

**THE CENTRAL ELECTRICITY REGULATORY COMMISSION  
(RATES, CHARGES AND TERMS AND CONDITIONS  
FOR USE OF INTERVENING TRANSMISSION  
FACILITIES) REGULATIONS, 2010**

**SYNOPSIS**

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# THE CENTRAL ELECTRICITY REGULATORY COMMISSION (RATES, CHARGES AND TERMS AND CONDITIONS FOR USE OF INTERVENING TRANSMISSION FACILITIES) REGULATIONS, 2010<sup>1</sup>

*In exercise of powers conferred under sub-section (2)(i) and (2)(ze) of section 178 read with proviso to sub-section (1) of section 36 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, namely:—*

## CHAPTER I PRELIMINARY

**1. Short title and commencement.**—(1) These regulations may be called the Central Electricity Regulatory Commission (Rates, Charges and Terms and Conditions for use of Intervening Transmission Facilities) Regulations, 2010.

(2) These regulations shall come into force with effect from the date<sup>2</sup> of their publication in the Official Gazette.

**2. Definitions.**—(1) In these regulations, unless the context otherwise requires:

- (a) “Act” means the Electricity Act, 2003 (36 of 2003), as amended from time-to-time;
- (b) “applicant” means a licensee including a deemed licensee who has made an application to the Commission under section 35 of the Act for using the intervening transmission facilities owned or operated by another licensee for transmitting electricity;
- (c) “Commission” means the Central Electricity Regulatory Commission referred to in sub-section (1) of section 76 of the Act;
- (d) “contract path” means a transmission path that can be designated to form a single continuous electrical path between the parties to an agreement;
- (e) “Grid Code” means the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulation, 2010 specified by the Commission under clause (h) of sub-section (1) of section 79 of the Act including any subsequent amendment thereto or re-enactment thereof;
- (f) “intervening transmission facilities” means the electric lines owned or operated by a transmission licensee or distribution licensee where such electric lines can be utilised for transmitting electricity, to the extent of surplus capacity available therein, for and on behalf of a transmission

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1. *Vide* Notification No. L-1/10/2009-CERC, dated 23rd September, 2010, published in the Gazette of India, Extra., Pt. III, Sec. 4, dated 24th September, 2010.

2. Came into force on 24-9-2010.



licensee or trading licensee or a distribution licensee at their request and on payment of a tariff or charge;

- (g) "parties" means the applicant and the licensee owning or operating the intervening transmission facilities;
- (h) "time block" means time block of 15 minutes starting from 00.00 hrs. in a day.

(2) Save as aforesaid and unless repugnant to the context or if the subject-matter otherwise requires, words and expressions used in these regulations and not defined, but defined in the Act, rules or any other regulations made thereunder by the Commission shall have the same meaning assigned to them in the Act, rules or regulations respectively.

**3. Scope and Applicability.**—(1) These regulations shall apply only where a contract path can be identified.

(2) These regulations shall apply where the intervening transmission facilities incidental to inter-State transmission owned or operated by a licensee, are used or proposed to be used by any trading licensee or distribution licensee for transmission of power through long-term access, medium-term open access or short-term open access, and where the contracting parties have failed to mutually agree on the rates and charges for the usage of such intervening transmission facilities as envisaged under the proviso to sub-section (1) of section 36 of the Act.

(3) The terms and conditions contained in these regulations shall be the model terms and conditions and the rates and charges specified in these regulations shall be the ceiling rates and charges and the parties may negotiate the rates and charges and the terms and conditions within the broad framework laid down under these regulations:

Provided that the agreements entered into prior to the notification of these regulations, either through mutual consent of the contracting parties or on the orders passed by the appropriate Commission, for use of any intervening transmission facilities, shall continue to have effect notwithstanding inconsistency, if any, with these regulations till the expiry of such agreements.

(4) The norms of transmission availability would be as provided for in their respective regulations by the Commission or State Electricity Regulatory Commission, as the case may be. In case no availability norms have been prescribed by the State Electricity Regulatory Commission, the norms of Commission for inter-State transmission of power would apply.

(5) The treatment of congestion on the contract path for inter-State transmission of power would be in accordance with the Central Electricity Regulatory Commission (Measures to Relieve Congestion in Real Time Operation) Regulations, 2009 and for State transmission system, in accordance with the State Electricity Regulatory Commission Regulations on the matter. In case the State Electricity Regulatory Commission has not framed any congestion regulations, then the Central Electricity Regulatory Commission (Measures to Relieve Congestion in Real Time Operation) Regulations, 2009 would apply.



## CHAPTER II

### RATES AND CHARGES

**4. Rates and Charges.**—The rates and charges for usage of intervening transmission facilities shall be as specified under the Schedule I to these regulations. The rates and charges specified based on contract path are for a standard distance of 50 km or a part thereof:

Provided that in case the annual revenue requirement of the contract path in question has already been determined by the Commission or any State Electricity Regulatory Commission then the sharing of the transmission charges so determined, by the applicant, will be in the ratio of the average power flow in MW of the transaction determined on *post-facto* basis, to the peak capacity of the power flow in MW in the line as given in Schedule II.

## CHAPTER III

### TERMS AND CONDITIONS

**5. Submission of Application.**—An application by a licensee for use of intervening transmission facilities made to the licensee owning or operating the electric lines shall contain such details as—

- (a) Name and location of the supplier and the buyer;
- (b) Quantum of contracted power (MW) to be scheduled and the interface, at which it is referred to;
- (c) Point of injection and the point of drawl; and
- (d) Start and end time-block on each date during which the transmission facilities are required.

**6. Consent by the licensee owning or operating the intervening transmission facilities.**—The licensee owning or operating the intervening transmission facilities, in the event of availability of surplus transmission capacity in the network, shall convey its consent within three working days of the receipt of the application referred to in regulation 5.

**7. Scheduling.**—Scheduling shall be carried out in accordance with the procedure specified in the Grid Code.

**8. Payment security.**—The applicant for short-term usage of intervening transmission facility of up to one month, shall deposit with the licensee owning the intervening transmission facilities, the rates and charges as mutually agreed upon by the parties or as specified by the Commission in case they are unable to mutually agree, within three working days from the date of grant of consent of use. For a period of usage greater than one month, transmission charges would be billed, *post facto*, on monthly basis, at the end of the month, and payment made in accordance with the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009, as amended from time-to-time.

**9. Default in payment.**—The applicant committing default in payment of transmission charges for usage of intervening transmission facility of up to one month, shall be liable to pay a simple interest @ 0.04% on the outstanding charges for each day of default:

Provided that in case of persistent default, the licensee owning or operating the intervening transmission facilities may decide not to schedule the transaction or may cancel the scheduling of already scheduled transaction or may not entertain any application made under these regulations of such person in future until such time the default is cured. Such a decision by the licensee should be with the prior approval of the Commission.

**10. Energy accounting and settlement of deviation.**—For energy accounting of all exchanges of power between the two parties, requisite energy metering infrastructure shall be provided in accordance with Grid Code, and any real time deviation of energy with respect to the contracted flow of energy shall be settled as per the Central Electricity Regulatory Commission (Unscheduled Interchange Charges and Related Matters) Regulations, 2009 as amended from time-to-time or by any other method as may be mutually agreed upon between the parties.

**11. Reactive energy charge.**—Reactive energy charge shall be as per the Grid Code for transaction in the intervening transmission facilities.

**12. Transmission loss.**—The transmission losses for line length of every 50 km used shall be as follows:

S. No.	Type of Transmission system	Line Losses %
1.	400 kV	0.5
2.	220 kV	1.0
3.	132 kV	4.3
4.	66 kV	8.0

#### CHAPTER IV MISCELLANEOUS

**13. Dispute resolution.**—All disputes (including disputes on the contract path method) arising under these regulations shall be adjudicated by the Commission based on an application made by the person aggrieved.

**14. Removal of difficulties.**—If any difficulty arises in giving effect to the provisions of these regulations, the Commission may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.



*SCHEDULE I*

Sl. No.	Type of Transmission System	Line Capacity	Rates and Charges for Long-term Access and Medium-term Open Access	Rates and Charges (for Short-term Open Access)
		MW	Rs/MW/year	Rs./MWh
1.	400 kV (D/C)	900	97,584	11.14
2.	400 kV (S/C)	450	1,09,006	12.44
3.	220 kV (D/C)	500	1,18,198	13.49
4.	220 kV (D/C)	250	1,45,318	16.59
5.	132 kV (D/C)	180	1,82,525	20.84
6.	132 kV (S/C)	90	3,25,209	37.12
7.	66 kV (D/C)	54	5,40,339	61.68
8.	66 kV (S/C)	27	6,82,244	77.88

D/C Double Circuit

S/C Single Circuit

*SCHEDULE II*

Sl. No.	VOLTAGE (kV)	Line loading capacity considered (MW)
1.	400	450
2.	220	250
3.	132	90
4.	66	27