

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

Quorum \*

Shri S.K.Chaturvedi, Chairperson  
**Suo-Moto Petition No. 61/2012**  
**Date of Order 30.07.2014**

**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), State 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. Sh. Laxmikant. D. Kolverker, Superintending Engineer, ED- Goa.
2. Sh. Belgaonkar, Pstt Engineer, ED- Goa.
3. Ms. Sushma Mishra, Junior Engineer, ED- Andaman & Nicobar.
4. Sh. Yogesh Tiwari, Junior Engineer, ED- Andaman & Nicobar.
5. Shri M.P. Singh, Superintending Engineer, ED- Chandigarh.
6. Sh. R.B. Chaubal, AE, ED- Dadra and Nagar Haveli.
7. Sh. Asar Pal Singh, Dy. Resident Commissioner, UT of Lakshadweep.
8. Shri R. Murali, Executive Engineer, ED- Puducherry.
9. Shri A.S. Jitendra Rao, EE, ED- Puducherry.
10. Shri Chetan Adhikari, Manager, Reconnect Energy Solutions.

**ORDER**

This 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	<i>Minimum Quantum of purchase (in %) from renewable energy sources (in kWh)</i>		
	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 for the financial year 2012-13 shall be continued beyond 2012-13 till any revision is effected by the Commission in this regard. The amendment/ revision in RPO targets for FY 2013-14 to 2021-22 has been already sent to Controller of Publication, Govt. of India for publication/Notification.

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 in the present petition no. 61/2012.

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 several hearings in the petition and directed the licensees/ obligated entities to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010. The Commission vide order dated 05.05.2014 directed the licensees/ obligated entities to meet Solar RPO also as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and also the current financial year 2014-15. The Commission further directed the respondents to submit detailed report to meet RPOs for back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and RPOs of current financial year 2014-15. 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. Which reads as under:-

**Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010**

*"If the obligated entity does not fulfill the renewable purchase obligation as provided in these regulations during any year and also does not purchase the certificates, the Commission may direct the obligated entity to deposit into a separate fund, to be created and maintained by State Agency, such amount as the Commission may determine on the basis of the shortfall in units of RPO and the forbearance price. It shall also be liable for penalty as may be provided by the Commission under Section 142 of Electricity Act, 2003".*

The Commission further directed the licensee/ obligated entities to submit quarterly Compliance report of RPO as provided under Regulation 3.3 of (Procurement of Renewable Energy) Regulations, 2010 to the State Agency and the Commission without fail.

**1. Secretary (Power) Goa respondent no. 1**

The Commission vide order dated 27.12.2013 observed that power generated by the three co-generation power plants in Goa is either fully or partially produced by way of bye product formed during the processing of the main products and can be treated as co-generation power and considered to meet the criteria for co-generation power and also JERC requirement of Non-Solar RPOs. Whereas Hon'ble APTEL in Judgment dated 02.12.2013 rendered in Appeal No. 53/2012 captioned **Lloyds Metal & Energy Ltd. Versus Maharashtra Electricity Regulatory Commission etc.** held as under:-

**Quote**

*Upon conjoint reading of the provisions of the Electricity Act, the National Electricity Policy, Tariff Policy and the intent of the legislature while passing the Electricity Act as reflected in the Report of the Standing Committee on Energy presented to Lok Sabha on 19.12.2002, we have come to the conclusion that a distribution company cannot be fastened with the obligation to purchase a percentage of its consumption from fossil fuel based co-generation under Section 86(1)(e) of the Electricity Act, 2003. Such purchase obligation 86(1)(e) can be fastened only from electricity generated from renewable sources of energy. However, the State Commission can promote fossil fuel based co-generation by other measures such as facilitating sale of surplus electricity available at such co-generation plants in the interest of promoting energy efficiency and grid security, etc. In view of above, the Appeal is dismissed as devoid of any merit without any order to costs.*

**Unquote**

Ministry of New and Renewable Energy, Govt. of India vide endorsement no. 7/5/2013- ETM dated 26.12.2013 circulated to all the Chief Secretaries of all the States and all State Electricity Regulatory Commissions also opined that the Electricity produced from Fossil Fuel Based Co- Generation plant cannot be treated Renewable Energy under Sections 86(1)(e) of the Act.

Therefore, the Commission recalls its order dated 27.12.2013 and held that power generated by the three co-generation power plants in Goa is either fully or partially produced by way of bye product formed during the processing of the main products and cannot be treated as renewable power and considered to meet JERC requirement of Non-Solar RPOs.

The respondent in compliance of the order dated 05.05.2014 in the affidavit dated 23.07.2014 submitted that the respondent in the order dated 05.05.2014 was asked to submit detail report to meet Solar & Non- Solar RPO for back log FY 2010-11 to 2013-14 and Current FY 2014-15. The respondent is in process of execution of agreement with an NVVNL for supply of solar power for a period of five years by which the respondent will be able to comply back log and current year solar RPO. The respondent to meet Non- Solar RPO floated e-tender for purchase of Non- Solar power.

The Commission examined the report and observed that the respondent has failed to meet solar and Non-Solar RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current FY 2014-15. The Commission has taken a serious view for non- compliance of its orders/ directions and JERC Regulations by the respondent.

Therefore, the Commission directs the respondent to meet solar and Non-Solar RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and also the current financial year 2014-15. The Commission further directs the respondent to submit a detailed report to meet solar RPO for back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and RPOs of current financial year 2014-15 as per tariff order for FY 2014-15 by 3.11.2014. 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. Which reads as under:-

**Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010**

*"If the obligated entity does not fulfill the renewable purchase obligation as provided in these regulations during any year and also does not purchase the certificates, the Commission may direct the obligated entity to deposit into a separate fund, to be created and maintained by State Agency, such amount as the Commission may determine on the basis of the shortfall in units of RPO and the forbearance price. It shall also be liable for penalty as may be provided by the Commission under Section 142 of Electricity Act, 2003".*

The Commission further directs 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 and the Commission without fail.

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

The respondent no. 2 – ED A&N in affidavit dated 22.07.2014 submitted quarterly report to meet RPO of back log for FY 2010-11 to 2013-14 and current FY 2014-15 as directed in the order dated 05.05.2014 as under:-

Table -A

Year	RPO to be met	RPO actually met	RPO met	Thru REC	Thru Renewable Power Purchase
	(MU)	(MU)	(%)		
<b>I. Non- Solar</b>				Nil	Nil
2010-11	1.81	9.88	545.86		
2011-12	4.26	11.33	265.96		
2012-13	6.85	12.02	175.47		
2013-14	5.63	12.43	220.78		
2014-15 (1/4 to 30/6)	7.83	1.87			
Total (NS)	26.38	47.53	180.17		
<b>II. Solar</b>				Nil	Nil
2010-11	0.60				
2011-12	0.75	-	-		
2012-13	1.05	0.015	1.43		
2013-14	0.87	6.47	744.59		
2014-15 (1/4 to 30/6)	1.74	1.72			
Total (Solar)	5.01	8.20	163.67		

Table -B

S.N.	Description	Quantum (MU)	Renewable Energy Generation		Remarks
1.	Gross Consumption	74.71	Solar (MU)	Non Solar (MU)	
A	Own Generation	28.61	-	1.87	
B	Purchase from other generating company / intermediaries				
i	IPP	24.42	-	-	
ii	Hiring Power Plants	18.09	-	-	
iii	NTPC (5MWp Solar Power plant)	-	1.72	-	
C	Sale to other licensee/ intermediaries	-	-	-	
D	Grand Total (A+B+C)	71.12	1.72	1.87	
E	Renewable Purchase Obligation (RPO)				
i	Solar RPOs	-	0.6%	-	
ii	Non Solar RPOs	-	-	2.7%	
F	How much RPOs met so far till the date of filing of this report in the current year				
i	Solar RPOs	-	1.72 MU		
ii	Non Solar RPOs	-	-	1.87 MU	
G	Names of Open Access consumers with 1 MW+ Open Access Electrical Power Load				
	.....Nil.....				
H	Captive power Generators				
	.....Nil.....				

The Commission examined the report and observed that the respondent has submitted the report to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current FY 2014-15 as per the order dated 05.05.2014. The Commission found that the respondent has met RPO.

The Commission further observed that the RPOs are self certified by the respondent. The respondent has not appointed any Nodal Agency to certify RPOs. The Commission directed the respondent to suggest name of Nodal Agency to be appointed by the Commission at the earliest.

The Commission directs 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 and the Commission regularly as per tariff order for FY 2014-15.

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

The respondent no. 3 – ED Chandigarh in affidavit dated 22.07.2014 submitted the report to meet RPO of back log for FY 2010-11 to 2013-14 and current FY 2014-15 as per the order dated 05.05.2014 as under:-

#### Detail of RECs for quarter ending 30.06.2014 of FY 2014-15

Sl. No.	Description	RPO to be met (MUs)	RECs to be met (Nos.)	Actual Procured upto 1 <sup>st</sup> Qtr.	Percentage RPO met
1.	Non- Solar	38.43	38430	9600	24.98%
2.	Solar	8.54	8540	2150	25.17%

The Commission examined the report and observed that the respondent has submitted the report to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current FY 2014-15. The Commission found that the respondent has met RPO for the 1<sup>st</sup> quarter 2014-15. The respondent has also submitted planning/ report to meet RPOs for current financial year 2014-15 as per tariff order for FY 2014-15 by purchase of RECs.

Therefore, the Commission directs 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 and the Commission regularly as per tariff order for FY 2014-15.

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

The respondent no. 4 – ED Dadra & Nagar Haveli in affidavit dated 23.07.2014 submitted report to meet RPO of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current FY 2014-15 as per the order dated 05.05.2014 as under:-

##### RPO for FY 2014-15

S. No.	Source	Purchase (MUs)*	REC
1.	2.70% for Non- Solar	145.47	145470
2.	0.60% Solar	32.33	32330

##### Backlog of Previous years

S. No.	Source	Purchase (MUs)*	REC
1.	Non- Solar	123.68	123680
2.	Solar	60.67	60670

The Commission examined the report and observed that the respondent has submitted incomplete report to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current FY 2014-15 and did not comply the order dated 05.05.2014 in totality. The Commission found that there is back log of 66681 RECs of Solar and 195270 RECs of Non- Solar for FY 2010-11 to 2013-14. The Commission also found that the respondent has failed to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current FY 2014-15. The Commission has taken a serious view for non- compliance of its orders/ directions and JERC Regulations by the respondent.

Therefore, the Commission directs 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, 2013-14 and current financial year 2014-15. The Commission further directs the respondent to submit a detailed report to meet RPO for back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current financial year 2014-15 as per tariff order for FY 2014-15 by 03.12.2014. 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. Which reads as under:-

#### **Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010**

*"If the obligated entity does not fulfill the renewable purchase obligation as provided in these regulations during any year and also does not purchase the certificates, the Commission may direct the obligated entity to deposit into a separate fund, to be created and maintained by State Agency, such amount as the Commission may determine on the basis of the shortfall in units of RPO and the forbearance price. It shall also be liable for penalty as may be provided by the Commission under Section 142 of Electricity Act, 2003".*

The Commission further directs 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 and the Commission without fail.

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

The respondent no. 5 – ED Daman & Diu in letter dated 15.07.2014 submitted the report to meet RPO of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current FY 2014-15 as per the order dated 05.05.2014 as under:-

Year	RPO to be met (MU)	RPO actually met (MU)	RPO met (%)	Thru REC	Thru Renewable Power Purchase
<b>I. Non- Solar</b>					
2010-11	11.9	0	0	0	0
2011-12	30.1	0.75	2.5	2.5	0
2012-13	48.4	4.7	9.7	9.7	0
2013-14					
Till 9/2013	24.7	6.6	26.7	26.7	0
9-12/2013	11.8	6.6	55.9	55.9	-
1-3/2014	11.8	0	-	-	-
Total (NS)	138.7	18.7	13.05	13.05	0
<b>2014-15</b>	<b>398.04</b>	<b>10.75</b>	<b>0</b>		
<b>II. Solar</b>					
2010-11	4.0	0	0	0	0
2011-12	5.3	0	0	0	0
2012-13	7.5	0	0	0	0
2013-14					
Till 9/2013	3.8	0.1	2.6	0	2.6
9-12/2013	1.8	0.05	2.8	-	2.8
1-3/2014	1.8	0.05	2.8	-	2.8
Total (NS)	24.1	0.2	0.8	0	0.8
2014-15	398.04	2.39	0.83	<b>Not Certified by any Nodal Agency.</b>	

The Commission examined the report and observed that the respondent has submitted incomplete report to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current FY 2014-15 and did not comply the order dated 05.05.2014 in totality. The Commission found that there is back log of 22.9 MUs of Solar and 120 MUs of Non- Solar for FY 2010-11 to 2013-14. The Commission also found that the respondent has failed to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current FY 2014-15. The Commission has taken a serious view for non-compliance of its orders/ directions and JERC Regulations by the respondent.

Therefore, the Commission directs 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, 2013-14 and current financial year 2014-15. The Commission further directs the respondent to submit a detailed report to meet RPO for back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current financial year 2014-15 as per tariff order for FY 2014-15 by 03.12.2014. 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. Which reads as under:-

### **Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010**

*"If the obligated entity does not fulfill the renewable purchase obligation as provided in these regulations during any year and also does not purchase the certificates, the Commission may direct the obligated entity to deposit into a separate fund, to be created and maintained by State Agency, such amount as the Commission may determine on the basis of the shortfall in units of RPO and the forbearance price. It shall also be liable for penalty as may be provided by the Commission under Section 142 of Electricity Act, 2003".*

The Commission further observed that the RPOs are not certified by the Nodal Agency. The Nodal Agency is not active. The Commission directed the respondent to suggest name of alternative Nodal Agency to be appointed by the Commission.

The Commission further directs 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 and the Commission without fail.

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

The respondent no. 6 – ED Lakshadweep in affidavit dated 24.07.2014 submitted the report to meet RPO of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current FY 2014-15 as per the order dated 05.05.2014 as under:-

RPO Compliance Status: 01 April 2010 -31 March 2014

RPO Compliance Status: 01 April 2010 -31 March 2014					Planning of RPOs Compliance in each quarter of 2014-15							
Year	To be met in MU		Met		Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	Solar	Non-Solar	Solar	Non-Solar								
2010-11	0.07	0.22	0.03	0								
2011-12	0.1	0.56	0.44	0								
2012-13	0.15	0.99	1.27	0								
2013-14	0.16	1.07	1.29	0								
2014-15	0.29	1.32	1.9	0	0.45	0.35	0.55	0.55	0	0	0	0

The respondent also submitted report/ planning of quarter wise RPO compliance of current FY 2014-15.

The Commission examined the report and observed that the respondent has submitted report to meet Solar RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13, 2013-14, and current FY 2014-15. The respondent has failed to meet non-solar RPO of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current FY 2014-15. The Commission has taken a serious view for non-compliance of its orders/ directions and JERC Regulations by the respondent.

Therefore, the Commission directs 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, 2013-14 and current financial year 2014-15. The Commission further directs the respondent to submit a detailed report to meet RPO for back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current financial year 2014-15 as per tariff order for FY 2014-15 by 21.07.2014. 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. Which reads as under:-

**Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010**

*“If the obligated entity does not fulfill the renewable purchase obligation as provided in these regulations during any year and also does not purchase the certificates, the Commission may direct the obligated entity to deposit into a separate fund, to be created and maintained by State Agency, such amount as the Commission may determine on the basis of the shortfall in units of RPO and the forbearance price. It shall also be liable for penalty as may be provided by the Commission under Section 142 of Electricity Act, 2003”.*

The Commission further observed that the Solar RPOs are not certified by the Nodal Agency. The Nodal Agency is not active. The Commission directed the respondent to suggest name of alternative Nodal Agency to be appointed by the Commission.

The Commission further directs 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 and the Commission without fail.

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

The respondent no. 7 – ED Puducherry in affidavit dated 28.04.2014 submitted the report to meet RPO of back log for FY 2010-11, 2011-12, 2012-13 2013-14 as per the order dated 27.12.2013 as under:-

RPO status as on March 2014

Year	RPO to be met	RPO actually met	RPO met	Thru REC	Thru Renewable Power Purchase
	(MU)	(MU)	(%)		
<b>I. Non- Solar</b>					
2010-11	16.37	16.37	100	16.37	0
2011-12	39	39	100	39	0
2012-13	61.99	61.99	100	61.99	0
2013-14	63.31	42.64	67.35	42.64	0
<b>Total (NS) as on 31.03.2014</b>	180.67	160	88.56	160	0
2014-15	70.02	0			
<b>II. Solar</b>					
2010-11	5.45	0	0	0	0
2011-12	6.88	0	0	0	0
2012-13	9.53	0	0	0	0
2013-14	9.74	0	0	0	0
<b>Total (Solar) as on 31.03.2014</b>	31.6	0	0	0	0
2014-15	15.6	0	0	0	0
<b>Total (Solar)</b>	47.2	0	0	0	0

The Commission examined the report and observed that the respondent has submitted report to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current FY 2014-15. The respondent has failed to met 20.67 MUs of Non-Solar and 31.6 MUs of Solar for FY 2010-11 to 2013-14 and 70.02 MUs of Non- Solar and 15.6 MUs of Solar for current FY 2014-15. The respondent has failed to meet RPOs as per Regulation 1 of JERC (Procurement of Renewable Energy) Regulations, 2010. The Commission has taken a serious view for non- compliance of its orders/ directions and JERC Regulations by the respondent.

Therefore, the Commission directs the respondent to meet Solar RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and current financial year 2014-15. The Commission further directs the respondent to submit a detailed report to meet Solar RPO for back log for FY 2010-11, 2011-12, 2012-13, 2013-14 and RPOs of current financial year 2014-15 as per tariff order for FY 2014-15 by 03.11.2014. 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. Which reads as under:-



**Regulation 4 of JERC (Procurement of Renewable Energy) Regulations, 2010**

*"If the obligated entity does not fulfill the renewable purchase obligation as provided in these regulations during any year and also does not purchase the certificates, the Commission may direct the obligated entity to deposit into a separate fund, to be created and maintained by State Agency, such amount as the Commission may determine on the basis of the shortfall in units of RPO and the forbearance price. It shall also be liable for penalty as may be provided by the Commission under Section 142 of Electricity Act, 2003".*

The Commission further directs 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 and the Commission without fail.

Scheduled for hearing 12.11.2014 at 11:00 AM.

Sd/-  
(S.K.Chaturvedi)  
Chairman  
**Member (Vacant)**

- \* As per Regulation 9 (II) of JERC (Conduct of Business) Regulations, 2009 "Quorum is two". Whereas as per proviso of Regulation 9 (II) of JERC (Conduct of Business) Regulations, 2009 if Chairperson or the Member is prevented from attending hearing of which he has been given notice the Member or the Chairman as the case may be attending the meeting shall validly constitute the Quorum. Post of the Member is vacant. 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 Chairperson only constitute a valid Quorum.

Certified Copy

  
(Keerti Tewari)  
Secretary