



Petition No. 1433 of 2019

BEFORE

THE UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

LUCKNOW

(Date of Order: 01.08.2019)

PRESENT:

Hon'ble Sri Raj Pratap Singh, Chairman

Hon'ble Sri Kaushal Kishore Sharma, Member

IN THE MATTER OF: To seek amendment in RSPV Regulations, 2019

U.P. New & Renewable Energy Development Agency
(Through its Director)
Vibhuti Khand Gomtinagar,
Lucknow-226010

..... Petitioner

(i) UP Power Corporation Ltd.,
(through its Managing Director)
7th Floor, Shakti Bhawan Extn,
14- Ashok Marg, Lucknow

(ii) Noida Power Company Limited

..... Respondents

The following were present:

1. Sri V.P. Srivastava, Director (CP), UPPCL
2. Sri S.K. Sinha, CE, PPA, UPPCL
3. Smt. Namrta Kalra, UPNEDA
4. Sri, Harpreet Singh, AGM, Ultimate sun system Ltd.
5. Sri A.K. Arora, NPCL
6. Sri C.P. Maurya, AE, PPA, UPPCL
7. Sri Himanshu Nisad, Amplus
8. Sri Alok Verma, Amplus,
9. Sri Sidharth Shukla, Sukhbir Agro
10. Ms Priya, Partner
11. Sri Kuldeep Srivastava, Partner

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ORDER

(Date of Hearing: 04.07.2019)

The instant petition is filed by UPNEDA for seeking amendments in RSPV Regulations, 2019 under its clause 17. The petitioner prayed to not to enforce RSPV regulations, 2019 retrospectively. Further, they sought that enforcement of RSPV Regulations, 2019 should be postponed for 180 days for the consumer having signed interconnection agreement (under CAPEX model) and the consumer having signed PPA with RESCO (under OPEX model). Also, they prayed that Government and Semi- government buildings / institutes should be included in the list of eligible consumer for Net-metering.

2. The matter was heard for the first time on 14.05.2019. Subsequently, the Commission, vide order dated 16.05.2019, directed U.P. New & Renewable Energy Development Agency (UPNEDA) to submit the following:

- I. List of cases/projects under implementation under old RSPV Regulations
- II. List of the State Government buildings / Institutes having implemented RSPV projects under Net metering scheme.

Further, the Commission also directed UPNEDA to implead UPPCL as Respondent in the Petition as they being affected party.

3. UPNEDA through affidavit dated 24.06.2019 submitted the list of various RSPV Projects under implementation (both under CAPEX model and the RESCO model) and the list of State Govt. Buildings / Institutes, where RSPV system is being implemented under RSPV Regulation, 2015.

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4. The Petitioner further supplemented their earlier affidavit dated 24.06.2019 through affidavit dated 03.07.2019 furnishing following details:

- a. List of projects where work order has been placed for the implementation of rooftop solar system by UPNEDA in CAPEX model under net-metering system of RSPV Regulations 2015
- b. List of projects where work order has been placed for the implementation of rooftop solar system by private developer in CAPEX model under net-metering system of RSPV Regulations 2015.
- c. List of Projects where power purchase agreement (PPA) has been signed for the implementation of roof top solar System under RESCO model in the State Government Buildings/institutes
- d. List of Projects where power purchase agreement (PPA) has been signed for the implementation of roof top solar System under RESCO model in private buildings by private developer.

5. Sri S.K. Sinha, CE, UPPCL, submitted that RSPV Regulations, 2019 should be enforced since date of its notification. However, he requested for a week's time to submit their reply.

Later, UPPCL submitted affidavit dated 22.07.2019 wherein they averred that implementation of RSPV Regulations, 2019 should be on prospective basis and anything duly done and any right, privilege, obligations or liability acquired, accrued or incurred under previous Regulations are to be saved till notification of RSPV Regulations, 2019.



UPPCL also submitted that so far as the prayer regarding inclusion of Government and Semi Government buildings /institutions in list of eligible consumer for net-metering is concerned, if it is to be considered to make an exception to the Regulation, the reason for the same should be recorded in writing. However, it is for the Commission to decide in this respect.

6. Noida Power Company Ltd. (NPCL), a distribution Licensee of Grater Noida area, also appeared in the hearing and filed an Interlocutory application dated 03.07.2019 seeking impleadment in the instant Petition to get an opportunity for making its submission on the grounds that they themselves and their consumers are also affected party.

7. The Commission directed UPNEDA to serve copy of the petition to NPCL and granted a week's time to UPPCL and NPCL to make their submissions. NPCL vide affidavit dated 08.07.2019 made following submissions:

- i. RSPV Regulations, 2019 should not be enforced retrospectively and project under various stages of implementation that were sanctioned under previous Regulations should be kept outside the purview of the RSPV Regulations, 2019.
- ii. Gross-metering tariff should be determined annually whereas the new Regulations provide that it shall be determined from time to time.
- iii. Sought that ground mounted or other structure mounted systems should be allowed
- iv. If a HT consumers goes for gross-metering say at LT level, this shall result into connectivity at two different voltage level, which is not permissible. Apart from that, transformer needs to be installed, at the cost borne by consumer, to convert LT to HT in order to receive this power in DISCOM network
- v. the Regulations is silent about grid connectivity for captive consumption with no export to DISCOM with the use of protection system as per CEA (Technical Standards For Connectivity Of The



Distribution Generation Resources) Regulations, 2010 and amendments Regulations 2019 and CEA (Measures Relating To Safety And Electricity Supply) Regulations, 2010. Also, if captive consumptions is allowed, there should be defined mechanism for RPO.

8. The Commission noted that NPCL in their submissions have raised issues which were not agitated upon by the petitioner UPNEDA. Thus, the Commission has restricted itself on the issues raised by the petitioner while dealing with this petition.

9. The Commission perused the list submitted by UPNEDA on 03.07.2019. The Commission observed that there are projects/consumers that had initiated the process for installation of RSPV system prior to notification of RSPV Regulations, 2019. The Commission is also conscious of the fact subsequent to notification of RSPV Regulations, 2019 various consumers who had already started availing net-metering facility are facing problem since it is interpreted by DISCOMs that new Regulations has over riding effect on previous Regulations. The Commission hereby clarifies that RSPV Regulations, 2019 is to be implemented prospectively only and the projects that have been already granted the facility of net-metering under previous Regulations shall continue to get those benefits given under previous RSPV Regulations.

Also, considering the submissions made by UPNEDA and UPPCL, the Commission decides that those consumers who had:

- (i) applied to DISCOMs for availing net-metering before the notification of RSPV Regulations, 2019 or
- (ii) placed order for roof top solar plant under CAPEX model and have made the payment for purchase order prior to the notification of RSPV Regulations, 2019 or



(iii) signed PPA with developers under RESCO model and the RESCO developer had placed the site specific purchase order prior to the notification of RSPV Regulations, 2019;

will also be covered under earlier RSPV Regulations and will be eligible for net-metering also. In case of any ambiguity under sub-clause (ii) and (iii) above, the report of UPNEDA regarding date of placement of purchase order or signing of PPA, will be relied upon by the DISCOMs.

As far as enforcement of RSPV Regulations, 2019 on projects already under various stage of implementation on or after date of notification of RSPV Regulations, 2019 is concerned, after going through the submissions made by UPNEDA and UPPCL and to reduce the hardship and to smoothen the transition from RSPV Regulations' 2015 to RSPV Regulations 2019, the Commission takes conscientious decision to grant one time relaxation in RSPV Regulations, 2019 and allows option of either having net-metering or gross-metering facility to 59 more projects/consumers having total rooftop solar installation capacity of 10,391 KW as per list annexed with this order who either placed order under CAPEX mode or signed PPA under RESCO mode on or before 31.03.2019.

10. The petition is disposed of with above directions.

(Kaushal Kishore Sharma)
Member

(Raj Pratap Singh)
Chairman

Place: Lucknow
Dated: 01.08.2019



List of projects allowed to avail net-metering facility

List of projects where work order has been placed for the implementation of Roof top solar system by UPNEDA in Capex mode under the old RSPV Regulations on the basis of net-metering system.

S.No	Name of Project	Capacity (kW)	Mode	Work Order Date
1	Vikas Bhawan, Raebareli	7	Capex	12.02.2019
2	Vikas Bhawan, Pilibhit	75	Capex	12.02.2019
3	Vikas Bhawan, Lalitpur	52	Capex	12.02.2019
4	Vikas Bhawan, Bijnor	50	Capex	12.02.2019
5	Vikas Bhawan, Barabanki	57	Capex	12.02.2019
6	Collectorate Bhawan, Pilibhit	90	Capex	12.02.2019
7	Collectorate Bhawan, Barabanki	65	Capex	12.02.2019
8	Collectorate Bhawan, Varanasi	104	Capex	12.02.2019
9	Vikas Bhawan, Mirzapur	60	Capex	12.02.2019
10	Vikas Bhawan, Farrukhabad	50	Capex	12.02.2019
11	Vikas Bhawan, Jaunpur	30	Capex	12.02.2019
12	Traffic police Line, Lucknow	5	Capex	12.02.2019
13	Traffic police Line, Lucknow	4	Capex	12.02.2019
14	Nari Shiksha Niketan, Lucknow	7	Capex	12.02.2019
15	SP Camp Office, Barabanki	7	Capex	12.02.2019
16	Vikas Bhawan, Kannauj	50	Capex	12.02.2019
17	Vikas Bhawan, Fatehpur	20	Capex	12.02.2019
18	Collectorate Bhawan, Jaunpur	65	Capex	12.02.2019
19	Vikas Bhawan, Meerut	20	Capex	12.02.2019
20	Collectorate Bhawan, Muzaffarnagar	25	Capex	12.02.2019
21	Collectorate Bhawan, Raebareli	34	Capex	12.02.2019
22	Nagar Palika, Modinagar, Ghaziabad	30	Capex	12.02.2019
23	Tehsil, Modinagar, Ghaziabad	20	Capex	12.02.2019
24	Vikas Bhawan, Mathura	50	Capex	12.02.2019
25	Vikas Bhawan, Faizabad	30	Capex	12.02.2019
26	Collectorate Bhawan, Saharanpur	40	Capex	12.02.2019
27	K D Singh Babu Stadium, Lucknow	34	Capex	Work Completed Net Metering Pending
28	Vikas Bhawan Saharanpur	50	Capex	Work Completed Net Metering Pending
29	Vikas Bhawan , Agra	50	Capex	Work Completed Net Metering Pending



30	Collectorate Bhawan, Agra	80	Capex	Work Completed Net Metering Pending
	total	1261		

List of projects where work order has been placed for the implementation of Rooftop solar system by private developer in Capex mode under the old RSPV Regulations by private developer on the basis of net-metering system.

S.No	Name of Project	Capacity (kW)	Mode	Work Order Date
31	Ramagya School , Noida	150	Capex	18.01.2019
32	Ramagya School , Greater Noida	20	Capex	14.03.2019
33	Ramagya School , Dadri	20	Capex	14.03.2019
34	Radiant Academy	16	Capex	05.01.2019
35	POCT Services , Lucknow	50	Capex	08.03.2019
36	M/s JVCC (Jalvayu Vihar community center), Gautam budh nagar	35	Capex	12.02.2019
37	Mrs. Swati Mittal , Gautam budh nagar	10	Capex	30.01.2019
38	D. N. Educational Society, Ambedkar Nagar	50	Capex	28.01.2019
39	K.K. Hospital, Lucknow	74	Capex	20.03.2019
	total	425		

List of Projects where power purchase agreement (PPA) has been signed for the implementation of Rooftop Solar System under Resco mode in the State Government Buildings/institutes on the basis of net-metering system.

	Name of Project	Capacity (kW)	Mode	PPA Signing Date
40	Judicial Training & Reserch Insitute Gomti Nagar, Lucknow	400	Resco	09.01.2019
41	Lucknow university Lucknow	500	Resco	11.01.2019
42	Architecture College Lucknow	100	Resco	23.01.2019
43	Unani Medical Collage Lucknow	175	Resco	05.02.2019
44	Bundelkhand University Jhansi	500	Resco	13.02.2019
45	Bundelkhand University Jhansi	550	Resco	13.02.2019
46	ICCMRT Indira Nagar Lucknow	120	Resco	16.02.2019
47	Distt. Combined Hospital (Ayodhya)	300	Resco	18.03.2019
48	Animal Husbandary Department, Lucknow	200	Resco	30.03.2019
	total	2845		



List of projects where power purchase agreement (PPA)/ Order has been signed for the implementation of Rooftop Solar System in Resco/ Capex mode in private buildings by private developer.

S.No	Name of Project	Capacity (kW)	Mode	PPA Signing Date/ Order Dtae
49	Mate Smiel, Noida	680	Resco	28.01.2019
50	SMR Automotive systems, Noida	135	Resco	05.02.2019
51	Innovative Retails CWC, Noida	120	Resco	12.03.2019
52	CNH New Holland, Greater Noida	3000	Resco	13.03.2019
53	Hindustan Times Media, Kanpur	200	Resco	15.03.2019
54	Future Supply chain, Varanasi	500	Resco	29.03.2019
55	MCC, Lucknow	160	Resco	29.03.2019
56	Harak Chand Flour Mill, Sitapur	500	Resco	21.01.2019
57	Integral University, Lucknow	125	Resco	19.03.2019
58	Shalimar Builder	40	Resco	30.03.2019
59	Sethia Oil Mill, Sitapur	400	Resco	30.03.2019
	total	5860		