

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI
NOTIFICATION (DRAFT)**

No. 13/2/7/2015-PM/CERC

Dated: 16 February, 2017

In exercise of powers conferred under Section 178 of the Electricity Act, 2003 (36 of 2003) read with Section 66 thereof and all other powers enabling it in this behalf, and the directions of the Government of India through guidelines on Cross Border Trade of Electricity No. 14/1/2016-Trans (Vol.-II) issued on 5th December, 2016, the Central Electricity Regulatory Commission hereby makes the following regulations:

CHAPTER-1

PRELIMINARY

1. Short Title and Commencement.

- (1) These regulations may be called the Central Electricity Regulatory Commission (Cross Border Trade of Electricity) Regulations, 2017.
- (2) These regulations shall come into force from the date of publication in the Official Gazette.

2. Definitions and Interpretation:

- (1) In these regulations, unless the context, otherwise requires:
 - (a) **'Act'** means the Electricity Act, 2003 (36 of 2003) as notified by the Government of India.
 - (b) **'Actual Drawal'** in a time-block means electricity drawn by a buying entity measured by the interface meters.
 - (c) **'Actual Injection'** in a time-block means electricity injected by the selling entity, measured by the interface meters.
 - (d) **'Access Bank Guarantee'** means the bank guarantee which the CBTA customer shall be required to furnish while seeking Long term Access to inter-State transmission system in India.
 - (e) **'Applicant' means:**

- i) For the purpose of grant of connectivity the following entities (located in a neighbouring Country):
 - a) A Hydro Generating station or generating station using renewable source of energy for installed capacity of 50 MW and above or.
 - b) A generating station (not covered under (a) above) with installed capacity of 250 MW and above, including a captive generating plant of exportable capacity of 250MW and above or;
 - c) Hydro Generating stations or generating stations using renewable source of energy individually having less than 50 MW installed capacity, but collectively having an aggregate installed capacity of 50 MW and above, and acting on behalf of all these generating stations, and seeking connection from CTU at a single connection point at the pooling sub-station under CTU, termed as the lead generator, or;
 - d) A consumer who intends to avail supply of a minimum load of 100 MW through the inter-State Transmission System of India.
- ii) For the purpose of grant of long-term access, medium-term open access or short-term open access the following entities located in India or a neighboring country:
 - A generating station including a captive generating plant, a consumer , an inter-State trading licensee , a distribution licensee.
- (f) **‘Appropriate Commission’** means the Central Electricity Regulatory Commission referred to in sub-section (1) of section 76 or the State Electricity Regulatory Commission referred to in Section 82 and or the Joint Electricity Regulatory Commission constituted under sub-section (1) of Section 83 of the Act.
- (g) **‘Available Transmission Capability’ or ‘ATC’** means the transfer capability, in MW, of the inter-control area transmission system available for scheduling cross-border transactions (through long-term access, medium-term open access and short-term open access) in a specific direction, taking into account the network security. Mathematically ATC is the Total Transfer Capability less Transmission Reliability Margin.
- (h) **‘Black Start Procedure’** means the procedure necessary to recover from partial or total black out in the region.

- (i) **‘Buying Entity’** means the entity which has been granted cross border transmission access and is purchasing electricity through a transaction involving India and a neighboring country and scheduled in accordance with these regulations under short-term open access, medium-term open access or long-term access.
- (j) **‘Central Electricity Authority’ or ‘CEA’** means Central Electricity Authority referred to in Section 70 of the Act.
- (k) **‘Central Transmission Utility’ or ‘CTU’** shall mean Central Transmission Utility as defined in Section 38 of the Act.
- (l) **‘Commission’ or ‘CERC’** means Central Electricity Regulatory Commission referred to in sub-section (1) of section 76 of the Act.
- (m) **‘Congestion’** means a situation where the demand for transmission capacity exceeds the Available Transmission Capability of the transmission systems.
- (n) **‘Connection Agreement’** means an Agreement defining technical conditions of connecting to Indian grid in the course of cross border trade of electricity.
- (o) **‘Connectivity’** for a generating station, including a captive generating plant, a bulk consumer or an inter-State Transmission licensee means the state of getting connected to the Inter-State Transmission System of India for the purpose of cross border trade of electricity.
- (p) **‘Connectivity Lines’** are transmission lines which connect switchyard of the generating station to pooling station (s) of the inter-State Transmission Licensees including Deemed inter-State Transmission Licensees in India and are used for the purpose of cross border trade of electricity between India and a neighboring country.
- (q) **‘Control Area’** means an electrical system bounded by interconnections (tie lines), metering and telemetry which controls the generation and/or load within the area to maintain its interchange schedule with other control areas whenever required to do so and contributes to frequency regulation of the synchronously operating system. Any neighbouring country inter-connected with Indian Grid shall be treated as a separate control area.
- (r) **‘Cross Border Trade of Electricity’** means trade involving import or export of electricity between India and the neighboring Countries of India.

- (s) **‘Cross Border Transmission Access’ or ‘CBTA’** means the access available to an applicant of a neighboring country to get connected to and use the Indian Grid, and the access available to an applicant of India to get connected to and use the grid of any neighboring country for cross border trade of electricity under Long term access or medium term open access or short term open access, as the case may be.
- (t) **Cross Border Transmission Agreement Customer** means a person who has been granted CBTA in accordance with these regulations.
- (u) **‘Cross Border Transmission Access Agreement’ or ‘CBTAA’** means an agreement relating to cross border trade of electricity entered into by the Cross Border Transmission Access Applicant with the Central Transmission Utility as per Central Electricity Regulatory Commission (Grant of Connectivity, Long Term and Medium Term Open Access) Regulations, 2009, as amended from time to time.
- (v) **‘Cross Border Transmission Link’** means the transmission link from the generating station or the pooling station of a neighboring country to the interconnection point on the Indian Grid, as may be specified by the CTU based on the application for cross border transmission access.
- (w) **‘Data Acquisition System or DAS’** means a device designed to record the sequence of operation in time, of the relays, equipments, system parameters at a particular location.
- (x) **‘Date of Commercial Operation’ or ‘COD’** of a generating stations or transmission system involved in cross border trade of electricity between India and a neighboring country shall be as defined in Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 as amended from time to time.
- (y) **‘Dedicated Transmission Lines’** shall have the same meaning as defined in Section 2(16) of the Act.
- (z) **‘Demand’** means the demand of Active Power in MW and Reactive Power in MVA_r of electricity unless otherwise stated.
- (aa) **‘Designated Authority’ or ‘DA’** means the Authority as designated by Ministry of Power, Government of India in accordance with the "Guidelines on Cross Border Trade of Electricity".

- (bb) **'Deviation'** in a time-block for a seller means its total actual injection minus its total scheduled generation and for a buyer means its total actual drawal minus its total scheduled drawal and shall be calculated at the Interconnection point.
- (cc) **'Distribution Licensee'** shall be as defined in Section 2 (17) of the Act.
- (dd) **'Downstream system'** for a transmission line means the terminating bays/ transmission lines at same or lower voltage associated with a transmission line without commissioning of which the transmission line cannot be put to intended or optimal use.
- (ee) **'Grid Code'** means the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 specified by the Commission under clause (h) of sub-section (1) of Section 79 of the Act including amendments thereto and subsequent enactment thereof.
- (ff) **'Implementation Agreement'** means the agreement, contract or memorandum of understanding, or any such covenant, entered into between following entities for the execution of project in a coordinated manner:
- (i) between transmission licensee and generating station or
 - (ii) between transmission licensee and developer of the associated transmission system or
 - (iii) between transmission licensee and owner of upstream system or
 - (iv) between transmission licensee and owner of downstream system.
- (gg) **'Indian Grid'** shall refer to the Inter-State Transmission System (ISTS) or Intra-State Transmission System (In-STS) or both as the context may require.
- (hh) **'Installed capacity'** of the generating station shall have the same meaning as defined in Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 as amended from time to time or any subsequent enactment thereof.
- (ii) **'Interface Meters'** means interface meters as defined by the Central Electricity Authority under the Central Electricity Authority (Installation

and Operation of Meters) Regulations, 2006, as amended from time to time.

- (jj) **'Inter-State transmission system'** and intra-State Transmission System shall have the same meaning as assigned to them under section 2(33) and 2(34) of the Act.
- (kk) **'Interconnection point'** means the point of interconnection between India and any of its neighboring countries where scheduling, metering, accounting and billing of electricity shall be done for the purpose of cross border trade of electricity. Such point shall be at a pooling station within Indian periphery.
- (ll) **'Lead generator'** is a generating station which shall act on behalf of generating stations based on hydro or renewable sources of energy, individually having less than 50 MW installed capacity, but collectively having an aggregate installed capacity of 50 MW and above, and seeking connection from CTU at a single connection point at the pooling sub-station under CTU.
- (mm) **'License'** means a license granted under section 14 of the Act.
- (nn) **'Licensee'** means a person who has been granted a license under section 14 of the Act.
- (oo) **'Long-term Access'** means the right to use the inter-state transmission system of India for a period of 7 years or more.
- (pp) **'Long-term Power Purchase Agreement'** shall mean a Power Purchase Agreement for a minimum period of 7 years.
- (qq) **'Medium-term Open Access'** means the right to use the inter-state transmission system of India for a period exceeding 1 year but not exceeding 5 years.
- (rr) **'Medium-term Power Purchase Agreement'** shall mean a Power Purchase Agreement for duration equal to or more than 1 year and less than 7 years.
- (ss) **'National Load Despatch Centre'** means the Centre established under sub-section (1) of section 26 of the Act.

- (tt) **‘Open Access’** within the territory of India shall have the same meaning as assigned under section 2(47) of the Act
- (uu) **‘Participating Entity’** means the entities approved by Designated Authority under Guidelines on Cross Border Trade of Electricity issued by Ministry of Power, Government of India
- (vv) **‘Pooling Station’** means the sub-station where pooling of connectivity lines of generators is done for interfacing with the same or next higher voltage level network of CTU or STU or Distribution Licensee.
- (ww) **‘Power Market Regulation’** means the Central Electricity Regulatory Commission (Power Market) Regulations, 2010 as amended from time to time or any part thereof.
- (xx) **‘Real Time Operation’** means action to be taken at a given time at which information about the electricity system is made available to the concerned Load Despatch Centre.
- (yy) **‘Regional Energy Account’** or ‘REA’ means energy account on monthly basis by the RPC Secretariat of the respective regions in India for the billing and settlement of ‘Capacity Charge’, ‘Energy Charge’, ‘Deviation Charge’, ‘Transmission charge’ and ‘Reactive Energy Charge’ in respect of transactions in the course of cross border trade of electricity.
- (zz) **‘Scheduled Drawal’** at any time or for time block(s) means schedule of despatch in MW or MWh ex-bus given by the concerned System Operator.
- (aaa) **‘Scheduled Generation’** at any time or for time block(s) means schedule of generation in MW or MWh ex-bus given by the concerned system operator.
- (bbb) **‘Selling Entity’** means the entity which has been granted cross border transmission access and is selling electricity through a transaction in the course of cross border trade of electricity and scheduled in accordance with the regulations applicable for short-term open access, medium-term open access or long-term access.
- (ccc) **‘Settlement Nodal Agency’** or ‘SNA’ means the nodal agency as specified under Regulation 6 (2) (b) of these regulations.

- (ddd) **‘Short-term Open Access’** means open access for a period up to one (1) month at one time.
- (eee) **‘Short-term Power Purchase Agreement’** shall mean a Power Purchase Agreement for duration of less than one year.
- (fff) **‘Special Energy Meter’** means the interface meters as defined by the Central Electricity Authority under the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time.
- (ggg) **‘State Transmission Utility’ or ‘STU’** means the Board or the Government company specified as such by the State Government under sub-section (1) of section 39 of the Act.
- (hhh) **‘System Operator’** means an entity set up by Government of India or any of its neighboring countries to oversee, inter alia, the following main functions:
- (i) Scheduling and dispatch of electricity over the cross border links in accordance with grid standards specified.
 - (ii) Monitoring of operations and grid security of the inter-regional/international links respective neighbouring country.
 - (iii) Supervision and control over the inter-regional/international links as may be required for ensuring stability of the power system under its control.
 - (iv) Coordination for cross border exchange of power between India and each of the neighboring countries
- NLDC shall act as the System Operator for discharging the functions mentioned above for Indian side of the grid in connection with cross border trade of electricity between India and its neighboring countries.
- (iii) **‘Target Region’** for the purpose of these Regulations shall include the regions of India namely Northern Region (NR), Southern Region (SR), Western Region (WR), Eastern Region (ER), and North Eastern Region (NER)
- (jjj) **‘Time-block’** means a time block of 15 minutes, for which specified electrical parameters and quantities are recorded by special energy meter, with first time block starting at 0000 hrs.

- (kkk) **‘Total Transfer Capability’ or ‘TTC’** means the amount of electric power that can be transferred reliably over the inter-control area transmission systems under a given set of operating conditions considering the effect of occurrence of the worst credible contingency.
- (lll) **‘Transmission Planning Agency’ or ‘TPA’** means the Planning agency as specified under Regulation 6(2) (a) of these regulations.
- (mmm) **‘Transmission Planning Criteria’** the policy, standards and guidelines issued by the CEA for the planning and design of the Transmission systems.
- (nnn) **‘Transmission Reliability Margin’ or ‘TRM’** means the amount of margin kept in the total transfer capability necessary to ensure that the interconnected transmission network is secure under a reasonable range of uncertainties in system conditions.
- (ooo) **‘Upstream System’** means the end bays or transmission lines at same or higher voltage associated with a transmission line without commissioning of which the transmission line cannot be put to intended or optimal use.
- (ppp) **‘User’** means a person such as a Generating Plant including Captive Generating Plant or Transmission Licensee (other than the Central Transmission Utility and State Transmission utility) or Distribution Licensee or Bulk Consumer, whose electrical plant is connected to the ISTS of India at a voltage level 33kV and above.

(2) Words and expressions used in these regulations and not defined herein but defined in the Act or the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 or the Indian Electricity Grid Code or any other regulations specified by the Commission shall, unless the context otherwise requires, have the meanings assigned to them under the Act or the Grid Code or other regulations specified by the Commission, as the case may be.

CHAPTER-2

GENERAL PROVISIONS

3. Scope

- (1) These regulations shall be applicable to all the participating entities in India and its neighbouring countries which are engaged in cross border trade of electricity.

- (2) The CERC (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 and any amendments thereof shall be applicable to the entities located in India who are seeking connectivity for long term and medium term open access to the inter-State transmission system in India in the course of cross border trade of electricity between India and a neighboring country.
- (3) Any cross border trade in electricity between India and a neighboring country shall be allowed through bilateral agreements between an Indian entity and an entity of the neighboring country under the overall framework of agreements signed between the governments of the two countries.
- (4) Notwithstanding anything done or any action taken or purported to have been done or taken for cross border trade of electricity under the Agreements in force, prior to 5th December, 2016 (date of issue of Guidelines on Cross Border Trade of Electricity by Ministry of Power) shall be deemed to have been done or taken under the provisions of these regulations and the guidelines issued by Govt. of India till the expiry of such Agreements.
- (5) Wherever there is any reference to any Act, Law, Regulation or Rules, if there is any amendment subsequent to the notification of these Regulations, the amendment shall apply.

4. Tariff Determination

- (1) Cross border trade of electricity through Government to Government negotiations:

Where import/ export of electricity is agreed between the Government of India and the Government of any neighboring country involving the participating entities of the two countries, the tariff for such transactions shall be determined through Government to Government negotiations, which shall be adopted by the Appropriate Commission.

Provided that in Agreements referred to in Clause 3(4) of the Regulations, the tariff so determined shall be deemed to have been adopted by the Appropriate Commission.

- (2) Cross border trade of electricity through arrangements other than through Government to Government negotiations:

- (a) Tariff for import of electricity by Indian entities (directly or through trading licensees) from the generating stations located outside India shall be determined under long term/ medium term/ short term agreement, through a process of competitive bidding, which shall be adopted by the Appropriate Commission under Section 63 of the Electricity Act, 2003.

Provided that in case of hydro generation projects, the tariff shall be determined by the Central Commission as per the Tariff Regulations notified from time to time, if approached by the generator through the Government of the neighbouring country and agreed by the Indian entities, including Public Utilities/ Discom(s).

- (b) Tariff for export of electricity to entities of a neighboring country by Indian entities through long term/ medium term/ short term agreements may be as mutually agreed or discovered through competitive bidding, subject to payment of the charges as applicable for transmission/wheeling of electricity through the Indian grid.
- (3) The tariff for the cross border transmission link from pooling station within India till the Indian border shall be determined as per CERC (Tariff Regulations), 2014 as amended from time to time.
- (4) The tariff for transmission system within India shall be as per the prevailing laws under Section 62 or Section 63 of the Act.

5. Compliance of Laws and Regulations

- (1) Unless repugnant to the context specified herein, the participants of cross border trade of electricity shall adhere to and comply with all applicable regulations.
- (2) All entities of the neighboring countries participating in the cross-border electricity trade with the entities in India shall abide by the Policies, Laws, Rules and Regulations prevailing in their respective countries which shall be clearly enumerated in the Agreements.

Provided that in case of any ambiguity or conflict between the laws, rules and regulations of the neighboring countries and that of India, the Indian laws, rules and regulations will take precedence for the purpose of cross border trade of electricity with India.

6. Institutional Framework

- (1) **Designated Authority:** shall be an Authority as designated by Ministry of Power, Government of India, for facilitating the process of approval and laying down the procedure for cross border transaction and trade in electricity. The Designated Authority shall be responsible for coordination with the nodal agency of the neighboring country for all purposes as stated in the Guidelines on Cross Border Trade of Electricity issued by Ministry of Power.
- (2) There shall be the following Agencies for performing the designated functions under these regulations:
 - (a) **Transmission Planning Agency (TPA) of each neighboring country** shall be responsible for Transmission System planning in respective neighboring country for the purpose of facilitating cross border trade of electricity with India. For India, this function shall be discharged by the Designated Authority.
 - (b) **Settlement Nodal Agency (SNA)** shall be responsible for settling all charges pertaining to grid operations including operating charges, charges for deviation and other charges related to transactions with a particular neighboring country in the course of cross border trade of electricity. The SNA shall be a member of the deviation pool, reactive energy pool and other regulatory pools for payment and settlement of the corresponding charges in the pool accounts of the region having connectivity with any neighboring country. The neighboring country may also nominate/authorize an agency for such purpose. Ministry of Power, Government of India shall notify SNAs for each neighboring country.
 - (c) **National Load Dispatch Centre (NLDC)** shall be responsible for granting and facilitating short-term open access with respect to cross border trade of electricity between India and its neighboring country. It shall also be responsible for billing, collection and disbursement of the transmission charges for short term open access transactions in accordance with the Central Electricity Regulatory Commission (Sharing of Inter State Transmission Charges and Losses) Regulations, 2010 or any other Regulations in force in that regard.
 - (d) **Central Transmission Utility (CTU)** shall be responsible for granting and facilitating long-term access and medium-term open access with respect to cross border trade of electricity between India and its neighboring countries. It shall also be responsible for billing, collection and disbursement of the transmission charges in accordance with the Central Electricity Regulatory Commission (Sharing of Inter State Transmission Charges and Losses) Regulations, 2010 or any other Regulations in force in that regard.

7. Eligibility criteria for participating Applicant

- (1) Considering that cross border trade of electricity shall involve issues of strategic, economic and national importance, only the participating entities of India and the neighboring countries who comply with the following conditions shall be eligible to participate in cross border trade of electricity after obtaining one-time approval from the Designated Authority:
 - (a) Import of electricity by Indian entities from Generation projects located in a neighboring country and owned or funded by Government of India or by Indian Public Sector Undertakings or by private companies with ownership of 51% or more by Indian entity (ies);
 - (b) Import of electricity by Indian entities from projects located in a neighboring country having 100% equity participation by an Indian entity or the Government of a neighboring country or companies owned and controlled by the Government of the neighboring country or Joint Venture Company of Indian entity, Government of neighboring country or company owned or controlled by the Govt. of neighboring country.
 - (c) Import of electricity by Indian entities from approved licensed traders of neighboring countries having ownership of more than 51% by Indian entity (ies), from the sources as indicated in Para (a) and (b) above.
 - (d) Export of electricity by the distribution licensees / Public Sector Undertakings (PSUs) in India, if surplus capacity is available and certified by the concerned distribution licensee or the PSU, as the case may be.
- (2) Any other participating entity shall be eligible to participate in cross border trade of electricity after obtaining approval of the Designated Authority on case to case basis.
- (3) Any change in the equity pattern of the participating entities after the date of approval shall be duly intimated to the Designated Authority and fresh approval shall be obtained by the participating entities under Clauses (1) and (2) above.
- (4) Any coal based thermal power projects in India other than those owned and operated by Public Sector Undertakings shall be eligible for export of electricity to any of the neighboring countries only if surplus capacity is certified by the Designated Authority.
- (5) Ministry of Power, Govt. of India may also identify the sources from which power can be exported to any of the neighboring countries of India.

8. Trade Through Indian Power Exchanges:

- (1) A Participating entity as specified in Regulation 7(1), with approval of the Designated Authority, after complying with the relevant regulations of the Commission, shall be eligible for cross border trade of electricity through Indian Power Exchange(s) under the categories of Term Ahead Contracts, Intra Day Contracts and Contingency Contracts as defined in the CERC (Power Market) Regulations, 2010.
- (2) Any other Participating Entity as specified in Regulation 7(2) shall be eligible to participate in the Indian Power Exchange(s) through the trading licensees in accordance with the CERC (Power Market) Regulations, 2010.
- (3) The quantum of electricity that can be traded under cross border trade of electricity in Indian Power Exchange(s) shall be as prescribed from time to time by the Designated Authority.

CHAPTER – 3

TRANSMISSION PLANNING, CONNECTIVITY AND ACCESS

9. Transmission Planning

- (1) The transmission interconnection between India and a neighboring country shall be planned jointly by transmission planning agencies of the two countries with the approval of their respective Governments.
- (2) The cross border transmission lines may be constructed between the pooling station(s) of India and the pooling station(s) of any of the neighbouring countries for secure, safe and controlled operation of the grid.
- (3) The mode of interconnection between a neighboring country and India will preferably be through DC links.
- (4) Generating Stations located in India and supplying electricity exclusively to neighboring countries may be allowed to build independent transmission systems for connecting to the neighboring country's transmission systems keeping the technical and strategic considerations in view and with the approval of the Government of India at the cost inbuilt in the agreement signed between Indian entity and the entity of the neighboring country. Such approval will be under applicable section(s) of the Electricity Act, 2003, subject to complying with the technical and safety standards notified under various section of the Electricity Act, 2003.

10. General provisions for Connectivity, Long term Access, medium term open access and short term open access

- (1) Any entity eligible to participate in cross border trade of electricity shall be required to seek connectivity and/or long term access or medium term open access or short term open access, as the case may be.
- (2) Applications for grant of connectivity and/or long-term access or medium-term open access shall be made to CTU as per CERC (Grant of Connectivity, Long Term & Medium Term Access) Regulations, 2009 as amended from time to time.
- (3) Applications for grant of short term open access shall be made to NLDC as per CERC (Open Access in inter-state Transmission) Regulations, 2008 as amended from time to time.
- (4) Except where specifically provided in these Regulations, the provisions contained in the Central Electricity Regulatory Commission (Open Access in inter-state Transmission) Regulations, 2008, Central Electricity Regulatory Commission (Grant of Connectivity, Long Term & Medium Term Access) Regulations, 2009 shall apply mutatis mutandis to the entities eligible to participate in cross border trade of electricity.

11. Application fee

- (1) The applications referred to in Regulation 10 for connectivity, long-term access and medium-term open access shall be accompanied by a non-refundable application fee in Indian Rupees as provided below, payable in the name and in the manner to be laid down by the CTU in the Detailed Procedure notified under these Regulations.

S.NO.	Quantum of Power to be injected/off taken into/from ISTS	Application fee(Rs. in Lakh)	
		For Connectivity /Long term Access	Medium-term open access
1.	Up to 100MW	4	2
2.	More than 100 MW and up to 500 MW	6	4
3.	More than 500 MW and up to 1000 MW	12	6
4.	More than 1000 MW	18	8

- (2) Notwithstanding anything contained in CERC (Grant of Connectivity, Long Term & Medium Term Access) Regulations, 2009, no application bank

guarantee shall be required to be submitted along with the application for Connectivity or medium term open access. Only one bank guarantee, i.e. Access Bank Guarantee shall be deposited along with the application for long term access.

- (3) The fee for short-term open access applications referred to in Regulation 10 shall be as per the Procedure for scheduling for Bilateral Transactions specified in CERC (Open Access in inter-State Transmission) Regulations, 2008 and amendments thereof

12. Time frame for processing

- (1) CTU shall process the Long-term access applications made under these Regulations requiring augmentation of transmission system in the Indian Grid in not later than ninety (90) days. Long-term access applications where augmentation of transmission system is not required shall be processed in not later than sixty (60) days.
- (2) CTU shall process the medium-term open access applications made under these Regulations in not later than thirty (30) days.

13. Application for Grant of Connectivity

- (1) On receipt of the application, the CTU shall, in consultation and coordination with other Transmission Planning Agencies process the application and carry out the necessary inter-connection study as specified in the Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007.
- (2) The Generator or a bulk consumer already connected to inter-state transmission network of India or transmission network of the neighbouring country or for which Connectivity is already granted or planned, shall not be allowed to apply for additional connectivity for the same capacity. However, in case of expansion of capacity of generator or load of the bulk consumer, it shall be required to make application for Connectivity as per the provisions of the Regulations.
- (3) The grant of Connectivity alone shall not entitle an applicant to interchange any power with the grid unless it obtains long-term access, medium-term open access or short-term open access.
- (4) The grant of connectivity shall be considered as provisional till the cross border long term access application for a minimum of 50% of Installed capacity (minus auxiliary consumption) is filed by the Applicant. Under no circumstances, applicant shall be allowed physical connection with the grid before filing the

application for cross border long term access and furnishing Access Bank Guarantee thereof.

- (5) Such application seeking long term access has to be filed within 2 years of date of grant of Connectivity failing which Connectivity granted shall be withdrawn and application fees shall be forfeited.

14. Application for Long-Term Cross-border Transmission Access

- (1) The application shall be made as per the provisions contained in CERC (Grant of Connectivity, Long Term & Medium Term Access) Regulations, 2009, as amended from time to time.

Provided that if the quantum of electricity has not been firmed up in respect of the person to whom electricity is to be supplied or the source from which electricity is to be procured, the applicant shall indicate the quantum of electricity along with name of the Target Region(s) in which this electricity is proposed to be interchanged using the inter-State transmission system.

Provided that in case such an application is made by an Indian entity, then the neighbouring country as a whole may be treated as a target region for the purposes of Cross Border Transmission Access.

Provided that the implementation of the transmission system augmentation, if any, for grant of Cross Border Transmission Access shall be undertaken only after the signing of the Long Term PPA for at least fifty(50) percent of the installed capacity of the generating station by the applicant for the sale of electricity.

15. Implementation of Cross Border Transmission Link

- (1) The cross border transmission link shall consist of transmission line and associated system from the pooling station within India till the Indian border and transmission line from Indian border till the pooling station of the neighbouring country.
- (2) The CTU shall be responsible for the implementation of cross border transmission link between the pooling station within India till the Indian border. Beyond the Indian border the responsibility of the implementation shall be that of the Applicant(s) or the TPA of the neighbouring country.

- (3) The tariff for the cross border transmission link from the pooling station within India to the Indian border shall be payable by the Applicant(s). The tariff shall be charged even in case of non availability of the matching transmission line from the Indian border till the pooling station of neighboring country or non availability of generating station(s). The detailed modalities for the same shall be specified by the DA in the separate procedure to be notified by DA.
- (4) The TPAs of India and neighboring country shall regularly monitor the progress of implementation of cross border transmission link and shall endeavor that the line from the pooling station within India till the Indian border and line from Indian border till the pooling station of the neighboring country are constructed in matching time frame.
- (5) Construction and maintenance of the transmission line shall be in accordance with the Indian technical standards specified by CEA from time to time.

16. Treatment of delay in Transmission system /Generation projects

- (1) In order to review the progress of generating units along with its direct evacuation lines and the common transmission system, CTU shall convene a Joint co-ordination meeting with each developer, and TPA of neighbouring country at regular interval at least once in a quarter.
- (2) The generating company and owner of the transmission system shall endeavor to commission the generating station and the transmission system simultaneously as far as practicable and shall ensure the same through appropriate Implementation Agreement. A copy of same shall be furnished by the Applicant to CTU.
- (3) In case of expected delay of individual generating unit(s) as per the timelines agreed in the CBTAA, as assessed during joint coordination meetings or the generator seeks deferment of start of long term access, CTU shall endeavor to replan the system to the extent possible. In case the augmentation of the transmission system has already been awarded, the generator shall be liable to pay full transmission charges from the date of operationalisation of long term access.
- (4) In the event of delay in commissioning of concerned transmission system from its scheduled date, CTU shall endeavor to make alternate arrangement for dispatch of power at the cost of the transmission licensee.
- (5) In case such alternative arrangement cannot be provided by the CTU while the generator is ready, the transmission licensee shall pay transmission charges to

concerned Long Term Open Access Customer(s) proportionate to its commissioned capacity (which otherwise would have been paid by the concerned Long Term Open Access Customer (s) to CTU provided generation is ready. Such payment from the transmission licensee may be recovered from the Contract Performance Guarantee furnished by the transmission licensee.

17. Access Bank Guarantee

- (1) The CBTA applicant applying for long term access shall be required to furnish to the CTU, an Access Bank Guarantee, along with application, for an amount of INR 1 Crore/ per Mega Watt corresponding to the quantum of long-term CBTA sought.
- (2) The CBTA customer may approach CTU and seek permission to exit prior to the award of contract for execution of Transmission System by the transmission licensee. All such requests shall be considered and decision communicated to the CBTA customer not later than thirty (30) days.
- (3) In case, such permission for exit is accorded by the CTU, the CTU may encash Rs. 20 lakhs from the Access Bank Guarantee and return the balance amount to the CBTA customer.
- (4) In case, any of the developers fails to construct the generating station /dedicated transmission system by the timelines agreed in the CBTAA, CTU shall have the right to encash the Access Bank Guarantee in accordance with Regulation 29 of these regulations
- (5) If CBTA Customer makes an exit from Cross Border Transmission Access under these Regulations, or relinquishes Cross Border Transmission Access at any stage after the augmentation of the transmission system has been awarded, the Access Bank Guarantee shall be encashed.
- (6) The quantum of Access Bank Guarantee shall be progressively reduced each year after operationalisation of Long term Access corresponding to one fifth of its total value. Each year, one fifth of the value of Access bank guarantee shall be returned to the Applicant such that the entire access bank guarantee shall be discharged in 5 years from date of operationalisation of long term access.

18. Operationalisation of Long Term Cross Border Access

- (1) The operationalisation of long-term Cross Border Transmission Access shall start from the date indicated in the CBTA.

Provided that the inability to generate/supply electricity shall not absolve a Cross Border Transmission Access Customer from liability to pay transmission charges.

- (2) Where the operationalisation of Cross Border Transmission Access is contingent upon commissioning of several transmission lines or systems and only some of the transmission lines or elements have been declared under commercial operations, then CBTA to the extent which can be operationalized without affecting the security and reliability of the Indian Grid may be permitted for which the Cross Border Transmission Access customer shall pay the transmission charges for the quantum of Cross Border Transmission Access operationalized.
- (3) The CBTA Customer shall submit certificate regarding Commercial Operation declaration of the generating station or transmission system as required under Grid Code.

Provided that such certificate shall be submitted for Cross border transmission link including for the dedicated transmission line, wherever applicable.

19. Firming up of Drawl or Injection by LTA Customers

- (1) The CBTA customers who have signed the Long Term Access Agreement and have submitted the Access Bank Guarantee, but were granted cross border long term access for target drawl or injection, shall upon firming up through signing of long term PPA(s), be required to notify the CTU and TPA of neighbouring country within one month from the date of signing of the PPA along with a copy of PPA. The scheduling under such PPA shall start only after 1 month of furnishing the copy of PPA to CTU subject to availability of end links.
- (2) (a) In case PPA is signed for a duration of less than 7 years but more than 1 year with any entity in the target region sought in LTA application, there is no need to apply for MTOA separately. On furnishing PPA to CTU, energy shall be scheduled under Long term access as per provisions of PPAs but not earlier than 1 month after receipt of PPA.

(b) In case PPA is signed for a duration of less than 1 year – Applicant shall have to seek STOAs separately and energy shall be scheduled under short term open access as specified in CERC (Open Access in inter-State Transmission) Regulations 2008.
- (3) In case PPA is signed for a duration of less than 7 years with an entity located in a region other than target region sought in LTA application, applicant shall have

to apply for MTOA as specified in these Regulations and shall be considered as a medium term customer for the purpose of these Regulations.

- (4) If the drawl/ injection is firmed up in the same region as that of the original Target Region, then the same shall be operationalized subject to availability of end links as may be determined by the CTU on case to case basis.

20. Metering Arrangements

- (1) Special Energy Meters (Main Meter, Check Meter and Standby Meter) shall be installed at both the ends of the cross border transmission link as per Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 and amendments thereof.
- (2) Meters shall be installed at Generating stations located outside India as per Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006 and amendments thereof.
- (3) Before flow of electricity on the transmission line, TPAs of both the countries shall confirm the availability of Main Meter, Check Meter and Standby Meter to System Operator of respective country.
- (4) Special Energy Meters shall be open for inspection by any person authorized by the TPAs or System Operators of the respective countries.

21. Data and Communication Facilities

Reliable and efficient voice and data communication systems shall be provided to facilitate necessary communication and data exchange, and supervision/control of the grid by the NLDC/ RLDC, under normal and abnormal conditions. Such Communication must be established from generating station to control room of System Operator of a neighbouring country and from there to control room of System Operator of India.

The cross border transmission link shall necessarily be established along with adequate data and communication facilities.

All Users and CTU shall install data and communication facilities to telemeter power system parameter such as flow, voltage and status of switches/ transformer taps etc. in line with interface requirements as per the applicable Regulations of CERC. The associated communication system to facilitate data flow up to appropriate data

collection point on CTU's system shall be established by the concerned User as specified by CTU in the Connection Agreement.

22. System Recording Instruments

Recording instruments including Data Acquisition System/Disturbance Recorder/Event Logging Facilities/Fault Locator (including time synchronization equipment) shall be provided and shall always be kept in working condition in the ISTS and transmission system of the neighbouring country for recording of dynamic performance of the system. All Users and CTU shall provide all the requisite recording instruments and shall always keep them in working condition.

23. Reactive Power Compensation

- (1) Reactive Power compensation and/or other facilities shall be provided by Users connected to ISTS as far as possible in the low voltage systems close to the load points thereby avoiding the need for exchange of Reactive Power to/from ISTS and to maintain ISTS voltage within the specified range.
- (2) The Users already connected to the grid shall also provide additional reactive compensation as per the quantum and time frame decided by respective RPC in consultation with NLDC. The Users shall provide information to RPC and NLDC regarding the installation and functioning of the reactive compensation equipment on regular basis. RPC shall regularly monitor the status in this regard.

24. Responsibilities for safety

CTU and the concerned Users shall be responsible for safety in accordance with Central Electricity Authority (Technical Standards for connectivity to the Grid) Regulations, 2007, Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-state Transmission and related matters) Regulations, 2009 and CEA (Safety Requirements for construction, operation and maintenance of electrical and electric lines) Regulations, 2008.

25. Cyber Security

All utilities shall have in place, a cyber-security framework to identify the critical cyber assets and protect them so as to support reliable operation of the grid. NLDC shall monitor the progress in this regard and furnish Annual Reports to the Designated Authority.

CHAPTER-4 SYSTEM OPERATION

26. Cross border trade of electricity shall be undertaken in a manner that ensures reliable, secure and stable operation of the interconnected grid and does not jeopardize grid security at any point of time. All grid related provisions shall be as per the CERC regulations as may be notified from time to time.

27. Scheduling

- (1) The selling entity/ buying entity shall inform their requisitions to the Settlement Nodal Agency in accordance with the procedure specified as per Part - 6 on Scheduling and Despatch Code of Grid Code.
- (2) Settlement Nodal Agency shall co-ordinate with System Operators of respective countries for scheduling of cross border transactions and revisions during the day of operation.
- (3) System Operator in India or in a neighboring country, as the case may be, shall declare the quantum of electricity to be scheduled over the cross border transmission link on a day-ahead basis for the next day at the interconnection point.
- (4) The following procedure shall be followed for scheduling and despatch of cross border trade of electricity transactions between India and a neighbouring country:
 - (a) Scheduling of electricity shall be carried out as per agreed quantum in the contracts between the buying entity and selling entity.
 - (b) Scheduling shall be carried out for each 15-minute time period in a day.
 - (c) Transmission System Losses shall be borne in kind by the buying entity/selling entity as per the quantum declared by the concerned System Operator of India or the neighboring country.
- (5) In case of multiple generators located in a neighboring country selling power to India through common interconnection point, the schedule at interconnection point shall be arithmetic sum of generation schedules. The actual generation attributable to each generator shall be informed by System Operator of the neighboring country. In the eventuality of non receipt of data from the System Operator of the neighbouring country within the stipulated time, the same shall be worked out by System Operator of India based on actual generation meter data obtained from such generators.

- (6) In case of multiple buy/sell schedules at interconnection point within the territory of India or a neighboring country, the schedule at interconnection point shall be arithmetic sum of such schedules which shall be settled as detailed in Clause (5) above.

28. Energy Accounting

- (1) The Settlement of accounts of all electricity imported from a neighboring country to India or exported from India to a neighbouring country shall be at the respective interconnection points.
- (2) The Settlement Nodal Agency shall be a member of the Regional DSM pool acting on behalf of the selling entity/buying entity of the neighbouring country. In case, a neighbouring Country is connected to more than one region of India, SNA shall be member of respective Regional DSM pool.
- (3) The Settlement Nodal Agency shall pay/receive charges on account of deviation to/from Regional DSM pool maintained by the System Operator as per DSM account issued by Regional Power Committee. It is the responsibility of the Settlement Nodal Agency to settle the same with the selling entity or buying entity of the neighbouring country, as the case may be.
- (4) Reactive Energy Charges, wherever applicable, shall be paid by the Settlement Nodal Agency which in turn may collect the charges from the selling entity or buying entity of the neighbouring country, as the case may be.
- (5) TPAs of a neighbouring country shall make arrangements to forward the readings of meters installed at both the ends of the cross border transmission link to respective System Operators on weekly basis.
- (6) Weekly meter readings for actual ex-bus generation for generators located in neighbouring country shall be provided by the selling entity to Settlement Nodal Agency which in turn shall provide the same to System Operator of India by Tuesday noon for the previous week so as to facilitate energy accounting.
- (7) Weekly meter readings shall be provided by the buying entity to Settlement Nodal Agency which shall provide the same to the System Operator of India by Tuesday noon for the previous week so as to facilitate energy accounting.
- (8) Net import /export in terms of MWh and MVarh shall be computed by each System Operator for their respective ends and share the same with each other for matching.

- (9) Deviation from schedule shall be calculated for each 15 minute time interval.
- (10) The Charges for deviation from schedule at the inter-connection point shall be as per the DSM mechanism in India. The segregation of charges within the neighbouring country shall be carried out by the agency designated by the concerned neighbouring country.
- (11) All payments shall be settled by the parties through the Settlement Nodal Agency as per timeline specified in the DSM Regulations.

29. Declaration of Transfer Capability

The Total Transfer Capability (TTC), Transmission Reliability Margins and Available Transfer Capability (ATC) for the cross border trade of electricity transactions shall be assessed in advance by System Operators in India and the neighboring country and lower of the two values of ATC assessed by the two countries shall be considered for allowing cross border trade of electricity transactions. In India, TTC/ATC will be assessed 3 months in advance for Short Term Transactions by System Operator (NLDC) and for long term transactions for 4 years period by CTU which may be revised by CTU due to change in anticipated network topology or change of anticipated generation or load at any of nodes giving reason for such changes.

30. Curtailment of Cross Border Electricity Trades in case of Contingency

- (1) When for the reasons of transmission constraints or in the interest of grid security, it becomes necessary to curtail power flow on a transmission corridor; the transactions already scheduled may be curtailed by the National Load Despatch Centre.
- (2) Subject to provisions of the Grid Code and any other regulation specified by the Commission, the short-term access shall be curtailed first followed by the medium-term open access, which shall be followed by the long-term open access and amongst the accesses of a particular category, curtailment shall be carried out on pro rata basis.
- (3) In case of curtailment of the approved schedule by National Load Despatch Centre, transmission charges shall be payable pro-rata in accordance with the curtailed schedule:

Provided that operating charges shall not be revised in case of curtailment.

31. Commercial settlement, co-ordination, agreements/PPA, metering issues, trading margin and other issues pertaining to Settlement Nodal Agency.

- (1) The functions of commercial settlement i.e. DSM, scheduling charges (SOC & MOC Charges), Reactive Energy charges, RPC charges etc. may be settled by Settlement Nodal Agency on behalf of the Selling Entity/Buying Entity with System Operator RPC and further settled by the Settlement Nodal Agency with the concerned Parties.
- (2) The Settlement Nodal Agency may sign Agreements with Parties to the cross border electricity trades for the required activities to be performed by the Settlement Nodal Agency.
- (3) Settlement Nodal Agency shall be paid service charges for carrying out the functions under these regulations which shall be separately notified by the Commission from time to time through orders.

32. Coordination among System operators of India and neighboring countries:

The operational, protection, commercial coordination among the entities of neighbouring country including their system operators may take place at appropriate forums of RPCs.

33. System Security Aspects

- (1) The interconnection between two pooling substations of India and a neighboring country shall be monitored and controlled by the respective system operators of the two countries, with proper coordination. Pooling station will be the sub-station which shall be monitored by the system operator of the respective countries.
- (2) No part of the cross border interconnection shall be deliberately isolated from the rest of the system, except,
 - Under an emergency, and conditions in which such isolation would prevent a total grid collapse and/or would enable early restoration of electricity supply
 - For safety of human life
 - When serious damage to a costly equipment is imminent and such isolation would prevent it
 - When such isolation is specifically instructed after mutual agreement of the System Operators of the two Countries through specific messages exchanged to this effect.

- (3) Generating stations shall comply with Free Governor Mode of operation/Restricted Governor Mode of Operation as specified in Indian Electricity Grid Code, 2010. An undertaking in this regard shall be furnished by the Generating station to the System Operator.
- (4) Restoration of the cross border interconnection shall be carried out as soon as the conditions again permit it. The restoration process shall be supervised by respective country's System Operator.

34. Outage Planning

- (1) An outage plan for the cross border transmission link on annual basis for scheduled maintenance activities shall be prepared in advance through mutual consultation as decided by the DA, in a separate procedure to be notified by DA. As far as system conditions permit, planned outages for maintenance shall be allowed. In case due to system constraints, the planned outage has to be postponed, it would be permitted at the first available opportunity on mutually agreed schedule.

35. Recovery Procedures

- (1) Detailed plans and procedures for restoration after outage of the cross border transmission link will be finalized by the concerned System Operator of each neighbouring country. The procedure will be reviewed, confirmed and/or revised once every year. Mock trial runs shall be carried out periodically, wherever necessary, under intimation to both the System Operators. Constraints, if any shall be detailed in advance.
- (2) Generating Station of neighbouring country should have black start facility as provided in CERC (Indian Electricity Grid Code) Regulations, 2010.

36. Event Information

- (1) Events like tripping of elements impacting the electricity flow across the cross border transmission links, complete / partial blackout etc.would be reported by the concerned System Operator of India to the system operator of a neighboring country and vice versa.
- (2) A written communication shall be exchanged covering the date and time of the event, location, plant/equipment affected and any other relevant detail (for example, may include Flags, disturbance recorder and sequence event recorder output etc.) as may be necessary.

CHAPTER-5
PAYMENT OF CHARGES AND PAYMENT SECURITY MECHANISM

37. Payment of Transmission charges and other charges

- (1) Point of Connection (PoC) charges for delivery of electricity at the pooling station within India shall be governed as per provisions of Central Electricity Regulatory Commission (Sharing of ISTS Charges & Losses) Regulations, 2010.
- (2) PoC Injection and Withdrawal charges shall be governed as per Central Electricity Regulatory Commission (Sharing of ISTS Charges & Losses) Regulations, 2010.
- (3) Settlement Nodal Agency shall ensure the payment of applicable charges for communication system of CTU.
- (4) A suitable payment security mechanism for charges to be collected by Settlement Nodal Agency shall be put in place by the settlement nodal agency.
- (5) Taxes, cess, statutory duties and levies shall be payable by the applicants as per the applicable laws of India and the neighboring country.

38. Transmission Losses

- (1) In line with the provisions of Regulation 6.5 of Scheduling and Despatch procedure of Grid Code and Regulation 6 on Application of losses while scheduling of contracts of the Procedure for sharing of ISTS losses, the transmission losses shall be shared as per the following methodology:
 - (a) Withdrawal PoC losses as applicable shall be applied at the interface.
 - (b) Injection PoC losses of respective injection grid shall be applied at the interface.
 - (c) Net schedule at Indian end of the cross border transmission line shall be arrived at after applying injection PoC loss of the concerned injection zone and withdrawal PoC loss.

39. System Operator Fees and Charges

- (1) Settlement Nodal Agency shall pay the Fees and Charges of the System Operator in India only on behalf of the entities in neighbouring countries as per Central Electricity Regulatory Commission (Fees and Charges of Regional Load Despatch

Centre and other related matters) Regulations, 2009. The Settlement Nodal Agency may in turn collect the same from the concerned entity of neighbouring country.

- (2) Settlement Nodal Agency shall register itself as a user of concerned System Operator and shall pay the registration charges as per CERC Regulations.
- (3) Any selling entity/buying entity in India proposing to sell or buy electricity from or to the neighbouring country shall make payments to the Settlement Nodal Agency in fees & charges of System Operation in India.

40. Payment Security Mechanism

- (1) The Cross Border Transmission Access Customer shall be liable to establish payment security mechanism for payment of transmission charges and various grid related charges.
- (2) Cross Border Transmission Access Customer shall establish payment security towards transmission charges at least ninety (90) days prior to the intimated date of commencement of Cross Border Transmission Access which inter-alia shall include the following for availing Long term access and medium term open access:
 - (a) A irrevocable, unconditional and revolving Letter of Credit in favour of the CTU through a bank as specified in Regulation 44 equivalent to two point five (2.5) times the average Bill amount towards transmission charge for 3 months of the Application Period with a validity of 1 year;
 - (b) A irrevocable, unconditional and revolving Letter of Credit in favour of the SNA of India through bank as specified in Regulation 44 equivalent to two point five (2.5) times the average Bill amount towards grid related charge for 3 months with a validity of 1 year as informed by SNA of India.
- (3) In case of default of payment of Transmission Charges and other Grid related charges, the applicant shall be disqualified from accessing the Indian Grid till discharge of its dues as specified in a separate procedure to be notified by DA

CHAPTER-6
MISCELLANEOUS

41. Dispute Settlement and Resolution mechanism

- (1) The disputes in relation to the cross border trade of electricity occurring within Indian Territory shall be settled as per the provisions of Electricity Act, 2003.
- (2) Either Party shall be entitled to raise any claim, dispute or difference of whatever nature arising under as per their mutual Agreement
- (3) In case the dispute remains unresolved even after sixty (60) days from the date of raising of the dispute, then:
 - (a) In case of government to government agreement, Secretary (Power) of GoI and the concerned Secretary to Govt of neighbouring country shall promptly meet and attempt to resolve the Dispute. If the Dispute is not resolved within thirty (30) Days from the date of reference of such Dispute to the Secretary (Power) of GoI and the concerned Secretary of the Govt of neighbouring country, it shall be referred to and finally settled by arbitration in accordance with the Rules of Arbitration of Singapore International Arbitration Centre (“SIAC Rules”).
 - (b) In all other cases, disputes shall be referred to and finally settled by arbitration in accordance with the Rules of Arbitration of Singapore International Arbitration Centre (“SIAC Rules”).
 - (c) This Agreement and the rights and obligations of the parties hereto shall remain in full force and effect, except in so far as such rights and obligations are the subject matter of the arbitration proceedings, pending the award in such arbitration proceeding, which award, if appropriate, shall determine whether and when any termination shall become effective.
 - (d) The seat and venue of the arbitration shall be Singapore and the arbitration proceedings shall be conducted in English language. The arbitration award shall be final and binding on both the parties.

42. Force Majeure and Change in Law:

All concerned entities shall make appropriate provision in the Long Term Cross Border Access Agreement and the Power Purchase Agreements for settlement of operational and commercial disputes arising out of the force majeure events and Change in Law.

43. Data Updating and Sharing

- (1) The entities of neighboring country shall be required to share and update technical data and information to the CEA as per the format to be specified by Designated Authority. A copy of the PPA shall be submitted to the DA within 30 days of signing of the PPA.
- (2) If required by the Designated Authority, the developer shall submit the commercial and financial information to the CEA.

44. Bank details

Bank Guarantees, Letter of Credit or any other payment security or payment required to be provided under these regulations shall be furnished by the Cross Border Transmission Access Applicant/Customer in Indian Rupees from a bank in the concerned neighboring country which shall be counter guaranteed by a Nationalized Bank of India.

In case such Bank guarantees, Letter of credit or any other payment security is established by entities of a neighbouring country, the same shall be duly secured by the Sovereign Guarantee of the Government of the neighboring country.

45. Power to Relax

The Commission may by general or special order, for reasons to be recorded in writing, and after giving an opportunity of hearing to the parties likely to be affected by grant of relaxation, relax any of the provisions of these regulations on its own motion or on an application made before it by an interested person.

46. Power to issue directions

If any difficulty arises in giving effect to these regulations, the Commission may on its own motion or on an application filed by any affected party, issue such directions as may be considered necessary in furtherance of the objective and purpose of these regulations.

Sd/-
(Shubha Sarma)
Secretary