

Electricity Act, 2003

Section 40 - DUTIES OF TRANSMISSION LICENSEES It shall be the duty of a transmission licensee

a) to build, maintain and operate an efficient, coordinated and economical inter-State transmission system or intra-State transmission system, as the case may be; (b) to comply with the directions of the Regional Load Despatch Centre and the State Load Despatch Centre as the case may be; (c) to provide non-discriminatory open access to its transmission system for use by- (i) any licensee or generating company on payment of the transmission charges; or (ii) any consumer as and when such open access is provided by the State Commission under sub-section (2) of section 42, on payment of the transmission charges and a surcharge thereon, as may be specified by the State Commission: Provided that such surcharge shall be utilised for the purpose of meeting the requirement of current level cross-subsidy: Provided further that such surcharge and cross subsidies shall be progressively reduced and eliminated in the manner as may be specified by the Appropriate Commission: Provided also that such surcharge may be levied till such time the cross subsidies are not eliminated: Provided also that the manner of payment and utilisation of the surcharge shall be specified by the Appropriate Commission: Provided also that such surcharge shall not be leviable in case open access is provided to a person who has established a captive generating plant for carrying the electricity to the destination of his own use.