ORDER
OF THE
WEST BENGAL ELECTRICITY REGULATORY COMMISSION
IN THE MATTER OF
In Case No. WBERC/OA-151/12-13

IN REGARD TO THE APPLICATION SUBMITTED BY THE WEST BENGAL STATE ELECTRICITY DISTRIBUTION COMPANY LIMITED (WBSEDCL) FOR APPROVAL OF THE MODIFIED DRAFT STANDARD AGREEMENT TO BE EXECUTED BY WBSEDCL WITH DIFFERENT CONSUMERS INTENDING TO INSTALL ROOF TOP SOLAR PV PANELS AS PER REGULATION 6.1 (V) (c) OF WEST BENGAL ELECTRICITY REGULATORY COMMISSION (COGENERATION AND GENERATION OF ELECTRICITY FROM RENEWABLE SOURCES OF ENERGY) REGULATIONS, 2013.

PRESENT:
SRI DURGADAS GOSWAMI, MEMBER

DATE: 28.02.2019
ORDER

1.0 This is in regard to the application submitted by West Bengal State Electricity Distribution Company Ltd. (in short 'WBSEDCL') on 28.10.2014 for approval for modification of Standard Agreement approved by West Bengal Electricity Regulatory Commission (in short the 'Commission') vide order dated 25.09.2013 to be executed by and between WBSEDCL and different consumers intending to install Roof Top Solar PV Panels as per regulation 6.1 (v)(c) of the West Bengal Electricity Regulatory Commission (Co-generation and Generation of Electricity from Renewable Sources of Energy) Regulations, 2013 (in short 'Renewable Regulations').

2.0 In their application WBSEDCL submitted that as per provision of Renewable Regulations, a draft standard agreement has been prepared for allowing synchronization of solar PV panels with WBSEDCL grid with necessary protection and also for subsequent accounting of solar energy injected into WBSEDCL grid during the energy billing of consumer mode and same agreement has been approved by the Commission vide order dated 25.09.2013 in case no. WBERC/OA-151/12-13.

2.1 In their application WBSEDCL proposed the following modifications to the agreement approved by the Commission as stated in clause 2.0 above in order to make the process simple, include high voltage consumers, replace the clause of the repealed Regulations with the prevailing one, etc.

<table>
<thead>
<tr>
<th>Clause/Paragraph No. of approved standard agreement</th>
<th>Proposed for modification</th>
</tr>
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<tbody>
<tr>
<td>Paragraph 'A'</td>
<td>&quot;Installation of one... kw capacity Solar PV source at (Name of the consumer with address) is complete and ready for operation and Installation check-up and clearance by Testing department of WBSEDCL.&quot;</td>
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<tr>
<td>Paragraph 'B'</td>
<td>&quot;CONSUMER is a medium voltage / high voltage consumer of _________ Regional Office / Customer Care Centre (previously known as Group Electric Supply), WBSEDCL having consumer no. _____.&quot;</td>
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West Bengal Electricity Regulatory Commission
Order of the West Bengal Electricity Regulatory Commission in the matter of an application submitted by the West Bengal State Electricity Distribution Company Limited for approval of the modified draft Standard Agreement to be executed by WBSEDCL with different consumer intending to install Roof Top Solar PV Panels as per regulation 6.1 (V) (c) of West Bengal Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy) Regulations, 2013.

"The newly installed Solar PV source at CONSUMER is intended to be interconnected and operated in parallel with WBSEDCL distribution system at medium voltage / high voltage and accordingly application has been submitted to WBSEDCL for such interconnection in terms of the West Bengal Electricity Regulatory Commission (Co-generation and Generation of Electricity from Renewable Sources of Energy) Regulations, 2013 or any subsequent amendment / replacement of it from time to time (hereinafter referred to as the "Renewable Regulations") to which WBSEDCL agrees on the terms and conditions as mentioned in this agreement."

"That in the event of any default in payment or non-compliance of obligation / any of the terms of this agreement, the matter will be dealt in accordance with the regulation 4.1 of the West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013 or its amendment or subsequent replacement of it under section 50 of the Electricity Act, 2003."

"That the agreement shall be effective from the date of its signing. The validity period of the Agreement shall be for a period of 1 (one) year from the date of installation of export-import meter for the purpose and may continue till its determination unless earlier terminated for any reason contained herein. Any extension of the validity period of this Agreement may also will be done through execution of a supplementary agreement for which a notice shall be given in writing at least 90 days prior to the expiry of this agreement."

"That this agreement is entered into between WBSEDCL (1st party) and CONSUMER (2nd party) for energy adjustment in terms of clause 6.1(v)(c) of the Renewable Regulations (or any amendment thereof)."

WBSEDCL submitted a draft standard agreement incorporating the proposed modifications.

3.0 WBSEDCL prayed before the Commission to approve the above proposed modifications of the Standard Agreement approved by the Commission vide order dated 25.09.2013 in case no. WBERC/OA-151/12-13 for execution of the same by and between WBSEDCL and different consumers intending to instal roof top solar PV panels as per regulation 6.1.(v)(c) of Renewable Regulations.
Order of the West Bengal Electricity Regulatory Commission in the matter of an application submitted by the West Bengal State Electricity Distribution Company Limited for approval of the modified draft Standard Agreement to be executed by WBSEDCL with different consumer intending to install Roof Top Solar PV Panels as per regulation 6.1 (V) (c) of West Bengal Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy) Regulations, 2013.

4.0 Upon receipt of the application, the decision of the Commission was communicated to WBSEDCL vide letter no. WBERC/OA-151/12-13/0965 dated 14th January, 2015 which is reproduced below:

Quote:


b) The modification in paragraph A of the standard agreement as proposed by WBSEDCL was not accepted by the Commission.

c) Regarding changes as proposed for paragraphs B and C of the standard agreement it is mentioned that the connectivity for Roof top solar PV System shall be as per provisions made in the Renewable Regulations. WBSEDCL shall incorporate the voltage level in the respective power purchase agreement for the purpose.

d) Regarding the changes as proposed for paragraphs 9 and 14 of the standard agreement it is mentioned that WBSEDCL can incorporate the same in the individual agreement while executing the same.

e) The modification as proposed for paragraph 13 of the standard agreement is not considered by the Commission as the proposed clause was not clear.

Unquote

5.1 In reply, WBSEDCL vide their memo no. PTR/SERC/2200 dated 21st January, 2015 submitted the following:

a) That the consumers are presently engaging agencies, other than WBREDA, for suitability check-up, eligibility and technological clearance, supply, installation and commissioning of solar PV panel for net-metering. Hence, due to non-acceptance of modification at paragraph A by the Commission raised question whether WBSEDCL
shall accept agencies other than WBREDA for fulfilment of the above parameters required for installation of roof top solar PV panels.

b) The intension of proposed modification to paragraph 13 to extend the validity of the agreement from one year was to give relief to both the consumers and WBSEDCL. This was proposed in view of growing trend among the consumers to install PV panels for net-metering purpose where execution of agreement in each year will create difficulty for both consumers and WBSEDCL.

5.2 Subsequently, WBSEDCL submitted a letter no. REG/SERC/Net-metering/429 dated 29th December, 2016 after revising the paragraph 13 as under:

“That the agreement shall be effective from the date of its signing. The validity period of the Agreement shall be for a period of 1 (one) year from the date of installation of export-import meter for the purpose and may continue till its determination unless earlier terminated for any reason contained herein. Either Party, however, with the consent of the other Party, shall be at liberty to determine this agreement before the expiry of the aforesaid period.”

6.0 The Commission after prudent check, agreed to the justification submitted by WBSEDCL on paragraph 'A' vide their letter dated 21.01.2015 and also accepted the revised paragraph 13 forwarded through their letter dated 29.12.2016

6.1 The Commission, thus, approve proposal of WBSEDCL for modification to the standard agreement to be executed by and between WBSEDCL and different consumers intending to instal roof top solar PV panels, earlier approved by the Commission vide order dated 25.09.2013 in case no. WBERC/OA-151/12-13. The modified clauses are given hereunder:

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Order of the West Bengal Electricity Regulatory Commission in the matter of an application submitted by the West Bengal State Electricity Distribution Company Limited for approval of the modified draft Standard Agreement to be executed by WBSEDCL with different consumer intending to install Roof Top Solar PV Panels as per regulation 6.1 (V) (c) of West Bengal Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy) Regulations, 2013.

Paragraph 'C'
"The newly installed Solar PV source at CONSUMER is intended to be interconnected and operated in parallel with WBSEDCL distribution system at medium voltage / high voltage and accordingly application has been submitted to WBSEDCL for such interconnection in terms of the West Bengal Electricity Regulatory Commission (Co-generation and Generation of Electricity from Renewable Sources of Energy) Regulations, 2013 or any subsequent amendment / replacement of it from time to time to which WBSEDCL agrees on the terms and conditions as mentioned in this agreement."

Paragraph '9'
"That in the event of any default in payment or non-compliance of obligation / any of the terms of this agreement, the matter will be dealt in accordance with the regulation 4.1 of the West Bengal Electricity Regulatory Commission (Electricity Supply Code) Regulations, 2013 or its amendment or subsequent replacement of it under section 50 of the Electricity Act, 2003."

Paragraph '13'
"That the agreement shall be effective from the date of its signing. The validity period of the Agreement shall be for a period of 1 (one) year from the date of installation of export-import meter for the purpose and may continue till it’s determination unless earlier terminated for any reason contained here-in. Either Party, however, with the consent of the other Party, shall be at liberty to determine this agreement before the expiry of the aforesaid period."

Paragraph '14'
"That this agreement is entered into between WBSEDCL (1st party) and CONSUMER (2nd party) for energy adjustment in terms of clause 6.1(v)(c) of the Renewable Regulations (or any amendment thereof)."

7.0 WBSEDCL is directed to submit a copy of revised draft agreement incorporating the modifications as given under paragraph 6.0 of this order.

8.0 Petition is thus disposed of. Let a copy of this order be served upon WBSEDCL.

Sd/-
(DURGADAS GOSWAMI)
MEMBER

Dated : 28.02.2019

(Sd/-)
(T. K. MUKHERJEE)
SECRETARY

West Bengal Electricity Regulatory Commission