

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Dated: 18th February, 2021

Notification

No. L-1/42/2010-CERC- In exercise of powers conferred under Section 178 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf and after previous publication, the Central Electricity Regulatory Commission hereby makes the following regulations to amend the Central Electricity Regulatory Commission (Regulation of Power Supply) Regulations, 2010 (hereinafter referred to as “the Principal Regulations”) namely:

1. Short Title and Commencement:

- (1) These regulations may be called the Central Electricity Regulatory Commission (Regulation of Power Supply) (First Amendment) Regulations, 2021.
- (2) These regulations shall come into effect from the date of their publication in the Official Gazette.

2. Amendment to Regulation 2 of the Principal Regulations:

- (1) Sub-clause (c) of Clause(1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(c) "Beneficiary" means the person (i) who has been allocated electricity from a Central Generating Station; or (ii) who is being supplied electricity generated from a generating station whose tariff is determined or adopted by the Commission; or (iii) who is availing long term access or medium-term open access to inter-State transmission system; or (iv) who is a user of the inter-State transmission system”

(2) Sub-clause (d) of Clause (1) of Regulation 2 of the Principal Regulations titled as "Defaulting Entity" shall be renumbered and substituted as under:

"(d-i) "Defaulting entity" means the beneficiary which has defaulted in making payment by due date to a generating company or a transmission licensee or in maintaining Letter of Credit or any other agreed Payment Security Mechanism in terms of the Agreement or the applicable Regulations, as the case may be;"

(3) Sub-clause (e) of Clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

"(e)"Default Trigger Date" for regulation of power supply, shall be:

i) the next working day after the due date, in case of non-payment of outstanding dues; and

ii) the third working day after the Letter of Credit or the agreed Payment Security Mechanism has expired, in case of non-maintenance of Letter of Credit or any other agreed Payment Security Mechanism."

(4) New sub-clause (e-i) shall be added after sub-clause (e) of Clause (1) of Regulation 2 of the Principal Regulations as under:

"(e-i) "Due date" for payment of dues shall be:

i) as specified in Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 as amended from time to time, in respect of inter-State transmission system; or

ii) 45th day from date of presentation of bills in respect of generating companies regulated under the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2019, as amended from time to time; or

iii) as per provisions of the respective Agreements for entities not covered

under sub-clauses (i) and (ii) above.”

(5) Sub-clause (g) of Clause (1) of Regulation 2 of the Principal Regulations shall be substituted as under:

“(g) "Outstanding dues" means the dues of a generating company or of a transmission licensee, which remain unpaid by the beneficiary beyond the due date.”

(6) Sub-clause (j) of Clause (1) of Regulation 2 of the Principal Regulations shall be deleted.

(7) A new clause (1A) shall be added before Clause (2) of Regulation 2 of the Principal Regulations as under:

“(1A) Reference to “transmission licensee” in these regulations shall include the Central Transmission Utility which has been authorized under the Central Electricity Regulatory Commission (Sharing of inter-State Transmission Charges and Losses) Regulations, 2020 for billing, collection and disbursement of transmission charges for inter-State transmission system.”

3. Amendment to Regulation 3 of the Principal Regulations:

(1) Regulation 3 of the Principal Regulation shall be substituted as under:

“3. Scope and Applicability: These Regulations shall be applicable to generating station, inter-State transmission system and beneficiary, where there is a specific provision in the Agreement between generating company and beneficiary or between transmission licensee and beneficiary, as the case may be, or in any other Regulations of the Commission, for regulation of power supply in case of non-payment of outstanding dues or non-maintenance of Letter of Credit or any other agreed Payment Security Mechanism.”

4. Amendment to Regulation 4 of the Principal Regulations:

(1) The words “or applicable Regulations” shall be added after words “as per the Agreement” in Regulation 4 of the Principal Regulations.

(2) In third proviso under Regulation 4 of the Principal Regulations, the word “further” shall be substituted with the word “also”.

5. Amendment to Regulation 5 of the Principal Regulations:

(1) Regulation 5 of the Principal Regulations shall be substituted as under:

“5. A copy of the notice under Regulation 4 shall be forwarded by the Regulating Entity to the Regional Load Despatch Centre or State Load Despatch Centre in whose control area the Regulating Entity is situated with a request to prepare implementation plan. Copies of the said notice and request shall be served by the Regulating Entity on other concerned Regional Load Despatch Centres, State Load Despatch Centres, Regional Power Committees and the Defaulting Entity. The said notice and request shall also be posted on the website of the Regulating Entity at least three (3) days in advance of the proposed date of commencement of regulation of power supply:

Provided that the Regulating Entity shall undertake to indemnify, defend and save the concerned Regional Load Despatch Centre, State Load Despatch Centre and hold them harmless from any and all damages, losses, claims and actions, demands, suits, recoveries, cost and expenses, court costs, attorney fees, and all other obligations by or to third parties arising out of or resulting from the regulation of power under these regulations.”

6. Amendment to Regulation 6 of the Principal Regulations:

(1) In Regulation 6 of the Principal Regulations, the word ‘Regulated’ shall be substituted with the word “Defaulting”.

7. Amendment to Regulation 8 of the Principal Regulations:

(1) In Regulation 8 of the Principal Regulations, the word ‘cancellation’ shall be substituted with the words “withdrawal or postponement”.

8. Amendment to Regulation 10 of the Principal Regulations:

(1) In Regulation 10 of the Principal Regulations, the word and figure "Regulation 17" shall be substituted with the word and figure "Regulation 19".

9. Amendment to Regulation 11 of the Principal Regulations:

(1) Clause (1) of Regulation 11 of the Principal Regulations shall be substituted as under:

"During the period of regulation of power supply, the Regulated Entity shall restrict its drawal or injection to the revised schedule given by the Load Despatch Centre and the deviations, if any, from the drawal or injection schedule shall be settled in accordance with provisions of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and related matters) Regulations, 2014 as amended from time to time."

10. New Regulation after Regulation 11 of the Principal Regulations:

(1) A new Regulation 11A shall be inserted after Regulation 11 of the Principal Regulations as under:

"11A. Denial of grant of short term open access to a beneficiary, for default in payment of outstanding dues shall be governed in accordance with the provisions of Central Electricity Regulatory Commission (Open Access in Inter-State Transmission) Regulations, 2008, as amended from time to time or any re-enactment thereof."

11. Amendment to Regulation 12 of the Principal Regulations:

(1) In Clause (1) of Regulation 12 of the Principal Regulations, the words "Defaulting Entity" shall be substituted with the words "Regulated Entity".

(2) In 3rd line of Clause (2) of Regulation 12 of the Principal Regulations, the year '2009' shall be replaced with the year '2008'.

12. Amendment to Regulation 14 of the Principal Regulations:

(1) Regulation 14 of the Principal Regulations shall be substituted as under:

“14. During regulation of power supply from a hydro generating station, the generating station may, in order to avoid spillage of water, sell the quantum of power rendered surplus, to any person in accordance with the provisions of Regulation 12 of these regulations. The loss of energy charge, in case of spillage of water, shall be made good from the revenue earned through sale of power rendered surplus due to regulation of power supply, on first charge, and the balance amount shall be adjusted in accordance with Regulation 13 of these regulations.”

13. Amendment to Regulation 18 of the Principal Regulations:

(1) Regulation 18 of the Principal Regulations shall be substituted as under:

“18. During regulation of power supply from a hydro generating station at the request of a transmission licensee, the generating station may, in order to avoid spillage of water, sell the quantum of power rendered surplus, to any person in accordance with the provisions of Regulation 12 of these regulations. The loss of energy charge, in case of spillage of water, shall be made good from the revenue earned through sale of power rendered surplus due to regulation, on first charge, and the balance amount shall be adjusted in accordance with Regulation 16 of these regulations.”

Sd/-

(Sanoj Kumar Jha)

Secretary

Note: The Central Electricity Regulatory Commission (Regulation of Power Supply) Regulations, 2010 were notified in Part III- Section 4, No. 248 of Gazette of India (Extraordinary) dated 30.9.2010 and corrected vide corrigendum notified in Part III- Section 4, No. 185 of Gazette of India (Extraordinary) dated 6.9.2011.