

BEFORE THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

**Quorum**

Shri Desh Deepak Verma, Chairman  
Shri I. B. Pandey, Member

**In the matter of:**

**Petitioner**

UPNEDA, Vibhuti Khand, Gomti Nagar, Lucknow.

Versus

**Respondents**

1. Managing Director, UP Power Corporation Ltd. 7<sup>th</sup> Floor, Shakti Bhawan, 14, Ashok Marg, Lucknow.
2. Managing Director, Madhyanchal Vidyut Vitran Nigam Ltd., 4 Gokhale Marg, Lucknow.
3. Managing Director, Poorvanchal Vidyut Vitran Nigam Ltd., Purvanchal Vidyut Bhawan, P.O. Vidyut Nagar, DLW, Varanasi.
4. Managing Director, Paschimanchal Vidyut Vitran Nigam Ltd., Victoria Park, Meerut.
5. Managing Director, Dakshinanchal Vidyut Vitran Nigam Ltd., Urja Bhawan 220, K.V. Up-Sansthan Bypass Road Agra – 282007
6. Managing Director, Kanpur Electricity Supply Co. Ltd., 14/71, Civil Lines, KESA House, Kanpur.
7. Managing Director & CEO, Noida Power Company Ltd., Commercial Complex H-Block, Alpha Sector II, Greater Noida-201 308.

**Present in the Hearing:**

1. Shri Atul Shankar Srivastava, Project Officer, NEDA
2. Shri A. K. Singh, SE (Commercial), MVVNL
3. Shri A. K. Arora, Resident Manager, NPCL
4. Shri D. C. Mishra, Advocate, UPNEDA

**ORDER**

**(Hearing on 16.10.2014)**

Whereas the petitioner has filed a **petition 1002/2015** under section 79 (1) (KA) of the Electricity Act, 2003 read with Regulation 14 of the CERC (Terms and conditions for

recognition and issuance of Renewable Energy Certificate For Renewable Energy Generations) Regulations, 2010.

During the hearing petitioner submitted that UPERC vide order dated 17.8.2010 regarding accreditation and recommending the renewable Energy Project designated UP NEDA as a designated State Agency to undertake functions as provided in UPERC RPO Regulations 2010 as per provision of clause 4.1 every obligated entity shall purchase a minimum percentage of its total consumption of electricity (in kWh) from renewable energy sources under the renewable purchase obligation during each financial year.

As per clause 3.1 of Approved procedure for Accreditation of Renewable Energy Generating Projects by Hon'ble Commission every Obligated Entity as per the meaning of UPERC RPO Regulations shall submit the information as per the forms given under Annexure I for reporting of the Yearly Estimated RE requirement, Quarterly RPO Compliance and Yearly RPO compliance. The yearly estimated requirement as per Form IIA and IIB shall be submitted within 15 days from end of each Quarter of the year while Yearly RPO Compliance statement as per Form IIIA and IIIB shall be submitted on or before 25<sup>th</sup> April of each year.

Every Obligated Entity shall under an affidavit submit a copy of RECs purchased to the State Agency and UPERC, if any, at the end of each quarter as per Clause 3.2 of Approved procedure for Accreditation of Renewable Energy Generating projects.

Each Distribution Licensee shall submit list of Grid Connected Captive Power Plant and Open Access Consumers situated in its area of supply to UPERC and UPNEDA within 30 days of approval of this methodology by the commission as per Clause 4.3 of Approval procedure.

The opposite parties have been defined as "obligated entities" which have been mandated to fulfill renewable purchase obligation under UPERC RPO Regulations.

The respondents have not furnished the list of obligated entities including captive users and open access consumers, submission of total estimated consumption of electricity

and the proposed quantum of the purchase from RE sources on yearly basis and the statement of quarterly RPO compliance on prescribed format till date despite repeated requests by State Agency.

State Agency had made request to respondent No. 1 vide letter no. 1706/UPNEDA-REC-RPO/2011-12 dated: 28.6.2012, to nominate nodal officers in concern distribution licensees for effective implementation and compliance of Renewable purchase obligation.

UPERC had given directions to the opposite parties vide letter no. UPERC/Secy/VCA/2012-1210 dt: 19.11.2012 for furnishing the required information and the name of nodal officers to the State Agency. The respondents had not complied with the terms and conditions of the RPO Regulation, accordingly the petitioner submitted the reports to the UPERC.

The provisions of RPO Regulations 2010 became applicable to the obligated entities from the date of publication in the Gazette i.e. 25.12.2010, thereafter, the periods of FYs. 2010-11, 2011-12 and 2012-13 have elapsed, but the distribution licensees/other obligated entities have not furnished the details regarding fulfillment of RPO for the aforesaid period so far, despite repeated requests and reminders made by the State Agency. This act of the distribution licensees/other obligated entities translates into non-fulfillment of their commitment towards minimum purchase from renewable energy sources during the said period. Further, the quantum of RPO commitment of distribution licensees during the said period has been computed by the petitioner. Further the petitioner recommended to the Hon'ble Commission vide letter no: 466/UPNEDA-REC-RPO/2011-12 dated 1.5.2013 may kindly direct the distribution licensees to deposit the amount corresponding to their RPO commitment, on the basis of RPO Regulatory Charges and forbearance price.

The petitioner prayed the following in order to implement UPERC RPO Regulations 2010:-

- i. That the opposite parties be directed to deposit the amount corresponding to their RPO commitment on the basis of the RPO regulatory charges and forbearance price for FYs. 2010-11, 2011-12, 2012-13 and 2013-14 as per provisions of UPERC RPO Regulations or deposit penalty as per section 142 of Electricity Act 2003.
- ii. That the opposite parties be directed to provide following information to the State Agency as required in the said regulations:-
  - List of obligated entities including captive users and open access consumers.
  - Submission of total estimated consumption of electricity and the proposed quantum of purchase from RE sources to obligated entities on yearly basis from FY 2014-15 onwards.
  - Statement of quarterly RPO compliance on prescribed format from FY 2014-15 onwards.
  - Name of nodal officers for RPO compliance.
  - That the cost of this claim be awarded to the plaintiffs against the defendants.
  - That any other relief or reliefs which this Hon'ble Commission may deem fit just and proper in the circumstances of the case be also awarded to the petitioner against the opposite parties.

The respondents submitted that they have not received the copy of the petition.

The Commission expressed its displeasure over non representation of DVVNL, PVVNL, PuVVNL and KESCO. The Commission directed that the Discoms should file their written reply to every petition in time. The Commission also directed that in matters of general relevance to all Discoms, the Discoms could be given the liberty to submit their replies individually or else, they may authorise UPPCL to file the reply on their behalf. Secretary of the Commission may convey it to UPPCL and all Discoms through a circular.

The Commission directed the petitioner to serve the copy to the respondents within one week and respondents to file the reply within next seven days and petitioner to file the rejoinder if any within next seven days.

List on 18.11.2015 at 15:00 hrs.

(I. B. Pandey)  
Member

(Desh Deepak Verma)  
Chairman

Dated: 29.10.2015