Consultative Paper on Draft BERC(Deviation Settlement Mechanism and related matters)Regulations,2025

The National Electricity Policy (NEP) envisages implementation of the Availability Based Tariff (ABT) at State level to establish a credible settlement mechanism for Intra-day power transfers among Intra-State Entities. As per the Tariff Policy, this framework should be extended to generating stations (including Grid connected Captive Plants of capacities as determined by the State Electricity Regulatory Commission).

The Commission had earlier notified the Bihar Electricity Regulatory Commission (Intra-State Availability Based Tariff and Deviation Settlement Mechanism) Regulations, 2020 in line with the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters), Regulations, 2014 to give effect to the provisions of para 5.7.1(b) and (d) of the National Electricity Policy as well as para 6.2(1) and 6.3 of the Tariff Policy.

Central Electricity Regulatory Commission (CERC) subsequently notified amendments to the DSM Regulations and issued new Regulations also. The latest being CERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2024 and its subsequent amendments wherein the commercial principles for deviation by seller and buyer have been revised in light of various developments and the emerging market realities. Therefore, it is felt that there is a requirement to align the existing intra state deviation settlement regulations i.e. Bihar Electricity Regulatory Commission (BERC) (Intra-State Availability Based Tariff and Deviation Settlement) Regulations, 2020 with the extant CERC Regulations.

Keeping in view the changes in the framework and methodologies adopted by the Central Commission for inter-state deviations by regional entities, it has become necessary to amend/modify the existing DSM Regulations at the intra-state level. Accordingly, draft BERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2025 has been prepared which shall be applicable to state entities under control area jurisdiction of SLDC - Bihar.

In view of the above, the Commission has decided to initiate a suo-motu proceeding to frame new Regulations namely **BERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2025.**

A public Notice is being issued through the Newspapers and official website of the Commission inviting comments, suggestions, and objections from general public and the stakeholders latest by **dated 08.09.2025.** who may also appear in the public hearing. Commission shall hear this matter on **11.09.2025 at 11:30 A.M in its court room**.

BIHAR ELECTRICITY REGULATORY COMMISSION

(Deviation Settlement Mechanism and Related Matters) Regulations, 2025

DRAFT REGULATION

In exercise of the powers conferred under Section 181 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, and after previous publication, the Bihar Electricity Regulatory Commission hereby makes the following regulations, namely **Bihar Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2025.**

1. Short title and commencement

(1) These Regulations may be called the **Bihar Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2025.**

(2) These Regulations shall apply to all Intra-State Entities in Bihar in a manner as specified in these Regulations.

(3) These Regulations shall come into force from the date of Notification in Official Gazette of Bihar.

2. Objective

These regulations seek to ensure, through a commercial mechanism, that grid users do not deviate from and adhere to their schedule of drawal and injection of electricity in the interest of security and stability of the grid.

3. Definitions and Interpretation

(I) In these regulations, unless the context otherwise requires:

(a) **'Act'** means the Electricity Act, 2003 (36 of 2003);

(b) **'Actual drawal'** in a time block means the electricity drawn by a buyer, measured by the interface meters;

(c) **'Actual injection'** in a time block means the electricity injected by the seller, measured by the interface meters;

(d) **Ancillary Services'** means the Ancillary Services as defined in the Ancillary Services Regulations by CERC.

(e) **'Ancillary Services Regulations'** means the Central Electricity Regulatory Commission (Ancillary Services) Regulations, 2022 as

amended from time to time and shall include any re-enactment thereof;

(f) **'Area Clearing Price'** or **'ACP'** means the price of electricity contract for a time-block transacted on a Power Exchanges after considering all valid buy and sale bids in particular area(s) after market-splitting;

(g) **'Available Capacity**' for generating station based on wind or solar or hybrid of wind- solar resources which are State entities, is the cumulative capacity rating of wind turbines or solar inverters that are capable of generating power in a given time block and shall be limited to the quantum of connectivity granted.

(h) **'Buyer'** means a person, including a distribution licensee, deemed distribution licensees or InSTS connected full open access consumer purchasing electricity through a transaction schedule in accordance with the Bihar Electricity Grid Code (BEGC)or IEGC.

(i) **Connectivity Regulations'** means the provisions of Grid Code as amended from time to time and Bihar Electricity Regulatory Commission (Terms and Conditions of Intra-State Open Access) Regulation, 2018 as amended from time to time.

(j) **'Central Commission'** means the Central Electricity Regulatory Commission referred to in sub-section (1) of section 76 of the Act;

(k) **'Commission**' means the Bihar Electricity Regulatory Commission referred to in sub- section (1) of section 82 of the Act;

(l) **'Contract rate'** means (i) in respect of a WS seller or a MSW Seller or such other entity as applicable, whose tariff is determined or adopted or approved under Section 62 or Section 63 or Section 86(1)(b) of the Act, in Rs/kWh as determined or adopted or approved by the Commission; or (ii) in respect of a WS seller or a MSW Seller or such other entity as applicable, whose tariff is not determined or adopted or approved under Section 62 or Section 63 or Section 86(1)(b) of the Act, and selling power through power exchange(s), the price as discovered in the Power Exchanges for the respective transaction; or (iii) In respect of a WS seller or a MSW seller or such other entity as applicable , selling power through open access to a third party or in case of captive consumption of a captive generating plant based on renewable energy sources the weighted average ACP of the Integrated-Day Ahead Market segments of all Power Exchanges for the respective

time block; (iv) in case of multiple contracts or transactions including captive consumption, the weighted average of the contract rates of all such contracts or transactions, as the case may be;

(m) **'Day Ahead Market (DAM)'** means a market where physical delivery of electricity occurs on the next day(T+1) of the date of transaction (T) and is governed by the Central Electricity Regulatory Commission (Power Market) Regulations, 20212 (as amended from time to time), the Rules and Bye-Laws of the Power Exchanges as approved by the Central Commission.

(n) **'Deviation'** in a time block for a seller of electricity means its total actual injection minus its total scheduled generation; and for a buyer of electricity means its total actual drawal minus its total scheduled drawal in that time block and shall be computed as per Regulation 7 of these regulations;

(o) **'Deviation Rate or Deviation Charge'** shall mean the charges for deviation for applicable time block as stipulated under the Regulation 9 of these Regulations.

(p) **'Deviation and Ancillary Service Pool Account'-Regional** means the Account to be maintained and operated by the concerned Regional Load Despatch Centre in each region or the National Load Despatch Centre as specified under CERC(Deviation Settlement Mechanism and Related Matters) Regulations, 2024 or IEGC as amended from time to time and shall include any re-enactment thereof;

(q) **'Full Open Access Consumer'** Shall mean Open Access Consumer connected to a transmission system or distribution system but not having any contract demand with the distribution licensee within the state.

(r) **'General seller'** means a seller in case of a generating station based on other than wind or solar or hybrid of wind-solar resources;

(s) **'Grid Code'** means the Bihar Electricity Grid Code as specified by the Commission under clause (h) of sub-section (1) of Section 86 of the Act.

(s) **'Indian Electricity Grid Code' (or 'IEGC'**) ' means the Grid Code specified by the Commission under clause (h) of sub-section (1) of Section 79 of the Act;

(t) **'Infirm Power'** means electricity injected into the Intra-State Grid prior to the date of commercial operation of a unit of the generating station in accordance with the Grid Code/IEGC.

(u) **'Integrated Day Ahead Market'** means a market where Day Ahead Contracts are transacted on the power exchanges, including collective transactions under Day Ahead Market (DAM), Green Day Ahead Market (Green DAM), and High Price Day Ahead Market (HP-DAM);

(v) **'Interface meters'** means interface meters as defined under the Central Electricity Authority (Installation and Operation of Meters) Regulations, 2006, as amended from time to time and/or any re-enactment thereof;

(w) **'MSW seller'** means a seller in the case of a generating station based on Municipal Solid Waste and includes Refuse Derived Fuel (RDF) based MSW generating station;

(x) **'Normal Rate of Charges for Deviation'** means the charges for deviation (in paise/kWh) as referred to in Regulation 8 of these regulations;

(y) **'Open Access Regulations'** means the Bihar Electricity Regulatory Commission (Terms and Conditions of Intra-State Open Access) Regulation, 2018 as amended from time to time;

(z) **'Partial Open Access Consumer'** shall mean Open Access Consumer connected to transmission system and having part of his contract demand with the distribution licensee within the state;

(aa) **'Regional Entity'** means a person whose metering and energy accounting are done at the regional level by the Regional Load Despatch Centre;

(bb) **'Qualified coordinating Agency (QCA)'** means the agency coordinating on behalf of Wind/Solar Generators connected to a pooling station. QCA may be one of the generators or any other mutually agreed agency for the following purposes:-

• Coordinate for schedules with periodic revisions on behalf of all the Wind/Solar Generators connected to the pooling station(s).

• Responsible for coordination with STU/SLDC for metering, data collection/ transmission, communication.

• Undertake commercial settlement on behalf of the generators of such charges pertaining to generation deviations only including

payments to the Regional/State Deviation Pool Accounts through the SLDC.

• Undertake de-pooling of payments received on behalf of the generators from the State Deviation Pool Account and settling them with the individual generators.

• QCA shall be treated as a State Entity and shall be registered with SLDC.

(cc) **'Reference Charge Rate' or 'RR'** means (i) in respect of a general seller whose tariff is determined or adopted or approved under Section 62 or Section 63 or Section 86(1)(b) of the Act , Rs/ kWh energy charge as determined or adopted or approved by the Appropriate Commission, or (ii) in respect of a general seller whose tariff is not determined or adopted or approved under Section 62 or Section 63 or Section 86(1) (b) of the Act, and selling power through power exchange(s), the price as discovered in the power exchange for the respective transaction; or (iii) in case of captive consumption of a captive generating plant based on resources other than renewable energy sources, the weighted average ACP of the Integrated-Day Ahead Market segments of all the Power Exchanges for the respective time block; or (iv) in case of multiple contracts or transactions including captive consumption, the weighted average of the reference rates of all such contracts or transactions.

(x) **'Run-of-River Generating Station' or 'RoR generating station'** means a hydro generating station which does not have upstream pondage;

(y) **'Scheduled generation' or 'Scheduled injection'** for a time block or any period means the schedule of generation or injection in MW or MWh ex-bus, including the schedule for Ancillary Services given by the concerned Load Despatch Centre;

(z) **'Scheduled drawal'** for a time block or any period means the schedule of drawal in MW or MWh ex-bus, including the schedule for Ancillary Services given by the concerned Load Despatch Centre;

(za) **'Seller'** means a person, including a generating station, supplying electricity through a transaction scheduled in accordance with the BERC State Grid Code or IEGC.

(zb) **'State Load Despatch Centre' (SLDC)** means State Load Despatch

Centre (SLDC) of Bihar.

(zc) **'State Deviation Pool Account'** means the Account to be maintained and operated by the State Load Despatch Centre as per Regulation 10 of these regulations;

(zd) **'State Entity'** means such person who is in the SLDC control area and whose metering and energy accounting is done at the state level;

(ze) **'STU'** means the State Transmission Utility notified by the Government of Bihar under Section 39(1) of the Act. BSPTCL has been notified as the STU.

(zf) **'Time Block'** means the time block as defined in the Grid Code;

(zg) **'WS seller'** means a seller in case of a generating station based on wind or solar or hybrid of wind-solar resources and shall include such solar or wind or hybrid generating station, with or without storage.

II. Save as aforesaid and unless repugnant to the context or the subject-matter otherwise requires, words and expressions used in these Regulations and not defined, but defined in the Act, or the Grid Code or any other Regulations of this Commission shall have the meaning assigned to them respectively in the Act or any other regulation.

4. Scope

Deviation Settlement Mechanism under these Regulations shall be applicable to all grid connected State Entities including distribution licensee(s), deemed distribution licensee(s) located in the state and open access consumers (partial and full both) connected to intra-state transmission system.

Provided that, these Regulations shall be applicable for RE based generating stations connected to intra-state transmission system having exportable capacity of 5 MW or more.

5. Adherence to Schedule and Deviation

a. For a secure and stable operation of the grid, every grid connected Intra-State entity shall adhere to its schedule as per the Grid Code and shall not deviate from its schedule.

b. Any deviation shall be managed by the State Load Despatch Centre and the computation, charges and related matters in respect of such deviation shall be dealt with as per the following provisions of these

regulations.

6. Duties of State Load Despatch Centre and State Entities.

(1) These Regulations aim to govern the functioning of various State Entities in a way that discipline is maintained with regard to the injection and drawal of energy by such State Entities and the reliability and integrity of the power system is maintained.

(2) To meet these objectives, the necessary preconditions and covenants for participation by the State Entities shall be as under:

(a) The State Entities shall provide details of all contracts, along with the contract rate, to SLDC that they have entered into for the exchange of energy.

(b) The State Entities shall operate their equipment and loads in a manner that is consistent with the provisions of the applicable regulations specified by the Central Electricity Authority, Indian Electricity Grid Code, 2023 and the Grid Code, as amended from time to time and shall include any re-enactment thereof.

(c) The State Entities shall enter into Connection Agreement/Open Access Agreement with the concerned transmission licensee, which shall specify physical and operational requirements for reliable operation and gain physical access and connection to the intra-State transmission system (InSTS) or enter into Connection Agreement/Open Access Agreement with concerned Distribution Licensee for use of distribution system, as the case may be in accordance with the Bihar Electricity Regulatory Commission (Terms and Conditions of Intra-State Open Access)Regulations, 2018 as amended from time to time and shall include any re-enactment thereof and the provisions of the State Grid Code.

(d) The State Transmission Utility (STU) shall make necessary arrangements for putting up suitable meters along with Automated Meter Reading (AMR) facility as per the provisions of the metering code under the state grid code, capable of recording energy flows at 15-minute intervals or any other time interval as specified by the Commission, at the points of injection and drawal. The time synchronization of the metering system shall be through the Global Positioning System with counter check from the State Energy Accounting Centre, which is the SLDC.

(e) SLDC shall take all decisions regarding the despatch of stations after evaluating all the possible network parameters, constraints, and congestions in the transmission network and in the eventuality of

any such network aberration, the instructions by the SLDC relating to despatch and drawal shall be binding on all State Entities.

(3) SLDC shall publish all such information as required for all other State Entities to be aware of the energy exchanges taking place within the pool as well as exigency conditions, if any with regard to despatch of power.

7. Computation of Deviation

a. Deviation in a time block for general sellers shall be computed as follows:

Deviation-general seller (*DGS*) (in MWh)=[(Actual injection in MWh)–(Scheduled generation in MWh)].

Deviation-general seller (*DGS*) (in %) = 100 x [(Actual injection in MWh)–(Scheduled generation in MWh)]/[(Scheduled generation in MWh)].

b. Deviation in a time block for WS sellers shall be computed as follows:

Deviation-WS seller (*DWS*) (in MWh) = [(Actual Injection in MWh)–(Scheduled generation in MWh)];

Deviation-WS seller (*DWS*) (in%) =100x[(Actual Injection in MWh)–(Scheduled generation in MWh)]/[(Available Capacity];

c. Deviation in a time block for buyers shall be computed as follows:

Deviation- buyer (*(DBUY*) (in MWh) = [(Actual drawal in MWh) – (Scheduled drawal in MWh)].

Deviation- buyer (*(DBUY*) (in %) = 100 x [(Actual drawal in MWh) – (Scheduled drawal in MWh)] / [(Scheduled drawal in MWh)].

8. Normal Rate of Charges for Deviations

(1) The Normal Rate (NR) of charges for deviation for a particular time block shall be the highest of (A), (B) or (C), where (A), (B) and (C) are as follows:

A. the weighted average ACP (in Paise /kWh) of the Integrated-Day Ahead Market segments of all the Power Exchanges;

B. the weighted average ACP (in Paise /kWh) of the Real Time Market segments of all the Power Exchanges;

C. the sum of:

(a) 1/3 [Weighted average ACP (in paise/kWh) of the Integrated-Day

Ahead Market segments of all the Power Exchanges];

(b) 1/3 [Weighted average ACP (in paise/kWh) of the Real-Time Market segments of all the Power Exchanges]; and

(c) 1/3 [Ancillary Service Charge (in paise/kWh) computed based on the total quantum of Ancillary Services (SRAS UP and TRAS UP) deployed and the net charges payable to the Ancillary Service Providers for all the Regions]:

Provided further that in case of non-availability of ACP for any time block on a given day, ACP for the corresponding time block of the last available day shall be considered.

(2) The normal rate of charges for deviation shall be rounded off to the nearest two decimal places.

9. Charges for Deviation

(A) Charges for Deviation, in respect of a general seller (other than an RoR generating station and a generating station based on municipal solid waste) shall be as under:

Deviation by way of over injection (Receivable by the Seller)	**Deviation by way of under injection (Payable by the Seller)**
(I) For Deviation up to [10% DGS or 100 MW, whichever is less] and f within f_{band} [f=System frequency and f_{band} = [49.90Hz ≤ f ≤50.05 Hz]	
(i) @ RR when [49.97 Hz ≤ f ≤50.03 Hz]	(iv) @ RR when [49.97 Hz ≤ f ≤50.03 Hz]
(ii) When [50.03 Hz < f ≤50.05 Hz], for every increase in f by 0.01 Hz, charges for deviation for such seller shall be reduced by 25% of RR so that charges for deviation become 50% of RR when f = 50.05Hz	(v) When [50.03 Hz < f ≤50.05 Hz], for every increase in f by 0.01 Hz, charges for deviation for such seller shall be reduced by 7.5% of RR so that charges for deviation become 85% of RR when f = 50.05Hz
(iii) When [49.97 Hz > f ≥ 49.90 Hz], for every decrease in f by 0.01 Hz, charges for deviation for such seller shall be increased by 2.15% of RR so that charges for deviation	(vi) When [49.97 Hz > f ≥ 49.90 Hz], for every decrease in f by 0.01 Hz, charges for deviation for such seller shall be

become 115% of RR when f = 49.90Hz	increased by 7.15% of RR so that charges for deviation becomes 150% of RR when f = 49.90Hz
(II) For Deviation up to [10% DGS or 100 MW, whichever is less] and f outside f_{band}	
(i) @ zero when [50.05 Hz < f < 50.10 Hz]: Provided that such seller shall pay @ 10% of RR when [f ≥ 50.10 Hz]	(iii) @ 85 % of RR when [f > 50.05 Hz]
(ii) @ 115 % of RR when [f < 49.90 Hz]	(iv) @ 150 % of RR when [f < 49.90 Hz]
(III) For Deviation beyond [10% DGS or 100 MW, whichever is less] and f within and outside f_{band}	
(i) @ zero when (f < 50.10 Hz): Provided that such seller shall pay @ 10% of RR when [f ≥ 50.10 Hz]	(ii) @ RR when [f ≥ 50.00 Hz]; (iii) @ 150% of RR when [49.90Hz ≤ f < 50.00 Hz]; and (iv) @ 200% of RR when [f < 49.90 Hz]

(B) Charges for Deviation, in respect of a general seller being an RoR generating station, shall be without any linkage to grid frequency, as under:

Deviation by way of over injection (Receivable by the Seller)	**Deviation by way of under injection (Payable by the Seller)**
(i) @ RR for deviation up to [15% DGS or 150 MW, whichever is less];	(iii) @ RR for deviation up to [15% DGS or 150MW, whichever is less];
(ii) @ Zero for deviation beyond [15% DGS or 150 MW, whichever is less]	(iv) @ 105% of RR for deviation beyond [15% DGS or 150 MW, whichever is less] and up to [20% DGS or 200 MW, whichever is less]; (v) @ 110% of RR for deviation beyond [20% DGS or 200 MW, whichever is less].

(C) Charges for Deviation, in respect of a general seller being a generating station based on municipal solid waste, shall be without any linkage to grid frequency, as under:

Deviation by way of over injection (Receivable by the Seller)	Deviation by way of under injection (Payable by the Seller)

(i) @ contract rate for deviation up to [20% DGS]; (ii) @ Zero for deviation beyond [20% DGS];	(iii) @ contract rate for deviation up to [20% DGS]; (iv) @ 110% of contract rate for deviation beyond [20% DGS].

(D) Charges for Deviation, in respect of a WS Seller, including such generating stations aggregated at a pooling station through QCA shall be without any linkage to grid frequency, as under:

Deviation by way of over injection (Receivable by the Seller)	**Deviation by way of under injection (Payable by the Seller)**
(i) for VLwS (1) @ contract rate; (ii) for VLwS (2) @ 90% of contract rate (iii) beyond VLwS (2) @ Zero;	(i) for VLwS (1) @ contract rate; (ii) for VLwS (2) @ 110% of contract rate; (iii) beyond VLwS(2) @ 200% of contract rate'

Note-1: Volume Limits for WS Seller (VLwS):

(i) Volume limits of a WS Seller shall be as under:

WS Seller)	Volume Limit
A generating station based on solar or a hybrid of wind –solar resources	VLwS (1) = Deviation up to 10% DWS VLwS (2) = Deviation beyond 10% DWS and up to 15% DWS
A generating station based on wind resource	VLwS (1) = Deviation up to 15% DWS VLwS (2) = Deviation beyond 15% DWS and up to 20% DWS

Note-2: *In case of aggregation of WS sellers at a pooling station through QCA.*

(a) the contract rate for the purpose of deviation shall be equal to the weighted average of the contract rates of all individual WS seller(s) opting for aggregation at the pooling station;

(b) Available Capacity shall be equal to the cumulative capacity rating of wind turbines or solar inverters that are capable of generating power in a given time block;

(c) de-pooling of deviation charges for WS seller(s) connected to the pooling station shall be as per the methodology mutually agreed upon between the QCA and such individual WS seller(s).

(E) Charges for Deviation, in respect of a Standalone Energy Storage System (ESS), shall be the same as applicable to a general seller (other than an RoR

generating station and a generating station based on municipal solid waste) as specified in Clause (A)of this Regulation:

Provided that in the charging mode, deviation by way of over drawal shall be treated as under injection and deviation by way of under drawal shall be treated as over injection and the charges for deviation shall be settled accordingly:

Provided further that the charges for deviation including the formula for computation of Deviation, in respect of charging of a standalone ESS being pumped hydro storage plant shall be the same as applicable to a WS seller being a generating station based on solar resources.

(F) Charges for Deviation including the formula for computation of Deviation, in respect of a WS Seller with ESS connected at the same interconnection point shall be the same (i) as applicable to a WS seller of respective category during the period solar or wind or hybrid generating station is injecting power, (ii) as applicable to a standalone ESS as per sub-clause (E) of this Regulation, when only ESS is injecting power, and (iii) as applicable to a standalone ESS for drawl by ESS based on drawal schedule from the grid as per sub-clause (E) of this Regulation.

Note: Each generator and ESS shall be metered with Special Energy Meter (SEM) so that individual actual injection/drawal can be captured.

(G) Charges for Deviation, in respect of a Buyer, shall be receivable or payable as under:

Deviation by way of under drawal (Receivable by the Buyer)	**Deviation by way of over drawal (Payable by the Buyer)**
(I) For VLB (1) and f within f_{band} [V_{LB}= Volume limit for Buyer]	
i) @ 90% of NR when f =50.00 Hz;	iv) @ NR when f =50.00 Hz;
ii) When 50.00 Hz < f ≤50.05 Hz , for every increase in f by 0.01 Hz, charges for deviation for such buyer shall be decreased by 8% of NR so that charges for deviation become 50% of	v) When 50.00 < f ≤ 50.05 Hz , for every increase in f by 0.01 Hz, charges for deviation for such buyer shall be decreased by 5% of NR so that charges for deviation become 75% of

NR when f = 50.05Hz;	NR when f = 50.05Hz;
iii) When [50.00 Hz > f ≥ 49.90 Hz], for every decrease in f by 0.01 Hz, charges for deviation for such buyer shall be increased by 1 % of NR so that charges for deviation become 100% of NR when f = 49.90Hz;	vi) When [50.00 Hz > f ≥ 49.90 Hz], for every decrease in f by 0.01 Hz, charges for deviation for such buyer shall be increased by 5% of NR so that charges for deviation become 150% of NR when f = 49.90Hz.
(II) For VLB (1) and f outside f_{band}	
(i) @ zero when [50.05 Hz < f < 50.10 Hz]: Provided that such buyer shall pay @ 10% of NR when [f ≥ 50.10 Hz];	(iii) @ 50% of NR when [50.05 Hz < f < 50.10 Hz]: (iv) @ zero when [f ≥ 50.10 Hz];
(ii) @ NR when [f < 49.90 Hz];	(v) @ 150 % of NR when [f < 49.90 Hz].
(III) For VLB (2) and f within and outside f_{band}	
(i) @ 80% of NR when f ≤ 50.00 Hz; (ii)@ 50% NR when [50.00 Hz < f ≤ 50.05 Hz]; (iii) @ zero when [50.05 Hz < f < 50.10 Hz]: Provided that such buyer shall pay@ 10% of NR when [f ≥ 50.10 Hz];	(iv) @ 150% of NR when f < 50.00 Hz; (v) @ NR when [50.00 Hz ≤ f ≤ 50.05 Hz]; (vi) @ 75% NR when [50.05 Hz < f < 50.10 (vii) @ zero when [f ≥ 50.10 Hz].
(IV) For VLB (3) and f within and outside f_{band}	
(i) @ zero when f < 50.10 Hz: Provided such buyer shall pay @ 10% of NR when [f ≥ 50.10 Hz];	(ii) @ 200% of NR when f <50.00 Hz; (iii) @ NR when [50.00 Hz ≤ f < 50.10 Hz] (iv)@ 50% of NR when [f ≥ 50.10 Hz].

Volume Limits for Buyer:

Buyer	Volume Limit
Buyer <u>other than</u> (the buyer with a schedule less than 400 MW).	VLB (1) = Deviation up to [10% DBUY or 100 MW, whichever is less] VLB (2) = Deviation [beyond 10% DBUY or 100 MW, whichever is less] and up to [15% DBUY or

	200 MW, whichever is less] VLB (3) = Deviation beyond [15% DBUY or 200 MW, whichever is less]
Buyer (with a schedule up to 400 MW)	VLB (1) = Deviation [20% DBUY or 40 MW, whichever is less] VLB (2) = Deviation beyond [20% DBUY or 40 MW, whichever is less]

(H) Charges for injection of infirm power –

(1) The charges for injection of infirm power shall be zero, except in cases specified under clauses 9(A) and 9(C) of this Regulation.

(2) In case of thermal generating stations, the infirm power injected into the grid from the date of first synchronization of the unit up to the successful completion of the trial run shall be paid @ Normal Rate of Charges for Deviations for each time block, subject to a ceiling of ₹ 2.86/kWh or as amended by Central Commission from time to time.

(3) If infirm power is scheduled after a successful trial run as specified in the Grid Code, the charges for deviation over the scheduled infirm power shall be as applicable for a general seller or WS seller, as the case may be.

(4) Notwithstanding the provisions of clauses (2) and (3) of this Regulation, when the system frequency, f > 50.05Hz, the charges for injection of infirm power or for deviation of scheduled infirm power after the successful trial run by way of over injection by a general seller or WS seller, as the case may be, shall be zero."

(I) Drawal of Start-up Power before COD by a generating unit shall be treated as deviation for the purpose of commercial settlement. The charges for deviation for drawal of start-up power before the COD of a generating unit or for drawal of power to run the auxiliaries during the shut-down of a generating station shall be payable at the reference charge rate or contract rate or in the absence of reference charge rate or contract rate, the weighted average ACP of the Day Ahead Market

segments of all Power Exchanges for the respective time block, as the case may be.

(J) Notwithstanding anything contained in Sub-Regulation (A) to (I) of this Regulation, in case of forced outage or partial outage of a seller, the charges for deviation shall be @ the reference charge rate for a maximum duration of eight (8) time blocks or until the revision of its schedule, whichever is earlier.

(K) For a Seller whose bids are cleared in the HP-DAM, the 'reference charge rate' for deviation by way of 'under-injection' for the quantum of power sold through HP- DAM shall be equal to the weighted average ACP of the HP-DAM Market segments of all the Power Exchanges for that time block;

10. Accounting of Charges for Deviation Pool Account

a. A statement of Charges for deviation levied under these Regulations shall be prepared by the SLDC on weekly basis by every Thursday of the week and shall be issued to all constituents by next Tuesday for the previous week ending on Sunday mid-night.
b. Separate books of accounts shall be maintained for the principal component and interest component of charges for deviation by the SLDC.
c. There shall be a State Deviation Pool Account to be maintained and operated by the State Load Despatch Centre:
   Provided that the Commission may by order direct any other entity to operate and maintain the State Deviation Pool Account.
d. The State Deviation Pool Account shall receive credit for:
   i. payments on account of charges for deviation referred to in Regulation 9 of these regulations and the late payment surcharge as referred to in Regulation 10 of these regulations.
   ii. receipt, from Deviation and Anciliary Services Pool Account-Regional, towards Reactive energy exchange, DSM etc. issued for the State by ERPC in accordance with IEGC/CERC DSM Regulations.
   iii. such other charges as may be notified by the Commission.
e. The State Deviation Pool Account shall be charged for:
   (i) Any cost of expense or other charges incurred on recovery of Charges for Deviation.

(ii) Over dues or penal Interest, if applicable

(iii) Normal Interest

(iv) Regional Deviation Pool Account

(v) Payment to Deviation and Anciliary Service Pool Account-Regional towards Reactive Energy exchange, DSM etc. issued by ERPC for the State in accordance with IEGC/CERC DSM Regulations.

(vi) such other charges as may be notified by the Commission.

f. The Settlement Account for Inter-State Deviation of the State as well as that for Intra-State Deviation shall be maintained separately by SLDC.

g. The surplus amount in the State Deviation Pool Account at the end of the financial year shall be utilised for the purpose of improvements in power system operations, for undertaking such measures and studies for improvement in reliability, security and safety of grid operations, undertaking capacity building and training programs related to system operations and market operations and for such other purposes as may be specified by Commission with prior approval of the Commission. The SLDC shall prepare Scheme(s) and shall submit annual plan to the Commission before utilization of surplus fund. The Commission, if so desire, may invite proposals/suggestions from various stakeholders for utilization of such surplus amount in the State Deviation Pool Account.

Provided that, the short fall in funds in the State Deviation Pool Account; if any, at the end of the weekly settlement period shall be recovered by levy of additional charge from the State Entities in proportion to Net Deviation Charges Payable by concerned State Entity for the applicable weekly settlement period through supplementary bills.

11. Deviation Accounting

(i) A detailed energy accounting procedure shall be prepared by the SLDC as per Regulation 9 within Thirty (30) days of notification of these Regulations and shall be submitted to the Commission for approval.

Provided that, SLDC shall undertake stakeholder consultation by uploading the draft procedure on SLDC's website before submission of procedure to the Commission for approval.

(ii) Deviation Settlement of Consumers connected to the Intra State Transmission System and consumers connected to the distribution network shall be in accordance with the provisions of Open Access Regulations and its amendments thereof.

12. Schedule of Payment of charges for deviation

a. The payment of charges for deviation shall have a high priority and the concerned State entity shall pay the due amounts within 10 (ten) days of the issue of Statement of charges for deviation by the SLDC, failing which late payment surcharge @ 0.04% shall be payable for each day of delay.
b. If, any State entity, at any time during the previous financial year, fails to make payment of charges for deviation within the time specified in these regulations, shall be required to open a Letter of Credit (LC) equal to 110% of its average payable weekly liability for deviations in the previous financial year in favour of the State Load Despatch Centre within a fortnight from the start of the current financial year.
c. In case of failure to pay into the State Deviation Pool Account within 10 (ten) days from the date of issue of Statement of charges for deviation, the State Load Despatch Centre shall be entitled to encash the LC of the concerned State entity to the extent of the default and the concerned State entity shall recoup the LC amount within 3 days.

13. Reactive Energy Management and Accounting

SLDC will be responsible for managing the Reactive Energy Requirement as per the provisions of IEGC and procedures thereunder. The settlement of Reactive Energy Pool Account shall be in accordance with the procedures defined in IEGC.

Provided that, till the time the separate Reactive Energy Pool Account for the intra state entities are created and operationalized by the SLDC, the amount available in the State Deviation Pool Account may also be utilized by SLDC for payment to the Regional Pool account on temporary basis.

14. Compliance with the Instructions of State Load Despatch Centre

Notwithstanding anything specified in these Regulations, the Sellers and the Buyers shall strictly follow the instructions of the SLDC on injection and drawl in the interest of grid security and grid discipline.

15. 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, may relax any of the provisions of these regulations on its own motion or on an application made before it by the affected party.

16. Power to Amend

The Commission, recording the reasons in writing, may, at any time, vary/ alter/ modify/ amend any of the provisions of these Regulations through an amendment.

17. Power to Remove Difficulty

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 practice directions as may be considered necessary in furtherance of the objective of these regulations.

18. Interpretation

If a question arises relating to the interpretation of any provision of these Regulations, the decision of the Commission shall be final.

19. Repeal and Savings

Save as otherwise provided in these regulations Bihar Electricity Regulatory Commission(Intra-State Availability Based Tariff and Deviation Settlement Mechanism) Regulations, 2020 shall stand repealed from the date of commencement of these Regulations.

Sd/-

Secretary