

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

Coram*
Shri S.K.Chaturvedi, Chairperson
Petition No. 61/2012
Suo-moto
Date of Order 05.05.2014

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:

1. Secretary (Power), Govt. of Goa
2. Secretary (Power), UT of Andaman & Nicobar
3. Secretary (Power), UT of Chandigarh
4. Secretary (Power), UT of Dadra and Nagar Haveli
5. Secretary (Power), UT of Daman & Diu
6. Secretary (Power), UT of Lakshadweep
7. Secretary (Power), UT of Puducherry

..... Respondents

Intervener

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

Present:

1. Sh. Ramdas N. Bhat, Executive Engineer, ED- Goa.
2. Sh. Kuldip Singh Thakur, Dy. Resident Commissioner, A&N Admn.,
3. Ms. Sushma Mishra, Junior Engineer, ED- Andaman & Nicobar.
4. Shri M.P. Singh, Superintending Engineer, ED- Chandigarh.
5. Shri Pawan Kr. Sharma, AEE, ED- Chandigarh.
6. Sh. H.M. Patel, Executive Engineer, ED- Dadra and Nagar Haveli.
7. Sh. R.B. Chaubal, AE, ED- Dadra and Nagar Haveli.
8. Ms. SwapnaSeshadri, Advocate, ED - Dadra and Nagar Haveli.
9. Sh. Shri Gaurav Lohani, Consultant, ED- Daman & Diu.
10. Sh. Asar Pal Singh, Dy. Resident Commissioner, UT of Lakshadweep.
11. Shri R. Murali, Executive Engineer, ED- Puducherry.
12. ShriAshu Gupta, Incharge, Green Energy Association.
13. 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 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 for the financial year 2012-13 shall be continued beyond FY 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.

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 instrument for discharge of mandatory obligations set out in JERC (Procurement of Renewable Energy) Regulations, 2010.

The Commission held several hearings in the petition and also directed the licensees/ obligated entities to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010. The Commission vide order dated 27.12.2013 also directed all the licensees/ obligated entities to meet RPO upto 31.03.2014 for FY 2010-11 to 2013-14 positively and submit a detailed report on or before 17.04.2014. But some of the licensees/ obligated entities have failed to fully comply the JERC (Procurement of Renewable Energy) Regulations, 2010 and submit complete detailed report on RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11 to 2013-14.

1. Secretary (Power) Goa respondent no. 1

The Commission vide order dated 27.12.2013 observed that power generated by the three 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.

The respondent as per the order dated 27.12.2013 submitted report to meet RPO of back log for FY 2010-11 to 2013-14 as under:-

Financial Year	Minimum Quantum of power Purchase (%) from renewable Energy (KWh).			RPO Solar in MUs	RPO (Non-Solar)
	Total RPO (%)	Solar RPO (%)	Non-Solar RPO (%)		
2010-11	1.00	0.25	0.75	6.36	19.07
2011-12	2.00	0.30	1.70	8.24	46.69
2012-13	3.00	0.40	2.60	11.54	75.03
2013-14	3.00	0.40	2.60	11.85	78.88
2014-15	3.30	0.60	2.70	18.47	83.11
Total				56.47	302.78

The year wise actual purchase from co-generating units for FY 2010-11, 2011-12, 2012-13 and estimated purchase for FY 2013-14 to Electricity Department- Goa is as below:-

Sr. No.	Name of Company	2010-11	2011-12	2012-13	2013-14	Total (MUs)
1.	GEPL	108.8	105.99	61.40	67.65	343.84
2.	GSPL	23.65	13.13	10.16	6.37	53.31
						379.31

The Commission examined the report and observed that the respondent has failed to meet solar RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11, to 2013-14. 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 also as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11 to 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 to 2013-14 and RPOs of 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 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 1.05.2014 submitted quarterly report to meet RPO of back log for FY 2010-11 to 2013-14 as directed in the order dated 27.12.2013 as under:-

Table -A

Year	RPO to be met	RPO actually met	RPO met	Thru REC	Thru Renewable Power Purchase		
	(MU)	(MU)	(%)				
I. Non- Solar							
2010-11	1.81	9.88	545.86	Nil	Nil		
2011-12	4.26	11.33	265.96				
2012-13	6.85	12.02	175.47				
2013-14 (Projected)	5.63	12.00	213.14				
2013-14 (Actual)	5.63	12.43	220.78				
Total (NS)	18.55	45.66	243.83				
II. Solar							
2010-11	0.60						
2011-12	0.75	-	-				
2012-13	1.05	0.015	1.43				
2013-14 (Projected)	0.87	4.980	572.41				
2013-14 (Actual)	0.87	6.478	744.59				
Total (Solar) (Actual)	3.27	6.493	198.56				

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

Table -B

S.N.	Description	Quantum (MU)	Renewable Energy Generation		Remarks
1.	Gross Consumption	290.00	Solar (MU)	Non Solar (MU)	
A	Own Generation	94.52	-	12.43	
B	Purchase from other generating company / intermediaries				
i	IPP	85.81	-	-	
ii	Hiring Power Plants	76.86	-	-	
iii	NTPC (5MWp Solar Power plant)	-	6.48	-	
C	Sale to other licensee/ intermediaries	-	-	-	
D	Grand Total (A+B+C)	257.19	6.48	12.43	
E	Renewable Purchase Obligation (RPO)				
i	Solar RPOs	-	2.35%	-	
ii	Non Solar RPOs	-	-	4.50% ??	
F	How much RPOs met so far till the date of filing of this report in the current year				
i	Solar RPOs	-	6.48 MU		
ii	Non Solar RPOs	-	-	12.43 MU	
G	Names of Open Access consumers with 1 MW+ Open Access Electrical Power LoadNil.....			
H	Captive power GeneratorsNil.....			

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 to 2013-14 as per the order dated 27.12.2013 and found that the respondent has met the RPOs as per JERC (Procurement of Renewable Energy) Regulations, 2010. 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 02.05.2014 submitted the report to meet RPO of back log for FY 2010-11 to 2013-14 as per the order dated 27.12.2013 as under:-

Detail of RECs for the year 201011 to 2013-14

Year	RPO to be met (MUs)	RPO actually met (MU)	RPO met (%)	Thru REC	Thru Renewable Power Purchase	
I. Non- Solar						
2010-11	9.640	-	-	-	Nil	
2011-12	22.117	10.752	48.6	10.752		
2012-13	35.750	52.732	147.5	52.732		
2013-14	36.790	42.484	115.48	42.484		
Total (NS)	104.297	105.968	101.60	105.968		
II. Solar						
2010-11	3.210	-				
2011-12	3.903	-				
2012-13	5.500	2.355	42.8	2.355		
2013-14	5.660	15.608	275.76	15.608		
Total (Solar) (Actual)	18.273	17.963	98.30	17.963		

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

Planning of quarterly RPO Compliance for FY 2014-15

	Solar RPO in Mus				Non Solar RPO in Mus			
	Qr 1	Qr 2	Qr 3	Qr 4	Qr 1	Qr 2	Qr 3	Qr 4
RPO to be met8.54.....			38.43.....			
Thru REC	2.14	2.14	2.13	2.13	9.61	9.61	9.61	9.61

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 to 2013-14 and found that the respondent has met the RPOs as per JERC (Procurement of Renewable Energy) Regulations, 2010. The respondent has also submitted planning/ report to meet RPOs for current financial year 2014-15 as per tariff order for FY 2014-15 and shortfall of FY 2013-14.

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 03.05.2014 submitted the report to meet RPO of back log for FY 2010-11 to 2013-14 as per the order dated 27.12.2013 as under:-

Year	Units purchased/ to be purchased at Ex- PP (Gen)	Solar RPO Obligation			Non- Solar RPO Obligation		
		%ge	Certificates	Certificates procured	%ge	Certificates	Certificates procured
2010-11	4383	0.25	10958	0	0.75	32873	0
2011-12	4725	0.30	14175	0	1.70	80325	58000
2012-13	5162	0.40	20648	0	2.60	134212	90000
2013-14	5219	0.40	20900	0	2.60	135860	40000
Total			66681	0		383270	188000
2014-15	5868	0.60	35208	0	3.30	193644	0

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 to 2013-14 and did not comply the order dated 27.12.2013. 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 to 2013-14. The Commission has taken a serious view for non-compliance of its orders/ directions and JERC Regulations by the respondent.

The Commission in Tariff Order dated 05.05.2014 for FY 2014-215 has allowed an amount of Rs. 74.98 Crore (provisional) for RPO compliance by the licensee/respondent for the year 2010-11 to 2013-14.

In spite of repeated directions, the licensee failed to fulfill the shortfall to meet RPOs. Therefore the Commission in the same order directed the utility that the utility shall deposit Rs. 110 Crore (Provisional amount) with the designated State Agency i.e. Development and Planning Authority, Dadra and Nagar Haveli by 30th September, 2014. The Commission will consider the remaining amount (to be deposited with state agency), if any, at the true-up stage.

The Commission directs the respondent to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11 to 2013-14 by 21.07.2014. The Commission further directs the respondent to submit a detailed report of action taken to meet RPO back log for FY 2010-11 to 2013-14 and proposed plan for current financial year 2014-15 as per tariff order for FY 2014-15 by 21.07.2014. If the licensee fails to meet RPO back log for FY 2010-11 to 2013-14, the licensee will have to deposit the amount as per the tariff order.

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 23.04.2014 submitted the report to meet RPO of back log for FY 2010-11 to 2013-14 as per the order dated 27.12.2013 as under:-

Year	RPO to be met (MU)	RPO actually met (MU)	RPO met (%)	Thru REC	Thru Renewable Power Purchase
I. Non- Solar					
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
II. Solar					
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

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 to 2013-14 and did not comply the order dated 27.12.2013. 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 to 2013-14. The Commission has taken a serious view for non-compliance of its orders/ directions and JERC Regulations by the respondent.

The Licensee is also silent on the RPOs of the Open Access Consumers in the jurisdiction of the licensee. The licensee has to ensure that such open access user meets the requirements and the licensee will be considered as defaulter, if the licensee is not able to meet the obligations.

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 to 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 to 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 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 02.05.2014 submitted the report to meet RPO of back log for FY 2010-11 to 2013-14 as per the order dated 27.12.2013 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	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 RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 of back log for FY 2010-11 to 2013-14. The respondent has failed to met non-solar RPO of back log for FY 2010-11 to 2013-14. 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 2010-11to2013-14 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 to 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 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 to 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)	(%)		
I. Non- Solar					
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
Total (NS) as on 31.03.2014	180.67	160	88.56	160	0
2014-15	70.02	0			
Total (NS)	250.87	160			
II. Solar					
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
Total (Solar) as on 31.03.2014	31.6	0	0	0	0
2014-15	15.6				
Total (Solar)	47.2				

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 to 2013-14. The respondent has failed to met solar RPO of back log for FY 2010-11 to 2013-14. 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 to 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 to 2013-14 and RPOs of 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 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.

Green Energy Association

Green Energy Association intervener – Applicant has filed an application with submission that the applicant is an association of Solar power developers and owners under Renewable Energy Certificate (hereinafter referred to as "REC") mechanism in India representing more than 100 developers and owners having installations more than 250 MW of Solar power plants. The major activities of the applicant are inter-alia to educate the people and create awareness among the public on environment and sustainability issues. One of the focus of the applicant is on REC mechanism in India and the applicant represents a majority of the members who represent about 80% of the total investors in the Solar REC Mechanism.

The Commission has started Suo-Moto hearings for compliance of RPOs as per JERC (Procurement of Renewable Energy) Regulations, 2010 and if, relaxation is granted for compliance of RPOs as per JERC (Procurement of Renewable Energy) Regulations, 2010 the members of the applicant association shall suffer and the applicant shall be directly affected by the outcome of the petition. It is settled Law that Court can direct impleadment of an interested party in the subject matter of the proceedings. Therefore, the applicant be allowed to be impleaded as party in the Suo-Moto proceedings.

The Commission heard the representative of the applicant at length and has gone through the contents of the application as well as JERC (Procurement of Renewable Energy) Regulations, 2010, JERC (Conduct of Business) Regulations, 2009 and provisions of the Electricity Act, 2003 carefully and thoroughly. The representative of the applicant has failed to show that how the applicant is an interested party in the subject matter of the proceedings. He has also failed to show that how the Suo-Moto proceedings cannot be properly adjudicated upon in absence of applicant. He has also failed to show that how applicant is apprehending that any relaxation will be granted to the licensees/ obligated entities in compliance of RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010. The Commission in exercise of the powers under Sections 61, 66, 86(1)(e) and 181 of the Electricity Act, 2003 notified Joint Electricity Regulatory Commission for State of Goa and UTs (Procurement of Renewable Energy) Regulations, 2010.

The Commission has already initiated Suo-Moto hearings/ proceedings in the form of present petition and has time and again directed the licenses/ obligated entities to met RPOs as per JERC (Procurement of Renewable Energy) Regulations, 2010 for back log FY 2010-11 to 2013-14 and current financial year 2014-15. The licensees are also complying the orders of the Commission and JERC (Procurement of Renewable Energy) Regulations, 2010. Hence, the apprehension shown by the applicant that the Commission will grant relaxation to the licensees/ obligated entities in compliance of RPOs as per JERC (Procurement of Renewable Energy) Regulations, 2010 is unfounded and baseless. Hence, in opinion of the Commission the applicant is neither proper nor necessary party in the Suo-Moto hearings/ proceedings for compliance of RPOs as per JERC (Procurement of Renewable Energy) Regulations, 2010. Therefore, the application is without merits, resultantly fails and is dismissed.

However, it is made clear that the Commission holds hearings in open Court. The JERC (Conduct of Business) Regulations, 2009 also do not debar any person from attending hearings of the Commission. Therefore, the applicant also can attend hearings of the Commission.

The Commission also directs all the State agencies to get the RPO targets met by the respective obligated agencies and submit quarterly status report to the Commission in respect of renewable purchase obligation by the licensees/ obligated entities.

Scheduled for hearing 30.07.2014 at 11:00 AM.

Sd/-

(S.K.Chaturvedi)

Chairman

Member (Vacant)

- * As per Regulation 9 (II) of JERC (Conduct of Business) Regulations, 2009 "Coram 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 Coram. 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 Coram.

Certified Copy



(Anish Garg)

Secretary