

**JOINT ELECTRICITY REGULATORY COMMISSION
FOR THE STATE OF GOA AND UNION TERRITORIES
GURGAON**

Quorum
Shri S.K.Chaturvedi, Chairperson
Smt. Neerja Mathur, Member
Petition No. 175/2015
Date of hearing: 27.11.2015

In the matter of

Petition for non-compliance of quantum of Renewable Purchase Obligation (RPO) under "Procurement of Renewable Energy Regulations, 2010" of Joint Electricity Regulatory Commission for the State of Goa & Union Territories' under Regulation no. 1 by Obligated Entities for FY 2010-11 and FY 2014-15 and for action under Sections 142 and 146 of the Electricity Act 2003 and the Regulation no. 4 of the JERC (Procurement of Renewable Energy) Regulations, 2010 and subsequent amendment called JERC for Goa and Union Territories (Procurement of Renewable Energy) (First Amendment) Regulations, 2014.

And

Non-Compliance of Order dated 05.05.2014 in Suo-moto Petition no. 61/2012 by Utility of Dadra & Nagar Haveli.

And in the matter of

Green Energy Association, Sargam, 143, Taqdir Terrace, Near Shirodkar High School,
Dr. E. Borjes Road, Parel (E), Mumbai - 400 012.
.....Petitioner

And in the matter of

1. Secretary (Power), State of Goa..... Respondent (1)
2. Secretary (Power), UT of Andaman & Nicobar Respondent (2)
3. Secretary (Power), UT of Chandigarh..... Respondent (3)
4. Secretary (Power), UT of Dadra & Nagar Haveli Respondent (4)
5. Secretary (Power), UT of Daman & Diu..... Respondent (5)
6. Secretary (Power), UT of Lakshadweep Respondent (6)
7. Secretary (power), UT of Puducherry Respondent (7)
8. Puducherry: Managing Director, REAP, Renewable Energy Agency, Bunglow No. 2, A.F.T Premises, Cuddalore Main Road, Mudaliarpur, Pin 605004, Puducherry - 605011
.....Respondent (8)
9. Goa: Member Secretary, Goa Energy, Energy Development Agency DST&E Building, 1st Floor, Saligo Plateau Opp. Seminary, Saligao, Bardez Goa - 403511
.....Respondent (9)
10. Andaman & Nicobar Islands: Executive Engineer (NRSE), Electricity Department, Office of the Executive Engineer, NRSE Division, Prothrapur, Port Blair - 744 105
.....Respondent (10)

11. Chandigarh: Director (Science & Technology), Chandigarh Administration
Additional Town Hall Building, 2nd Floor, Sector - 17 C, Chandigarh
.....Respondent (11)
12. Dadra & Nagar Haveli: Development & Planning Officer, Administration of Dadra &
Nagar Haveli, Silvassa.
.....Respondent (12)
13. Lakshadweep: Executive Engineer, Electricity Department Lakshadweep,
Kavaratti
682555.....Respondent (13)
14. Daman & Diu: Principal Scientific Officer, Department of Science and Technology,
Daman.....Respondent (14)

Present

For Petitioner

Ms. Mandakini Ghosh, Advocate, Green Energy Association

For Respondents

Shri T Chanemougam Executive Engineer, ED Puducherry
Shri R Ganessan Asst Executive Engineer, ED Puducherry
Ms Sapna Seshadri, Advocate, ED DD and DNH

ORDER

The Petitioner-Green Energy Association has filed the present Petition under "Procurement of Renewable Energy Regulations, 2010" Regulation no. 1 of Joint Electricity Regulatory Commission for the State of Goa & Union Territories for non-compliance of quantum of Renewable Purchase Obligation (RPO) by Obligated Entities for FY 2010-11, FY 2011-12, FY 2013-14 and FY 2014-15 and for action under Sections 142 and 146 of the Electricity Act 2003 and Regulation no. 4 of the JERC (Procurement of Renewable Energy) Regulations, 2010 and subsequent amendment called JERC for Goa and Union Territories (Procurement of Renewable Energy) (First Amendment) Regulations, 2014.

The Petitioner in the Petition prayed:

- i. The Obligated Entities (OEs) should be asked to provide the details of the compliance of the cumulative Solar RPOs till 31 March 2015.
- ii. Penal action as per Regulation no. 4 of the Regulations shall be invoked on all the defaulted Obligated Distribution Licensees.
- iii. Since there is a repeated violation and non-compliance by the obligated entities, the Hon'ble Commission is requested to invoke the provisions in the Regulations to deal with the event of default by the Obligated Entity.
- iv. The Obligated Entities have again defaulted in compliance of the Solar RPO and shall be penalize under Section 142 and 146 of the Electricity Act and the provisions under the Regulations.

- v. To pass any other order as the Hon'ble Commission may deem fit and appropriate under the circumstances of the case and in the interest of justice.
2. The Commission scheduled the hearing of the Petition for 27.08.2015 and then on 27.11.2015 with responses from all the Respondents at the Commission's HQ.
3. During the hearing on 27.11.2015, the counsel for ED DNH, the Respondent No.4 submitted that they have fulfilled all the Solar RPOs for the current year and 93% of the Solar RPOs for the FY 2014-15. For fulfilling the RPOs in respect of back log, they will take some more time

Further, during the hearing they furnished to the Commission a list of solar projects that have already been completed in DNH and those under execution. Tie up regarding sourcing Solar Power from SECI was also mentioned by the Respondent.

4. The Commission directed the Respondent R-4 to furnish the details on an affidavit indicating how the penalty amount of Rs 110 Crs. was spent by the Respondent towards development of RE.
5. The Respondent R-4 desired the Petitioner to furnish details of its members along with AoA of the Association. The Commission desired the information on an affidavit.
6. The Petitioner and the Respondent were given two weeks for submission of the respective affidavits.
7. In regard to status of Solar RPOs by other respondents the Commission was informed as under:
 - i. Goa ED, Respondent R-1 submitted that it has started receiving the Solar Power in their grid from Solar Energy Corporation of India (now renamed as Renewable Energy Corporation of India- RECI). The Solar Power flow has started w.e.f. 8.11.2015. The Power being delivered is 20 MW against 25 MW (42 Mus) contracted with RECI through a PPA signed on 5.3.2015. Power flow was delayed as there was delay in getting the corridor for transmission of Power which RECI had tied up for Open Access for Solar under Bulk Power Transmission Agreement.
 - ii. ED A&N, Respondent R-2 has fully complied with the Solar RPOs through NTPC Solar Project.
 - iii. ED Chandigarh Respondent R-3 has fulfilled the current RPOs and has been meeting its RPOs regularly for the past about 2 years.
 - iv. ED- DD, Respondent R-5 has met 78.6 % of the cumulative Solar RPOs by Nov. 2015 as per a copy of the Certificate dated 26.11.2015 from Power Exchange regarding Purchase of 34285 RECs submitted by the Counsel of the Respondent during the hearing.
 - v. ED Lakshadweep, Respondent R-6 has already surpassed the RPO target and achieved about 600% of the target because of Solar Installations ED-L has on

various Islands, as per the periodical reports that the Commission receives on the status of RPOs .

- vi. ED Puducherry, Respondent R-7 submitted a proof of Solar RECs purchased from the Power Exchange to fully comply with the RPO requirements for the current year as well as the backlog.

The Commission also noted the details of the APTEL's orders dated 20.4.2015 on OP1 of 2013, IA no. 291, IA no 420 of 2013, OP2 of 2013 & OP4 of 2013 in regard to RPO compliance, wherein APTEL ordered as under:

Quote: ".....We do not see any infirmity in the distribution licensee setting priority to procure renewable energy by entering into PPAs with the renewable energy generators to meet their RPO targets However, if the distribution licensees are not able to make arrangements to procure adequate renewable energy to meet the RPO targets, then they have to resort to alternate mechanism of REC specified in the Regulations to meet the shortfall in RPO....."

..... FY 2011-12 and 2012-13 are since over and the following year 2013-14 is also over. At this stage we cannot turn the clock back and carry forward of REC cannot be reversed. Creating of Regulatory fund for non-adherence to REC at this belated stage will also not serve any purpose." **Unquote**

The Commission has so far not received any affidavit from the Petitioner as well as the Respondent R-4 as ordered by the Commission during the hearing dated 27.11.2015.

The next hearing if required shall be fixed only after the receipt of the above referred affidavits

- हस्ताक्षरित -

नीरजा माथुर

सदस्य

संयुक्त विद्युत विनियामक आयोग
(गोवा और केंद्र शासित प्रदेशों के लिए)

स्थान : गुडगाँव

दिनांक: 07 जनवरी , 2016

- हस्ताक्षरित -

सुधीर चतुर्वेदी

अध्यक्ष

संयुक्त विद्युत विनियामक आयोग
(गोवा और केंद्र शासित प्रदेशों के लिए)

सत्यापित प्रतिलिपि



कीर्ति तिवारी

सचिव

संयुक्त विद्युत विनियामक आयोग