

Delhi Electricity Regulatory Commission (Grant of Consent for Captive Power Plants) Regulations, 2002

DELHI

India

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Rule

DELHI-ELECTRICITY-REGULATORY-COMMISSION-GRANT-OF-CONSENT FOR CAPTIVE POWER PLANTS REGULATIONS, 2002

- Published on 21 June 2002
- Commenced on 21 June 2002
- [This is the version of this document from 21 June 2002.]
- [Note: The original publication document is not available and this content could not be verified.]

Delhi Electricity Regulatory Commission (Grant of Consent for Captive Power Plants) Regulations, 2002Published vide Notification No. F.8 (10)/DERC/2001-02/894 in the Delhi Gazette, Extraordinary Part 4, dated 21st June, 2002No. F.8 (10)/DERC/2001-02/894, dated 21st June, 2002. - In exercise of the powers conferred on it by section 61 of the Delhi Electricity Reform Act, 2000 (Act 2 of 2001), the Delhi Electricity Regulatory Commission hereby makes the following regulations, namely:

Chapter I

General

1. Short title, commencement and Interpretation.

- (i) These regulations shall be called Delhi Electricity Regulatory Commission (Grant of Consent for Captive Power Plants) Regulations, 2002.(ii)These regulations shall come into force on the date of their publication in the official Gazette.(iii)They extend to whole of the National Capital Territory of Delhi except the areas covered by New Delhi Municipal Council and Delhi Cantonment Board.

2. Definitions.

- In these regulations unless the context otherwise requires:(i)"Act" shall mean the Delhi Electricity Reform Act, 2000 (Act 2 of 2001).(ii)"Authority" shall mean the Central Electricity Authority

constituted under section 3 of the Supply Act.(iii)"Board" shall mean Delhi Vidyut Board, its predecessor or successor entities.(iv)"Captive Power Plant (CPP)" shall mean the power plant set up/proposed to be set up by a person or a group of persons for their use.(v)"Co-generation" shall mean the installation in which two or more forms of useful energy (e.g. electric power & steam, electric power & shaft power etc.) are produced simultaneously.(vi)"Commission" shall mean Delhi Electricity Regulatory Commission.(vii)"Consent" shall mean the consent of the Commission envisaged under section 44 of the Supply Act read with section 26(3) and 63(3) (v) of the Act which shall be without prejudice to the compliance of any other law for the time being in force.(viii)"Electricity Act" shall mean the Indian Electricity Act, 1910 (Act 9 of 1910).(ix)"Order(s)" shall mean the Tariff Order(s) issued by the Commission from time to time.(x)"Regulations" shall mean these Regulations.(xi)"Rules" shall mean Indian Electricity Rules, 1956.(xii)"Supply Act" shall mean the Electricity (Supply) Act, 1948 (Act 54 of 1948).(xiii)Words or expressions used but not defined in these regulations and defined in the Act or Electricity Act or Supply Act or Rules or Order(s) shall have the same meanings respectively assigned to them in these Acts or rules or Orders as the case may be. In other cases, unless the context otherwise requires, words and expressions occurring in these regulations but not defined in these regulations or any of the above Acts or Rules or Orders shall have the same meaning as commonly understood in the electricity supply industry.

Chapter II

Grant/renewal of consent for Captive Power Plants (CPPs)

3. General.

- (i) No person, other than those authorised to do so by the consent granted by the Commission or by virtue of exemption under these regulations or authorised to or exempted by any other authority under the Act or Electricity Act or Supply Act shall install or operate a captive power plant in the National Capital Territory of Delhi. Provided that CPP with a total installed capacity upto 25 kVA shall be exempted from the grant of consent and shall not be connected with the grid of the Board. CPP with capacity above 10 kVA and upto 25 kVA shall inform the Commission in writing about the installation of CPP as per Annexure-I within 30 days of its installation. CPP of capacity above 25 kVA shall follow the procedure for grant/renewal of consent for CPP as prescribed in regulation 4.(ii)The consent of the Commission or exemption as provided hereinabove shall be without prejudice to the compliance of any other law for the time being in force.(iii)Consent of the Commission shall be valid for a period upto 10 years from the date of issue of consent letter.(iv)The grant of consent for setting up of CPP shall be considered for a total installed capacity ordinarily not exceeding 200% of the sanctioned load. This limit of capacity shall not apply to CPP based on renewable energy sources and cogeneration plants.(v)For units of CPP proposed to be standby/stand-alone and not connected with the grid the CPP shall install inter-locking/change-over switch of proper rating to avoid parallel operation and damage to the Boards installation.(vi)For the CPP proposed to be run in parallel with the Board's system the following conditions shall apply:(a)CPP shall not be entitled to any compensation in the event of grid failure during interruptions in the Board's system and. it shall make suitable provisions to

Isolate its installation to avoid any damage in the event of variation in the Board's system parameters.(b)The synchronisation with Board's system shall be at 11 kV or higher voltage level.(c)CPP shall procure and install equipment for interfacing with the Board's system such as transformers panels kiosk protection equipment meters and interlinking lines etc. from the point of generation to the Board's system. Amongst others, maintenance of the equipment shall also be undertaken by the CPP as per the specifications and technical requirements of the Board.(d)In the event of any grid sub-station/line of the Board requiring augmentation to absorb the CPPs power, this work shall be undertaken by the Board.(vii)The Board shall, within 15 days from the date of notification of these regulations in the official gazette, designate officers for the purpose of submission of copy of application for grant/renewal of consent for CPP to the Board and for issuing notice for unauthorized use of CPP areawise/districtwise and shall notify their designation, office address and the timing for submission of the application for grant/renewal of consent.

4. Procedure for Grant/Renewal of Consent for Captive Power Plant.

- (i) Filing of application :(a)Application for grant/renewal of consent for setting up/operation of CPP shall be submitted, in duplicate, to the Commission in the prescribed form as per the format given in Annexure -II. The applicant shall file an affidavit in support of this application as per the format given in Annexure III.(b)The applicant shall apply simultaneously for No Objection Certificate from Government of NCT of Delhi through Power Department by submission of a copy of the application and the copy of acknowledgement shall be filed along with the application to the Commission.(c)Two copies of the application shall also be submitted to the designated officer of the Board and the copy of acknowledgement shall be filed along with the application to the Commission.(d)The Commission shall not grant/renew consent unless it is shown that the applicant(s)and the beneficiary(ies) of the CPP is/are the same person(s) and the applicant(s) shall furnish relevant documents to that effect as a proof to the satisfaction of the Commission.(e)In case of CPPs proposed to be operated in parallel with the Board's system, additional data as per Annexure -IV shall be submitted along with the application.(f)For capacity above 25 MW, consultation with the Authority is mandatory as per the Supply Act. Accordingly, Feasibility Report of the proposed project (in quadruplicate), as per the guidelines of the Authority, shall be submitted along with the application.(ii)Fee Structure :Each application shall be accompanied by a non-refundable processing fee as prescribed herein below:

CPP capacity	Fee
Above 25 kVA & upto 25 MW	Rs. 1000/-
More than 25 MW	Rs. 1500/-

Processing fee shall be paid by means of bank draft or pay order drawn in favour of the Secretary Delhi Electricity Regulatory Commission payable at New Delhi.(iii)Grant/renewal of consent(a)The Board shall send its comments to the Commission within 30 days from the receipt of the application. If no comment is received from the Board within 30 days, it shall be presumed that the Board has no objection to grant/renewal of consent and the Commission shall proceed to decide the matter.(b)If the Board has any objection to the grant/renewal of the consent, such objection(s) shall be furnished to the Commission with a copy to the applicant within the above said period. In such a

case, the Commission may at its discretion proceed to hear the matter as per procedure laid down in Delhi Electricity Regulatory Commission Comprehensive (Conduct of Business) Regulations, 2001.(c)The Government of National Capital Territory of Delhi may communicate its objection(s), if any to the Commission within 30 days of receipt of the copy of application. If no such comment is received within the said period, the Commission may at its discretion proceed in the matter as if the Government has no objection.(d)For CPP above a capacity of 25 MW, the matter shall be decided in consultation with the Authority and for this purpose the Commission shall send a copy of the application along with Feasibility Report to the Authority. The Authority may communicate its comment(s), if any, to the Commission within 45 days of receipt of the copy of application. If no such comment is received within the said period, the Commission may proceed in the matter as if the Authority had no objection.(e)The Commission shall grant/renew or refuse the consent within 3 months from the date of receipt of complete application from the CPP.

5. Existing Captive Power Plants.

- All existing CPPs who had taken consent from the Board or any other authority earlier need not renew their consent for the remaining part of validity period of the consent and status quo shall be observed for the remaining period, provided that in the operation of the CPP they shall comply with the provisions of these regulations. However, such CPPs shall send details to the Commission about their existing arrangements with the Board along with a copy of the consent within 3 months of notification of these regulations as per Annexure I. The Board shall also forward the list of such CPPs to the Commission within this period as per Annexure 1.

Chapter III

Sale of Surplus Power to the Board

6. General.

- (i) In case, generating capacity of the CPP, which is a consumer of the Board, is in excess of its own requirements, the surplus power may be sold to the Board with the approval of the Commission.(ii)CPPs that are renewable energy based or cogeneration plant shall be permitted to sell surplus power to the Board regardless of whether they are consumers of the Board or not.(iii)CPP and the Board shall enter into an agreement for sale of surplus power. The terms of such agreement and the rate at which the surplus power shall be sold to the Board shall CPP and the Board shall settle the bill in respect of sale of energy on monthly basis.

7. Metering.

- (i) The CPP shall install two electronic tri-vector meters having Import-Export registering facility or any other special meters as prescribed by law. One meter will be designated as main meter and other as check meter. The reading of the main meter only shall form the basis for accounting of energy and billing.(ii)The meters may be installed by the Board at the cost of CPP. The meters shall be calibrated and tested by the Board before installation. The accuracy of the meter shall be checked

by the Board once in every six months or earlier. In case of any defect in the metering equipment, replacement shall be provided by the Board within one month at the cost of CPP. During the intervening period, the reading of check meter shall be taken as basis for energy accounting and billing.

Chapter IV

Miscellaneous

8. General.

- Every CPP above 25 kVA capacity shall submit yearly (Financial Year basis) return of electricity generated and sold by 15th of May each year to the Commission and to the Board.

9. Environmental and Pollution Clearance.

- The CPP has to abide by the emission standards set by the Union or State government. They will have to obtain all the required environmental and pollution clearances from the central or state pollution control authorities and submit proof of such clearance along with the application. The grant/renewal of consent for CPP shall be subject to such clearances.

10. Monitoring.

- The Board shall act as monitoring agency on behalf of the Commission to check the unauthorized use of CPP. The Board shall serve a 15-day notice to the user of such CPP at the site itself as per format enclosed in Annexure- V and shall report such cases to the Commission within 7 days from the date of issue of the said notice.

11. Fines for non-compliance or violation.

- Non-compliance or violation of these regulations shall render the beneficiary of the CPP liable to be proceeded against as per Chapter VII of the Delhi Electricity Regulatory Commission Comprehensive (Conduct of Business) Regulations, 2001.

12. Withdrawal of Consent.

- The Commission may withdraw the consent at any time by giving one month notice if the CPP fails to abide by the provisions of these regulations or Act or Electricity Act or Supply Act or Rules or Orders.

13. Savings.

- Nothing in these regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary or adopt a procedure which is at variance with any of the provisions of these regulations, if the Commission, in view of special circumstances of a matter or class of matters, deems it necessary or expedient for dealing with such a matter or class of matters. Annexure I Format for Information to the Commission regarding details of existing CPPs

To, The Secretary, Delhi Electricity Regulatory Commission, Viniyamak Bhavan, C-Block, Shivalik, Malviya Nagar, New Delhi – 110 017.	For office use only: Receipt No.: Date: Signature & Stamp of designated officer
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Information to the Commission regarding details of existing CPPs: Sir, The undersigned has set up/operates a Captive power Plant (CPP). In this regard, the following details are furnished for kind information of the Commission.

General (i) Name of the Organisation/Beneficiary (ii) Address of Registered office, if any (iii) Postal Address for communication Phone no. Fax no. Email (iv) Address of Captive Power Plant (v) Purpose of utilisation of electricity supply from CPP Details of the existing supply from Board (i) Name of the Board (ii) Date of agreement (iii) Sanctioned load (kW/MW) (iv) Contracted demand (kVA/MVA) (v) Date of availing power supply (vi) Voltage of Supply (vii) Board's tariff (Category) (viii) Connected load Particulars of Generating Units (i) Total Capacity of the CPP (ii) No. of units (iii) Name plate details of each unit (iv) Capacity of each unit (indicate standby/standalone units) (v) Voltage of generation (vi) No. of phases (vii) Power factor (viii) Fuel used (ix) Date of installation of each unit (x) [Reference of consent obtained from Competent Authority.] [Strike out if not applicable.] Any other Information Kindly acknowledge the receipt of this communication.

Date: Place: Signature Name: Address:

Annexure II Application for grant/renewal of consent of the Commission for Captive Power Plant

To, The Secretary, Delhi Electricity Regulatory Commission, Viniyamak Bhavan, C-Block, Shivalik, Malviya Nagar, New Delhi – 110 017.	For office use only: Receipt No.: Date: Signature & Stamp of designated officer
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Sir, The undersigned intends to set up/operate a Captive power Plant (CPP). In this regard, the following documents are enclosed for kind consideration of the Commission:

1. Salient details of the CPP installation as per prescribed format for Application Form.

2. Affidavit as per Annexure III

3. [Additional data in case of CPP proposed to be operated in parallel with the grid as per Annexure IV.] [Strike out if not applicable.]

4. Copy of the acknowledgements of submission of two copies of application to the Board and one copy to GNCTD through Power Department.

5. Supporting documents to establish that the Captive Power Plant (CPP) is being set up by us and that we are the beneficiaries of this plant.

6. [Four copies of the Feasibility Report as per guidelines of Authority (applicable for capacity more than 25 MW).] [Strike out if not applicable.]

7. Documents regarding ownership of the unit/premises to be supplied CPP power.

8. [Copy of consent for the existing generating unit(s).] [Strike out if not applicable.]

9. Demand Draft/Pay Order No. _____ Dated _____ for Rs. _____ (Rupees _____) drawn in favour of Secretary, DERC payable at New Delhi

10. Other documents

Kindly convey Commission's consent.

Date:Place: SignatureName:Address:

Copy to:

1. The Principal Secretary (Power), Sachivalaya, GNCT of Delhi, with a request to forward his comments to the Commission within 30 days of receipt of this application.

2. Designated officer of the Board, with the request to forward their comments to the Commission within 30 days of receipt of this application.

Application Form for Grant/renewal of Consent by Delhi Electricity Regulatory Commission Under Section 23(3)(V) of Delhi Electricity Reform Act, 2000 for Captive Power Plant

1. General

(i)Name of the Organisation/Beneficiary(ii)Address of Registered office, if any(iii)Postal Address for communicationPhone no.Fax no.Email(iv)Address of proposed Captive Power Plant(v)Board's

designated officer's name & address to whom copies of application are submitted along with date of submission(vi)Date of submission of copy of application to Principal Secretary (Power), GNCTD(vii)Does the CPP have an environmental clearance from the Pollution Board?(viii)Particulars of the processing fee(a)Demand Draft/Pay Order no. and Date(b)Name of the Bank(c)Amount

2. Details of the Usage

(i)Purpose of utilisation of electricity supply(ii)Brief description of the process of the industry, if applicable(iii)Sanctioned load(iv)Peak power requirement (kVA/MVA)(v)Connected load(vi)Is the usage of continuous process type? (If yes, please provide justification and details(vii)Amount of power required for the critical section(s) of continuous process(viii)Whether the usage requires stringent tolerance limit in voltage & frequency? (If yes, please provide justification and details)(ix)Amount of power required for the critical section(s) sensitive to voltage and frequency variation

3. Particulars of existing Generating Units, if any

(i)Total existing capacity of the CPP(ii)No. of units(iii)Name plate details of each unit(iv)Capacity of each unit(v)Date of installation of each unit(vi)Purpose(vii)Reference of consent obtained from Competent Authority

4. Particulars of proposed Generating Units

(i)Capacity in kVA/MVA(ii)Capacity in kW /MW(iii)No. of units(iv)Name plate details of each unit(v)Capacity of each unit (indicate standalone/standby units)(vi)Voltage of generation(vii)No. of phases(viii)Power factor(ix)Proposed date of start of construction(x)Proposed date of commissioning(xi)Whether separate meter to record reading of units generated by CPP has been installed.(xii)Fuel(s) proposed to be used(xiii)Fuel linkages(xiv)Technical specifications of other equipment

5. Parallel operation with grid and/or sale of surplus power

Is the generating station proposed to be run in parallel with the grid? Yes/No

If yes,

(i) Do you propose to sell surplus power to Board? Yes/No

(ii) Name and distance of nearest point of interconnection with the grid

(iii) Voltage at which interconnection with system is proposed

(iv) Arrangements for synchronisation

6. Details, of proposed utilisation of CPP and other operational details

(i) Standby set to run in emergency only: Yes/No

(ii) Free use without reference to the availability of supply in the Grid: Yes/No

(iii) Is it renewable energy based plant? Yes/No

If yes, please state what renewable resource you propose to use.

(iv) Is it cogeneration based CPP? Yes/No

If yes please state whether it is a topping cycle or a bottoming cycle plant or both?

(v) If it is a topping cycle cogeneration plant please indicate the percentage (as a percentage of total input heat) utilised in the process. Also enclose the process flow chart with heat and mass

balances. (vi) What is the quantum of power generated from the topping cycle cogeneration

(kW/MW)? (vii) If it is a bottoming cycle cogeneration plant please indicate the temperature and

amount of waste heat (kCal/hr) available. Also enclose process flow chart with heat & mass

balances. (viii) Will supplementary firing be adopted? (ix) What will be the fuel for supplementary

firing? (x) What is the quantum of power generated from the bottoming cycle cogeneration plant?

(kW /MW)

7. Details of the existing supply from Board

(i) Name of the Board (ii) Date of agreement (iii) Contracted demand (kVA/MVA) (iv) Date of availing

power supply (v) Voltage of Supply (vi) Board's tariff (Category) (vii) Whether supply from Board is in

the continuous process category? (viii) Whether specifically permitted to draw power in peak hours?

8. Other Technical & Financial Particulars

(i) If capacity of the CPP is higher than the sanctioned load, state the reasons for such additional

requirement (ii) Preventive arrangements against back feeding to the system from standby/stand

alone units, if grid power has been availed (iii) Estimated cost including IDC (Interest During

Construction) (iv) Cost per kW/MW of generating capacity (v) Cost per unit of generation (a) First

year (b) Levelised (vi) Fixed cost per unit (vii) Variable cost per unit (viii) Planned peak generation in

kW/MW (ix) Operating Plant Load Factor (x) Total annual requirement of electricity in

kWh/MWh (xi) Peak requirement in kW/MW

9. Any other Information

Date: Place: Signature Name of the Applicant

Annexure III Format for Affidavit verifying the Petition/Reply/Application Before The Delhi Electricity Regulatory Commission New Delhi Filing No.: Case No.: (To be filled by the Office) In the

Matter of: (Gist of the purpose of the Petition or application) and In the Matter of: (Name and full

address of the petitioner/applicant and names and full addresses of the respondents) Affidavit

verifying the Petition/Reply/Application I, son of aged residing at

do solemnly affirm and say as follows:

1. I am the petitioner/applicant/respondent etc. or I am a Director/Secretary/partner/..... of the petitioner/applicant/respondent in the above matter and am duly authorized by the said petitioner/applicant/respondent to make this affidavit.

2. The statements made in paragraphs..... of the petition/application/reply herein now shown to me and marked with the letter 'A' are true to my knowledge and the statements made in paragraphs..... are based on information received from..... (indicate source) and I believe them to be true.

DeponentI, Solemnly affirm at..... on this day of..... that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.DeponentWitness:Annexure IVAdditional data required in case of CPP proposed to be operated In parallel with the grid

1. Generator Data

(a)Direct axis sub-transient/transient reactance of each machine separately(b)Generator capability curve enclosed: Yes/No(c)Active-reactive power capability(d)Grounding details of neutral

2. Step-up Transformer data

(a)Number of transformers(b)Voltage ratio(c)Vector Group of each transformer(d)Grounding details of neutral(e)Capacity in MVA(f)Percentage impedance of each transformer on its own base(g)On-load/Off-load tap changer details

3. Inter-connection arrangement with the Grid

(a)Length and number of circuits. Conductor size of the line connecting CPP with the Board's sub-station switchyard(b)In case of loop-in & loop-out arrangement, length of each section with conductor size and number or circuits(c)Per unit line parameters(d)Equipment short circuit rating(e)Inter-connection arrangement with the Board system as per agreement(f)Single line diagram of inter-connection arrangement with the Board systemAnnexure VNotice for Unauthorised Operation of Captive Power PlantWhereas, the Delhi Electricity Regulatory Commission (the Commission) constituted under the Delhi Electricity Reform Act, 2000, in exercise of the powers conferred on it vide section 61 of this Act, have issued regulations for setting up/operation of Captive Power Plant (CPP) in the National Capital Territory of Delhi directing that beneficiaries of CPP with capacity above 10 kVA and upto 25 kVA are required to inform the Commission and those above 25 kVA should file application with the Commission for grant/renewal of consent from the Commission for its installation/operation. These regulations were notified vide Notification No. dated in Delhi Gazette.Your premise was inspected on and as

per the copy of the inspection report enclosed, you were found operating CPP of kW/kVA capacity. You have not produced the proof of having informed the Commission or having obtained the necessary consent from the Commission. Whereas, you are liable to proceeded against for operating the CPP without such information/consent of the Commission under Regulation 11 of the said Regulations. By virtue of powers vested in the Board in Regulation 10 of the said Regulations, your case is hereby reported to the Commission for further necessary action. You are advised to give explanation to the Commission for the irregularity noticed within 15 days at the following address: The Secretary, Delhi Electricity Regulatory Commission, Viniyamak Bhavan, C-Block, Shivalik, Malviya Nagar, New Delhi-110017. Signature and stamp of designated Officer of the Board Encl: Inspection Report No. Dated Copy to: Secretary, Delhi Electricity Regulatory Commission along with a copy of the Inspection Report