

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION

NOTIFICATION

The 2nd September, 2013

No. PSERC/Secy/Reg/87 In exercise of the powers conferred under Section 42 read with Section 181 of the Electricity Act, 2003 (36 of 2003) and all powers enabling the Commission in this behalf, the Punjab State Electricity Regulatory Commission hereby amends the Punjab State Electricity Regulatory Commission (Terms & Conditions for Intra-state Open Access) Regulations, 2011.

1. **Short Title and Commencement:**

- (1) These Regulations shall be called the Punjab State Electricity Regulatory Commission (Terms & Conditions for Intra-state Open Access) (3rd Amendment) Regulations, 2013.
- (2) These Regulations shall come into force from the date of their publication in the official Gazette of the State.

2. **Amendment to Regulation 3(1) - Definitions**

A new definition (cc) shall be added as under:

- (cc) **“Unauthorized Open Access Power Transaction”** shall mean open access availed by an open access customer for sale / purchase of power by indulging in any wrongful action or unfair means such as forgery, tampering with records, misrepresenting or concealing facts etc., which may or may not affect the eligibility for availing open access by the open access customer.

3. **Amendment to Regulation 31 – Imbalance Charge**

A new clause 31(5) shall be added as under:

31(5) **Quantum of penalty in the event of unauthorized open access power transaction:**

- a) In case of any unauthorized open access power transaction of purchase of power by a medium term / short term open access customer who is a consumer of the distribution licensee also, no financial benefit, whatsoever, shall be given to the medium term / short term open access customer, i.e. the power purchased under

open access by the medium term / short term open access customer, shall not be deducted from the total power consumption of such customer. The power purchased by the medium term / short term open access customer during such unauthorized open access period shall be treated as utility power and billed to the open access customer accordingly as per the applicable tariff.

- b) In case of any unauthorized open access power transaction of purchase of power by a medium term / short term open access customer who is not a consumer of the distribution licensee, the power purchased under open access by the medium term / short term open access customer shall be treated as over drawl of power and shall be charged at imbalance charges as per Regulation 31(1)(a).
- c) In case of any unauthorized open access power transaction of sale of power by a medium term / short term open access customer, the power injected by the generator / seller shall be treated as dumped power, and the cost of power scheduled by the generator / seller shall be realized / recovered from the generator / seller at imbalance charges as per Regulation 31(3)(b).
- d) The open access charges i.e. Intra-state transmission & wheeling charges and SLDC operation charges and any other charges towards such unauthorized open access power transaction, as realized through power exchange/RLDC/Licensee, shall be forfeited, as a measure of penalty on account of flow of unauthorized power on transmission system and/or distribution system. However, the cross-subsidy surcharge will not be charged and shall be refunded, if already charged.
- e) The open access customer indulging in unauthorized open access power transaction shall be debarred from availing open access for a period of 6 (six) months from the date of such offence coming to the notice of Nodal Agency/SLDC/Licensee for the first such offence and for 1 (one) year for the subsequent offence(s).

Sd/-
(P.P. Garg)
Secretary