Chhattisgarh State Electricity Regulatory Commission
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Suo Motu Petition No. 73 of 2026

In the Matter of:

"Suo-Motu Petition for Multi Supply Consumers (MSC's) who have very short duration/intermittent Open access."

1. M/s Nu Vista Pvt. Ltd., Balodabazar.
2. M/s Ultratech Cement Ltd., Baikunth Cement Works
3. M/s Ultratech Cement Ltd., Rawan Cement Works
4. Chhattisgarh State Power Distribution Company
5. Chhattisgarh State Power Transmission Company
6. Chhattisgarh State Load Dispatch Centre ... Respondents

PRESENT : Vivek Ganodwale, Member (Law)
Ajay Kumar Singh, Member (Technical)

O R D E R

(November 11, 2026)

The Commission had notified the *Chhattisgarh State Electricity Regulatory Commission (Intra-State Availability Based Tariff and Deviation Settlement Mechanism) Regulations, 2016*. (DSM Regulations, 2016) to ensure compliance to the specified scheduling and settlement framework.

Background and genesis of this Suo-Motu Petition:

2. The State Load Despatch Centre (SLDC), through letter dated 26.06.2025, sought clarification regarding interpretation and applicability of charges under the DSM Regulations, 2016. The

necessary clarifications were issued by the Commission vide order dated 23.12.2025 in Suo Motu Petition No. 51 of 2025.

3. Certain Intra-State Open Access (OA) consumers sought clarification of the order dated 23.12.2025, as there were concerns regarding financial and operational difficulty pertaining to the same order. The Commission issued clarification vide order dated 29.05.2026 in Suo-motu Petition No. 09 of 2026 on applicability of wheeling and DSM charges for consumers availing Intra-State Open Access for Multi-Supply Consumers.

4. Through the same order, the Commission also directed to register Suo-motu petition for Multi Supply Consumers (MSCs), who had availed very short period/intermittent open access. The relevant portion of the order dated 29.05.2026 is reproduced below:-

> " *24. Summary of the observations of the Commission: -*
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> *The consumers, i.e., M/s Ultratech Cement Ltd., Baikunth Cement Works, M/s Ultratech Cement Ltd., Rawan Cement Works, and M/s Nu Vista Pvt. Ltd., Balodabazar, have availed very short period / intermittent open access, the issue is to be deliberated in detail by registering separate Suo-Motu petition for such MSCs, therefore, these respondents are separated from these proceedings. Further, till the issues of these parties are not addressed in the new petition, no coercive action be taken and status-quo be maintained.*
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> *xxxxxxxxxxxxxxxxx"*

5. Pursuant to the above, this Suo-motu Petition was registered and proposals from the respondents were invited during the hearing dated 22.09.2026,regarding the billing modalities for such short-termopen access transactions. The following proposals were received from the Respondents:

Proposal received from the respondents

a) Respondent No. 1 (M/s NU Vista Limited):

The respondent No. 1 submitted that power exchange is the only cost-effective source for meeting Renewable Purchase Obligation/Renewable Consumption Obligation (RPO/RCO). Therefore, respondent No. 1 submitted proposal for the billing modalities for the green power procured from exchanges.

i) It is proposed that the existing contract demand shall not be reduced. And drawl/open access schedule shall be restricted to the quantum of contact demand only.

ii) M/s NU Vista agrees to pay the minimum demand charges as per applicable tariff. Presently, tariff is actual MD recorded or 85% of C.D. whichever is higher.

iii) Implemented schedule through open access shall be deducted from the actual consumption for the month.

iv) In Case of under drawl from the OA Schedule, DeviationSettlement Mechanism charges may not be paid to us. M/s Nu vista undertakes to forgo that amount.

v) In case of Over drawl form the OA schedule, the same may be considered as being supplied by the licensee and be charged as per applicable tariff.

vi) FPPAS shall not be applicable on the quantum of OA.

b) Respondent No.2 and 3 M/s Ultratech Cement Limited (M/s UTCL):

i) M/s UTCLsubmitted:

(a) In case of Rawan Cement Works, OA was availed for 1 month 26 days from 17.11.2022 to 12.01.2023;

(b) In case of Baikunth Cement Works, for a period of 41 days from 01.01.2022 to 10.02.2022.

ii) During the above period power was procured from IEX, while contract demand was maintained by the Respondent No. 2 and 3.During this said period DSM accounting resulted in both

credits and charges depending upon the actual drawl pattern. M/s UTCL submits that deviation from scheduled drawl was neither intentional nor was M/s UTCL indulging in gaming. The credit received by M/s UTCL was due to under drawl and high frequency during the said period.

iii) M/s UTCL requests to be excluded form one-time settlement for the past period as clarified in the order dated 29.05.2026.

iv) For future period, M/s UTCL requests and undertakes that in case of under drawl from Open Access schedule, DSM charges be not paid to UTCL. Similarly, in case of over drawl, the same be considered as power supplied by the distribution licensee and necessary variable/ energy charges be levied on UTCL.

Submission by Respondent CSPDCL

6. The respondent CSPDCL made no written submission. During the hearing dated 13.10.2026, respondent CSPDCL orally submitted, no objection to the proposals made by the respondents 1,2 and 3.

Submission by SLDC

7. DSM charges bills to all the entities, are being issued as per the provisions of DSM Regulations, 2016.

8. The Respondent No.1 M/s NU Vista has procured "Green Energy" through IEX by availing inter-State Open Access for two (2) days during February 2026 and for three (03) days during March 2026.

9. Respondent No.2 had scheduled drawl of power for 57 days in the FY 2021-22 and Respondent No. 3 for 56 days during FY2022-23.

10. DSM bills were issued to respondents 2 and 3 treating them as MSC-Buyer as per the provisions mentioned under regulation 10.6 to 10.8 of DSM Regulations, 2016. The DSM charges were calculated considering the total scheduled drawl i.e. drawl-schedule under open access plus contract demand (considering power factor 0.9) and also considering APPC rate as provided by the respondent CSPDCL.

11. Similarly, Respondent No.1 availed short-term open access and was scheduling for RE power from G-DAM (power exchange) for the period from 26.02.2026 to 02.03.2026 but DSM charges was not issued in compliance of order dated 18.04.2022 in Petition No. 61 of 2020.

Issues for determination

12. The following issues arise for consideration:

i) Whether the proposal submitted by Respondent No. 1, M/s Nu Vista Limited, for procurement of Renewable Energy through Inter-State Open Access for short-term/intermittent periods shall be accepted or not, and whether DSM billing under the CSERC DSM Regulations, 2016 is applicable to such Inter-State RE transactions?

ii) Whether the claims and past-period transactions of Respondent Nos. 2 and 3, M/s Ultratech Cement Limited, require separate examination and adjudication in an independent Suo Motu proceeding, instead of being decided in the present Petition?

Analysis and Decision

Issue No. 1

13. The Commission has considered the proposal submitted by Respondent No. 1, the submissions made by SLDC and CSPDCL, and the relevant orders passed by the Commission in the earlier proceedings.

14. It is observed that the present issue pertains to procurement of Renewable Energy by Respondent No. 1 through the power exchange by availing Inter-State Open Access for very short durations. As submitted by SLDC, Respondent No. 1 procured Green Energy through IEX for two days during February 2026 and three days during March 2026. It is further submitted that the DSM charges

were not issued in respect of the transaction from 26.02.2026 to 02.03.2026 in compliance with the Commission's order dated 18.04.2022 in Petition No. 61 of 2020. Relevant portion of the order is reproduced below:-

> *"At the consumer end, scheduling and deviation charges shall be applicablefor convention power. Deviation charges for the consumers gettingconventional power shall be computed by SLDC fromthe drawl schedule."*

15. The Commission notes that the procurement of Renewable Energy through Inter-State Open Access is distinct from conventional procurement of power through the open access. Such procurement is undertaken through the prescribed scheduling and settlement framework applicable to Inter-State transactions. Therefore, the billing treatment of such transactions requires consideration of the nature of procurement and the applicable regulatory framework governing Inter-State Renewable Energy transactions.

16. The Commission is of the view that where a consumer procures Renewable Energy through Inter-State Open Access for a limited period, and such transaction is duly scheduled and accounted for under the applicable Inter-State framework, the same should not be subjected to an additional DSM billing mechanism under the CSERC DSM Regulations, 2016.

17. Hence, the DSM billing under the CSERC DSM Regulations, 2016 shall not be undertaken in respect of such eligible short term Inter-State Renewable Energy transactions procured through Open Access, subject to the conditions specified in this Order and the applicable Inter-State scheduling and settlement framework. The aforesaid exemption shall be restricted to the scheduled quantum of eligible Inter-State Renewable Energy procured through Open Access. It shall not be construed as an exemption from any charges or settlement obligations payable under the applicable Inter-State regulations, nor

shall it extend to any other transaction or power procurement which does not fall within the scope of this Order.

Regarding the proposal of the Respondent No.1 M/s NU Vista Pvt. Ltd:-

Continuation of Contract Demand and Demand Charges

18. The Commission notes that Respondent No. 1 has proposed to retain its existing Contract Demand with CSPDCL and has agreed to continue payment of minimum demand charges under the applicable tariff, which is found to be acceptable. Procurement of Renewable Energy through Open Access for a short duration does not, by itself, extinguish the consumer's obligation towards the subsisting Contract Demand maintained with the distribution licensee.

19. Accordingly, Respondent No. 1 shall continue to maintain its existing Contract Demand and pay demand charges, including minimum demand charges, strictly in accordance with the applicable tariff order. And no reduction in Contract Demand or waiver of demand charges shall be permissible merely on account of procurement of Renewable Energy through Inter-State Open Access.

Accounting of Energy Procured through Open Access

22. The Commission accepts the proposal that the scheduled quantum of Renewable Energy procured through Open Access shall be duly accounted for and adjusted against the actual consumption of the consumer for the relevant billing period.

23. Such adjustment shall be undertaken on the basis of the approved Open Access schedule, actual meter readings and applicable accounting and loss-adjustment methodology. CSPDCL, in coordination with SLDC, shall ensure that the energy procured through Open Access is not again treated as energy supplied by the distribution licensee, thereby avoiding double billing or double recovery.

Treatment of Under-drawal and Over-drawal

24. Respondent No. 1 has proposed that in case of under-drawal against the Open Access schedule, it shall not claim any deviation charges and is willing to forgo any such amount, which is found to be acceptable, particularly considering that the Respondent has voluntarily agreed not to claim any deviation charges arising out of under-drawal against the eligible Inter-State Renewable Energy schedule. Accordingly, no deviation charges shall be payable to Respondent No. 1 in respect of such under-drawal under the billing arrangement approved herein.

25. In case of over-drawal, i.e. actual consumption exceeding the energy accounted for against the admissible Open Access schedule, the balance energy shall be treated as energy supplied by CSPDCL and shall be billed at the applicable retail tariff, subject to proper reconciliation of the Open Access energy and actual consumption.

26. It is further clarified that the exemption from DSM billing granted under this Order shall not result in exemption from the applicable energy charges for the energy actually supplied by CSPDCL. The same shall be recoverable in accordance with the applicable tariff order.

Applicability of FPPAS

28. Respondent No. 1 has also proposed that FPPAS should not be applicable to the quantum of energy procured through Open Access, which is acceptedin principle that FPPAS shall not be levied on the quantum of energy procured through Open Access. CSPDCL shall ensure that FPPAS is levied only on the quantum of electricity supplied by CSPDCL.

29. In view of the foregoing discussion, the Commission finds that the proposal submitted by Respondent No. 1 for short-term/intermittent procurement of Inter-State Renewable Energy through Open Access

deserves to be allowed, subject to the conditions and safeguards specified in this Order.

Issue No. 2:

30. The Commission observes that the issues raised by Respondent Nos. 2 and 3 relate to past-period DSM billing and involve examination of the applicability of Regulations 10.6 to 10.8 of the DSM Regulations, 2016, computation of scheduled drawal, adjustment of deviation charges, and applicability of the one-time settlement mechanism. These issues are distinct from the issue concerning Inter-State Renewable Energy transactions raised by Respondent No. 1 and warrant separate consideration.

31. Accordingly, the Commission considers it appropriate to segregate the issues concerning Respondent Nos. 2 and 3 and examine the same in separate Suo Motu proceedings. The directions contained in the order dated 29.05.2026 in Suo Motu Petition No. 09 of 2026 regarding maintenance of status quo and non-initiation of coercive action shall continue to apply, to the extent applicable, until further orders.

Decision

32. In view of the foregoing discussion and findings the Commission directs as follows:

    1. The proposal submitted by Respondent No. 1, M/s Nu Vista Limited, for procurement of Renewable Energy through Inter-State Open Access for short-term/intermittent periods is hereby allowed, subject to the conditions specified in this Order.
    2. DSM billing under the CSERC DSM Regulations, 2016 shall not be undertaken in respect of eligible Inter-State Renewable Energy transactions procured by Respondent No. 1 through Open Access, subject to such transactions being duly scheduled and accounted for under the applicable Inter-State scheduling

and settlement framework. This exemption shall be limited to such eligible Inter-State RE transactions and shall not extend to other power procurement or settlement obligations under the applicable regulations.

3. Respondent No. 1 shall continue to maintain its existing Contract Demand with CSPDCL and shall pay demand charges, including minimum demand charges, in accordance with the applicable tariff order.
4. Respondent No. 1 shall not be entitled to claim deviation charges arising out of under-drawal against the eligible Inter-State Renewable Energy schedule, in accordance with its proposal and undertaking.
5. In case of over-drawal, the energy consumed in excess of the admissible Open Access energy shall be treated as energy supplied by CSPDCL and shall be billed at the applicable retail tariff, subject to proper reconciliation of the scheduled Open Access energy and actual consumption.
6. FPPAS shall not be levied on the quantum of energy procured through Open Access to the extent permissible under the applicable tariff order and Regulations.
7. The exemption granted under this Order shall not be construed as an exemption from any charges or settlement obligations under the applicable Inter-State regulations or from the applicable retail tariff charges payable to CSPDCL.
8. The matters concerning Respondent No. 2 and Respondent No. 3, namely M/s Ultratech Cement Limited, Rawan Cement Works and Baikunth Cement Works, respectively, are hereby separated from the present proceedings and shall be examined in a separate Suo Motu Petition. The Commission directs to register a separate Suo Motu Petition for detailed examination and determination of the issues concerning the past and prospective DSM billing of Respondent Nos. 2 and 3.

9. The direction regarding maintenance of status quo and non-initiation of coercive action against Respondent Nos. 2 and 3, as contained in the order dated 29.05.2026 in Suo Motu Petition No. 09 of 2026, shall continue to operate to the extent applicable, until the issues concerning their transactions are finally decided in the separate proceedings.
10. This Order, along with the acceptance and directions contained herein, shall remain in force until notification of the corresponding amendments to the DSM Regulations, 2016, or until further orders of the Commission, whichever is earlier, and shall be subject to such modifications, clarifications or directions as the Commission may issue from time to time.
11. The petition is accordingly disposed of in the above terms.

We order accordingly.

Sd/-	**Sd/-**
Ajay Kumar Singh)	**(Vivek Ganodwale)**
Member (Tech.)	**Member (Law)**