

## Uttar Pradesh Electricity Regulatory Commission

Lucknow

Dated ~~17~~ October, 2025

**UPERC (Captive and Renewable Energy Generating Plants) Regulations, 2024 applicable from 01.04.2024 to 31.03.2029.**

### **Statement of Objects & Reasons (SOR)**

The Commission vide notification UPERC/Secretary/CRE Regulations/2019/271 dated 25.07.2019 notified the CRE Regulations 2019. As per the Regulation 1(ii), these Regulations have been in force from 01.04.2019 up to 31.03.2024 unless reviewed earlier or extended by the Commission. The Commission vide its Suo-Moto Order dated 07.05.2024 in 69/SM/2024, while continuing the provisions of CRE Regulation, 2019, extended the Tariff for FY 2023-24 under UPERC (Captive and Renewable Generating Plants) Regulation, 2019 to be applicable w.e.f. 01.04.2024 on provisional basis till UPERC (Captive and Renewable Generating Plants) Regulation, 2024 was notified.

The Draft Regulations along with Explanatory Memorandum (EM) along with Public Notice in this regard was issued vide Notification No. UPERC/ Secy/ D(G)/ 2025/80 dated 07.05.2025 was hosted on the Commission's website. The Commission with an objective to solicit views on different aspects of regulations applicable for next control period (FY 2024-29), granted an opportunity to stakeholders to submit their comments on various aspects of the regulation including tariff framework and banking provisions.

Public Notice inviting objections / suggestions/comments from the stakeholders on the aforesaid draft Regulations was published in the following newspapers:

S. No.	Name of the Newspaper	Language	Date of Publication
1.	Hindustan Times	English	09.05.2025 (Lucknow Edition) 10.05.2025 (New Delhi Edition)
2.	Amar Ujala	Hindi	09.05.2025 (U.P. Edition)

In response to the above, the Commission received written objections / suggestions on draft Regulations from following stakeholders:

S. No.	Name of the Organization/ Individual
1.	Spaark Bresson WTE Pvt. Ltd.
2.	PAKM Associates
3.	NIDP Developers Pvt. Ltd.
4.	Simbhaoli Power Pvt. Ltd.
5.	UPPCL

S. No.	Name of the Organization/ Individual
6.	Manikaran Power Ltd.
7.	Hindalco Industries Ltd.
8.	India Glycols Ltd.
9.	Rimjhim Ispat Ltd.
10.	Zuari Industries Ltd.
11.	Dalmia Cements
12.	LSE Energy Pvt. Ltd.
13.	Tata Power Renewable Energy Ltd.
14.	National Solar Energy Federation of India
15.	Digital Infrastructure Providers Association
16.	Ampin Energy
17.	Grasim Industries
18.	Ultratech Cements
19.	Indus Towers
20.	Noida Power Company Ltd.
21.	Shree Cements
22.	Sustainable Projects Developers Association
23.	UPSLDC
24.	Bajaj Hindustan Sugar Ltd.
25.	Radiance Renewables Pvt. Ltd.
26.	UP. Sugar Mills Cogen Association
27.	Gentari Renewables India Management Pvt. Ltd.
28.	RE Sustainability Ltd.
29.	Sunsure Energy Pvt. Ltd.
30.	UPNEDA

This SOR is issued with an intent of explaining the rational and objective of finalising the CRE Regulations 2024 after considering the diverse comments of the stakeholders. The key contour of these regulations is as below:

- A.** The scope of these Regulations governs all the matters pertaining to determination of generic tariff for the existing Captive Generating Plant (non-RE), Captive RE Power Plants (Small Hydro, Solar Power, Wind Based Generation Plants), non-fossil fuel based Co-generating

plants (Bagasse based), Biomass Based and Municipal Solid based Generation Plants which have already an existing PPA with the Distribution Licensee.

For upcoming Captive (non-RE), Captive RE and Non-Fossil fuel-based Co-generation plants and Biomass based generating plants, the Commission has provided for tariff through competitive bidding route w.e.f. 01.04.2024. Municipal Solid Waste based generation plants and State-owned power projects', tariff would be determined under Section 62 of the Act on case-to-case basis.

The Commission through these Regulations have also provisioned for Renewable Energy Pilot projects up to 5MW based on those new technologies which are recognized by the Uttar Pradesh New and Renewable Energy Development Agency (UPNEDA).

- B.** These Regulations categorise banking provisions for (i) Plants stated in A above selling power to Distribution Licensees, (ii) Captive generating plants.
- C.** These Regulations do not govern the specifics of tariff, cross subsidy surcharge and other applicable charges of the Generating plants, which would be governed by the UPERC (Terms and Conditions for Open Access) Regulations, 2019 and amendments thereto.
- D.** The provisions of UPERC (Grant of Connectivity to intra-State Transmission System) Regulations, Grid Code, UPERC (MYT for Distribution) Regulations, UPERC (Terms and Conditions for Open Access) Regulations, Deviation Settlement Mechanism Regulations, UPERC (Forecasting, Scheduling, Deviation Settlement and related matters of Solar and Wind Generation Sources) Regulations, UPERC (Fees & Charges of State Load Despatch Centre and other related matters) Regulations, and Uttar Pradesh Electricity Regulatory Commission (Verification of Generating Plants and Captive Consumers) Regulations shall also be read along with these Regulations.

The Commission held a public hearing on 03.06.2025, at 11:00 am at the Commission's Office, Lucknow in which stakeholders submitted their comments and suggestions. The comments /suggestions offered by the stakeholders on the then proposed Regulations and the Commission's decision thereon are discussed hereunder:

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
1)	Scope of Regulation and extent of application	<p><b>UPSLDC</b>  <b>Regulation 2(II)</b>  UPSLDC has requested to clarify whether the eligibility up to 100 KW and above is for RE Generating Plants or Captive Generating Plants RE i.e., Whether this will also be applicable for 100 KW and above non-captive RE Generating Plants?</p>	<p>The Commission has considered the comments. UPERC (Forecasting, Scheduling, and Deviation Settlement and Related Matters of Solar and Wind Generation Sources) Regulations 2018 provides for scheduling and DSM of power 5 MW and above. However, if plants below 5 MW want to avail Banking facility, they will have to comply with day-ahead scheduling with SLDC and in that context, for the purpose of Banking, the lower limit will be governed by scheduling limit but for general purposes of applicability the lower limit has been dispensed with. Accordingly, in the scope, no lower limit has been provided for plants except Captive Generating Plants (Non-RE). Thus, the Commission has now decided to dispense with the prescription of lower limit of 100 kW of RE captive, RE generating plants (including Cogen). Accordingly, the Commission has made the following changes in the final Regulations as under:</p> <p><b>2.Scope of Regulation and extent of application</b>  These Regulations shall apply to</p> <p><i>"Captive Generating Plants (non-RE) having an installed capacity of 1 MW or above, Captive Generating Plants (RE) and Renewable Generating Plants (including cogeneration based)."</i></p>
2)	Scope of Regulation and extent of application	<p><b>Tata Power Renewable Energy Ltd.</b>  <b>Regulation 2(II)</b>  Kindly reiterate that as per GEOA provision "Consumers who have contract demand or sanctioned load of 100 kW or more, either through single connection or through multiple connections aggregating Hundred (100) kW or more located in same electricity division of a distribution licensee, shall be eligible to take Green Energy through Open Access under these Regulations"</p>	<p>It is observed that the comments are related to open access consumers.</p> <p>Accordingly, the Commission finds no reason to amend the relevant provision.</p>
3)	Definitions	<p><b>Indus Towers, Gentari, DIPA</b>  <b>Regulation 3(I)(c)</b>  Under the current framework, both banking and withdrawal of banked energy are subject to day-ahead scheduling. However,</p>	<p>The Commission has reviewed the comments of the stakeholders and states that the energy when injected into the grid, becomes part of a pool, whose stability is utmost important. If energy is added to or withdrawn from this</p>



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		given the infirm and variable nature of renewable energy generation along with variation in consumers load, it is operationally challenging to accurately schedule energy separately for real-time consumption and banking purposes. In light of this, it is requested to define "banking" for LTOA Captive consumers, as the surplus energy injected into the grid after setting off consumption in the same Time-of-Day (ToD) slot.	pool without prior intimation, it can affect the stability of the grid. Thus, the requirement of day-ahead scheduling has been mandated for safe and stable operation of the grid in accordance with the provisions contained in UPEGC/IEGC. It provides a window to Discoms and SLDC to plan for any contingency. In case of a Captive Generating Plant, Scheduling not only provides the forecast for total injection but also quantum of injection apportioned for different beneficiaries (Captive users) as well as beneficiary wise drawl schedule for banked energy. Similarly in case of a Co-Generating Plant having PPA, scheduling not only provides the forecast for total injection but also the quantum for sale to Discom. Therefore, scheduling is necessary for proper accounting and accordingly, has been made mandatory for availing the banking facility in the final Regulations. Thus, the definition of "Banking of Power", as provided in the draft Regulations, has been found to be appropriate and accordingly retained in the final Regulations.
4)	Definitions	<b><u>Shree Cement</u></b> <b><u>Regulation 3(I)(c)</u></b> As per the proposed Regulation banking facility is available to generating plant or captive use. But nowhere it is mentioned that banking is available at consumption end also. Therefore, it should be explicitly mentioned in the regulation that banking facility would be extended to captive consumer also, as it is available to generating plant. It is further requested that definition should provide that post real time adjustment, the residual energy qualifies for banking.	Regulation 12 has been suitably amended to clarify that banking of energy shall be allowed in following arrangements and subject to the conditions mentioned in the Regulations: <ul style="list-style-type: none"> <li>• Captive generating Plants – for use by its captive users.</li> <li>• Co-generation plants – For its own use.</li> </ul> The definition of "Banking of Power", as provided in the draft Regulations, has been found to be appropriate and accordingly retained in the final Regulations.
5)	Definitions	<b><u>UPPCL</u></b> <b><u>Regulation 3(I)(f)</u></b> UPPCL has requested to correct the typo error at Regulation 13 to Regulation 10.	The Commission has noted the comments and accordingly corrected the typo error in the final Regulations.
6)	Definitions	<b><u>Shree Cement Ltd.</u></b> <b><u>Regulation 3(I)(f)</u></b> Clarification required with respect to regulation 13 which is cited for COD. Furthermore, in case of RE generating plant installed for	It is the discretion of the project developer to declare its rated generation capacity. SLDC would recognize the trial run procedure based on this declared rated capacity and accordingly issue the trial run completion certificate.

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		captive use non-discom sale, the rated capacities should be considered as the generation capacity post synchronization.	Therefore, there is no requirement of any changes in the Regulations.
7)	<b>Definitions</b>	<p><b>UPNEDA</b>  <b>Regulation 3(I)(x)</b>  UPNEDA has submitted that PPA definition only recognizes sale to discoms. 3rd party OA/ group captive sale should also be recognized.</p>	It is clarified that the PPA in the CRE Regulations is solely intended for Generating Plants supplying electricity to Distribution Licensees. Third-party or group captive sale arrangements are based on mutual agreements between the parties. Therefore, such arrangements do not fall within the scope of these regulations.
8)	<b>Definitions</b>	<p><b>NPCL</b>  <b>Regulation 3</b>  NPCL suggested to insert a new definition for Energy Storage Systems (ESS), including Battery Energy Storage Systems (BESS) and Pumped Storage Plants (PSP).</p>	<p>The scope of these Regulations governs all the matters pertaining to determination of generic tariff for the existing Captive Generating Plant (non-RE), Captive RE Power Plants (Small Hydro, Solar Power, Wind Based Generation Plants), non-fossil fuel based Co-generating plants (Bagasse based), Biomass Based and Municipal Solid based Generation Plants which already have an existing PPA with the Distribution Licensee. These Regulations categorise banking provisions for (i) aforesaid plants selling power to Distribution Licensees, (ii) Captive generating plants.</p> <p>The "Energy Storage Systems" means a system to store energy in any form for a period of time and delivering it as electrical energy as and when required. As such Energy Storage Systems (ESS), including Battery Energy Storage Systems (BESS) and Pumped Storage Plants (PSP) are not within the purview of these Regulations, hence their definition is not required within the ambit of present Regulations.</p>
9)	<b>Clean Development Mechanism</b>	<p><b>UPPCL</b>  <b>Regulation 4</b>  UPPCL has submitted that current mechanism for sharing CDM proceeds overlooks a key stakeholder, the DISCOM whose network is essential for the delivery of power generated from CDM projects. While the generator and procurer share the carbon credit benefits, the DISCOM bears the responsibility of maintaining and upgrading the distribution infrastructure through which the clean energy is transmitted to consumers. Without the reliable operation of this network, the environmental and financial objectives of the CDM project would not be achievable.</p>	The Commission has examined the suggestion/view of the stakeholder and would like to reiterate that the existing provision ensures sharing between generating company/plant and its procurer. If DISCOM is the procurer, its share is inherently covered. Hence, no amendment is needed.

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		Given the DISCOM's critical role and associated investment in facilitating clean energy transmission, it is only equitable that a reasonable share of CDM proceeds be allocated to the DISCOM as well.	
10)	<b>Clean Development Mechanism</b>	<p><b><u>Tata Power Renewable Energy Ltd.</u></b>  <b><u>Regulation 4</u></b>  Tata Power Renewable enquired the following:</p> <ol style="list-style-type: none"> <li>1. Many of the open access customers are asking for total carbon credits in many cases what will be the solution in that case?</li> <li>2. What will be policy perspective if the park is not registered under CDM Mechanism.</li> </ol>	<p>For claiming CDM benefit, the project must qualify through a rigorous registration and issuance process. The National Clean Development Mechanism Authority (NCDMA) under MoEF&amp;CC serves as designated National Authority for CDM. Therefore, it is clarified that the CDM benefits for Open Access consumers are not covered under the ambit of these Regulations.</p> <p>Further, CDM benefit sharing applies only to CDM-registered projects. In absence of CDM registration, it is the responsibility of the Generating Plants to register the project under CDM to avail such benefits.</p>
11)	<b>The Generating Plant shall adhere to the following</b>	<p><b><u>Tata Power Renewable Energy Ltd.</u></b>  <b><u>Regulation 5(VIII)</u></b>  Kindly clarify whether PPA will be required with open access customers before getting connectivity and solar park registration in UP.</p>	<p>The said query doesn't fall within the ambit of these Regulations. However, it is clarified that the connectivity shall be governed by the UPERC (Grant of Connectivity to intra-State Transmission System) Regulations, 2010 and its subsequent amendments. Further, the Open Access shall be governed by the UPERC Open Access Regulations, 2019 along with its subsequent amendments.</p>
12)	<b>The Generating Plant shall adhere to the following</b>	<p><b><u>UPSLDC</u></b>  <b><u>Regulation 5(VI)</u></b>  UPSLDC has submitted that the UPERC Scheduling (Forecasting, Deviation Settlement and Related Matters of Solar and Wind Generation Sources) Regulations, 2018 is applicable for RE Generators having installed capacity of 5 MW and above and connected directly to state transmission network. Accordingly, it is proposed that RE generators who are directly connected to state transmission network irrespective of the installed capacity may be allowed forecasting, scheduling, and deviation/commercial settlement as per the UPERC (Forecasting, Scheduling, Deviation Settlement and Related Matters of Solar and Wind Generation Sources Regulations), 2018.</p>	<p>a. UPSLDC has proposed that Solar and Wind Generators irrespective of installed capacity which are connected to state Transmission Network may be allowed for Scheduling and DSM in terms of UPERC Scheduling (Forecasting, Deviation Settlement and Related Matters of Solar and Wind Generation Sources) Regulations, 2018.</p> <p>The Commission clarifies that proposed exemption is not under the purview of these Regulations. The issue of exemption of capacity under the said Regulations referred by UPSLDC may be raised at the time of any amendments proposed by the Commission to UPERC Scheduling (Forecasting, Deviation Settlement and</p>

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		<p>However, trial run operation of RE generators who are connected to distribution network, i.e., connected to distribution substations or mixed feeders, may be done by Discom itself. Further, the commercial settlement may be done of these types of generators as per the actual energy injected in the electrical network i.e., the schedules submitted by them may be replaced with actual generation.</p> <p>It is also to mention that UP Electricity Grid Code 2007 mentions the responsibility of SLDC regarding Scheduling/ dispatching the generation of all SSGS connected to the State Transmission network.</p>	<p>Related Matters of Solar and Wind Generation Sources) Regulations.</p> <p>b. UPSLDC has proposed that trial run of RE generators connected to distribution networks may be done by DISCOMs and commercial settlement of these generators may be done as per the actual energy injected in place of schedule submitted by them. Accordingly, the Commission has made modifications in Regulation 16(I) as under:</p> <p><i>"Provided that in case sale is to the Distribution Licensee without involving the transmission network of the area, Joint Meter Reading (JMR) shall be done unless a separate mechanism is provided in UPEGC/IEGC. The energy accounting and billing shall be done by the Generating Plants in association with the concerned Distribution Licensee."</i></p> <p>Above provisions make it clear that accounting/commercial settlement will be done on the basis of actual meter reading and not on the basis of scheduling. However, as far as trial run is concerned for RE Generating plant connect to distribution system will be carried out/certified by distribution licensee unless a different dispensation is provided in the PPA.</p>
13)	<b>The Generating Plant shall adhere to the following</b>	<p><b><u>UPNEDA</u></b> <b><u>Regulation 5</u></b></p> <p>UPNEDA has requested that a defined mechanism for monitoring regulatory compliance and imposing penalties for violations should be incorporated. The regulations should mandate the use of digital dashboards and periodic submission of compliance reports by captive generating plants to enhance transparency and oversight. Additionally, penalties should be prescribed for non-compliance with mandatory annual energy audits under applicable laws. These measures will support effective monitoring and promote responsible RE development in the State.</p>	<p>The Commission has noted the comments and accordingly made applicable changes in the final regulations as under:</p> <p><i>"The Generating Plants shall adhere to the direction of the State Nodal Agency in compliance to the UPERC (Promotion of Green Energy through Renewable Purchase Obligation) Regulations, 2010 as amended from time to time."</i></p>

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14)	<b>Tariff for Supply of Electricity to Distribution Licensee</b>	<p><b><u>NPCL</u></b>  <b><i>Regulation 6(I)</i></b>  NPCL has requested that Generic Tariff should also be given for BESS/PSP charged with RE power, selling power to distribution licenses. Further, benchmark capital cost may also be given for BESS/PSP if the same is installed under capital expenditure route.</p>	<p>The scope of these Regulations governs all the matters pertaining to determination of generic tariff for the existing Captive Generating Plant (non-RE), Captive RE Power Plants (Small Hydro, Solar Power, Wind Based Generation Plants), non-fossil fuel based Co-generating plants (Bagasse based), Biomass Based and Municipal Solid based Generation Plants which have already an existing PPA with the Distribution Licensee. These Regulations categorise banking provisions for aforesaid plants as (i) Selling power to Distribution Licensees, (ii) Captive RE generating plants selling power under open access to third parties.</p> <p>The "Energy Storage Systems (ESS)" means a system to store energy in any form for a period of time and delivering it as electrical energy as and when required. The ESS output energy would be considered RE only if the input energy for storing in the ESS is fed from RE source. Energy Storage Systems, including Battery Energy Storage Systems (BESS) and Pumped Storage Plants (PSP) are not within the purview of these Regulations.</p>
15)	<b>Tariff for Supply of Electricity to Distribution Licensee</b>	<p><b><u>NIDP Developers Pvt. Ltd.</u></b>  <b><i>Regulation 6(VII)</i></b>  Requested to modify the PLF to 80% for Biomass power plant.</p>	<p>It is clarified that the PLF of 80% for biomass based generating plants has been considered for tariff calculation as set out in Schedule-I. Accordingly, applicable changes have been incorporated in the final regulations.</p>
16)	<b>Tariff for Supply of Electricity to Distribution Licensee</b>	<p><b><u>UPNEDA</u></b>  <b><i>Regulation 6(VII)</i></b>  UPNEDA has submitted that Plant Load Factor (PLF) should be computed based on the total generation at the generator terminals, rather than being limited to the lower of energy sold to the distribution licensee or scheduled by SLDC. This approach would more accurately reflect the operational performance of generating plants, particularly those supplying power to multiple off-takers including third-party and open access consumers. In cases where a generating plant supply power partly to a distribution licensee and partly through third-party open access or merchant sale, the PLF should be computed based on total generation at the generator terminals. This ensures equitable treatment and reflects the actual performance of such multi-buyer configurations.</p>	<p>Under the Draft Regulations, the computation of PLF is specifically linked to the quantum of energy sold to the Distribution Licensee for the purpose of recovery of tariff and incentive. The commercial arrangements, involving sale to third parties or multiple consumers are outside the scope of these Regulations.</p> <p>Accordingly, the Commission finds it appropriate to retain the draft provision.</p>

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17)	<b>Tariff for Supply of Electricity to Distribution Licensee</b>	<p><b>UPNEDA</b>  <b>Regulation 6(VIII)</b>  UPNEDA has requested that a provision for determining tariff and operating norms for emerging renewable technologies through a fast-track approval mechanism should be included. To promote innovation and pilot deployments, the Commission may consider granting "must-purchase" status to emerging renewable energy technologies up to 5 MW capacity (not exceeding 20 MW per technology type). While defining such technologies may be challenging, this provision would facilitate early adoption without requiring detailed norms, especially where APPC-based tariffs are already applicable. This would also streamline PPA approvals and reduce procedural delays.</p>	<p>The Commission has incorporated draft provision for the promotion of emerging technologies in the State. Therefore, the tariff for pilot projects up to 5 MW capacity at a single location based on emerging technologies would be determined by the Commission in consumer interest. The capacities above 5 MW and upto 20 MW cannot be accepted for pilot demonstration purpose. Because considering a bigger plant for pilot demonstration purpose in absence of a benchmark related to cost and other parameters may result in significant increase on consumer tariff, thus will be detrimental to consumer interest.</p> <p>Accordingly, the Commission finds it appropriate to retain the draft provision.</p>
18)	<b>Approval of Power Purchase Agreement</b>	<p><b>UPPCL</b>  <b>Regulation 7(II)</b>  UPPCL has submitted that energy received details may not be readily available with them, as this information is primarily maintained by UPSLDC. Therefore, the provision of draft Regulations may be modified as below:</p> <p><i>"II. The Distribution Licensee shall furnish data, subject to availability of information from UPSLDC for energy received from different Captive &amp; RE generating plant, that have PPAs with Distribution Licensee, in the format annexed at Annexure-I for each completed financial year by 30th June of next financial year."</i></p>	<p>UPPCL is the procurer of energy from different generating plants which are connected to STU/Distribution System, therefore, it is the responsibility of UPPCL to have source wise energy details and submit to the Commission within prescribed timeline.</p> <p>Accordingly, the Commission finds it appropriate to retain the draft provision.</p>
19)	<b>Purchase of Electricity by Generating Plant</b>	<p><b>UPSLDC</b>  <b>Regulation 8</b>  UPSLDC has requested that commercial treatment of power purchase and drawl through open access shall be done in the following manner in addition to other open access (wheeling, charges cross-subsidy) billed by STU/Discom:</p> <ol style="list-style-type: none"> <li>1. In case generator have a discom connection, the energy accounting shall be issued by UPSLDC same as for part open access consumer as per open access Regulation, 2019.</li> <li>2. In case generator do not have discom connection, the energy accounting including DSM shall be issued by UPSLDC same as</li> </ol>	<p>These Regulations do not govern the specifics of tariff, cross subsidy surcharge and other applicable charges or any other further provisions of the Generating plants, which are already governed by the UPERC (Terms and Conditions for Open Access) Regulations, 2019 and amendments thereto.</p> <p>The generating plant would comply with the Open Access Regulations and DSM Regulations as amended from time to time for commercial treatment of power purchase and drawl of power through Open Access.</p>

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		for full open access consumer as per open access regulation, 2019.	
20)	<b>Purchase of Electricity by Generating Plant</b>	<p>1. <b>SPDA</b>  2. <b>Ampin Energy Transition Pvt Ltd.</b>  3. <b>National Solar Energy Federation of India (NSEFI)</b>  4. <b>SunSure Energy Pvt. Ltd.</b></p> <p>A request has been made by these groups to modify the existing provisions to Regulation 8, which is written without underlining to incorporate the underlined portion in continuation of non-underlined section as below:</p> <p><b>Regulation 8</b></p> <p>Any person, who establishes, maintains, and operates a Generating Plant, may also purchase electricity through Open Access or from Distribution Licensee of their area, to meet its electricity requirement including auxiliary power consumption during non-generating solar hours. Therefore, the following proviso may be modified as under:</p> <p>"Provided that such purchase of electricity, from a Distribution Licensee of the area in which the plant is located, shall be charged under HV-2 category of the rate schedule of tariff. <u>This shall not apply to existing generating stations/plants who have already entered into PPAs, adopted via competitive bidding under Section 63 of the Electricity Act, 2003. For such existing generating stations/plants, the practices prevailing as per the PPA, as was in practice prior to notification of these Regulations shall continue to be applicable.</u></p> <p><u>Provided further that "Point of Supply" for such purchase of electricity for such HV-2 category consumer, from a Distribution Licensee shall be as per UPERC Electricity Supply Code 2005."</u></p>	<p>The Commission, taking note of comments, clarifies that any purchase of power from Distribution Licensee by Generating plant would be governed by the applicable approved tariff schedule of the Distribution Licensee and Point of Supply would be governed by the UPERC Electricity Supply Code 2005 and amendments thereto. However, it is the discretion of generating station to purchase electricity through Open Access.</p> <p>The Commission has incorporated necessary modifications to the Regulation 8 in the final Regulations as stated below:</p> <p><b>Regulation 8</b></p> <p>.....</p> <p><i>"Provided that such purchase of electricity, from a Distribution Licensee of the area in which the plant is located, shall be billed under HV-2 category of the rate schedule of tariff and "Point of supply" for such purchase of electricity shall be as per UPERC Electricity Supply Code 2005."</i></p>
21)	<b>Purchase of Electricity by Generating Plant</b>	<p><b>UPNEDA</b>  <b>Regulation 8</b></p> <p>UPNEDA has requested that Generation plants should not be charged under HV-2 category for their self-consumption. The legacy provision of charging self-consumption under the HV-2 tariff</p>	<p>It is clarified that the applicable tariff to the Consumer shall be in accordance with the consumer's category as specified in the prevailing retail supply tariff schedule of the Distribution Licensee. The Commission has observed the current cost competitiveness of Renewable Energy.</p>



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		category is no longer justified, given the current cost competitiveness of renewable energy. It is proposed that such consumption be netted off against injected energy to reduce the effective cost of RE generation, particularly in a state like Uttar Pradesh which faces inherent resource limitations.	However, the APPC of the distribution license is way above the cost of renewable energy progressively in recent times. Further the Commission has already provided net metering as per the UPERC (Rooftop Solar PV Grid Interactive System Gross /Net Metering) Regulations, 2019 amendments/ reenactments thereof under which, unit set-off i.e., net metering facility has been provided only to LMV-1, LMV-5, LMV-4A, educational institutions under LMV-4B, HV1(A) & educational institutions under HV1(B) categories. The categories have been chosen, after well thought out considerations and cannot be enlarged under the present Regulations, firstly, and secondly, providing any such facility to generating plant would mean extension of this facility to HV2 consumers, which will hurt commercial interest of distribution licensee as well as effect consumer tariff. Therefore, the Commission is of the view that no change in the draft provision is warranted and the same has been retained in the final Regulations.
22)	Grid Discipline	<b><u>UPSLDC</u></b> <b><u>Regulation 9(I)</u></b> UPSLDC has submitted that at present during the GD&TC, the Deviation compensation is being provided as per provision of UPEGC. It has sought clarification whether above Deviation will not be compensated in case of GD&TC as per this draft provisions.	Regarding the comments raised by the objectors, UPSLDC and UPNEDA, it is clarified that the provisions relating to compensation due to schedule revision, Grid Disturbance and Transmission Constraints (GD&TC) shall be governed in accordance with the UPEGC/IEGC and for deviation settlement mechanism CERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2024 shall be applicable. Therefore, it is clarified that the proposed suggestions are not covered under the ambit of these Regulations.
23)	Grid Discipline	<b><u>UP Sugar Mills Cogen Association</u></b> <b><u>Regulation 9(I)</u></b> The Objector has submitted that the Commission should permit co-generators to submit verified reports from the STU in the event of grid disturbances or transmission constraints and seek appropriate schedule revision. We also request that the Commission in the Draft CRE Regulations to explicitly clarify that no DSM charges shall be levied on generating plants in cases where deviations are attributable to such verified grid-related events.	
24)	Grid Discipline	<b><u>Bajaj Hindustan Sugar Ltd.</u></b> <b><u>Regulation 9(I)</u></b> The Objector has submitted that since provisions related to grid disturbances and transmission constraints are included in the Grid	



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		Code 2007, grid discipline should be maintained in accordance with the Grid Code 2007.	
25)	<b>Grid Discipline</b>	<p><b><u>UPNEDA</u></b>  <b><i>Regulation 9(I)</i></b>  UPNEDA has submitted that as per draft Regulations, it is mentioned that generating plant shall not be entitled for any compensation in the event of grid failure or any interruptions or damage to the plant or its associated sub- stations or transmission line on account of any happening in the grid. The blanket exclusion of compensation for grid failures under the draft regulations may discourage renewable energy investments. As a facilitative measure, it is proposed that in cases where grid failure during high RE generation hours exceeds 2% of the time (based on trailing 7-day data), banking charges be reduced by up to 50% of the estimated generation loss. This would provide a balanced and practical incentive framework for captive RE developers.</p>	
26)	<b>Grid Discipline</b>	<p><b><u>UPSLDC</u></b>  <b><i>Regulation 9(II)</i></b>  UPSLDC has submitted that the UPERC Scheduling, (Forecasting, Deviation Settlement and Related Matters of Solar and Wind Generation Regulations), Sources 2018 is applicable for RE Generators having installed capacity of 5 MW and above and connected directly to state transmission network. Accordingly, it is proposed that RE generators who are directly connected to state transmission network irrespective of the installed capacity may be allowed forecasting, scheduling, and deviation/commercial settlement as per the UPERC (Forecasting, Scheduling, Deviation Settlement and Related Matters of Solar and Wind Generation Sources Regulations), 2018.</p> <p>However, trial run operation of RE generators who are connected to distribution networks i.e. connected to distribution. substation or mixed feeders may be done by discom itself. Further, the commercial settlement may be done of these types of generators as per the actual energy injected in the electrical network, i.e. the schedules submitted by them may be replaced with actual generation.</p>	This comment is repetition of what has been stated by UPSLDC at S. No. 12 and accordingly clarified therein.

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		It is also to mention that UP Electricity Grid Code 2007 mentions the responsibility of SLDC regarding Scheduling/ dispatching the generation of all SSGS connected to the State Transmission network.	
27)	Grid Discipline	<b><u>Simbhaoli Power Pvt. Ltd.</u></b> <b><u>Regulation 9(II)</u></b> The Objector has requested to exempt bagasse-based cogeneration plants with exportable capacity below 25 MW from the applicability of DSM charges, in line with the approach adopted by other State Commissions such as MERC and HERC.	Grid discipline has always been the backbone of power systems particularly for the last 7 to 8 years with increasing trend of intermittent renewable capacity addition to the grid. Therefore, the Commission has brought RE plant in the DSM ambit w.e.f. 01.04.20219 in CRE Regulations, 2019. Hence, DSM charges exemption cannot be allowed.  Accordingly, the Commission finds it appropriate to retain the draft provision.
28)	Grid Discipline	<b><u>UP Sugar Mills Cogen Association</u></b> <b><u>Regulation 9(II)</u></b> The Objector has requested that Bagasse-based cogeneration plants with low exportable quantum particularly those below 25 MW may be exempted from the applicability of DSM charges. Such an approach would strike a fair balance between ensuring grid discipline and protecting the viability of small-scale cogeneration projects which play an important role in promoting renewable energy and supporting rural and agro-based economies.	
29)	Grid Discipline	<b><u>UPNEDA</u></b> <b><u>Regulation 9(II)</u></b> UPNEDA has sought preferential treatment given to Municipal solid waste (MSW) and Small hydro projects (SHP) is welcome. UPNEDA requested for same preferential treatment for Surface Kinetics in UP. As GoUP is encouraging them as an innovative configuration.	The Commission has incorporated draft provision for the promotion of emerging technologies in the State. The tariff for such pilot projects based on emerging technologies would be regulated by the Commission in consumer interest.  In case of any difficulty, such pilot project developer may approach the Commission.  Accordingly, the Commission finds it appropriate to retain the draft provision.
30)	Procedure for declaration of COD	<b><u>NPCL</u></b> <b><u>Regulation 10(I)</u></b> NPCL has sought clarification regarding COD of the RE plant in case it is selling power to both distribution licensee and Open Access consumers. Further, the provision should also be extended to non-RE based captive power plants.	It is clarified that RE plants selling power to both Distribution Licensee and Open Access Consumers, the applicable provisions would be Regulation 10(I) i.e., selling power to distribution licensee. Further, for non-RE captive generating plants, provisions provided in Grid Code would be applicable.

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
31)	Procedure for declaration of COD	<p><b>UPSLDC</b> <b>Modification in Regulation 10(II)(ii):</b></p> <p>A request has been made by UPSLDC to incorporate "Member Secretary" in the existing proviso as stated under:</p> <p>"The SPD would be required to give a notice of not less than 7 days to UPSLDC with copy to STU/<b>Member Secretary</b>, SPC and the beneficiaries of the solar power generation station for conducting trial run."</p>	<p>The suggestion to include Member Secretary, SPC in the copy of Notice, sent by SPD for trial run, to UPSLDC has been accepted and necessary modification has been incorporated in the final Regulations at Regulation 10(II)(ii) as under:</p> <p><i>"The SPD would be required to give a notice of not less than 7 days to UPSLDC with copy to STU/Member Secretary, SPC and the beneficiaries of the solar power generation station for conducting trial run."</i></p>
32)	Procedure for declaration of COD	<p><b>SPDA</b> <b>Regulation 10(II)(iii)</b></p> <p>SPDA has requested for addition of proviso in Regulation 10(II)(iii) as under:</p> <p><i>"Provided that the trial run shall be voluntary for captive generation projects and projects which sell energy to 3<sup>rd</sup> party under open access."</i></p>	<p>The generation project upon connection with the grid is mandated to follow grid code. The grid code is like a rule book for continuous, reliable and safe power supply when multiple generations and consumers are connected at the same time. Renewable projects, in particular, have intermittent and unreliable power, it is all the more necessary for the grid operator to have complete information about these projects so that such generation could be appropriately integrated with the conventional projects.</p> <p>As per Electricity Grid Code, trial run is compulsory for different types of generating plants. Such trial run is essential for validating its rated project capacity/capacity under use. The Commission vide its Order dated 28.02.2024 in Petition No. 1847/2022 had framed "Modalities for COD/part-COD declaration for unit-wise /Phase-wise/Stagewise Solar PV-based project installed out of the total project capacity" after consultation with all the stakeholders involved including UPSLDC.</p> <p>Therefore, the Commission cannot accept the proposal for making the trial run voluntary.</p>
33)	Procedure for declaration of COD	<p><b>SPDA</b> <b>Regulation 10(II)(vii)</b></p> <p>SPDA has requested to replace 'two weeks' with 'five days' in the Regulation 10(II)(vii) as under:</p>	<p>The Commission vide its Order dated 28.02.2024 in Petition No. 1847/2022 had framed "Modalities for COD/part-COD declaration for unit-wise /Phase-wise/Stagewise Solar PV-based project installed out of the total project capacity" after consultation with the stakeholders involved.</p>

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		A trial run will be considered as successful if the SPD demonstrates maintenance of peak generation, corresponding to the capacity for which the COD/Part COD is sought, over one time block of 15 minutes for at least any three days within a continuous period of two weeks five days.	Further, it is clarified that the provision of two weeks is the maximum time period within which the developer has to demonstrate the peak generation, however, if the developer wishes to demonstrate the same within 5 days they can do so.  Accordingly, the Commission finds it appropriate to retain the draft provision.
34)	<b>Procedure for declaration of COD</b>	<b><u>UPSLDC</u></b> <b><i>Regulation 10(II)(x)</i></b> A request has been made by UPSLDC to incorporate "Member Secretary" in the existing provision as stated under:  After completion of a successful trial run for part-COD/COD, SLDC shall issue a certificate to that effect to the SPD with a copy to STU/ <b>Member Secretary</b> , SPC and other beneficiaries within 3 days.	The suggestion to include Member Secretary, SPC to share the copy of 'certificate of successful trial run' to the SPD/STU etc. has been accepted and necessary modification has been incorporated in the final Regulations at Regulation 10(II)(x).
35)	<b>Procedure for declaration of COD</b>	<b><u>SPDA</u></b> <b><i>Regulation 10(II)(xi)</i></b> SPDA has requested to include 'Director or any other Representative authorized by the board of SPD' in Regulation 10(II)(xi) as under:  "On receipt of the certificate of successful trial run from SLDC, the SPD may issue a declaration regarding the COD for part COD/COD duly signed by its authorized signatory not below the rank of <b>Director</b> or CMD or CEO or MD or <b>any other Representative authorized by the Board of SPD.</b> "	The Commission has accepted the suggestion and accordingly made necessary modification in the final Regulations. The revised provision under the said Regulation shall be read as follows:  <i>"On receipt of the certificate of successful trial run from SLDC, the SPD may issue a declaration regarding the COD/part-COD, duly signed by a representative not below the rank of Director as authorized by the Board of the SPD."</i>
36)	<b>Procedure for declaration of COD</b>	<b>1. <u>Ampin Energy Transition Pvt Ltd</u></b> <b>2. <u>SPDA</u></b> <b>3. <u>NSEFI</u></b> <b>4. <u>SunSure Energy Pvt. Ltd.</u></b>  A request has been made by these groups to delete Regulation 10 (II)(xii) regarding requirement of placing bank guarantee by SPD for the purpose of COD declaration.	The Commission verifies the captive status of the generating plant only after the completion of the Financial Year, while the generating plant avails the exemption from cross subsidy surcharge, additional surcharge as per the tariff order of the Commission. The provisions for requirement of furnishing a Bank Guarantee (BG) serves as a risk mitigation measure intended to safeguard the financial and operational interests of the Distribution Licensee, wherever generating plants fails to establish its captive status after the end of year. So, BG is not in respect

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
			of COD, rather, it is required in connection to verification of captive status. Hence, the request does not fall within the purview of these Regulations. Accordingly, the Commission finds it appropriate to retain the draft provision.
37)	Procedure for declaration of COD	<p><b><u>Tata Power Renewable Energy Ltd.</u></b>  <b><u>Regulation 10(II)(xii)</u></b>  The Objector has commented that Bank Guarantee should be under the purview of end customer and not under SPD. Please clarify.</p>	It is clarified that the Bank Guarantee for an amount equal to applicable charges shall be payable by the SPD.
38)	Procedure for declaration of COD	<p>1. <b><u>SPDA</u></b>  2. <b><u>NSEFI</u></b>  3. <b><u>Ampin Energy Transition Pvt Ltd.</u></b>  4. <b><u>SunSure Energy Pvt. Ltd.</u></b></p> <p><b><u>Regulation 10(II)(xiii)</u></b>  A request has been made by these groups to modify the existing provision, as to delete the strikethrough text as under:</p> <p><i>"The Banking facility and signing of Wheeling and Banking Agreement (WBA) with distribution licensee will be allowed only for the full capacity of the LTOA at the stage of part-COD. Further, it is clarified that multiple WBA for a single LTOA will not be allowed and SPD can approach distribution licensee for maximum 2 times/instances for signing of WBA for the entire project capacity."</i></p>	<p>The Commission vide its Order dated 28.02.2024 in Petition No. 1847/2022 had framed "Modalities for COD/part-COD declaration for unit-wise /Phase-wise/Stagewise Solar PV-based project installed out of the total project capacity" after consultation with all the stakeholders involved including UPSLDC.</p> <p>The Commission has in the Regulation 10(II)(xiii) of these Regulations already allowed two WBA signings keeping in mind the phased commissioning.</p> <p>The Commission is of the view that any further allowance of attempts of WBA signings would create unnecessary burden on the Distribution Licensee, hurdle in the distribution/transmission planning and this may further result in delay. Accordingly, the Commission finds it appropriate to retain the draft provision.</p>
39)	Procedure for declaration of COD	<p><b><u>DIPA</u></b>  <b><u>Regulation 10(II)(xiii)</u></b>  DIPA has requested to allow multiple WBA signings aligned to phased commissioning or evolving drawl arrangements.</p>	

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
40)	Procedure for declaration of COD	<p><b>UPNEDA</b>  <b>Regulation 10(II)(xiii)</b>  UPNEDA has submitted that multiple wheeling and banking agreement (WBA) for single LTOA is not permitted. Also, limitation of only 2 times in project life is imposed.  The restriction on executing multiple Wheeling and Banking Agreements (WBAs) under a single LTOA, and the limitation to only two instances per project, may be reconsidered. In light of the Government of India's recent draft guidelines promoting Virtual Power Purchase Agreements (VPPAs) and flexible RE procurement, such limitations could hinder market development and investor participation.</p>	
41)	Procedure for declaration of COD	<p><b>Indus Towers Ltd.</b>  <b>Regulation 10(II)(xiii)</b>  Indus Towers has requested to allow multiple WBA signing aligned to phased commissioning or evolving drawl arrangements.   For LTOA consumers with distributed load aggregated to 100kW or more, the deployment of smart meters and related infrastructure might take time, the drawl will be mapped gradually based on actual load development after smart meter and related infrastructure is installed and consumption presence across all the DISCOMs of UP multiple applications has to be made hence, considering the operation issues and aligning with the principle of ease-of-doing business phased WBA execution should be permitted.   We recommend sub-division wise WBA signing for the aggregated load consumers obtaining Green Energy Open Access.</p>	<p>The Commission appreciates the concern of the Objector and clarifies that for LTOA consumers with distributed load aggregating to 100 kW or more, since their load aggregation is done at divisional level, hence in accordance with the scheme of these Regulations, WBA at two stages is permitted at the divisional level. It is for the aggregator to sign first WBA when, say, around 50% connections are in place in first phase and second WBA including the remaining consumers.</p>
42)	Procedure for declaration of COD	<p><b>Tata Power Renewable Energy Ltd.</b>  <b>Regulation 10(II)(xiii)</b>  There may be multiple consumers in a solar park kindly clarify in this regard.</p>	<p>The comment is not clear as commonly understood that a solar park may have multiple generators but not multiple consumers.</p>
43)	Procedure for declaration of COD	<p>1. <b>SPDA</b>  2. <b>NSEFI</b>  3. <b>Ampin Energy Transition Pvt Ltd.</b>  4. <b>SunSure Energy Pvt. Ltd.</b>  <b>Regulation 10(II)</b></p>	<p>The Commission after taking note of comments decided to incorporate additional provision for Infirm Power in the final Regulations as under:   <b>Regulation 10(II)(xiv)</b></p>

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		<p>A request has been made by these groups to add provision, regarding infirm power, to Regulation 10 as under:</p> <p><i>"The infirm power injected by solar generating plant during trial run, shall be considered as deemed purchase by the Distribution Licensee.</i></p> <p><i>Provided that the solar generating plant shall be entitled to get average of the tariff discovered under the competitive bidding for the preceding 6 months by the state or by any central REIAs, as applicable."</i></p>	<p><i>"The tariff for the infirm power injected by solar generating plant during trial run, shall be considered as deemed purchase by the distribution licensee, based on SLDC verification. Such infirm power shall be payable by the distribution licensee to the solar developer @ 50% of the weighted average tariffs of solar projects for which tariff has been discovered through competitive bidding, either by the licensee or by an intermediary agency for the licensee and which has been approved/adopted by the commission, as applicable in the last financial year. In case no bidding is done in the previous financial year, then weighted average tariff shall be determined on the basis of latest financial year for which such bidding data is available."</i></p>
44)	<b>Open Access</b>	<p><b>Manikaran Power Ltd.</b> <b>Regulation 11(II)</b></p> <p>Manikaran Power has requested to add the word 'additional surcharge' to the Regulation 11(II) as under:</p> <p>"A Captive User shall not be liable to pay cross subsidy surcharge and <b>additional surcharge</b> but shall be liable to pay the transmission and /or wheeling charges and any other applicable charges as per the UPERC (Terms and Conditions for Open Access) Regulations, 2019 and amendments thereto and losses for carrying the generated electricity from its plant to the destination for its own use or for the use of its user as defined by the Act or the rules made thereunder"</p>	<p>A captive user receiving supply from other than distribution licensee of his area of supply, shall be liable to pay an additional surcharge on the charges of wheeling as specified by the Commission, in terms of Section 42(4) of Electricity Act 2003. Therefore, "additional surcharge" will be applicable as per Tariff order of the Commission, which is in line with the Section 42(4) of the Electricity Act, 2003.</p>
45)	<b>Open Access</b>	<p><b>1. Indus Towers Ltd.</b> <b>2. Gentari Renewables India Management Pvt. Ltd.</b> <b>3. DIPA</b> <b>Regulation 11(II)</b></p> <p>A request has been made by these groups to add word 'additional surcharge' to Regulation 11(II) as under:</p> <p>"II. A Captive Generating Plant shall not be liable to pay cross subsidy surcharge and <b>additional surcharge</b> but shall be liable to pay the transmission and/or wheeling charges and any other applicable charges as per the UPERC (Terms and Conditions for</p>	<p>Accordingly, the Commission finds it appropriate to retain the draft provision.</p> <p>It is also clarified that at present there is no additional surcharge as per Tariff order of the Commission.</p>

S. No.	Key Issues	Comments of the Stakeholder	Commission's View									
		Open Access) Regulations, 2019 and amendments thereto and losses for carrying the generated electricity from its plant to the destination for its own use or for the use of its user as defined by the Act or the rules made thereunder:"										
46)	Open Access	<p><b><u>SPDA</u></b> <b>Regulation 11(II)</b> SPDA has requested to add the proviso in the Regulation 11(II) as under:</p> <p><i>"Provided also that the incentives provided under the Uttar Pradesh Solar Energy Policy shall be applicable for the entire useful life for the projects which are commissioned under the Control Period."</i></p>	<p>It is clarified that the UP Solar Energy Policy, 2022 is applicable for a period of 5 years or till the Government notifies the new policy, whichever is earlier. The incentives/exemptions in these Regulations shall be co-terminus with the timeline of UP Solar Energy Policy issued from time-to-time.</p> <p>Accordingly, the Commission finds it appropriate to retain the draft provision.</p>									
47)	Open Access	<p><b><u>UPPCL</u></b> <b>Regulation 11(III)</b> UPPCL has submitted that draft CRE Regulations include "cross subsidy surcharge" under point II of the table in clause 9(iii), which is ambiguous with respect to UP Solar Policy 2022 (ref. Sr. No. 6 in the table under clause 13.10.1 of the UP Solar Policy 2022) which is quoted as under: ".....100% exemption on Intrastate transmission system."</p> <p>Therefore, it is requested to clarify the inclusion of "cross subsidy surcharge" in point 2 of the table in clause 9(iii) with the UP Solar Policy 2022.</p>	<p>The Commission noted the suggestion and accordingly made necessary modification in the final Regulations in line with the UP Solar Energy Policy, 2022.</p> <p>Accordingly, the relevant table at Regulation 11(III) has been amended in the final Regulations as under:</p> <table><tr><th>S. No.</th><th>Facility</th><th>Incentives for Private Solar Project Developer</th></tr><tr><td>1.</td><td>Wheeling and transmission charges (Intra State)</td><td>100% exemption (on sale of power to Distribution Licensee)*, 50% exemption (captive use and third-party sale)</td></tr><tr><td>2.</td><td>Wheeling, transmission charges (Inter State sale) and</td><td>100% exemption on Intrastate transmission system.</td></tr></table>	S. No.	Facility	Incentives for Private Solar Project Developer	1.	Wheeling and transmission charges (Intra State)	100% exemption (on sale of power to Distribution Licensee)*, 50% exemption (captive use and third-party sale)	2.	Wheeling, transmission charges (Inter State sale) and	100% exemption on Intrastate transmission system.
S. No.	Facility	Incentives for Private Solar Project Developer										
1.	Wheeling and transmission charges (Intra State)	100% exemption (on sale of power to Distribution Licensee)*, 50% exemption (captive use and third-party sale)										
2.	Wheeling, transmission charges (Inter State sale) and	100% exemption on Intrastate transmission system.										
48)	Open Access	<p><b><u>Tata Power Renewable Energy Ltd.</u></b> <b>Regulation 11(III)</b> The Objector has sought clarification regarding exemptions given for interstate sale. i.e. if a generator located in UP, is selling power in Interstate than, wheeling and transmission charges will be exempted to 100% but how the cross subsidy is exempted when the consumer is not located in UP &amp; CSS is not applicable on generators.</p>										



S. No.	Key Issues	Comments of the Stakeholder	Commission's View	
				cross subsidy surcharge.
			<p>*(for government owned distribution licensee, the term distribution licensee may be construed as UPPCL on a holistic basis)</p>	
49)	Open Access	<p>1. <b><u>SPDA</u></b>  2. <b><u>Ampin Energy Transition Pvt Ltd.</u></b>  3. <b><u>NSEFI</u></b>  4. <b><u>SunSure Energy Pvt. Ltd.</u></b></p> <p><b><i>Regulation 11(III)</i></b></p> <p>A request has been made by these groups to modify the existing provisions, as to delete the strikethrough text and to add the underlined and bold text.</p> <p>Provided that these exemptions, both for intrastate and interstate sale of power shall be valid during the applicability of the Uttar Pradesh Solar Energy Policy 2022 as amended from time to time. <b><u>till the duration of long term/Medium Open Access already granted to the existing generating stations/plants under these Regulations.</u></b></p>	<p>The incentives/exemptions in these Regulations are provided as per the UP Solar Energy Policy 2022. Such policy formulation is under the domain of the Government of Uttar Pradesh, therefore the exception through these comments cannot be accepted.</p> <p>Therefore, the incentives/exemptions in these Regulations will be for a period of this control period or period of Solar Policy, whichever is lapsing earlier.</p> <p>Accordingly, the Commission finds it appropriate to retain the draft provision.</p>	
50)	Open Access	<p><b><u>Rimjhim Ispat Ltd.</u></b>  <b><i>Regulation 11(III)</i></b></p> <p>The Objector has requested that incentives on Wheeling and transmission charges for intra state captive use and third-party sale for private developer is increased from 50% to 100%.</p>		
51)	Open Access	<p><b><u>UPNEDA</u></b>  <b><i>Regulation 11(III)</i></b></p> <p>UPNEDA has submitted that exemptions under the draft regulations should explicitly extend to solar projects set up within Uttar Pradesh for the purpose of supplying power to commercial and industrial (C&amp;I) consumers outside the State. This would support export oriented RE development and align with national policy objectives promoting inter-state RE trade.</p>		

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
52)	Open Access	<p><b>NPCL</b>  <b>Regulation 11(III)(1)</b>  NPCL has requested to include "<b><i>all the Distribution Licensee operating in the State</i></b>" in place of "Distribution Licensee".</p>	The relevant clause of these draft Regulation is self-explanatory, subject to any clarification issued by the state government. Hence, the draft Regulation is retained.
53)	Banking	<p><b>Indus Towers &amp; DIPA</b>  <b>Regulation 12(I)</b>  Banking facility is limited to the control period of the regulation (FY 2024-29), with no provision for continuation over project life. It is requested to extend the banking facility to match the useful life of the project, <b>i.e. 25 years</b>.</p>	<p>The banking provisions provided in the previous Regulations of 2019 were applicable for the control period of those Regulations. Similarly, CRE Regulations, 2024 provide visibility for their control period. The Provision of banking allowed in these Regulations is a support provided by the Commission to promote Captive Renewable Energy generators, who are subjected to uncertainty of nature, or to the Bagasse based Co-Generators, whose generation is seasonal but requires electricity for the non-crushing off-season also, to manage their surplus electricity for a limited time. The quantum and duration of banking is decided by balancing the requirement of the RE Generators and its commercial impact on Discoms. Banking puts extra burden on Discoms, who must manage power supply adjustments thereby adding to their cost of power purchase.</p> <p>With the fast-evolving power sector and the advent of storage technologies like Battery Energy Storage System (BESS), Pumped Storage Projects (PSP) etc., the Commission needs to review and update such provisions periodically. Allowing banking for 25 years would turn this temporary promotional support into a permanent liability for Discoms, which will not be practical or fair.</p> <p>Accordingly, the Commission does not find the request to extend the banking facility for the entire 25-year project life acceptable.</p>
54)	Banking	<p><b>Gentari</b>  <b>Regulation 12(I)</b>  The proposed Regulations should not be made applicable to existing projects, which achieved CoD upto 31.03.2024. These existing projects be granted 100% banking subject to modalities of these Regulations, these projects were developed and contracted on the basis of 100% banking provisions as envisaged in the</p>	<p>The provision of banking up to 25% of the energy injected during the month or 30% of total monthly consumption of electricity, whichever is higher has been drafted in accordance with Rule 8 of the Green Energy Open Access Rules, 2022.</p> <p>However, the Commission, partially accepting their submission has allowed a one-time relaxation in the notice</p>

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		<p>Regulations. If they are now subjected to a reduced 25% banking cap (or 30% of Discom consumption) under the proposed Regulations, it will result in a significant loss of unutilized energy, directly impacting the viability of these projects.</p> <p>Furthermore, if captive consumers seek to reduce their contracted capacity with the generating station in response to these changes, they would be liable to pay substantial relinquishment charges, effectively leaving them with no practical recourse. If the Hon'ble Commission is not inclined to allow 100% banking to all existing projects, then atleast 100% banking be allowed to continued for projects for which firm banking agreement for 100% banking is in place. It is also proposed to allow one time relaxation in relinquishment charges for open access consumers who wish to reduce quantum of open access due to changes in banking Regulations.</p>	<p>period and the waiver of the charges payable on part relinquishment for reduction in the Open Access quantum of their captive user(s) to facilitate transition.</p>
55)	<b>Banking</b>	<p><b><u>SPDA</u></b> <b><u>Regulation 12(I)</u></b></p> <p>The electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022 notified by the Ministry of Power do not provide for any distinction between captive generating projects or project selling power to 3rd parties under open access for grant of banking facility. It is requested to include projects selling power to third party under open access for availing the banking facility. It is also requested that a study may be initiated by the Hon'ble Commission on determining the impact of banking. Until the finding of the study report are completed, the banking related provisions of the CRE Regulations 2019 shall be made applicable to all types of generators without any distinction. UPNEDA has also submitted similar comments requesting to include projects selling power to third party under open access for availing the banking facility.</p>	<p>While the Green Energy Open Access Rules, 2022 do not explicitly differentiate between captive and third-party sale projects, Rule 8 clearly links the permitted quantum of banking to the "total monthly consumption of electricity from the distribution licensee."</p> <p>In case of third-party open access, the end user does not draw any power from the distribution licensee and the Generator &amp; end-user have no commercial relationship with the licensee, therefore this rule can't be made operational in case of third-party open access.</p> <p>Allowing banking in these cases, without adequate recovery of associated costs, could create financial stress for the licensee and increase the burden on their consumers through under recovery of cross-subsidies.</p> <p>Therefore, the Commission does not find it suitable to allow banking for third-party Open Access projects in the present circumstances.</p>
56)	<b>Banking</b>	<p><b><u>UPSMCA and Simbhaoli</u></b> <b><u>Regulation 12(I)</u></b></p>	<p>In Regulation 12 iv) bagasse-based co-generation plants have been allowed banking of energy subject to a maximum ceiling of 100% of the energy injected during the</p>

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		Modify the language/expression used in Regulation 12 to explicitly state that the banking facility is extended to bagasse-based cogeneration plants.	quarter (Q), subject to the contracted capacity with the Licensee and to withdraw such banked energy up to two subsequent quarters i.e. up to (Q+2).
57)	Quantum of Banking & Applicability	<p><b>Gentari &amp; DIPA</b>  <b>Regulation 12(I)(iii)</b>            Provide clarification whether the ceiling of 25% of energy injected (or 30% of monthly consumption, whichever is higher) will be computed individually for each captive consumer basis the energy injected for the consumer and its consumption from Discom or applied at the generating station level basis the total generation and combined consumption of all consumers.</p>	It is clarified that the ceiling of 25% of energy injected or 30% of monthly consumption, whichever is higher will be computed individually for each captive user.
58)	Quantum of Banking & Applicability	<p><b>LSE Energy</b>  <b>Regulation 12(I)(iii)</b>            It needs to be clarified that under what circumstances Regulation 12(I)(iv) will be applied instead of Regulation 12(I)(iii). It is also requested to clarify whether Regulation 12(I)(iv) will override the cap provided in Regulation 12(I)(iii) and what conditions are to be met for availing 100% MW based banking.</p>	<p>The Commission has reviewed the matter and finds that both draft Regulations are already clear and do not conflict or override each other in the Draft CRE Regulations, 2024.</p> <ul style="list-style-type: none"> <li>• Draft Regulation 12(I)(iii) lays down the overall limit or maximum quantum of energy that a captive or co-generating plant (excluding MSW) can bank in a month or quarter.</li> <li>• Draft Regulation 12(I)(iv), on the other hand allows 100% of the energy injected in MW terms to be banked in a time block of 15-minutes.</li> <li>• In this respect, it is further clarified as following:             For example, a captive plant, having a contracted capacity of 5 MW, can bank the entire quantum of 5 MW (i.e. 100%) in a 15-minute time block, say between 10:00-10:15 AM. However, the net energy banked in all the time blocks of a month or quarter (as the case may be) shall be subject to the ceiling and timelines provided in Regulation 12(I)(iii). The clarified position is captured in the final Regulation 12 iv).</li> </ul>
59)	Quantum of Banking & Applicability	<p><b>SPDA</b>  <b>Regulation 12(I)(iii)</b>            No ceiling should be there for renewable energy generating plants other than Bagasse and MSW in order to align with the rule 9 of electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022.</p>	Rule 9 of the Green Energy Open Access Rules, 2022 as referred, provides <i>charges to be levied for Open Access</i> and does not mention about ceiling on energy from renewable plants. Accordingly, the Commission finds it appropriate to retain the draft provision.

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
60)	Quantum of Banking & Applicability	<p><b>UPSLDC</b>  <b>Regulation 12(I)(iii)</b>  This is in conflict with clause 25 of UPERC (Forecasting, Scheduling, Deviation Settlement and Related Matters of Solar and Wind Generation Sources Regulations), 2018 wherein the buyer will commercially settle the delivered energy on the basis of actual generation irrespective of schedule generation given.</p> <p>Also, the facility of banking may be allowed only to that RE generators who are directly connected to state transmission network. All RE generators who are allowed banking need to submit schedule of their generation.</p>	<p>Suitable amendments have been incorporated in the final Regulations to address this concern.</p> <p>For availing the banking facility, the co-generation plants, Captive Generating Plants and their Captive users shall install Energy Meters as specified in Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 and CEA Communications Regulations as amended from time to time and shall have automatic remote meter reading (AMR) facility including additional communication links, if any, required for the purpose of AMR facility.</p> <p>Scheduling of energy, including Banked as well as withdrawal of banked energy, shall be mandatory for availing the banking facility.</p> <p>Energy and DSM accounts of all the Co-generating plants, Captive Generating Plants and their captive users (except for Solar and Wind generating plants) shall be prepared by UPSLDC, in accordance with the provisions contained in UPERC (Terms and Conditions for Open Access) Regulations, 2019 read with DSM Regulations specified by CERC.</p> <p>Whereas, Energy and DSM accounts of all the Solar and Wind generating plants shall be prepared by UPSLDC, in accordance to the provisions contained in UPERC (Forecasting, Scheduling, Deviation Settlement and Related Matters of Solar and Wind Generation Sources) Regulations read with UPERC (Terms and Conditions for Open Access) Regulations, 2019.</p>
61)	Quantum of Banking & Applicability	<p><b>India Glycol</b>  <b>Regulation 12(I)(iii)</b>  Banking period be reinstated for Non-RE generators to support practical energy balancing.</p>	<p>The Commission has taken note of the submission and, accordingly has decided to provide banking of energy to Non-RE Captive or Co-generating plants subject to a maximum ceiling of 5% of the energy injected during the month. The clarified position is captured in the final Regulation 12 iv).</p>
62)	Quantum of Banking & Applicability	<p><b>BHSL, UPSMCA and Simbhaoli</b>  <b>Regulation 12(I)(iii)</b></p>	<p>The Commission has taken note of the submissions and given the seasonal nature of bagasse based Co-generating plants, the Commission decides to allow banking of energy</p>

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		The facility of Banking of Energy is vital for the operational and commercial viability of bagasse-based cogeneration plants. Being seasonal generators, these plants operate primarily during the sugarcane crushing season and rely on the energy banked during this period to meet essential auxiliary consumption in the off-season. This includes maintaining plant readiness and initiating operations for the next crushing cycle. Given this operational dependency, any curtailment/ exclusion from availing banking facility directly affects their sustainability. Notably, the earlier CRE Regulations of 2014 and 2019 allowed up to 100% banking of energy for bagasse-based cogeneration plants, recognizing its critical importance based on mutual agreement between the generator and the distribution licensee.	subject to a maximum ceiling of 100% of the energy injected during the quarter (Q), subject to the contracted capacity with the Licensee and to withdraw such banked energy up to two subsequent quarters i.e. up to (Q+2). The clarified position is captured in the final Regulation 12 iv).
63)	Quantum of Banking & Applicability	<b>UPPCL</b> <b>Regulation 12(I)(iii)</b> For bagasse based generating plants banking of energy may be allowed to a maximum ceiling of 30% of energy injected during the quarter. It is also submitted that for Renewable Energy (other than Bagasse and MSW) banking of energy be limited up to 30% of the captive consumer's monthly consumption in line with Electricity (Promoting Renewable Energy Through Green Energy Open Access) Rules, 2022.	For bagasse based co-generating plants banking of energy has been provided keeping in view the seasonal nature of such plants. While for other renewable energy sources (excluding Bagasse and MSW), banking up to 25% of the energy injected during the month or 30% of total monthly consumption of electricity, whichever is higher has been allowed. This is in accordance with Rule 8 of the Green Energy Open Access Rules, 2022.
64)	Quantum of Banking & Applicability	<b>MPL</b> <b>Regulation 12(I)(iii)</b> Ceiling for banking for existing Non-RE generating stations be continued as per the existing terms and conditions for banking agreements that have already been executive until expiry or termination of wheeling and banking agreements. It is further requested to allow such non-RE projects to continue with their banking facility until the expiry of their respective wheeling & banking agreement who have their COD after 31.03.2024 but before the effective date of these regulation.	The Commission is quite clear that Non-RE captive power plants do not require banking facility in general but require it only for the purpose of occasional outages of periodical maintenance. The requirement of energy beyond 5% of banked power can be met by purchase of energy from open market/exchange through open access.
65)	Quantum of Banking & Applicability	<b>Zuari Industries</b> <b>Regulation 12(I)(iii)</b> Banking of energy for Bagasse based RE generators should be permitted for 100% of energy injected during the quarter.	Already detailed against serial No. 62

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
66)	Quantum of Banking & Applicability	<p><b><u>Dalmia Cement</u></b>  <b><u>Regulation 12(I)(iii)</u></b>  Dalmia Cement has requested not to link banked energy with grid consumption.</p>	For renewable energy sources (excluding Bagasse and MSW) banking up to 25% of the energy injected during the month or 30% of total monthly consumption of electricity, whichever is higher has been allowed. This is in accordance with Rule 8 of the Green Energy Open Access Rules, 2022. Accordingly, the Commission finds it appropriate to retain the draft provision.
67)	Quantum of Banking & Applicability	<p><b><u>Shree Cement and Ampin</u></b>  <b><u>Regulation 12(I)(iii)</u></b>  They have submitted that as per the Uttar Pradesh Solar Energy Policy 2022, banking is provided for useful life of the project or 25 years whichever is less. Further, financial losses will be there if banking is provided for the control period. It is requested that the applicability needs to be in line with the UP Solar Policy 2022 rather than control period.</p>	The comment raised by Shree Cement and Ampin regarding extension of the banking facility for the entire useful life of the project is similar to comments already addressed against serial no. 53.
68)	Quantum of Banking & Applicability	<p><b><u>Hindalco, Grasim and Rimjhim Ispat,</u></b>  <b><u>Regulation 12(I)(iii)</u></b>  All the three stakeholders having non-RE captive generating plants, have requested that banking facility allowed to captive plants (non-RE) as per CRE Regulations 2019 should also be continued. As per their submissions, these plants require periodical maintenance besides forced outages due to various technical reasons which are unexpected fall outs and can happen at any point of time. It is only in case of these emergent situations (i.e. Break-down/forced outage, or planned maintenance of plant) it withdraws its own banked energy with the licensee after paying banking charges as applicable. They have also submitted the benefits to UPPCL through banking by non-RE captive generating plants. Hindalco and Grasim have submitted that as per present agreement of 2021 with UPPCL, 100% banking of energy has been allowed as per CRE Regulations 2019.</p>	<p>The Commission is quite clear that Non-RE captive power plants do not require banking facility in general but require it only for the purpose of occasional outages of periodical maintenance. Accordingly, the Commission has decided to provide banking of energy to Non-RE Captive or Co-generating plants subject to a maximum ceiling of 5% of the energy injected during the month. The clarified position is captured in the final Regulation 12 iv).</p> <p>The requirement of energy beyond 5% of banked power can be met by purchase of energy from open market/exchange through open access.</p>
69)	Quantum of Banking & Applicability	<p><b><u>Rimjhim Ispat</u></b>  <b><u>Regulation 12(I)(iii)</u></b>  Rimjhim Ispat has submitted operational issues faced in maintaining grid discipline while ramping down due to breakdown in plants of captive consumers. It has also submitted other issues such as financial losses and little impact on Discoms in providing banking to non-RE captive generating plants. Grasim has submitted</p>	Already detailed against serial No. 68



S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		that it is producing power solely for its own captive consumption and not selling power to any third party in the open market to earn profit. Rimjhim Ispat has also submitted that the purpose of banking is not to benefit or generate profit from generation but to reduce or minimise the loss that may occur due to sudden fall in demand due to breakdown. It is therefore requested by Rimjhim Ispat that banking quantum for non-RE plants may be kept to the minimum say around 10% which will be lower than solar or RE plants as the intermittency is expected to be low but it should not be abolished completely.	
70)	Quantum of Banking & Applicability	<p><b><u>Rimjhim Ispat</u></b>  <b><u>Regulation 12(I)(iii)</u></b>  Instead of considering COD on or before 31.03.2024, COD within six months of notification is provided. It will ensure that investors who are in the process of installing generating units are not adversely affected.</p>	The Commission has decided to provide banking of energy to Non-RE Captive or Co-generating plants, both new and existing, subject to a maximum ceiling of 5% of the energy injected during the month. However, relaxation of 6 months from notification cannot be accepted as it would be an arbitrary application of Regulatory power without any basis. Rules of the game & principles, except saving clause, should be coterminous with control period.
71)	Quantum of Banking & Applicability	<p><b><u>Simbhaoli and UPSMCA</u></b>  <b><u>Regulation 12(I)(iii)</u></b>  They have submitted that the Draft CRE Regulations prescribe for the quantum ceiling of 49% on the energy that may be banked in any given quarter. However, no methodology, rationale, or basis has been provided to explain how this specific cap of 49% was determined. In the absence of such justification, the restriction appears to be without a clearly defined reasoning or objective basis.</p> <p>They have requested to take into consideration the operational realities faced by bagasse-based co-generation plants in Uttar Pradesh. During FY 2024- 25, approximately 61.5% of such plants in the state had concluded their operations before 31st March 2024, which marks the end of their generating season.</p> <p>As per Draft Regulations, the energy banked during the January-March quarter (Q1) must be withdrawn within the subsequent two quarters, i.e., by 30th September. However, this timeline does not correspond with the operational cycle of the majority of these</p>	Already detailed against serial No. 62



S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		<p>plants, which typically resume operations only in October, marking the start of the next sugarcane crushing season. The banked energy of these plants would lapse just before they restart generation, making it unavailable precisely when it is most needed to support auxiliary functions, maintenance, or start-up. In such a scenario, the very utility of the banking facility is negated for a significant share of the sector, especially those who had banked power in Q1 but cannot withdraw it within the prescribed (Q+2) period.</p> <p>It is requested to consider either removing the 49% quarterly banking ceiling or extending the withdrawal period from (Q+2) to (Q+3) for bagasse-based cogeneration plants.</p>	
72)	Quantum of Banking & Applicability	<p><b>UPPCL</b> <b>Regulation 12(I)(iii)</b> UPPCL has submitted that the banking facility for the Captive Generating plants (non-RE) has been withdrawn, which seems commercially beneficial.</p>	<p>The observation of UPPCL has been noted. Since no specific change has been requested, and the comment supports the draft provision, no further action is required.</p> <p>However, based on the stakeholders comments, the Commission has decided to provide banking of energy to Non-RE Captive or Co-generating plants, both new and existing, subject to a maximum ceiling of 5% of the energy injected during the month.</p>
73)	Quantum of Banking & Applicability	<p><b>TPREL</b> <b>Regulation 12(I)(iii)</b> TPREL has requested to clarify that after doing banking agreement whether this will be applicable for the control period only.</p>	<p>The Commission clarifies that the provisions related to the banking facility, as provided in the UPERC (Captive and Renewable Energy Generating Plants) Regulations, 2024 shall be applicable for the control period of these Regulations only, as also specified in these Regulations as Commission, at the moment, has visibility upto the control period only.</p>
74)	Quantum of Banking & Applicability	<p><b>NPCL</b> <b>Regulation 12(I)(iii)</b> NPCL has submitted that banking of energy, especially for solar power plants will no longer be required.</p>	<p>Draft regulations allow limited banking for all renewable energy sources, including solar, to support and promote use of green energy. Therefore, the provision of banking is appropriate.</p>
75)	Quantum of Banking & Applicability	<p><b>UPNEDA</b> <b>Regulation 12(I)(iii)</b> UPNEDA has submitted that the banking eligibility and associated charges should remain consistent for the economic life of projects commissioned during a control period.</p>	<p>The comment raised by UPNEDA regarding continuation of banking eligibility and charges for the entire life of the project is similar to comments already addressed against serial no. 53.</p>

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
76)	Quantum of Banking & Applicability	<p><b>Ultratech</b>  <b>Regulation 12(I)(iii)</b>  Ultratech has submitted that banking shall also be allowed for captive consumption within the state as well as ISTS connected interstate RE project. They have further submitted to extend the applicability of the proposed quantum of banking for RE plants from the date of notification to the useful life of the project.</p>	<p>The purpose of UPERC (Captive and Renewable Energy Generating Plants) Regulations, 2024 is to regulate generation and consumption within the State accordingly draft Regulations allow banking only for Captive and co-generating plants supplying power for use within the State. While ISTS connected projects would require coordination across states and central agencies like POSOCO and CTU, fall outside the scope of the State Commission's jurisdiction so the submission cannot be considered.</p> <p>The second part of the comment, regarding allowing banking for the useful life of the project, has already been addressed against serial no. 53.</p>
77)	Treatment of energy injected beyond the ceiling allowed for banking	<p><b>BHSL</b>  <b>Regulation 12(I)(v)</b>  BHSL has submitted that the provision for lapse of unbanked power imposes financial burden on bagasse-based generators as such plants operate under seasonal and operational constraints which makes it difficult to ensure that banked energy is completely utilized. It is also submitted that there is no rationale provided in prospectus for removal of reimbursement of Rs. 2 per kWh that was provided in CRE Regulations, 2019. It is proposed that either the validity of banked energy is extended into next financial year after which unutilized energy may lapse or provide compensation to recover the variable cost (operational cost) for the unutilized banked energy thereby partially reimbursing the cost incurred in generation.</p>	<p>As per the provisions of CERC(REC) Regulations, 2022, RECs are not available where the tariff either for part or full capacity has been determined or adopted under Section 62 or Section 63 or the Electricity Act 2003. Accordingly, the Commission has decided to treat the banked energy remaining unutilized on the expiry of the specified banking period as sale for the Bagasse based co-generating plants and has allowed its financial settlement at Rs. 1/- per unit or at the rate approved in the PPA entered with the distribution licensee, whichever is less. However, banking charges shall be deducted from such unutilized banked energy.</p>
78)	Treatment of energy injected beyond the ceiling allowed for banking	<p><b>Shree Cement</b>  <b>Regulation 12(I)(v)</b>  Shree Cement has submitted that no ceiling has been provided in UP Solar Energy Policy 2022. Therefore, imposing ceiling on quantum of energy to be banked which results into lapse of solar energy should be deleted from the draft regulation.</p>	<p>The Solar Energy Policy 2022 itself provides that Banking of energy shall be permitted as per provisions of UPERC Captive and Renewable Energy (CRE) Regulations as amended from time-to-time. Moreover, Solar Energy Policy 2022 is a promotional policy of the State Government, which does not override the Commission's statutory powers under the Electricity Act, 2003 to regulate matters like energy banking.</p>
79)	Treatment of energy injected beyond the	<p><b>SPDA</b>  <b>Regulation 12(I)(v)</b>  SPDA has submitted that treating the unutilised banked energy as lapsed would be unfair to the RE Generators as the cost of such</p>	<p>The Commission finds it appropriate to retain the draft provision, however RE Captive or Co-generating plant shall be entitled to get Renewable Energy Certificates for such</p>

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
	<b>ceiling allowed for banking</b>	power would not be realised by the generator while once its injected into the grid, the cost of such power is ultimately realised at the consumption end instantaneously. It is requested that the unutilised banked energy may be considered as deemed procured by the concerned DISCOM as brown power and paid at the lowest RE procurement price of UPPCL of last financial year or lowest price discovered by SECI/REIA through competitive bidding process in last financial year, whichever is lesser.	lapsed banked energy subject to the provisions of CERC (REC) Regulations, 2022 and amendments thereof.
80)	<b>Treatment of energy injected beyond the ceiling allowed for banking</b>	<b><u>UPNEDA</u></b> <b>Regulation 12(I)(v)</b> UPNEDA has submitted that RE project should be entitled for REC for lapsed energy.	The Commission has reviewed the stakeholder's comments and clarifies that RE Captive or Co-generating plant shall be entitled to get Renewable Energy Certificates for such lapsed banked energy subject to the provisions of CERC (REC) Regulations, 2022 and amendments thereof. The clarified position is captured in the final Regulation 12 iv).
81)	<b>Application of FIFO</b>	<b><u>TPREL</u></b> <b>Regulation 12(I)(vi)</b> TPREL has requested to provide illustration as it will be helpful in understanding of the Regulation.	The illustration as requested has been provided in the Regulations.
82)	<b>Application of FIFO</b>	<b><u>MPL</u></b> <b>Regulation 12(I)(vi)</b> MPL requested to clarify how the First In First Out principle will be operationally implemented. It is requested to provide illustration for energy settlement or direct UPSLDC to issue procedure with the approval of Commission.	The illustration as requested has been provided in the Regulations. UPSLDC shall be updating the procedure being followed currently, in line with the provisions of the new Regulations.
83)	<b>Day Ahead Scheduling for Banking</b>	<b><u>Indus Towers, Gentari, DIPA</u></b> <b>Regulation 12(I)(vii)</b> They have submitted that given the inherent variability in renewable energy generation and consumer load, mandating day-ahead scheduling for banking poses significant operational challenges. It is requested to exempt the requirement of scheduling for the banking of energy for LTOA captive consumers.	The Commission has reviewed the comments of the stakeholders and states that the energy when injected into the grid, becomes part of a pool, whose stability is utmost important. If energy is added to or withdrawn from this pool without prior intimation, it can affect the stability of the grid. Thus, the requirement of day-ahead scheduling has been mandated for safe and stable operation of the grid in accordance with the provisions contained in UPEGC/IEGC. It provides a window to Discoms and SLDC to plan for any contingency. In case of a Captive Generating Plant, Scheduling not only provides the forecast for total injection but also quantum
84)	<b>Day Ahead Scheduling for Banking</b>	<b><u>Dalmia Cement</u></b> <b>Regulation 12(I)(vii)</b> Dalmia Cement has requested that considering unpredictability in generation due to variation in irradiation, the requirement for scheduling may be relaxed.	

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
85)	Day Ahead Scheduling for Banking	<b>BHSL</b> <b>Regulation 12(I)(vii)</b> BHSL has submitted that the provision for day ahead scheduling for banking may affect accounting of energy. Illustrations have been provided to demonstrate impact during overdrawal and underdrawal. Accordingly, it is requested that actual drawl should be considered for accounting of banking adjustment.	of injection apportioned for different beneficiaries (Captive users) as well as beneficiary wise drawl schedule for banked energy. Similarly in case of a Co-Generating Plant having PPA, scheduling not only provides the forecast for total injection but also the quantum for sale to Discom. Therefore, scheduling is necessary for proper accounting and accordingly, has been made mandatory for availing the banking facility in the final Regulations.
86)	Day Ahead Scheduling for Banking	<b>Shree Cement</b> <b>Regulation 12(I)(vii)</b> Shree cement has submitted that there is no requirement for giving banking schedule under UPERC (Forecasting, Scheduling, Deviation Settlement and Related matters of Solar and Wind Generation Sources) Regulations, 2018 as per which a generator has to give schedule for wheeling of power to the consumption end on the basis of forecast. However, the energy is adjusted on actual basis and the deviation from schedule is settled at injection end.	
87)	Day Ahead Scheduling for Banking	<b>LSE Energy</b> <b>Regulation 12(I)(vii)</b> LSE Energy has submitted that loads of C&I consumers often vary due to operational or seasonal factors because of which forecasting banked energy in advance – especially on 15-minute basis may be practically challenging. It is requested to consider introduction of intra-day revision of schedule or permit aggregated banking settlement (e.g. hourly or daily basis).	Regulation 15 of UPERC (Forecasting, Scheduling, Deviation Settlement and Related Matters of Solar and Wind Generation Sources) Regulations, 2018 already allows for the schedule to be revised effective from the fourth time block. A total of 16 revisions for a day are allowed for the wind generators and 8 revisions for solar generators. Accordingly, the Commission finds it appropriate to retain the draft provision.
88)	Day Ahead Scheduling for Banking	<b>LSE Energy</b> <b>Regulation 12(I)(vii)</b> Additionally, we request the Commission to kindly clarify the basis of energy quantum for settlement, such as: <ul style="list-style-type: none"> <li>In cases where the banking limit is based on generation, would it be calculated on the gross energy injected or the net energy delivered (after adjusting for line losses)?</li> <li>Where the banking limit is based on consumption, would the banked quantum be calculated on the total consumption by the consumer, or on the net drawl from the DISCOM network after accounting for Open Access energy?</li> </ul>	At serial No. 3 of the table given in Regulation 12(I)(iii) of the draft Regulation for "Renewable Energy (other than Bagasse and MSW)" it has been provided in unequivocal terms that Banking of Energy subject to a maximum ceiling of 25% of the energy injected during the month or 30% of the total monthly consumption of electricity from the distribution licensee by the captive consumers, whichever is higher shall be allowed.  Thus, the issue raised is clearly explained in the draft regulations and needs no further clarification.

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
89)	Day Ahead Scheduling for Banking	<b><u>LSE Energy</u></b> <b><i>Regulation 12(I)(vii)</i></b> LSE Energy has requested to clarify under what provisions is monthly settlement applicable and conditions or consumer types would quarterly settlement be allowed.	The issue raised is clearly explained in the Regulations 12(I)(iii), 12(I)(xiii) and 12(I)(xiv) of the draft Regulations and needs no further clarification. The summarized position is captured in the final Regulation 12 iv).
90)	Peak/ Off Peak hour dispensation	<b><u>Indus Towers &amp; DIPA</u></b> <b><i>Regulation 12(I)(viii)</i></b> They have submitted that frequent changes to the Peak / Off-Peak periods can result in substantial lapsing of banked energy, thereby impacting the economic viability of captive power arrangements. NSEFI, SPDA and Sunsire have also submitted that this Regulation does not provide sufficient clarity on Peak Hours. Gentari has submitted that frequent changes to peak and of peak hours can result in substantial lapsing of banked energy thereby impacting the economic viability of captive power arrangements. All these stakeholders have requested to clearly define the Peak and Off-Peak hours in the Regulations, and to keep these definitions fixed for the entire control period. NSEFI, SPDA and Sunsire have further requested that in order to maintain investor confidence, such Peak/ Off Peak hours defined by the Commission in its Order needs to be considered for the tenure of LTOA.	The Commission has examined the comments and is of the view that prescribing fixed Peak and Off-Peak hours for the entire control period or for the tenure of LTOA is not feasible, given the dynamic nature of demand patterns and evolving grid conditions. The flexibility to revise these time slots, based on change in demand patterns, is essential to ensure optimal grid management and system efficiency. The existing framework provides sufficient clarity, and any revision to Peak/Off-Peak hours shall continue to be guided by operational considerations. Accordingly, the Commission finds it appropriate to retain the draft provision. However the Commission realized that frequent change in ToD structure creates operational hurdles for licensee as well as varying commercial impact on consumers so that the Commission would endeavor to make as less change as possible in ToD structure that too on firm data basis.
91)	Peak/ Off Peak hour dispensation	<b><u>Indus Towers &amp; DIPA</u></b> <b><i>Regulation 12(I)(viii)</i></b> They have requested that banked energy from solar power plant should be allowed to be utilized in all time blocks to ensure maximum utilization of solar energy generated.	The Commission has reviewed the stakeholder's comment and finds no merit for modification. Accordingly, the Commission finds it appropriate to retain the draft provision, which is based on firm commercial sense.
92)	Peak/ Off Peak hour dispensation	<b><u>UPPCL</u></b> <b><i>Regulation 12(I)(viii)</i></b> UPPCL has submitted that instead of "any other Order", "any subsequent Order" should be mentioned.	The Commission has noted the suggestion of the stakeholder and made necessary amendments in the final Regulation 12 viii).
93)	Peak/ Off Peak hour dispensation	<b><u>BHSL</u></b> <b><i>Regulation 12(I)(viii)</i></b> BHSL has submitted that guidance is required in identifying the relevant UPERC Order applicable for defining peak and off-peak hours. It is also submitted that the discretion for manner in which adjustment of energy banked in peak hours is utilized in off-peak hours should be with the RE generator. Suitable provision needs to be provided in the Regulation.	Regulation 12(I)(viii) of the final Regulations already provides for the treatment of energy banked during Peak and Off-peak hours. Since the withdrawal of the banked energy shall be as per the schedule for drawl against banked energy provided by the captive generating plant, the priority of withdrawal is practically being decided by the CGP itself at the time of scheduling. Accordingly, the

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
			Commission finds it appropriate to retain the draft provision.
94)	Peak/ Off Peak hour dispensation	<b><u>Radiance Renewables</u></b> <b><u>Regulation 12(I)(viii)</u></b> Radiance Renewables has requested to continue with peak & off-peak period mentioned in UPERC order dt. 16.11.2021.	The Commission has examined the comment and clarifies that fixing peak & off-peak hours based on an earlier Order of the Commission dated 16.11.2021 for the entire control period is not feasible due to the dynamic nature of demand patterns and evolving grid conditions. Accordingly, the Commission finds it appropriate to retain the draft provision.
95)	Peak/ Off Peak hour dispensation	<b><u>Ampin</u></b> <b><u>Regulation 12(I)(viii)</u></b> Ampin has requested to continue with peak & off-peak hours mentioned in UPERC's present Order for the existing solar power plants till the expiry of their LTOA.	Already detailed against serial No. 90.
96)	Peak/ Off Peak hour dispensation	<b><u>UPNEDA</u></b> <b><u>Regulation 12(I)(viii)</u></b> UPNEDA has requested that exception may be provided for Green Hydrogen and its derivative projects allowing withdrawal of banked energy during peak hours to support their RTC Renewal Energy requirements.	The Commission has reviewed the stakeholder's comment and finds that giving this preferential treatment may disturb grid balance and shall not be fair to other renewable energy generators in view of no intelligible difference within the homogeneous group, thus violative of article 14 of the constitution. Accordingly, the Commission finds it appropriate to retain the draft provision.
97)	Peak/ Off Peak hour dispensation	<b><u>Shree Cement</u></b> <b><u>Regulation 12(I)(viii)</u></b> It is provided that energy banked in peak and off-peak hours can be adjusted in off-peak hours. The off-peak hours will comprise of different TOD slots i.e. off-peak, normal and peak. It is requested to provide the sequence of adjustment of banked power with respect to different slots.	Regulation 12(I)(viii) of the Draft CRE Regulations, 2024 makes it amply clear that "Off Peak hours shall mean all hours other than Peak Hours". Therefore, the entire banked energy shall be classified only on the basis of Peak/ Off-peak hours. Since the withdrawal of the banked energy shall be as per the schedule for drawl against banked energy provided by the captive generating plant, the priority of withdrawal is practically being decided by the CGP itself at the time of scheduling. Accordingly, the Commission finds it appropriate to retain the draft provision.
98)	Peak/ Off Peak hour dispensation	<b><u>Dalmia Cement</u></b> <b><u>Regulation 12(I)(viii)</u></b> Dalmia Cement has requested to allow banking from off-peak hours to be withdrawn in peak hours as well.	The Commission has reviewed the stakeholder's comment and finds no merit for modification. Accordingly, the Commission finds it appropriate to retain the draft provision, which is based on firm commercial logic.



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99)	Peak/ Off Peak hour dispensation	<b><u>Ultratech</u></b> <b><i>Regulation 12(I)(viii)</i></b> Ultratech has requested to allow the energy banked in the Peak /Off-peak hours to be allowed to be withdrawn in peak hours also by paying additional banking charges in kind in addition to the banking charges specified in the Regulation.	
100)	Power purchase from Distribution Licensee & Point of supply	<b><u>DIPA &amp; Gentari</u></b> <b><i>Regulation 12(I)(ix)</i></b> They have requested to clarify that the Captive Generating Station in itself is also eligible to avail banking facility (thereby it can bank energy for itself and withdraw the same at a later stage) and whether the CGP shall be required to have separate Banking Agreement for availing banking facility.	The Commission has examined the comments and clarifies that the Regulations permit Captive Generating plants to inject surplus energy into the grid and withdraw it later for captive use subject to applicable conditions. However, the connotation captive use refers to the use by CGP's own Captive users. The CGP shall inject the energy generated net of its auxiliary consumption, however, the CGP in itself cannot withdraw banked energy for its own use.
101)	Power purchase from Distribution Licensee & Point of supply	<b><u>NSEFI, SPDA, Gentari, Ampin and Sunsure</u></b> <b><i>Regulation 12(I)(ix)</i></b> They have submitted that a proviso is required to provide clarity on point of supply for Generating Plant when it purchases power from Distribution Licensee.	The Commission has noted the suggestion of the stakeholder and made necessary amendment in the final Regulation 15.
102)	Demand Charges	<b><u>TPREL and UPPCL</u></b> <b><i>Regulation 12(I)(x) &amp; 12(I)(xi)</i></b> They have requested to provide illustration as it will be helpful in understanding of the Regulation, particularly on how the demand charges are payable.	The demand charges shall be levied as per Regulation-8 "Purchase of Electricity by Generating Plant from the Distribution Licensee" and accordingly draft Regulations 12(I)(x), 12(I)(xi) & 12(I)(xii) have been omitted in the final Regulations and subsequent Regulations have been numbered accordingly.
103)	Demand Charges	<b><u>Simbhaoli and UPSCMA</u></b> <b><i>Regulation 12(I)(x) &amp; 12(I)(xi)</i></b> They have submitted that the mechanism of demand charges provided in Draft Regulation will lead to a situation where demand charges are effectively imposed on the entire withdrawal of energy, including the quantum that was banked by the generator itself. This treatment of banked power is commercially problematic, particularly for bagasse-based cogeneration plants that depend on the banking mechanism to bridge seasonal supply gaps. These generators bank excess power during the crushing season and later withdraw the same during the off-season to sustain critical operations. Subjecting such withdrawals to demand charges, despite the fact that the energy was originally generated and	Already detailed against serial No. 102 above.

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		<p>banked by the plant itself against payment of banking charges, places an additional cost burden on these projects and undermines the intended benefits of the banking facility.</p> <p>if a cogeneration plant schedules withdrawal of 1,000 units of banked energy and ends up drawing 1,100 units, the entire 1,100 units are treated as the maximum demand. Demand charges are levied on the full 1,100 units, this includes 1,000 units of banked energy, which has already attracted banking charges. As a result, the generator pays both banking charges and demand charges on the same 1,000 units of energy.</p> <p>Imposition of demand charges on banked energy, already subjected to banking charges, is not only economically unjustified but also contrary to the spirit of encouraging renewable cogeneration. It defeats the intended purpose of banking, particularly for seasonal generators like bagasse-based cogeneration plants and creates substantial cost pressures that can impair the commercial viability of such operations.</p> <p>It is requested that demand charges shall not apply to the quantum of the energy banked by the Bagasse based cogeneration plant; and ensuring that banked energy, already subject to banking charges, is not further penalized through demand charges upon withdrawal.</p>	
104)	<b>Formula for Banked Energy for Bagasse based Co-Generating Plants</b>	<p><b><u>Zuari Industries</u></b>  <b><i>Regulation 12(I)(xiii)</i></b>  Zuari Industries has submitted that as for banking the energy, generating plant pay the applicable banking charge therefore, they should be allowed for encashment of their balanced banked energy as per the respective tariff applicable to the plant after end of (Q+2) quarter.</p>	Already detailed against serial No. 77
105)	<b>Formula for Banked Energy for Bagasse based Co-Generating Plants</b>	<p><b><u>Simbhaoli</u></b>  <b><i>Regulation 12(I)(xiii)</i></b>  Simbhaoli has submitted that in order to ensure uniformity and consistency in application, it is submitted to provide a worked illustrative example explaining the computation of banked energy to be carried forward as per the formula prescribed under Regulation 12 of the Draft CRE Regulations.</p>	As requested, the illustration has been provided.



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106)	<b>Formula for Banked Energy for Bagasse based Co-Generating Plants</b>	<p><b><u>Simbhaoli and UPSCMA Regulation 12(I)(xiii)</u></b></p> <p>They have submitted that the Draft CRE Regulations 2024 have omitted the provision of settlement of the unutilised banked energy at Rs. 2/- per unit and instead provide that the generator shall only be eligible to get REC for the lapsed quantum of unutilized banked energy.</p> <p>This change poses a serious concern, particularly when viewed in conjunction with the withdrawal ceiling of two subsequent quarters (Q+2).</p> <p>The limited window for withdrawal significantly increases the likelihood of banked energy lapsing unused, especially for seasonal generators such as bagasse-based cogeneration plants.</p> <p>While the Draft CRE Regulations provide that the generator shall be entitled to receive Renewable Energy Certificates ("RECs") It is important to note that such eligibility appears uncertain. As per the Central Electricity Regulatory Commission ("CERC") (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2022, RECs are not available where the tariff either for part or full capacity has been determined or adopted under Section 62 or Section 63 or the Electricity Act 2003. Since most bagasse-based cogeneration plants operate under such tariff frameworks, they may not qualify for RECs. Consequently, this results in a complete financial loss for the generator in respect of the lapsed energy. Even where RECs are available, they do not provide a financial recovery equivalent to the value of the lost energy, and therefore do not offer adequate compensation.</p> <p>Therefore, in such circumstances, the lapsed banked energy results in a complete commercial loss for the generator, with no compensatory mechanism available.</p>	Already detailed against serial No. 77
107)	<b>Formula for Banked Energy for other RE Generating Plants</b>	<p><b><u>Gentari, Indus Tower, NSEFI, Sunsare, SPDA, Ampin and DIPA Regulation 12(I)(xiv)</u></b></p> <p>They have requested to define BEn as sum of energy banked in all the 15-minute time blocks of the nth month (96 x no. of days).</p>	The suggestion has been incorporated in the final Regulations.
108)	<b>Formula for Banked Energy</b>	<p><b><u>UPSLDC Regulation 12(I)(xiv)</u></b></p>	The Commission clarifies that the provision related to carrying forward of banked energy in the draft Regulation

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	for other RE Generating Plants	UPSLDC has requested to clarify whether the banking allowed for RE generators shall be allowed to carry forward to only next month (subsequent month) and not thereafter. Any surplus banked energy not utilized in the next month shall be treated as surplus?	12(I)(xiv) means that the banked energy shall be allowed to be carried forward not only to next month in the same Financial Year but even to the next financial year subject to the ceilings specified in the final Regulation 12(iv).
109)	Formula for Banked Energy for other RE Generating Plants	<b>UPPCL</b> <b>Regulation 12(I)(xiv)</b> UPPCL has submitted that banked energy may not be allowed to carry forward to subsequent months. The energy banked in a month shall be adjusted during the same month.	Provision of banking allowed in these Regulations is a support provided by the Commission to promote Captive Renewable Energy generators, who are subjected to uncertainty of nature, to manage their surplus electricity for a limited time. Accordingly, the Commission finds it appropriate to retain the draft provision.
110)	Formula for Banked Energy for other RE Generating Plants	<b>Radiance Renewables</b> <b>Regulation 12(I)(xiv)</b> Radiance renewables has submitted that existing consumers who already signed WBA agreement prior to these regulations have Q+2 banking period. Shifting from Q+2 banking period to 2 months banking period will lead to loss of banked units. It is requested to keep banking period to Q+2 for existing & new projects.	The Commission clarifies that draft Regulation 12(I)(xvii) provided a window to utilize the balance banked energy as on the date of the notification of these Regulations upto 30th September 2025, which has been extended upto 31 <sup>st</sup> January 2026 in the final Regulations.
111)	Formula for Banked Energy for other RE Generating Plants	<b>Dalmia Cement</b> <b>Regulation 12(I)(xiv)</b> Dalmia Cement has requested that considering intermittent nature of solar plants, period for withdrawal of banked energy may be increased to two months.	Already detailed against serial No. 108 above.
112)	Formula for Banked Energy for other RE Generating Plants	<b>SPDA, NSEFI and Sunsare</b> <b>Regulation 12(I)(xiv)</b> They have requested to add a proviso after the clause for clarity that energy banked during any month including banked energy brought forward from the previous (n-1) <sup>th</sup> month, subject to the monthly ceiling specified in Regulation a(iii) above will be carried forward at the end of the nth month.	
113)	Formula for Banked Energy for other RE Generating Plants	<b>MPL</b> <b>Regulation 12(I)(xiv)</b> MPL has requested to clarify whether "subsequent month" means the next months following the month in which energy was banked. It is also requested to clarify whether Banked Energy that was carry forwarded from previous month and the Banked Quantity of the current month have to be settled by subsequent month only or it can be carry forwarded till the end of FY and settled.	

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
114)	<b>Formula for Banked Energy for other RE Generating Plants</b>	<b><u>India Glycol</u></b> <b><i>Regulation 12(I)(xiv)</i></b> India Glycol has proposed to align treatment of lapsed energy with provisions in CRE Regulations, 2019 thereby ensuring fair value and voiding undue loss to generators.	As per the provisions of CERC(REC) Regulations, 2022, RECs are not available where the tariff either for part or full capacity has been determined or adopted under Section 62 or Section 63 or the Electricity Act 2003. Accordingly, the Commission has decided to treat the banked energy remaining unutilized on the expiry of the specified banking period as sale for the <b>biomass</b> based generating plants and has allowed its financial settlement at Rs. 1/- per unit or at the rate approved in the PPA entered with the distribution licensee, whichever is less. However, banking charges shall be deducted from such unutilized banked energy.
115)	<b>Formula for Banked Energy for other RE Generating Plants</b>	<b><u>Ultratech</u></b> <b><i>Regulation 12(I)(xiv)</i></b> Ultratech has submitted that for RE based captive generating plants energy banked during a quarter shall be allowed to be carried forward to 2 subsequent quarters i.e. up to Q+2.	The (Q+2) banking facility under Regulation 12(I)(xiii) has been provided only for bagasse-based co-generation plants due to their seasonal nature. Extending this to other RE generating plants, which operate year-round, is uncalled for and may impact grid planning. Accordingly, the Commission finds it appropriate to retain the draft provision.
116)	<b>Formula for Banked Energy for other RE Generating Plants</b>	Comments have also been received from several stakeholders to correct the reference xiii to xi.	The Commission notes that the draft Regulation 12(I)(xiii) should have been numbered as 12(I)(xi), which happened due to inadvertent numbering of the two provisos of the draft Regulation 12(I)(x) as 12(I)(xi) & 12(I)(xii), which has been corrected in the final Regulations.
117)	<b>Renewable Energy Certificates</b>	<b><u>UPSLDC</u></b> <b><i>Regulation 12(I)(xiii) and Regulation 12(I)(xiv)</i></b> UPSLDC has submitted that at present RE certificates are being issued to generators as per the provisions and eligibility criteria mentioned in CERC (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2022 (hereinafter referred to as 'CERC REC Regulations'). Accordingly, RE generators shall be eligible for RE certificates for lapsed bank energy subject to all pre-requisite requirement as provided in CERC REC Regulations. May like to clarify.	Regulation 12(I)(xiii) and Regulation 12(I)(xiv) of the Draft Regulations provide that lapsed banked energy shall not be compensated, and that the generator shall be entitled to get RECs for such lapsed banked energy. Since the issuance and eligibility of RECs is governed by the CERC(REC) Regulations, 2022 notified under Section 66 of the Electricity Act, 2003, the Commission clarifies that eligible RE generators may claim RECs for such lapsed energy only in accordance with the CERC REC Regulations. Accordingly, the necessary corrections have been incorporated in the final Regulations.
118)	<b>Determination of Banking Charges</b>	<b><u>UPPCL</u></b> <b><i>Regulation 12(I)(xv)</i></b>	The banking charges specified in the Draft Regulations are considered reasonable, reflecting a balanced approach and are consistent with the objectives of promoting renewable

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		UPPCL has submitted that banking charges provided in the Regulations seems insignificant with respect to the commercial loss to be incurred by UPPCL due to the supply of banked energy to the captive consumers. It is suggested that the banking charges may be revised to 25% on energy banked for all captive generating plants and shall be adjusted at the time of withdrawal.	energy. Accordingly, the Commission finds it appropriate to retain the draft provision.
119)	<b>Determination of Banking Charges</b>	<b><u>Indus Towers &amp; DIPA</u></b> <b><i>Regulation 12(I)(xv)</i></b> They have submitted that banking charges should be levied on TOD slot wise instead of each 15-minute time block to maximize green energy utilization for consumers.	The suggestion to levy banking charges on broader ToD slots instead of each 15-minute time block is not accepted. The existing mechanism ensures precise energy accounting, aligns with SLDC's scheduling and settlement framework, and captures the variability of renewable generation. Accordingly, the Commission finds it appropriate to retain the draft provision.
120)	<b>Determination of Banking Charges</b>	<b><u>Radiance Renewable</u></b> <b><i>Regulation 12(I)(xv)</i></b> Radiance Renewable has requested not to increase banking charges & keep it to 6% for wind, solar & Hybrid RE comprising Wind and Solar energy.	As can be seen from serial No. 119, UPPCL has asked for an increase in banking charges whereas Radiance Renewables is asking for its reduction thus reflecting contradictory viewpoints. In the situation, the Commission has attempted to provide a balanced approach. Hence the reply is as detailed at serial no. 119 above.
121)	<b>Determination of Banking Charges</b>	<b><u>UPNEDA</u></b> <b><i>Regulation 12(I)(xv)</i></b> has requested to keep banking charges at 4% for Green Hydrogen related projects.	Draft Regulations already provide differentiated banking charges of 8% for solar, wind, and hybrid projects and 12% for other co-generating/captive generating plants. At present, Green Hydrogen projects are not treated as a distinct category under these Regulations, and any concessional treatment must be based on a broader policy guidance from the Central or State Governments. Accordingly, the Commission finds it appropriate to retain the draft provision.
122)	<b>Determination of Banking Charges</b>	<b><u>India Glycol</u></b> <b><i>Regulation 12(I)(xv)</i></b> India Glycol has submitted that banking charges in CRE Regulations 2019 were 12% for RE & Non-RE/captive/co-gen units. It is proposed that a similar structure as provided in CRE Regulations 2019 be reintroduced to offer flexibility while maintaining grid discipline by both types of plants.	Already detailed against serial No. 118 above.
123)	<b>Determination of Banking Charges</b>	<b><u>BHSL</u></b> <b><i>Regulation 12(I)(xv)</i></b>	Regulation 12(I)(xv) of the draft Regulations provides in unequivocal terms that banking charges shall be levied at the time of withdrawal.

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		BHSL has requested to add provision which provides that no banking charges shall be levied at the time of injection by renewable energy generators. It is also submitted that losses referred to in the Regulation are not applicable to bagasse-based cogeneration plants. It is requested to clarify the same in the final Regulations.	It is clarified that for co-generating plants having point of drawl same as point of injection, no adjustment for losses shall be made and the banking shall be allowed on the gross energy basis. The relevant clause has been duly amended to this extent in the final Regulations.
124)	<b>Determination of Banking Charges</b>	<u><b>Grasim</b></u> <b>Regulation 12(I)(xv)</b> Grasim has submitted that carry forward of banked energy in a financial year be allowed to the next financial year. The banked energy remaining unutilized on the expire of such period should be treated as sale to the Distribution Licensee and the financial settlement shall be made at average power purchase cost (APPC) of the last FY determined by the Commission, or PPA entered with the Distribution Licensee, whichever is less. However, banking charges shall be deducted from such unutilized banked energy.	For non-RE no promotion is required – marginal banking facility given to cater to the emergency conditions, this cannot be made a profiteering arrangement for the kind of plants on expense of licensee's commercials. Thus the Commission finds it appropriate to retain the draft provision.
125)	<b>Determination of Banking Charges</b>	<u><b>Rimjhim Ispat</b></u> <b>Regulation 12(I)(xv)</b> Rimjhim Ispat has submitted that it would be inappropriate to levy losses as in any open access transaction, the losses of the network between injection by one entity and withdrawal by another entity. Since the energy is supplied to the distribution licensee and withdrawal is also from the distribution grid, there is no loss of energy as such. The energy that is injected by the captive generating plant is consumed by the distribution licensee. Hence, there is no loss as such. Similarly, at the time of withdrawal of banked energy, the energy available in distribution network is consumed. The losses need to be applied when the energy is injected by one entity and is consumed by other entity. Moreover, banking charges are paid by the captive generation plants which will include such losses, particularly as the banking charges have been increased. From this perspective as well, losses should not be borne by the captive generating plants. It is requested that the distribution losses should not be applied on energy that is banked.	It is clarified that for co-generating plants having point of drawl same as point of injection, no adjustment for losses shall be made and the banking shall be allowed on the gross energy basis. The relevant clause has been duly amended to this extent in the final Regulations.
126)	<b>Priority of settlement of wheeled energy</b>	<u><b>SPDA, NSEFI, Ampin and Sunsure</b></u> <b>Regulation 12(I)(xvi)</b> They have requested to add a proviso after the clause for clarity of energy settlement that the power generated from captive	It is clarified that if a captive user receives energy from multiple Captive generating plants, the net energy, after adjusting for applicable losses, shall be settled on pro-rata basis, based on its share of energy injected by each captive

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		generating plants after deduction of losses will be settled on prorata basis. This methodology will provide clarity where a consumer receives power from multiple Captive generating sources.	generating plant. The relevant clause has been duly amended to this extent in the final Regulations.
127)	<b>Treatment of banked energy balance as on the date of the notification of new Regulations.</b>	<b><u>Gentari &amp; DIPA</u></b> <b><i>Regulation 12(I)(xvii)</i></b> They have submitted that considering that the draft Regulations propose a shift to monthly banking, it would be extremely challenging to consume the entire balance of banked energy within a short window of two months. It is requested to allow a minimum period of six (6) months for LTOA captive consumers to utilise the banked energy available as on the date of notification of these Regulations.	Already detailed against serial No. 110 above.
128)	<b>Treatment of banked energy balance as on the date of the notification of new Regulations.</b>	<b><u>Zuari Industries</u></b> <b><i>Regulation 12(I)(xvii)</i></b> Zuari Industries has submitted that all bagasse-based Co-gen plants are seasonal plants, and they bank the energy for their off-season consumption. Most of the Cogen plant start their operation in the month of November therefore, their remaining banking energy should be allowed to utilize for their complete off season i.e. till the starting of the plant.	Already detailed against serial No. 110 above.
129)	<b>Treatment of banked energy balance as on the date of the notification of new Regulations.</b>	<b><u>NSEFI, Sunsure, SPDA and MPL</u></b> <b><i>Regulation 12(I)(xvii)</i></b> They have submitted that remaining balanced banked energy as on date of notification of these regulations may be permitted to be carried forward and utilized in accordance with the provisions of the previous regulations (UPERC Notification No: UPERC/Secretary/CRE Regulation 2019 Regulation 31a(v), i.e., for a period of Q+2 months.	Already detailed against serial No. 110 above.
130)	<b>Treatment of banked energy balance as on the date of the notification of new Regulations.</b>	<b><u>MPL</u></b> <b><i>Regulation 12(I)(xvii)</i></b> MPL has requested to issue or direct UPSDC/UPPTCL to frame a detailed procedure upon approval of the Commission to explain the energy accounting and banking adjustment with illustrative examples for all type of Captive Generating Plants mentioned herein in the regulation.	The illustration has been provided in the Regulations. UPSLDC shall be updating the procedure being followed currently, in line with the provisions of the new Regulations.
131)	<b>Treatment of banked energy</b>	<b><u>Ampin</u></b> <b><i>Regulation 12(I)(xvii)</i></b>	As clarified in the previous notes, the banking provisions provided in the previous Regulations of 2019 and the



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	<b>balance as on the date of the notification of new Regulations.</b>	Ampin has requested to add that all Wheeling and banking agreements done as per UPERC (CRE) Regulations, 2019 shall remain valid upto the validity of WBA.	consequent Banking provisions and agreements were applicable only for the control period of those Regulations and similarly, CRE Regulations, 2024 provide visibility for control period. Since Agreements are subservient to Regulations hence WBAs cannot remain unaltered even when there is a change in Regulatory regime i.e. there is a change in Regulations. No special need is felt for grandfathering the earlier WBAs.
132)	<b>Metering Arrangement</b>	<p><b><u>Gentari Renewables India Management Pvt. Ltd.</u></b> <b><u>Regulation 15</u></b></p> <p>Gentari Renewables has requested to clarify that for generating stations with separate auxiliary consumption connections, billing for energy drawl shall be based on the meter installed at the generating station premises (i.e., at the Pooling Substation - PSS).</p> <p>It has also highlighted that a practical challenge is faced by generators when billing is done at the STU substation. Typically, STU substations are located at a significant distance from the project's PSS, necessitating long dedicated transmission lines. As a result, it becomes operationally difficult to maintain unity power factor at the STU end, leading to inflated kVAh consumption and consequently exorbitant billing, despite the generator maintaining the requisite power factor at its own PSS.</p> <p>Recognizing this challenge, UPPCL has, in practice, been considerate enough to allow billing at the PSS level, where the generator maintains proper power factor and accurate measurement of auxiliary consumption is feasible.</p> <p>It has also requested the Commission to explicitly provide in the Regulations that, for generating stations with a separate connection for auxiliary consumption, billing shall be done based on the meter installed at the Pooling Substation (PSS). This would ensure alignment with the UP-Electricity Supply Code, reflect established practice by UPPCL, and address the genuine operational difficulties faced by generators due to power factor challenges at distant STU substations.</p>	<p>The Commission appreciates the concern of the objector i.e., impact on kVAh billing on account of low loading. The Commission has noted the suggestion and made necessary amendment to the proviso of Regulation 15 as under:</p> <p><i>"Provided that the point of injection for recording and billing purposes shall be the substation of STU / transmission licensee or distribution licensee as the case may be. However, billing for drawl of energy shall be based on the meter installed at the Generator end PSS to eliminate the implication of 'Ferranti effect'."</i></p>

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133)	Metering Arrangement	<p>1. <u>Ampin Energy Transition Pvt Ltd.</u>  2. <u>NSEFI</u>  3. <u>SPDA</u>  4. <u>SunSure Energy Pvt. Ltd.</u></p> <p><b>Regulation 15</b>  A request has been made by these groups to add the word 'for sale of power from Generating Plants' in the proviso of Regulation 15 as under:</p> <p>"Provided that <b>for sale of power from Generating Plants</b>, the point of injection for recording and billing purposes shall be the substation of the Distribution Licensee / STU."</p>	
134)	Metering Arrangement	<p><u>UPSLDC</u>  <b>Regulation 15</b>  UPSLDC has submitted that meters should be AMR enable ABT Meters and accordingly, the necessary clause may be updated as below:</p> <p>"The Generating Plants (except for SHP and MSW plant) shall provide <b>AMR enable</b> energy meters as specified in Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 as amended from time to time <b>at the connecting substation end and plant end</b> and shall comply with all metering requirements as notified by the STU and/or CEA. <b>Further, banking Facility shall be applicable only when meter data is coming to UPSLDC through AMR facility</b>".</p>	<p>The Commission has accepted the suggestion and accordingly made necessary modification in the final Regulations. The revised provision under the said Regulation shall be read as follows:</p> <p><i>"The Generating Plants shall provide AMR enabled energy meters as specified in Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 as amended from time to time, with dual port communication, at the connecting substation end and plant end and shall comply with all metering requirements as notified by the STU and/or CEA."</i></p>
135)	Metering Arrangement	<p><u>UPSLDC</u>  <b>Regulation 15</b>  UPSLDC sought clarification that eligible generators as per this regulation have to mandatorily connect at independent feeder.</p>	<p>It is clarified that eligible generating plants are not required to connect at independent feeder. However, the Generating Plant shall provide AMR enable energy meters with dual port communication as specified in CEA (Installation and Operation of Meters) Regulations, 2006 as amended from time to time.</p>
136)	Metering Arrangement	<p><u>RE Sustainability Ltd</u>  <b>Regulation 15</b>  Kindly consider that the interconnection point shall be plant end Switchyard for RDF based MSW power projects and metering also to be done at plant end switchyard.</p>	<p>It is evident from the draft provision that MSW plant has been exempted for the point of injection and point of drawl to be sub-station of distribution licensee/STU, therefore, the Commission would examine the inter-connection point for RDF based MSW plant on case-to-case basis.</p>



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137)	<b>Metering Arrangement</b>	<p><b><u>Tata Power Renewable Energy Ltd.</u></b>  <b>Regulation 15</b>  The Objector has requested to consider that the point of drawl referred in the clause is from point of view of generator only and not for consumer.</p>	It is clarified that the term "point of drawl" is used in the context of generating plant.
138)	<b>Energy Accounting and Billing</b>	<p><b><u>Bajaj Hindustan Sugar Ltd.</u></b>  <b>Regulation 16</b>  The Objector has sought clarification that in compliance to the said clause, it is unambiguous that Generators must raise the bills to Distribution licensee and then it is to be submitted to the UPPCL. It is important to underscore that, during the entire process, no approval from the Distribution Department is mandated or required in case of Thermal IPPs. Hence, to ensure parity, transparency, and operational efficiency, it is earnestly requested that UPERC may kindly allow all co-generation plants to follow the same commercial settlement mechanism as currently adopted by Thermal IPPs. This will also speed up the billing process.</p>	The billing and settlement mechanism for generating plant is governed by PPA executed with Distribution Licensee. The procedure applicable for billing purpose is based on their specific contractual framework available in the PPA. The term "Distribution Licensee" referred herein is for UPPCL/MVNNL/PuVVNL/PVVNL/DVVNL/KESCO/NPCL/NIDP.
139)	<b>Energy Accounting and Billing</b>	<p><b><u>1.NSEFI</u></b>  <b><u>2.SPDA</u></b>  <b><u>3.SunSure Energy Pvt. Ltd.</u></b>    <b>Regulation 16</b>  These groups has made following comments on billing procedures under Open Access:    Energy account prepared by SLDC shall be used for billing purposes.    Provided that SLDC shall issue energy account for electricity supplied under Open Access and in case energy supplied by the distribution licensee and under open access, SLDC may ensure that the settlement of the supplied energy under Open Access is settled in the same billing cycle and DISCOM may raise bill for total electricity supplied including demand charge and protective load charge (wherever applicable) on open access consumer after netting off the units supplied under Open Access including the drawl units from the total banked units in accordance with terms</p>	It is clarified that the comment is not under the ambit of these Regulations. Accordingly, the Commission finds it appropriate to retain the draft provision.

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		<p>and conditions of retail tariff and rates specified by the Commission in the retail tariff order as applicable to such open access consumer.</p> <p>SLDC shall also take note that the discrepancy raised by stakeholders w.r.t. the published energy account is addressed on priority and necessary revisions are completed before the issuance of consumer's electricity bills by DISCOM. SLDC shall also ensure that requisite communication on the Energy Account under revision/review is further communicated to the respective DISCOM to ensure alignment between SLDC and DISCOM.</p>	
140)	<b>Energy Accounting and Billing</b>	<p><b><u>UPSLDC</u></b>  <b>Regulation 16</b>            UPSLDC has commented that it does not perform energy billing of generators as it is subject of STU/Distribution licenses. SLDC do only DSM billing and issue energy accounts. Accordingly, the draft provisions may be revised as below:</p> <p>"SLDC shall do energy accounting and <b>DSM billing</b> and the same shall be communicated to the utilities interacting with the grid as per the schema framed by SLDC in pursuance of the provisions of UPERC Regulation."</p>	The suggestion to replace energy billing with "DSM Billing" has been accepted and necessary modification has been incorporated in the Regulation 16 of the final Regulations.
141)	<b>Bagasse Pricing</b>	<p><b><u>Zuari Industries Ltd.</u></b>            The Bagasse rate should be considered at around 2600-2700 per ton and tariff to be revised accordingly.</p> <p>Escalation Factor of 3.45% should be considered as per CREC Regulations 2024.</p>	The principles considered for determination of generic tariff have been based on CERC RE Regulations 2024 but aligned to the specific requirements, geography, energy portfolio and RPO obligation of Distribution Licensees in the State.
142)	<b>Bagasse Pricing</b>	<p><b><u>UP Sugar Mills Cogen Association</u></b>            The notified bagasse price may be reconsidered to better reflect current market dynamics and ensure commercial viability for cogeneration plants – say Rs. 1,900/- to Rs. 3,900/- per MT.</p>	The Commission has diligently adopted the rational methodology to determine Bagasse Price based on coal equivalent method.
143)	<b>Bagasse Pricing</b>	<p><b><u>Simbhaoli Power Pvt. Ltd.</u></b>            This appears to be inconsistent with the earlier reference to the use of landed cost for determining fuel price, particularly when viewed in light of the methodology adopted by the CERC. It is submitted that clarity may be provided on this deviation, as the landed cost which includes not only the base price of fuel but also the</p>	The Commission, on the basis of coal prices of pit-head thermal power plants (i.e., Anpara A, B, D and Opra-B) for the past years has computed the average price of Bagasse as Rs. 1633 per tonne and escalated with the actual CAGR of 2.92% to arrive at the pricing of Rs. 1729 per tonne for the base financial year 2024-25.

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		<p>associated transportation offers a more accurate and market-reflective basis for fuel cost determination.</p> <p>While adopting the Coal Equivalent Method in the previous CRE Regulations, 2019, this Commission had considered G10 grade coal as the reference benchmark for determining the price of bagasse. As per the National Coal Index, G10 grade coal is currently priced in the range of Rs. 2,300 to Rs. 2,400 per MT, which provides a more accurate and representative cost reference for bagasse due to its comparable calorific value. Therefore, G10 grade coal should continue to be considered for determining the fuel cost of bagasse.</p>	<p>An attempt has been made to strike a balance between the interest of project developer and the Distribution Licensee.</p> <p>It is noteworthy to highlight that substantial increase in the bagasse pricing have been ensured in these Regulations in comparison to CRE Regulations 2019.</p> <p>Accordingly, the Commission find it appropriate to retain the bagasse price as Rs. 1729/ton for the base financial year.</p>
144)	Tariff	<p><b><u>Spaark Bresson WTE Private Limited</u></b> <b><u>Schedule-I</u></b></p> <p>Our 24.70 MW capacity MSW Based Power Plant is under construction at Kuberpur, Agra and we have also signed SPPA with UPPCL on 28.04.2025 for COD June 2026 against previously signed Original PPA dated 06.10.2017 for 9.50 MW.</p> <p>So, we request to kindly provide tariff for our MSW based power project with year of commissioning in FY 2026-27.</p>	<p>It is observed that Spaark Bresson WTE Private Limited signed PPA with DVVNL on 06.10.2017 for supply of 9.5MW power from its 10MW Kuberpur, Agra project. Subsequently, its project capacity has been increased to 15MW and then to 24.70MW and accordingly its COD has been revised multiple times. Further, the Commission vide its Order dated 23.07.2025 in Petition No. 2221/2025 advised the parties to approach the within 3 months after project's actual COD. Therefore, the Commission would examine such future projects on case-to-case basis after prudence check as provided for in the final Regulations.</p>
145)	Tariff	<p><b><u>Simbhaoli Power Pvt. Ltd.</u></b> <b><u>Schedule-I</u></b></p> <p>The tariff proposed for bagasse-based cogeneration plants under the Draft CRE Regulations is not excessive or abnormally high. On the contrary, it falls short of addressing the commercial realities and operational challenges faced by these plants. The various concerns raised herein pertaining to fuel cost, return on equity, demand charges, and banking limitations have a direct bearing on the tariff and related expenditures to be incurred by the plant. In this regard, the Commission may reconsider these factors holistically and appropriately revise the total tariff to ensure a fair and viable rate for cogeneration plants in the state.</p>	<p>1. The Commission has diligently adopted the rational methodology to determine Tariff for Bagasse based generating plant. An attempt has been made to strike a balance between the interest of project developer and the Distribution Licensee.</p> <p>It is noteworthy to highlight that substantial increase in the tariff has been observed as tabulated below. The total tariff for generating plants commissioned prior to FY 2005-06 was Rs. 3.42/kWh in FY 2023-24 which increases to Rs. 4.33/kWh in FY 2024-25. Similarly, for generating plants commissioned in FY 2018-19 was Rs. 4.55/kWh in FY 2023-24 which increases to Rs. 5.29/kWh in FY 2024-25.</p>
146)	Tariff	<p><b><u>UP Sugar Mills Cogen Association</u></b> <b><u>Schedule-I</u></b></p>	

S. No.	Key Issues	Comments of the Stakeholder	Commission's View											
		<p>1.Tariff proposed for bagasse-based cogeneration plants under the Draft CRE Regulations is not adequate and it falls short of addressing the commercial realities and operational challenges faced by these plants. The various concerns raised herein pertaining to fuel cost, return on equity, demand charges, and banking limitations have a direct bearing on the tariff and related expenditures to be incurred by the plant. In this regard, the Commission may reconsider these factors holistically and appropriately revise the total tariff to ensure a fair and viable rate for cogeneration plants in the state.</p> <p>2.There are some arithmetic errors in table no. 6 at Pg. 23 and table no. 10 at Pg. 11 of Draft CRE Regulations which may be suitably corrected.</p>	<table><tr><th>Year of Commissioning</th><th>FY 2023-24</th><th>FY 2024-25</th></tr><tr><td>Prior to FY 2005-06</td><td>3.42</td><td>4.33</td></tr><tr><td>FY 2018-19</td><td>4.55</td><td>5.29</td></tr></table> <p>2. The typographical errors have been corrected in the final Regulations.</p>			Year of Commissioning	FY 2023-24	FY 2024-25	Prior to FY 2005-06	3.42	4.33	FY 2018-19	4.55	5.29
Year of Commissioning	FY 2023-24	FY 2024-25												
Prior to FY 2005-06	3.42	4.33												
FY 2018-19	4.55	5.29												
147)	Tariff	<p><b><u>Simbhaoli Power Pvt. Ltd.</u></b> <b><u>Schedule-I</u></b> Simbhaoli Power has requested to retain the Return on Equity (RoE) at 15% (pre-tax), as provided in the CRE Regulations, 2019, instead of reducing it further to 14%, to ensure investment viability and financial sustainability of cogeneration projects.</p>	<p>The principles considered for determination of generic tariff have been based on CERC RE Regulations 2024 but aligned to the specific requirements, geography, energy portfolio and RPO obligation of Distribution Licensees in the State.</p>											
148)	Tariff	<p><b><u>UP Sugar Mills Cogen Association</u></b> <b><u>Schedule-I</u></b> The Commission may reconsider the proposed reduction in RoE to 14%. It is respectfully submitted that the RoE be retained at 15%, as provided under the earlier CRE Regulations, 2019. This will ensure continued investor interest and financial sustainability for bagasse-based cogeneration plants in Uttar Pradesh. A further reduction in RoE may act as a deterrent to fresh investments and impair the sector's long-term viability.</p>	<p>The Commission has adopted 14% (pre-tax) RoE in line with the revised CERC (Terms and Conditions for Tariff Determination from Renewable Energy Sources) Regulations, 2024.</p> <p>Further, it is evident that electricity generation from usage of bagasse is the secondary business of the project developers/sugar mill company which exhibits moderate risk as compared to other generating plants.</p> <p>Accordingly, the Commission finds it appropriate to retain the draft provision.</p>											
149)	Tariff	<p><b><u>PAKM &amp; ASSOCIATES</u></b> <b><u>Schedule-I</u></b> PAKM &amp; ASSOCIAES has requested to align key parameters of these Regulations related to MSW in line with CERC RE Regulation, 2024. Because the assumptions of parameters under the draft CRE Regulations 2024 result in significantly lower tariff determination for MSW-based energy projects compared to CERC's more realistic benchmarks.</p>	<p>It is clarified that the tariff provided in Schedule-I of these Regulations has been determined for existing MSW project commissioned during FY-2014-19 whereas CERC RE Regulation, 2024 provides tariff for projects commissioned in FY2024.</p> <p>Hence, it is not suitable to adopt the same tariff as proposed by CERC. However, for new MSW based power</p>											

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
			<p>projects, the Commission will determine its tariff on case-to-case basis after prudence check.</p> <p>Accordingly, the Commission finds it appropriate to retain the draft provision.</p>
150)	<b>Tariff</b>	<p><b><u>RE Sustainability Ltd</u></b> <b><u>Schedule-I</u></b></p> <ol style="list-style-type: none"> <li>MSW plants to replace with "Refuse Derived Fuel (RDF) based Municipal Solid Waste (MSW) power plants".</li> <li>Kindly consider the Capital cost of the Project as 27 Cr/MW excluding the Power Evacuation costs.</li> <li>Kindly consider the O&amp;M expenditure as 8.5% of the capital cost, with a 5.25% YoY escalation, which aligns with the CERC RE Tariff regulations 2024.</li> <li>Kindly consider any excess energy generated beyond the 75% PLF, as specified in these draft regulations, which should align similarly with CERC RE Tariff 2024 regulations. The CERC regulations stipulate that the tariff for such excess energy shall be equivalent to the tariff applicable for that particular year.</li> <li>Kindly consider that the import charges shall be taken up for only for the actual units imported for the respective month. There shall not be any minimum billing for the non-imported Months. (or) Imported power shall be deducted with exported power while doing monthly billing (net off).</li> <li>Kindly consider that, for RDF based MSW plant, the power evacuation system shall be executed by DISCOM/TRANSCO i.e. The cost of laying the dedicated transmission line to the sub-station, the required bays, associated terminal equipment and synchronization equipment shall be borne by the DISCOM/TRANSCO in line with the schedule of the project execution for not commissioning activities. AND DISCOM/TRANSCO shall carryout maintenance of such executed transmission line and bays at its own expenses throughout the plant life period.</li> </ol>	<p>The tariff provided in Schedule-I of these Regulations has been determined for existing MSW project commissioned during FY-2014-19. However, for new MSW based power projects, the Commission will determine its tariff on case-to-case basis after prudence check. Accordingly, various parameters for such projects would be considered based on industry practice and justification provided by the developer.</p>

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		7. Kindly consider Fuel Cost similar to CERC RE Tariff regulations 2024.	
151)	<b>Tariff</b>	<p><b>UPPCL</b> <b>Schedule-I</b> As mentioned in the Explanatory Memorandum, the Commission has updated the Schedule-I (Tariff for Sale of Power) for captive generating plants based on the commissioning date and having PPAs with the distribution licensee.</p> <p>Accordingly, tariffs for specific periods have been provided in Schedule-I for the control period from FY2024-25 to FY2028-29.</p> <p>Therefore, any new procurement from Captive Generating Plant (Non-RE)/ Bagasse based generation and co-generation plants/ Biomass (rice husk) based projects/ Small Hydro Power Plants, as the case may be, through a process of competitive bidding under Section 63 of the Act.</p> <p>Accordingly, the provisions as mentioned in the draft Regulations (i.e. clauses 1.2, 2.4, 3.2 &amp; 5.3 of Schedule -I) may be aligned as per the above submissions.</p>	The Commission has noted the suggestion and made necessary amendment in the final Regulation.
152)	<b>Tariff</b>	<p><b>Zuari Industries Ltd.</b> <b>Schedule-I</b> The sudden decrease by 39 paise/unit in FY 2026-27 compared to the previous CRE Regulations 2014 &amp; 2019. The drop from Rs. 1.98 to Rs. 1.59 is abrupt and not aligned with the trend observed in preceding or succeeding years. Such a sharp reduction warrants further clarification as it materially impacts the overall tariff recovery and project cashflows.</p>	It is clarified that the said drop in tariff is for project commissioned in FY 2014-15 due to lower amount of depreciation and interest on loan in tariff after 12 years of project life.
153)	<b>Tariff</b>	<p><b>UPPCL</b> <b>Schedule-I</b> Regulation 6(I) &amp; (II) of the draft CRE Regulations, 2024, stipulates that the generic tariff for procurement of power from existing Captive Generating Plants is provided in Schedule-I, while for new Generating Plants (i.e., those commissioned after 01.04.2024), the provisions of the UPERC (Modalities of Tariff Determination) Regulations, 2023 shall be applicable.</p>	It is clarified that the existing generating plants having PPA with UPPCL falls under different year of COD. Accordingly, the tariff for such plant has been provided in Schedule-I of the draft Regulations. However, the Commission has noted the suggestion regarding Biomass (rice husk based) and made necessary correction in the final Regulations.

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		<p>However, Schedule-I of the draft Regulations does not specify the tariff for existing generating plants for the period up to FY 2023-24. Therefore, it is suggested that the tariff for existing generating plants up to FY 2023-24 be clearly provided in Schedule-I.</p> <p>Additionally, it is mentioned that the Fixed Cost and AFC for existing Biomass (rice husk based) plants are mentioned for control period FY 24-25 to FY 28-29, while the Variable Cost is mentioned for control period FY 19-20 to FY 23-24. Therefore, the variable cost for FY 24-25 to FY 28-29 may be provided by the Commission.</p>	
154)	Tariff	<p><b><u>Simbhaoli Power Pvt. Ltd.</u></b> <b><u>Schedule-I</u></b></p> <p>Kindly examine these inconsistencies and ensure that the final notified tariff tables reflect accurate and consistent figures based on the underlying fixed and variable cost components. Rectification of these errors is essential to uphold transparency and accuracy in the tariff determination process.</p>	The Commission has noted the suggestion and made necessary correction in the final Regulations.
155)	Tariff	<p><b><u>NIDP Developers Pvt. Ltd.</u></b></p> <p>There is a huge variation in the tariff, if determined by the Commission and under competitive bidding. Therefore, in case the licensee is required to procure power under section 62, it will be costly and burden the consumers, rather than procuring through competitive bidding under section 63 of the Act 2003.</p> <p>To ensure power supply within the state, generators whose PPA are expired may be allowed to sell power under competitive bidding route for medium and long term period at the discovered rate as per market conditions rather than determined rate, which will be a win-win position for Generator, Licensee and Consumers.</p>	The tariff provided in Schedule-I is for the purpose of existing projects supplying power to UPPCL under the PPA. However, w.e.f. 01.04.2024, the Commission has made power procurement by Distribution Licensee as per UPERC (Modalities of Tariff Determination) Regulations, 2023.
156)	Tariff	<p><b><u>Hindalco Industries Ltd.</u></b> <b><u>Schedule-I</u></b></p> <p>It is noticed that sale rate of Rs 3.23/kWh (for FY23-24 as per CRE Regulations 2019) has gone through de-escalation to a price of Rs 2.94/kWh (for FY24-25 as per draft CRE Regulations 2024) and remained below the level of FY23-24 for next year sale beyond 25% of banking.</p>	It is clarified that the tariff of FY 2024-25 for project commissioned prior to FY 2005-06 is determined based on primary and secondary fuel base price of the past five year for Anpara-B power plant (pit head). The average price of primary and secondary fuel considered for the FY 2024-25 is Rs. 2528.08/MT and Rs.64,739.06/kL respectively.

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		We request the Commission to review the proposed tariff for CPP for sale of power, considering the escalation in generating cost (coal and labour) of captive power plants.	
157)	<b>Tariff</b>	<b>UPNEDA</b> <b>Schedule-I</b> UPNEDA has requested that 'Table 1' for Captive Generating Plant (Non-RE) may be updated to include tariff details for projects commissioned during FY 2006-10 and FY 2011-14 to ensure completeness and consistency in tariff benchmarking.	It is clarified that the tariff provided in these Regulations are applicable for existing projects i.e., Hindalco Industries Limited, Grasim Industries and Abhinav Steel which were commissioned during the year as provided in Schedule-I.
158)	<b>Tariff</b>	<b>UPNEDA</b> <b>Schedule-I</b> UPNEDA has requested that 'Table 16' may be revised to incorporate tariff data for biomass projects commissioned between FY2009-13 and FY 2014 onwards, as these periods are currently unaddressed.	It is clarified that the tariff provided in these Regulations are applicable for existing projects i.e., Sukhbir Agro Energy Limited, India Glycols Limited and Gallant Ispat Limited which commissioned in the year as provided in Schedule-I.
159)	<b>Tariff</b>	<b>UPNEDA</b> <b>Schedule-I</b> The tariff schedule for Municipal Solid Waste (MSW) projects may be reviewed to include any projects commissioned after FY 2018, if applicable, to reflect the current project landscape.	It is clarified that the tariff provided in these Regulations are applicable for the existing project namely "Accord Hydro (SWM)" which was commissioned in the year as provided in Schedule-I.
160)	<b>Miscellaneous</b>	<b>RE Sustainability Ltd</b> The Waste to Energy Projects is normally developed by entering a concession agreement with Municipal Corporations.  We request the Commission to consider that all the terms and conditions / contractual obligations/fees/ revenues as part of Concession agreement with Municipal Corporations are independent of this Generic Order/ Tariff Regulations.  All the rights / risks / privileges specified in the Concession Agreement with ULB are beyond the purview of SERC / DISCOM.	The tariff provided in Schedule-I of these Regulations has been determined for existing MSW project commissioned during FY-2014-19. However, for new MSW based power projects, the Commission will determine its tariff on case-to-case basis after prudence check. Accordingly, various parameters for such projects would be considered based on industry practice and justification provided by the developer.
161)	<b>Miscellaneous</b>	<b>NIDP Developers Pvt. Ltd.</b> Kindly allow distribution licensee to procure power from such renewable power plant under Competitive Bidding, whose PPA are expired irrespective of the date of their Commissioning. The Commission may continue to determine the tariff of Bagasse and Biomass based generating power plant whose PPA' s are not expired.	The tariff provided in Schedule-I is for the purpose of existing projects supplying power to UPPCL under the PPA. However, w.e.f. 01.04.2024, the Commission has made power procurement by Distribution Licensee as per UPERC (Modalities of Tariff Determination) Regulations, 2023.



S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		Allow licensee to undertake the procurement of power from bagasse or biomass project through competitive bidding process as per section 63 of the Act for Medium and Long Term PPA and adopt the said tariff.	
162)	Miscellaneous	<b><u>NIDP Developers Pvt. Ltd.</u></b> NIDP Developers has requested that these Regulations may include the standard terms and conditions related to Delay Payment Charges, Rebate, Due Date, etc.	Power procurement under Section 63 of the Act is guided by the guidelines issued by Ministry of Power/Ministry of New and Renewable Energy wherein standard terms and condition related to delay payment charges, rebate, due date, etc has been provided. Therefore, the Commission find no relevance in specifying the same.
163)	Miscellaneous	<b><u>UP Sugar Mills Cogen Association</u></b> The Commission may consider amending the Draft Regulations to explicitly include "energy storage systems charged using renewable energy" within the definition of "renewable energy sources," with appropriate safeguards as it deems fit.	While the Commission, acknowledges the potential importance of these emerging technologies for promotion of Renewable Energy in the state, yet these technologies are still at a nascent stage of development and empirical data supporting its widespread adoption in the state is currently limited. Therefore, the Commission has decided to examine such technologies on case-to-case basis.
164)	Miscellaneous	<b><u>Radiance Renewables Pvt. Ltd.</u></b> Any existing or upcoming solar/wind/hybrid projects that deploy Battery Energy Storage System (BESS) for storing a minimum of 20% of energy from the project and injecting the same into the grid in peak TOD slot should be provided with waiver of all open access losses & charges including Cross Subsidy Surcharge & Addl. Surcharge for such amount of energy.	
165)	Miscellaneous	<b><u>UPNEDA</u></b> Dedicated provisions for hybrid and energy storage projects should be included, with clarity on eligibility, control period, and tariffs. Charges should apply only on withdrawal from storage, and Intra-state transmission system (InSTS) charges/losses should be waived to promote storage deployment and grid stability.	Further, any incentives provided in these Regulations is in line with prevailing State Government Policy.
166)	Miscellaneous	<b><u>UPNEDA</u></b> Uttar Pradesh has set the ambitious target for 14 GW Utility Scale solar projects by 2030. However, UPPCL has been procuring solar power mainly from the projects outside of UP. To achieve above target, it is essential that UPNEDA undertakes innovative measures to encourage investment in the state, at the same time contributing to decarbonization and economic growth ambitions of the state government.	<p>The incentives/exemptions in these Regulations shall be co-terminus with the timeline of UP Solar Energy Policy issued from time-to-time.</p> <p>The UP Solar Energy Policy, 2022 is applicable for a period of 5 years or till the Government notifies the new policy whichever is earlier.</p> <p>Accordingly, the Commission finds it appropriate to retain the draft provision.</p>

S. No.	Key Issues	Comments of the Stakeholder	Commission's View
		<p>Under Uttar Pradesh Solar policy 2022, UPNEDA is mandated to aggregate demand for installation of grid connected solar projects and carry out competitive bidding for discovery of tariff and selection of private project developers for implementing grid connected solar projects. Therefore, UPNEDA requests the Commission to insert following provision to activate above role through regulatory enablement.</p> <p><i>"No cross-subsidy surcharge are payable by the industries in the state availing RE power through UPNEDA (with UPNEDA acting as a demand aggregator)".</i></p>	