

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

1464-77

Coram*
Shri S.K.Chaturvedi, Member
Petition No. 61/2012
Suo-moto
Date of Order 25.10.2013

In the matter of

Compliance of Joint Electricity Regulatory Commission for the State of Goa and UTs (Procurement of Renewable Energy) Regulations, 2010 regarding Renewable Purchase Obligation (RPO).

And in the matter of:

Secretary (Power), Govt. of Goa
Secretary (Power), UT of Andaman & Nicobar
Secretary (Power), UT of Chandigarh
Secretary (Power), UT of Dadra and Nagar Haveli
Secretary (Power), UT of Daman & Diu
Secretary (Power), UT of Lakshadweep
Secretary (Power), UT of Puducherry

..... Respondents

Present:

1. Shri Xavier Fernandes, Asst. Ex., Engineer, ED- Goa
2. Shri M. Jagannatan, Assistant Engineer, ED- A&N
3. Shri Sunil Sharma, Executive Engineer, ED- Chandigarh.
4. Shri H.C. Surma, Deputy Engineer, ED-Dadra and Nagar Haveli.
5. Shri R. Murali, Executive Engineer, ED- Puducherry.
6. Shri Pankaj Kr. Jha, MD, REAP, Puducherry.
7. Shri Pathak P.V., GEDA, Goa.
8. Shri Santosh Kumar, CEO, DST, Chandigarh

ORDER

The Commission in exercise of the powers under Sections 61, 66, 86(1)(e) and 181 of the Electricity Act 2003 ("EA 2003"), notified Joint Electricity Regulatory Commission for State of Goa and UTs (Procurement of Renewable Energy) Regulations, 2010 herein after referred as JERC (Procurement of Renewable Energy) Regulations, 2010. The Commission under Regulation 1 of JERC (Procurement of Renewable Energy) Regulations, 2010 specified Renewable Purchase Obligation (RPO) targets for all Distribution Licensees/ obligated entities for FY 2010-11 to FY 2012-13 as shown in table below:-

RPO targets specified under Regulations 1.1 of JERC (Procurement of Renewable Energy) Regulations, 2010

FY	Minimum Quantum of purchase (in %) from renewable energy sources (in kWh)		
	Total	Solar	Non- Solar
2010-11	1%	0.25%	0.75%
2011-12	2%	0.30%	1.70%
2012-13	3%	0.40%	2.60%

As per Regulation 1.2 of JERC (Procurement of Renewable Energy) Regulations, 2010 the RPO specified in the financial year 2012-13 shall be continued beyond 2012-13 till any revision is effected by the Commission in this regard.

The licensees/ obligated entities were not complying with RPOs as required under JERC

(Procurement of Renewable Energy) Regulations, 2010. Therefore, the Commission initiated Suo-Moto proceedings/ hearings for compliance of JERC (Procurement of Renewable Energy) Regulations, 2010 regarding Renewable Purchase Obligation.

Regulation 2.1 of JERC (Procurement of Renewable Energy) Regulations, 2010 provides that subject to the terms and conditions specified in JERC (Procurement of Renewable Energy) Regulations, 2010 the Certificates issued under the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 shall be valid instruments for discharge of mandatory obligations set out in JERC (Procurement of Renewable Energy) Regulations, 2010.

The Commission held hearings in the petition many times and directed the licensees/ obligated entities to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010. The Commission also directed the licensees/ obligated entities to submit a detailed report to meet RPO upto 31.03.2013 for FY 2010-11, 2011-12 and 2012-13. But the licensees/ obligated entities have failed to meet and submit detailed regular report on RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14.

1. Secretary (Power) Goa respondent no. 1

The respondent no. 1- ED Goa submitted affidavits dated 10.10.2013 and 22.10.2013. The respondent in the affidavit dated 22.10.2013 submitted that the Commission in letter dated 7.08.2013 informed the respondent that co-generation power in the State of Goa will be considered for compliance for non- solar RPO subject to certification by Goa Energy Development Agency (GEDA). They have informed GEDA of the letter dated 7.08.2013 of the Commission vide their letter dated 23.08.2013. GEDA has requested to furnish the full technical information to evaluate the mode of fuel gas generation and status of waste heat recovery to generate power from the existing units producing co- generation power in the State of Goa to study the matter. The respondent further submitted that the details of units supplied by co generating units, namely GEPL and GSPL are shown below. They further submitted that this Commission vide order dated 25.09.2013 has approved PPA for procurement of co- generating power for about 55 MUs/ annum from M/s Sesa Goa Limited (SGL) which is expected to materialize shortly is also considered for the FY 2013-14

S. No.	Name of Company	2010-11	2011-12	2012-13	2013-14 (anticipated)	Total (MUs)
1.	GEPL	108.8	105.99	61.40	23.56*	299.75
2.	GSPL	23.65	13.13	10.16	5.62*	52.56
3.	SGL				27.00	27.00
					Total	379.31

* Yearly requirement is computed based on the supply made during first half year i.e. from April, 2013 to September, 2013 for firms at Sr. No. 1 and 2 above.

They further submitted that ED- Goa is awaiting report from GEDA for further action. The Commission examined the affidavits and observed that the respondent has failed to submit a report to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 and certification from GEDA. The Commission has taken a serious note for non- compliance of its orders/ directions and JERC Regulations by the respondent.

The Commission directed the respondent to submit a certificate from GEDA about suitability of the co- generation power towards meeting non- solar RPO. GEDA is also directed to issue a suitability certificate of the co- generation power towards meeting non- solar RPO without delay.

The Commission further directed the respondent to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14. The Commission further directed the respondent to submit a detailed report to meet RPO of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 positively by 20.12.2013. In default the Commission shall be constrained to proceed under Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010 against the licensees/ obligated entities. The Commission further directed the licensee/ obligated entity to submit quarterly Compliance report of RPO as provided under Regulation 3.3 of (Procurement of Renewable Energy) Regulations, 2010 to the State Agency regularly in Annexures "A & B".

2. Secretary (Power) UT Andaman & Nicobar respondent no. 2

The respondent no. 2 – ED A&N in affidavit dated 11.10.2013 submitted that RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 for FY 2010-11 and 2011-12 will be achieved as under:-

Year	Minimum quantum of purchase from renewable energy (%)	Actual quantum of purchase from Hydro (%)
i. Non- Solar (Hydro)		
2010-11	0.75	4.10
2011-12	1.70	4.55
ii. Solar		
2010-11	0.75	0.00
2011-12	1.70	0.00

The respondent further submitted that back log of RPOs and RPOs upto 31.03.2013 in addition to RPOs for 2013-14 will be met during the FY 2013-14 as shown in table below:-

Year	RPO to be met (MU)	RPO Actually met (projected) (MU)	RPO Met (Projected) (MU)
1. Non- Solar			
Upto Dec., 2013		9.08	
01.01.2014 to 31.03.2014	5.63	2.95	
Total 2013-14	5.63	12.03	213.67
G. Total 2010-14	15.76	35.58	225.76
11. Solar			
Upto Dec., 2013		3.73	
01.01.2014 to 31.03.2014	0.87	1.25	
Total 2013-14	0.87	4.98	572.41
G. Total 2010-14	2.34	4.98	212.82

The Commission examined the report and found that the respondent failed to submit detailed report to meet RPO obligations of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 as per JERC (Procurement of Renewable Energy) Regulations, 2010. The Commission has taken a serious note for non- compliance of its orders/ directions and JERC Regulations.

The Commission directed the respondent to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14. The Commission further directed the respondent to submit a detailed report to meet RPO obligations of back log for FY 2010-11, 2011-12, 2012-13 and current financial

year 2013-14 positively by 20.12.2013. In default the Commission shall be constrained to proceed under Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010 against the licensee/ obligated entities. The Commission further directed the licensee/ obligated entity to submit quarterly Compliance report of RPO as provided under Regulation 3.3 of (Procurement of Renewable Energy) Regulations, 2010 to the State Agency regularly in Annexures "A & B".

3. Secretary (Power) UT Chandigarh respondent no. 3

The respondent no. 3 – ED Chandigarh in affidavit dated 24.10.2013 submitted that 50% of outstanding RPOs shall be fulfilled by 31.12.2013 and remaining 50% by 31.03.2014 in addition for FY 2013-14 as per JERC (Procurement of Renewable Energy) Regulations, 2010. The licensee/ obligated entity ED- Chandigarh submitted status report on RPOs for FY 2010-11 to 2013-14 as under:-

Status of RPO of ED- Chandigarh for FY 2010-11 to 2013-14

S.No.	Type of RPO	In MUs				Total RPO for FY 2010-11 to 2013-14	RPO Met so far (upto June 2013)
		FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14		
1.	Non- Solar	9.64	22.117	35.750	39.990	107.497	72234
2.	Solar	3.21	3.903	5.500	6.150	18.763	3618

The Commission examined the status report on RPOs of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 of the licensee and found that the respondent/ obligated entity has partially fulfilled RPO for 2010-11 to 2012-13.

The Commission directed the respondent to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14. The Commission further directed the respondent to submit a detailed report to meet RPO of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 positively by 20.12.2013. In default the Commission shall be constrained to proceed under Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010 against the licensee/ obligated entity. The Commission further directed the licensee/ obligated entity to submit quarterly Compliance report of RPO as provided under Regulation 3.3 of (Procurement of Renewable Energy) Regulations, 2010 to the State Agency regularly in Annexures "A & B".

4. Secretary (Power) UT Dadra & Nagar Haveli respondent no. 4

The respondent no. 4 – ED DNH submitted affidavit dated 26.09.2013. The Commission examined the affidavit and observed that the respondent failed to submit detailed status report on RPOs of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 as required under JERC (Procurement of Renewable Energy) Regulations, 2010. The Commission has taken a serious note for non- compliance of its orders/ directions and JERC Regulations.

The Commission directed the respondent to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14. The Commission further directed the respondent to submit a detailed report to meet RPO of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 positively by 20.12.2013. In default the Commission shall be constrained to proceed under Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010 against the licensee/ obligated entity. The Commission further directed the licensee/ obligated entity to submit quarterly Compliance report of RPO as provided under Regulation 3.3 of (Procurement of Renewable Energy) Regulations, 2010 to the State Agency regularly in Annexures "A & B".

5. Secretary (Power) UT Daman & Diu respondent no. 5

The respondent no. 5 - ED Daman & Diu submitted affidavit dated 28.09.2013. The Commission examined the affidavit and observed that the respondent failed to submit detailed

status report on RPOs of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 as required under JERC (Procurement of Renewable Energy) Regulations, 2010. The Commission has taken a serious note for non-compliance of its orders/ directions and JERC Regulations.

The Commission directed the respondent to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14. The Commission further directed the respondent to submit a detailed report to meet RPO obligations of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 positively by 20.12.2013. In default the Commission shall be constrained to proceed under Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010 against the licensee/ obligated entity. The Commission further directed the licensee/ obligated entity to submit quarterly Compliance report of RPO as provided under Regulation 3.3 of (Procurement of Renewable Energy) Regulations, 2010 to the State Agency regularly in Annexures "A & B".

6. Secretary (Power) UT Lakshadweep respondent no. 6

The respondent no. 6 – ED Lakshadweep failed to submit detailed report on status of RPOs to be met by the licensee/ obligated entity of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 as required under JERC (Procurement of Renewable Energy) Regulations, 2010. Representative of the respondent no. 6 is also not present. The Commission has taken a serious note for non-compliance of its orders/ directions and JERC Regulations.

The Commission directed the respondent to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14. The Commission further directed the respondent to submit a detailed report to meet RPO obligations of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 positively by 20.12.2013. In default the Commission shall be constrained to proceed under Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010 against the licensee/ obligated entity. The Commission further directed the licensee/ obligated entity to submit quarterly Compliance report of RPO as provided under Regulation 3.3 of (Procurement of Renewable Energy) Regulations, 2010 to the State Agency regularly in Annexures "A & B".

7. Secretary (Power) UT Puducherry respondent no. 7

The respondent no. 7 –ED Puducherry submitted status report/ information on RPOs to be complied with and present status for FY 2010-11, 2011-12, 2012-13 and 2013-14 in the table given below:-

Type of RPO	FY 2010-11	FY 2011-12	FY 2012-13	FY 2013-14	Total RPO for FY 2010-11 to 2013-14	RPO met so far	Balance RPO to met during 2013-14
Total Energy Consm.	2182	2294	2384	2436			
Non- Solar	16.37	39.00	61.99	63.31	180.67	48.0	132.67
Solar	5.45	6.88	9.53	9.74	31.60	Nil	31.60
Total	21.82	45.88	71.52	73.05	212.27	48.0	164.27

The Commission examined the status report on RPOs of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 of the licensee and found that the respondent/ obligated entity has partially fulfilled RPO for 2010-11 to 2012-13.

The Commission directed the respondent to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14. The Commission further directed the respondent to submit a detailed report to meet RPO obligations of back log for FY 2010-11, 2011-12, 2012-13 and current financial

year 2013-14 positively by 20.12.2013. In default the Commission shall be constrained to proceed under Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010 against the licensee/ obligated entity. The Commission further directed the licensee/ obligated entity to submit quarterly Compliance report of RPO as provided under Regulation 3.3 of (Procurement of Renewable Energy) Regulations, 2010 to the State Agency regularly in Annexures "A & B".

According to Regulation 1.2 of JERC (Procurement of Renewable Energy) Regulations, 2010 RPO specified for FY 2012-13 shall be continued beyond 2012-13 till revision is effected by the Commission. The Govt. of India amended para no. 6.4 (1) of Tariff Policy, 2006 and revised the solar power capacity requirement for FY 2012 to 2022 as shown in the table below:-

Year	Energy Demand (MU)*	Solar RPO (%)	Solar Energy Requirement (MU) for RPO compliance	Solar Capacity Requirement for RPO compliance (MW)
	(A)	(B)	(A)x(B)	
2011-12	953,919	0.25%	2,385	1,433
2012-13	1,022,287	0.25%	2,556	1,536
2013-14	1,095,555	0.50%	5,478	3,291
2014-15	1,174,074	0.75%	8,806	5,291
2015-16	1,258,221	1.00%	12,582	7,560
2016-17	1,348,399	1.25%	16,855	10,127
2017-18	1,443,326	1.75%	25,258	15,176
2018-19	1,544,936	2.25%	34,761	20,885
2019-20	1,653,700	2.50%	41,343	24,839
2020-21	1,770,120	2.75%	48,678	29,247
2021-22	1,894,736	3.00%	56,842	34,152

Note: *Based on the National Electricity Plan for Generation January 2012

The Joint Secretary, Ministry of New and Renewable Energy, Govt. of India vide letter no. 29/5/2011-12/ JNNSM (ST) (Part) dated 19.09.2013 has written to this Commission "JERC for state of Goa and UTs has set solar RPO of only 0.40% for Goa and the Union Territories for 2012-13, which shall be carried forward to 2013-14 (As no revision has been notified by the Commission for 2013-14 till date), whereas as per the provisions under the Electricity Act, 2003 and the amended Tariff Policy, 2006, the same should have been set at least to 0.50% in order to go further up to 3% by 2022.

The state so far has installed a total solar capacity of only around 2 MW. However, when the solar RPO requirement is set at 0.50% for 2013-14 Goa and the Union Territories have to have a solar installed capacity of around 41 MW for 2013-14 based on the state's power demand for 2013-14 (Reference: Growth percentage as per 18th EPS of CEA). When the solar RPO requirement goes further up to 3% by 2022 Goa and Union Territories have to have a solar installed capacity of around 435 MW for 2021-22 based on the state's power demand for the period 2021-22 (Reference: Growth percentage as per 18th EPS of CEA).

We would therefore, urge upon the Commission to revisit their Regulations in respect of the solar RPO from the period 2013-14 to 2021-22 and suitably revise the same upwards as mentioned in the paragraph above, and also take such appropriate steps to ensure that the obligated entities comply with the stipulated target set in the Regulations notified by the Commission for solar RPO".

The Commission keeping in view the amendment in Tariff Policy and letter no. 29/5/2011-12/ JNNSM (ST) (Part) dated 19.09.2013 of Joint Secretary, Ministry of New and Renewable Energy, Govt. of India under Regulation 1 of JERC (Procurement of Renewable Energy) Regulations, 2010 specify Renewable Purchase Obligation targets for all Distribution Licensees/ obligated entities for

FY 2014-15 as under so that the target on RPO given in the tariff policy and letter no. 29/5/2011-12/ JNNSM (ST) (Part) dated 19.09.2013 of Joint Secretary, Ministry of New and Renewable Energy, Govt. of India can be achieved.

Year	Minimum Quantum of Purchase in (%) from renewable energy sources (in kWh)		
	Total	Solar	Non- Solar
2014-15	5.0%	0.60%	4.40%

The Commission as provided under Regulation 3.1 of JERC (Procurement of Renewable Energy) Regulations, 2010 designated state agencies for accreditation and recommending Renewable Energy projects for registration and to undertake action as per JERC (Procurement of Renewable Energy) Regulations, 2010 as under:-

Name of the Licensees/ Obligated Entities	Name of State Agencies
1. State of Goa	Goa Energy Development Agency, DST & E Building, 1 st Floor Saligao Plateau, Goa – 433511.
2. UT of Chandigarh	Department of Science & Technology, Chandigarh Admn., 1 st Floor, Paryavaran Bhawan, Sector 19-B, Chandigarh- 160019.
3. UT of Puducherry	Renewable Energy Agency Puducherry, Banglow No. 2, A.F.T. Premises, Cuddalore Main Road, Mudaliarpet, Puducherry – 605004.
4. UT of Dadra & Nagar Haveli	Development & Planning Office, Administration of DNH, Silvassa.
5. UT of Daman & Diu	Department of Science & Technology, Moti Daman – 396220.

The Commission sent notices to all the above state agencies for hearing held today on 25.10.2013 directing them to submit status in respect of compliance of Renewable Purchase Obligation of the obligated entities. In response to the notice of the Commission Goa Energy Development Agency/ State agency for ED- Goa, Department of Science & Technology/ State agency for ED- Chandigarh and Renewable Energy Agency Puducherry/ State agency for ED- Puducherry only appeared. Department of Science & Technology/ State agency for ED- Chandigarh and Renewable Energy Agency Puducherry/ State agency for ED- Puducherry only filed information/ status on RPOs.

The Commission examined the information/ status on RPOs submitted by Department of Science & Technology/ State agency for ED- Chandigarh and Renewable Energy Agency Puducherry/ State agency for ED- Puducherry and found that the status report is not complete. The Commission directed all the State Agencies to submit status in respect of RPOs of their obligated agencies of

back log for FY 2010-11, 2011-12, 2012-13 and current financial year 2013-14 positively by 20.12.2013 in Annexures "A & B".

The Commission also directed EDs- Andaman & Nicobar Island and Lakshadweep/ licensees/ obligated entities to suggest/ furnish names of Agencies/ entities to be designated as State agencies of their respective territories for accreditation and recommending Renewable Energy projects for registration and to undertake action as per JERC (Procurement of Renewable Energy) Regulations, 2010 immediately.

The Commission keeping ⁱⁿ view the above facts and circumstances detailed in preceding paragraphs emphasized upon all the licensees/ obligated entities and States agencies compliance of RPOs for FY 2010- 2011 to 2013-14 lasted by 31.03.2014 positively failing which the Commission shall be constraint to proceed under Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010 against the licensees/ obligated entities.

Scheduled for hearing 27.12.2013 at 11:00 AM.

Sd/-

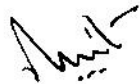
(S.K.Chaturvedi)

Member

Chairperson (Vacant)

- * Post of the Chairperson is vacant. As per proviso of Regulation 9 (II) of JERC (Conduct of Business) Regulations, 2009 for review of its own orders "Coram is all Members". Whereas according to provisions of Section 93 of the Electricity Act, 2003 no act or proceedings of the appropriate Commission shall be questioned or invalidated merely on the ground of existence of any vacancy or defect in the Constitution of the appropriate Commission. So the Member only constitute a valid quorum.

Certified Copy



(Rajeev Amit)

Secretary

Format to be filled in wef April 2014 , Under Refgulation 3.3 of JERC (Procurement of Renewable Energy) Regulations,2010

GROSS ENERGY CONSUMPTION (GEC) for April 2014 onwards

Obligated Entity:					
Details for the Quarter no :...../ Financial Year.....					
Sl	Description	Quantum (MU)	Renewable Energy generation		Remarks
			Solar MUs	Non Solar MUS	
1	Gross Consumption				
A	Own Generation				
	i)				
	ii)				
	iii)				
	Sub Total(A)				
B	Purchase from Other Generating Company /Intermediaries				
	i)				
	ii)				
	iii)				
	Sub Total(B)				
C	Sale to Other Licensee / Intermediaries				
	i)				
	ii)				
	iii)				
	Sub Tota [C]				
D	Grand Total(A+B-C):				
E	Renewable Purchase Obligation(R.P.O.)				
i	Solar RPOs as..... % of GEC				
ii	Non Solar RPOs as% of GEC				
F	How much RPOs met so far till the date of filing of this report in the current year				Power Purchase or REC
i	Solar RPOs				
ii	Non-Solar RPOs				
G	Names of Open Access Consumers with 1 MW + Open access Electrical Power load				
i					
ii					
H	Captive Power Generators				
i					
ii					

Authorized Seal & Signature (Obligated Entity)

Note: The entity shall certify the above Gross Energy Consumption data from the State Load Dispatch Centre (SLDC)/Chief Electrical Inspector/ Nominated Officer from the Electrical Department for such certification