

No. 23/22/2019-R&R (Part-4A)  
Government of India  
Ministry of Power  
\*\*\*\*\*

Shram Shakti Bhawan, Rafi Marg.  
New Delhi, 13<sup>th</sup> December, 2023

To,

1. Secretary, MNRE, New Delhi.
2. Chairperson, CEA, Sewa Bhawan, R.K. Puram, New Delhi.
3. Secretary, Central Electricity Regulatory Commission (CERC), New Delhi.
4. Principal Secretaries/Secretaries (Power/Energy) of all State Governments/UTs.
5. Secretaries of All State Electricity Regulatory Commissions/JERCs.
6. Chairman/CMDs of all PSUs under administrative control of Ministry of Power.
7. CMD, SECI, New Delhi.
8. CMDs/MDs of Discoms/Gencos of all State Governments.
9. CMD, IEX LTD New Delhi & MD/CEO, PXIL, Mumbai/ HPX New Delhi.
10. DG, Association of Power Producers, New Delhi.
11. President, FICCI, House No. 1, Tansen Marg New Delhi.
12. President, CII, New Delhi.
13. President, PHDCCI, New Delhi.
14. ASSOCHAM, Chanakyapuri, New Delhi.
15. Member, PRAYAS Energy Group, Pune.
16. DG, Electric Power Transmission Association (EPTA), New Delhi.
17. Chairman Indian Wind Power Association, New Delhi.
18. Chairman, Indian Wind Turbine Manufacturers Association, New Delhi.
19. Director General, National Solar Energy Federation of India (NSEFI), New Delhi.
20. DG, Solar Power Developers Association, New Delhi.

**Subject: Seeking comments on draft Electricity (Late Payment Surcharge and Related Matters) Amendment Rules, 2023.**

Sir/Madam,

I am directed to forward herewith draft Electricity (Late Payment Surcharge and Related Matters) Amendment Rules, 2023 with request to provide your comments, if any, to this Ministry within 30 days from the date of issuance of this letter i.e. by 12<sup>th</sup> January, 2024. The comments in word file may also be emailed at [debranjan.chattopadhyay@nic.in](mailto:debranjan.chattopadhyay@nic.in) and [narendra.kumar65@nic.in](mailto:narendra.kumar65@nic.in).

2. This issues with the approval of Competent Authority.

Encl: as above

Yours faithfully,



(Narendra Kumar)  
Director  
011- 23736275

**Copy for information to:**

PS to Hon'ble Minister of Power and NRE, APS to Hon'ble MoSP, PS to Secy(P), PPS to AS(SN), PSO to CE(R&R), Ministry of Power.

**Copy to:** Technical Director, NIC Cell for uploading this letter on MOP's website under "Current Notices" with the heading of "**Seeking comments on Electricity (Late Payment Surcharge and Related Matters) Amendment Rules, 2023**".

[To be published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i)]

GOVERNMENT OF INDIA  
MINISTRY OF POWER

**NOTIFICATION**

New Delhi, the ..... December, 2023

**G.S.R. .... (E).**- In exercise of the powers conferred by sub-section (1) of section 176 of the Electricity Act, 2003 (36 of 2003), the Central Government hereby makes the following rules to amend the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022, namely:-

1. (1) These rules may be called the Electricity (Late Payment Surcharge and Related Matters) (Amendment) Rules, 2023.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022 (hereinafter referred to as the said Rules), for Rule 7, the following rule shall be substituted, namely:-

**“ 7. Regulation of access to defaulting entities.-**

In case of non-payment of dues, by the distribution licensee or other user of transmission system, even after two and half months from presentation of bill by the generating company or transmission licensee or trading licensee, or in case of default in the payment of instalments fixed under rule 5, the power supply to the defaulting entity shall be regulated as follows:-

(1) Short-term access or Temporary GNA (T-GNA) or General Network Access (GNA), for sale and purchase of electricity through short-term contracts or

through the power exchange (s), shall be regulated entirely. The same restriction shall also apply to any existing short-term access or Temporary GNA (T-GNA) or General Network Access (GNA):

Provided that the National Load Despatch Centre may, under exceptional circumstances for grid security, temporarily review the regulation of short-term access or Temporary GNA (T-GNA) or General Network Access (GNA) under these rules, after recording the reasons for doing so, in writing.

(2) If, even one month after the regulation of access under rule 7(1) or if the dues have remained unpaid for three and a half months, then apart from the regulation of the short-term access or Temporary GNA (T-GNA) or General Network Access (GNA) under rule 7(1) in its entirety, the Medium-term Open Access or Long-term access or Temporary GNA (T-GNA) or General Network Access (GNA) for sale and purchase of electricity through the contracts other than short-term contracts shall be regulated by Ten per cent.

(3) Reduction or withdrawal of long-term access or medium-term open access or Temporary GNA (T-GNA) or General Network Access (GNA) for sale and purchase of electricity through the contracts other than short term contracts shall be in such manner that the quantum of reduction in drawl or injection schedule increases progressively by Ten per cent for each month of default.

(4) On payment of outstanding dues, the regulation of Short-term or medium-term open access or long-term access or Temporary GNA (T-GNA) or General Network Access (GNA) under this rule shall end and it shall be restored at the earliest, but not later than two days.

(5) The National Load Despatch Centre shall issue detailed procedure to implement these rules.

(6) In case of such reduction of drawl schedule, the liability for payment of capacity charges for its original share in the generating station as also the inter-state transmission charges shall remain with the regulated entity.



**Explanation:**

For the purposes of this Rule,

1. The expression :
  - a. "short-term access" means access to transmission system for periods up to one-year;
  - b. "medium-term open access" means access to transmission system for periods from one to three years and;
  - c. "long-term open access" means access to transmission system for periods of more than three years.
  
2. The expression "short term contract" means the contract for sale or purchase of electricity for a period up to one-year.
  
3. The term "Temporary GNA" or "T-GNA" and "General Network Access" or "GNA " shall have the meaning as defined in the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 as amended from time to time."

3. In Rule 9 of the said Rules,

(a) For sub-rule (1), the following shall be substituted namely:-

**"9. Power not requisitioned by a distribution licensee.-**

(1) A distribution licensee shall intimate its schedule for requisitioning power for each day from each generating company with which it has an agreement for purchase of power at least two hour before the end of the time for placing proposals or bids in the day ahead market for that day, failing which the generating company, shall offer, the un- requisitioned surplus power including the power available against the declared capacity of the unit under shut down, in the power exchange (s), subject to the limitation of ramping and start up capability, as specified in the Grid Code and the procedure made there under:

Provided that if the power so offered by the generating company is not cleared in Day- Ahead Market (DAM), then it shall be offered in other market segments including the Real Time Market (RTM), in the Power exchange (s):

Provided also that such offer of power in the market shall be at a price not exceeding 120% of its energy charge, as determined or adopted by the Appropriate Commission:

Provided further that if the generating company fails to offer such un-requisitioned surplus power in the power exchange(s), the un-requisitioned surplus power to the extent not offered in the power exchange(s) up to the declared capacity shall not be considered as available for computing the payment of fixed charges.”

- (b) In clause (i) of sub-rule (2), for the word “three”, the word “**six**” shall be substituted.

[File No. 23/22/2019-R&R]

(Piyush Singh)

Joint Secretary to the Govt. of India

**Note:** The principal Rules were published in the Gazette of India, Part-II, Section 3, Sub-section (i) vide number G.S.R 416 (E), dated the 3<sup>rd</sup> June 2022.