roof-top solar PV sources) to the licensee shall be guided by the provisions of the regulations made by the Commission

under section 50 of the Act. For each billing period in a financial year the licensee shall show the quantum of injected energy from roof-top Solar PV sources in the billing period, supplied energy from its source in the billing period, net billed energy for payment by the consumer for that billing period and net carried over energy to the next billing period separately. Any delay in payment shall attract surcharge at the agreed rate. The MOU / PPA to be signed between the licensee and developer of such roof-top Solar PV sources shall include necessary terms and conditions of meter reading, meter-rent, billing, payment, payment security arrangements, rate of delayed payment surcharge etc. However, meter-rent applicable for each meter shall not be higher than the meter-rent as applied for the developer as consumer.

**(vi) MSW**

The price at which the electricity generated through combustion route by directly using the Municipal Solid Waste (MSW) as fuel or by utilizing land fill gas can be sold to a licensee is capped at Rs.4.50 / kWh and shall remain fixed for a period of ten years from the date of coming into force of these regulations. Fuel for power generation from Municipal Solid Waste shall be generally from the garbage supplied by a municipality free of cost. A maximum fuel mix of 15% conventional fossil fuel shall be allowed on yearly basis for generation of electricity through combustion route. The project developer shall furnish monthly fossil fuel usage statement and audited accounts figure of fuel used in similar manner as specified under Biomass generation in regulation 5.1(i) of these regulations.

**(vii) Bio-gas**

Electricity generated from Bio-gas Plant can be sold to the licensee at a capped price of Rs.5 / kWh and shall remain fixed for a period of five years from the date of coming into force of these regulations. Fuel for power generation from bio-gas plant shall be the gas produced by fermentation of cowdung in a multistage process through the activity of anaerobic micro-organisms.

- 5.2 All price caps as specified in these regulations shall exclude all applicable taxes but include cost of connectivity through suitably connected line upto the delivery point.
- 5.3 The Commission may, at any time, review the period of capped price, mentioned in these regulations, if necessary.
- 5.4 The above capped price shall be applicable for the new units which will be in operation after issue of these regulations and also for existing units who have already covered the validity period of the capped price as was indicated in the Commission's earlier Regulations on cogeneration and generation of electricity from renewable sources made under Notification No. 28/WBERC dated 04.05.2006 or 39/WBERC dated 25.03.2008.
- 5.5 For an existing bio-mass plant a new rate may be agreed to by the purchaser by allowing 5% increase each year on the fuel cost which was considered in the detailed project report or was existing at the time of commissioning of the plant whichever is less. The vendor shall submit all documentary evidence in support of its request:
- Provided that the aforesaid new rate decided for such existing units shall not exceed the capped price as per these regulations:
- Provided also that the aforesaid new rate shall be applicable not earlier from the date of issue of these regulations and shall remain valid for ten years from the date of implementation.
- 5.6 Renovation and Modernization (R&M) of the existing plants, if considered necessary after completion of at least 70% of their expected life, can be taken up. The developer shall submit details of work with cost break up and cost benefit analysis to the purchaser. The purchaser may allow the seller to capitalize the R&M cost and agree to a new rate:

Provided that the aforesaid new rate after capitalization of R&M cost shall not exceed the capped price as per these regulations and shall remain valid for the residual useful life.

## 6.0 **Connectivity:**

- 6.1 The cogeneration and renewable energy sources excepting roof-top Solar PV and bio-gas sources shall be connected to the State Grid at a voltage level of 132 KV or 66 KV or 33 KV or 11 KV or 6 KV subject to technical suitability determined by the licensee. If any dispute arises about the technical suitability of connection of such sources with the grid, the matter shall be referred to the Commission whose decision in this regard shall be final. The delivery point shall be the nearest grid sub-station having 132 KV / 66 KV / 33 KV / 11 KV / 6 KV voltage level. Synchronization point shall, however, remain at the power station end with all protection and inter-lock as agreed between the licensee, STU and developer. Such connectivity shall also be provided for use of licensee's system under open access. More than one such projects established by the same developer located near each other are to be clustered together as far as possible in order to avail connectivity with the grid sub-station.
- 6.2 Roof-top Solar PV sources of capacity as mentioned in regulation 5.1(v)(b) of these regulations shall be allowed connectivity at LV or MV or 6 KV or 11 KV of the distribution system of the licensee as considered technically and financially suitable by the licensee and the developer. If any dispute arises about connectivity of such sources with the grid, the matter shall be referred to the Commission whose decision in this regard shall be final. Supply of electricity to the consumer(s) from the licensee's sources and that to the licensee's distribution system from the roof-top Solar PV sources shall be measured either by two separate meters, the readings of which shall be used in each billing period for settlement on net basis as specified in regulation 5.1(v)(b) of these regulations or alternatively by an export-import type meter suitable for directly measuring the net exchange. The meter for measuring the energy injected from Solar PV sources shall be provided by the licensee against applicable meter rent along with the

connection of the meter upto the nearest technically suitable point in the distribution system of the licensee. The connectivity from the roof-top Solar PV sources upto the meter shall be at the cost and responsibility of the consumer(s) and shall be in accordance with the guidance of the licensee so that the licensee's distribution system is not affected by any fault in the system owned by the consumer(s).

- 6.3 Bio-gas Plants, if connected to the distribution system, shall be connected at 415 V, 3 phase or at 6 KV or 11 KV of the distribution system of the licensee according to the technical suitability examined by the licensee.
- 6.4 Communication system between grid sub-station and generating station shall be developed by the developer / developers at its / their cost. Protection schemes shall be examined by the licensee to suit the requirements. Developers of cogeneration and renewable energy sources shall abide by all applicable codes, rules, regulations etc. in regard to operational and commercial practices.
- 6.5 Wherever cogeneration and renewable energy sources have already been connected to the State Grid at a voltage level lower than the voltage level specified in these regulations and wherever such State Grid connection causes any bottleneck in capacity addition or causes avoidable discontinuance of generation or low voltage during peak hours or frequent outage of line or insufficient redundancy, such grid connection shall be converted into suitable voltage level preferably with double circuit line and cost for such conversion shall be borne by the developer.

#### **7.0 Despatch Principle and mismatch/ Unscheduled Interchange charges**

- 7.1 All renewable energy power plants except biomass power plants, non-fossil fuel based co-generation plants and Municipal Solid Waste (MSW) plants with capacity of 10 MW and above shall be treated as 'Must Run' power plants and shall not be subjected to 'merit order despatch' principles. Must Run power plants/ open access customers purchasing power from Must Run power plants shall submit a 24 hours day ahead schedule to the Nodal Agency on mutually agreed time block (TOD

basis) for operational convenience. No mismatch / Unscheduled Interchange charges will be payable for such power plants.

7.2 The biomass power plants, non-fossil fuel based co-generation plants and Municipal Solid Waste (MSW) plants with capacity of 10MW and above and open access customers of these plants shall come under ABT mode of operation. A 24 hours day ahead schedule shall be submitted as per ABT mode of operation to the Nodal Agency as per the State Grid Code. Unscheduled / mismatch charges for deviation from the schedule shall be paid weekly as per rate as specified in the Tariff Regulations. The modalities regarding revision of schedule, billing and payment mechanism shall be in accordance with the State Grid Code and Tariff Regulations.

#### 8.0 **CDM Benefits:**

The proceeds of carbon trading from approved Clean Development Mechanism (CDM) projects shall be shared between a generating company and concerned beneficiaries in accordance with the Tariff Regulations.

#### 9.0 **Open Access for Cogeneration and Renewable Sources of Energy:**

Any person generating electricity from cogeneration or renewable sources shall have open access, subject to availability of adequate transmission facility to any transmission licensee's system within the State on payment of various charges as specified.

#### 9.1 **Charges for Open Access.**

9.1.1 All open access charges shall be payable as per Open Access Regulations and Tariff Regulations except meter rent, meter reading and other related charges.

9.1.2 Meter rent and meter reading and other related charges shall be paid by an open access customer at the rate of 0.75 paise / unit of monthly energy reading per month subject to a minimum of Rs. 500/- and maximum of Rs. 2,000/- per month and shall be paid to the licensee who is rendering such service.

## 9.2 **Transmission Charges:**

Transmission charges payable for open access availed by cogeneration and renewable energy sources shall be two-third of the rate of such charges applicable for open access customers for long term and short term open access as determined in relevant tariff order.

## 9.3 **Wheeling Charges:**

Wheeling charges applicable for use of distribution system or associated facilities of a licensee by open access customers for conveyance of electricity from cogeneration and renewable energy sources shall be either one-third of the wheeling charges calculated as per tariff order under Tariff Regulations or cost of 7.5% of the energy fed to the grid irrespective of the distance of wheeling, whichever is higher.

## 9.4 **Reactive Energy Charges:**

Reactive energy charges will be payable as per Open Access Regulations for all co-generation and renewable sources of power generation except for wind power generation. For wind power the rate will be three times the rate of the reactive energy charges specified in Open Access Regulations.

## 9.5 **Other charges for Open Access:**

All other charges for open access shall be in terms of Open Access Regulations.

## 10.0 **Procedure to be followed for Cogeneration and Renewable Energy Sources:**

10.1 After preliminary discussions with the buyer licensee, the developer shall submit full details of the project along with cost data and finance charges and tariff for direct sale to the licensee. Copies of the details shall be sent by the developer to WBREDA for site suitability check up, technological clearance and eligibility criteria verification.

- 10.2 The buyer licensee shall examine the tariff proposal in the light of price reasonableness, impact on consumer tariff and the price cap specified in these regulations.
- 10.3 MOU / PPA shall be signed between the developer and the purchaser. In case of open access, the transmission and / or wheeling agency shall also be a party to the MOU / PPA. In the MOU / PPA details of connectivity, completion of project and commencement of supply, periods of supply (month wise), time of supply (peak / off peak), technical and commercial obligation, security and modes of payment of each party, etc. in line with these regulations shall be suitably incorporated. The MOU / PPA, as agreed and signed, shall be submitted to the Commission.
- 10.4 Any person generating electricity from cogeneration or renewable sources shall abide by all applicable Codes/ Regulations/ Rules and instructions given by SLDC and/or ALDC as applicable from time to time.

**11.0 Power to Amend:**

The Commission may from time to time add, vary, alter, modify or amend any provisions of these regulations.

**12.0 Power to Remove Difficulties:**

The Commission may suo motu or on an application from any person generating electricity from cogeneration or renewable sources or a buyer licensee, review these regulations and pass appropriate orders to remove any difficulty in implementing the provisions of these regulations.

**13.0 Repeal and Saving:**

- 13.1 The West Bengal Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy) Regulations, 2008 issued under Notification No.39/WBERC dated 25.03.2008 and published in the Kolkata Gazette Extraordinary Part I dated 25.03.2008 are hereby repealed.

13.2 Notwithstanding such repeal, anything done or any action already taken under the repealed Regulations, shall in so far as it is not inconsistent with these Regulations, be deemed to have been done or taken under the corresponding provisions of these Regulations.

**By Order of the Commission**

**Place: Kolkata**

**Date: 10.08.2010**

**(K. L. BISWAS)**

**Secretary of the Commission**