



THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

Petition No. 71SM of 2025

QUORUM

Hon'ble Shri Arvind Kumar, Chairman

Hon'ble Shri Sanjay Kumar Singh, Member

IN THE MATTER OF

Non-compliance of UPERC (Promotion of Green Energy through Renewable Purchase Obligation) Regulations, 2010.

AND

IN THE MATTER OF

Uttar Pradesh New & Renewable Energy Development Agency (UPNEDA),

(Through its Director), Vibhuti Khand, Gomti Nagar, Lucknow-226010

..... Respondent

THE FOLLOWING WERE PRESENT

1. Shri Inderjit Singh, Director, UPNEDA
2. Shri Rakesh Agrawal, SPO-I, UPNEDA
3. Shri Narendra Singh, SPO-II, UPNEDA
4. Shri Divyanshu Bhatt, Advocate, UPNEDA
5. Shri Shashwat Singh, Advocate, UPNEDA
6. Shri Girish Kumar, Sr. Energy Consultant, UPNEDA
7. Shri Sushant Gaur, Consultant, UPNEDA

ORDER

(DATE OF HEARING: 20.05.2025)

1. The UPERC (Promotion of Green Energy through Renewable Purchase Obligation) Regulations, 2010 (hereinafter referred to as "RPO Regulations") was notified on 17th

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August 2010 by the Commission. As per these regulations, "State Agency" is the agency in the State as designated by the Commission under Regulation 8.1. Accordingly, UPNEDA was designated as the State Agency by the Commission. Further, the State Agency and its functions are provided in Regulation 8, whereas Regulation 8.5 provides for monitoring of compliance with RPO trajectory by the obligated entities.

2. In the procedure approved by the Commission vide letter no. UPERC/Secy/VCA/2011-1772 dated 10.03.2011, the roles and duties of Obligated Entity for RPO Compliance have been provided, which are reproduced as below:

"3.1 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 IA and 1B shall be submitted on or before 15th March for the ensuing year. Quarterly RPO compliance statement 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 25th April of each year.

3.2. 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."

3. In its Order dated 09.05.2025, the Commission had observed that the information for all the obligated entities had not been submitted therefore, compliance was still pending and in such a situation personal appearance of Director, UPNEDA was mandatory. The Commission provided one last opportunity to the Petitioner for compliance in the matter by submitting the required details of all the obligated entities within one week. The Commission had further directed Director, UPNEDA to appear in person before the Commission on next date of hearing irrespective of compliance status.





4. In compliance to the directions of the Commission, Director, UPNEDA Shri Inderjit Singh was personally present. In partial compliance to the directions of the Commission, the RPO data for 378 obligated entities had been submitted so far by UPNEDA through letter No. 1167 dated 16.05.2025. From the perusal of the above RPO data, it has been observed that the obligated entities have provided compliance data from the year 2019-20 onwards, whereas, the format shared with UPNEDA required the data to be submitted from year 2010-11 and onwards.
5. During the hearing, the Counsel for UPNEDA submitted that there were a total of 509 obligated entities, whose data is required to be submitted. Out of these 509 entities, data for 378 entities has already been submitted and collection of data from the rest of the entities is being pursued and would be submitted shortly.
6. The Commission observed that the compliances by UPNEDA have been really pathetic as the Regulations provide submission of data by the obligated entities at three different stages i.e. reporting of the yearly estimated RE requirement, Quarterly RPO Compliance and Yearly RPO compliance. However, UPNEDA is struggling to provide even the annual compliance data of all the obligated entities. Moreover, the compliance data provided by the obligated entities is from the year 2019-20 whereas the data is required from year 2010-11 onwards.
7. The Commission also observes that it is pained by the fact that UPNEDA was designated as the State Nodal Agency to ensure the RPO compliances and submit the quarterly and annual reports to the Commission, but they are collecting and submitting the reports only when the Suo-moto proceedings have been initiated by the Commission. The Commission further observes that UPNEDA has district level officers, who must be deployed for the collection of data. Moreover, the broad analysis of the data submitted so far shows that about 35%-40% obligated entities are either partially-compliant or non-compliant and therefore, UPNEDA ought to have filed Petitions in such cases so that such obligated entities were issued show cause notices to either seek deferment and purchase RECs or face penalties. The matter assumes greater significance as this issue has also been taken up by Hon'ble APTEL.

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8. The Commission directs the newly joined Director, UPNEDA to sort out the issues and come up with a comprehensive compliance report from the year 2010-11 within one month. The Commission further advises Director, UPNEDA to make use of technology and provide a Portal on its website, wherein all the obligated entities can submit their yearly estimated RE requirement, quarterly and yearly RPO compliances in the formats provided with the procedure, which will simplify monitoring and report generation to a great extent. The Commission also directs UPNEDA to update the data pertaining to registration and accreditation of RE generators on its website.
9. The next date of hearing is scheduled on 08.07.2025. Personal appearance of Director, UPNEDA Shri Inderjit Singh is dispensed with till further orders.


(Sanjay Kumar Singh)
Member




(Arvind Kumar)
Chairman

Place: Lucknow

Dated: 23.05.2025