

F. No. 13/02/2023-RCM  
Government of India  
Ministry of Power  
(RCM Section)

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Shram Shakti Bhawan, Rafi Marg,  
New Delhi, 12<sup>th</sup> February, 2024

To

**The ACS/Principal Secretary/Secretary (Energy/Power) of all States/UTs**

**Subject: Alignment with Open Access Regulations, on aggregation basis-reg.**

Madam/Sir,

Please refer to the Electricity (Promoting Renewable Energy Through Green Energy Open Access) (Second Amendment) Rules, 2023 vide Notification No.309 dated 23<sup>rd</sup> May, 2023, attached for information and kind perusal, wherein :-

- a. *the rule 2, in sub-rule (1), for the clause (b) of the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022, the following clause was substituted, namely: — (b) “entity” means any consumer who has contracted demand or sanctioned load of Hundred kW or more either through single connection or through multiple connections aggregating Hundred kW or more located in same electricity division of a distribution licensee, except for captive consumers: Provided that in case of captive consumers, there shall not be any load limitation;*
- b. *the rule 5, in sub-rule (2), for the first proviso, the following proviso shall be substituted, namely:— “Provided that only consumers who have contracted demand or sanctioned load of Hundred kW or more, either through single connection or through multiple connections aggregating Hundred kW or more located in same electricity division of a distribution licensee, shall be eligible to take power through Green Energy Open Access and there shall be no limit of supply of power for the captive consumers taking power under Green Energy Open Access:*
- c. *the rule 9, in sub-rule (2), for fourth proviso, the following proviso shall be substituted, namely: — “Provided also that additional surcharge shall not be applicable in case electricity produced from offshore wind projects, which are commissioned upto December, 2032 and supplied to the Open Access Consumers.”*

3. Accordingly, it is requested to all States/UTs to take appropriate action for implementation of the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022 (as amended from time to time) notified by the Central Government and align Open Access Regulations, on aggregation basis, in accordance with the notified Rules, at the earliest. The status of compliance may be sent within 15 days of issue of this letter

4. This issues with the approval of **Secretary (P)**.

**Encl:** As above

Yours faithfully,

  
(Suresh Annepu)  
Director  
Tel: 2371 7737

**Copy to:**

1. The Secretary of all SERCs/JERCs
2. Secretary , MNRE, New Delhi
3. Secretary, FOR/CERC, New Delhi
4. CMD/MDs of All Discoms
5. Heads of all SLDCs

**Copy to:**

PS to Hon'ble Minister of Power and NRE/ PPS to Secretary (Power)/PSO to CE(R&R)/PPS to Director (RCM), MoP.

परंतु कैप्टिव उपभोक्ताओं के मामले में कोई भार सीमा नहीं होगी;

3. उक्त नियम के, नियम 5 के, उप नियम (2) में, पहले परंतुक के स्थान पर, निम्नलिखित परंतुक रखा जाएगा, अर्थात:-

"परंतु केवल वही उपभोक्ता जिनकी अनुबंधित मांग या स्वीकृत भार किसी वितरण अनुज्ञप्तिधारी के एक ही विद्युत खंड में स्थित सिंगल कनेक्शन के माध्यम से सौ किलोवाट या उससे अधिक है या बहुविध कनेक्शनों के माध्यम से सौ किलोवाट या उससे अधिक है, वे हरित ऊर्जा खुली पहुँच के माध्यम से विद्युत लेने के पात्र होंगे तथा हरित ऊर्जा खुली पहुँच के अधीन विद्युत लेने वाले कैप्टिव उपभोक्ताओं के लिए विद्युत आपूर्ति की कोई सीमा नहीं होगी।"

4. उक्त नियम के, नियम 9 के, उप नियम (2) में, चौथे परंतुक के स्थान पर, निम्नलिखित परंतुक रखा जाएगा, अर्थात:

"परंतु यह भी कि दिसंबर, 2032 तक आरंभ की जा चुकी अपतटीय पवन परियोजनाओं से उत्पादित और खुली पहुँच उपभोक्ता को आपूर्ति की गई विद्युत के मामले में अतिरिक्त अधिभार लागू नहीं होगा।"

[फा. सं. 23/09/2021-आरएंडआर]

पीयूष सिंह, संयुक्त सचिव,

**टिप्पण:** मूल नियम भारत के राजपत्र की संख्या सा.का.नि. 418 (अ), तारीख 6 जून, 2022 द्वारा प्रकाशित किए गए थे और अंतिम संशोधन अधिसूचना संख्या सा.का.नि. 59 (अ), तारीख 27 जनवरी, 2023 द्वारा किया गया था।

## MINISTRY OF POWER

### NOTIFICATION

New Delhi, the 23rd May, 2023

**G.S.R. 381(E).**—In exercise of the powers conferred by sub-section (1) read with clause (z) of sub-section (2) of section 176 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules further to amend the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022, namely:—

1. (1) These rules may be called the Electricity (Promoting Renewable Energy Through Green Energy Open Access) (Second Amendment) Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 (hereinafter referred to as the said Rules), in rule 2, in sub-rule (1), for the clause (b), the following clause shall be substituted, namely:—

(b) "entity" means any consumer who has contracted demand or sanctioned load of Hundred kW or more either through single connection or through multiple connections aggregating Hundred kW or more located in same electricity division of a distribution licensee, except for captive consumers:

Provided that in case of captive consumers, there shall not be any load limitation;

3. In the said Rules, in rule 5, in sub-rule (2), for the first proviso, the following proviso shall be substituted, namely:—

"Provided that only consumers who have contracted demand or sanctioned load of Hundred kW or more, either through single connection or through multiple connections aggregating Hundred kW or more located in same electricity division of a distribution licensee, shall be eligible to take power through Green Energy Open Access and there shall be no limit of supply of power for the captive consumers taking power under Green Energy Open Access:"

4. In the said Rules, in rule 9, in sub-rule (2), for fourth proviso, the following proviso shall be substituted, namely: —

“Provided also that additional surcharge shall not be applicable in case electricity produced from offshore wind projects, which are commissioned upto December, 2032 and supplied to the Open Access Consumers.”

[F. No. 23/09/2021-R&R]

PIYUSH SINGH, Jt. Secy.

**Note:** The Principal Rules were published in the Gazette of India, *vide* number G.S.R. 418 (E), dated 6<sup>th</sup> June, 2022 and was last amended *vide* notification number G.S.R. 59 (E), dated 27<sup>th</sup> January, 2023.