

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 246/MP/2012

Subject : Petition under Regulation 14 read with Regulation 5 (4) of the CERC (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2012 in relation to non-grant of registration to Timapur-Okhla Waste Management Company Private Limited.

Date of hearing : 6.12.2012

Coram : Shri S.Jayaraman, Member
Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner : Timarpur-Okhla Waste Management Company Pvt.Ltd.

Respondent : National Load Despatch Centre, New Delhi

Parties present : Shri Sakya Singh Chaudhuri, Advocate for the petitioner
Shri Shruti Nisha Singh, TOWMCL
Shri A.K.Mondal, TOWMCL
Shri Neelesh Gupta, TOWMCL
Miss Minaxi Garg, NLDC
Shri Satya Prakash, NLDC

Record of Proceedings

The petitioner, Timarpur-Okhla Waste Management Company Pvt. Ltd has filed this petition seeking direction to National Load Despatch Centre (NLDC) to grant registration under Regulation 5 (3) of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2012 (REC Regulations) for issuance of RECs with respect to the 8 MW capacity to be supplied to BRPL under the EPA and for the 8 MW capacity to be sold to third parties through open access, retrospectively with effect from the date of its application dated 4.7.2012.

2. Learned counsel for the petitioner submitted that petitioner has set up a municipal solid waste energy based project of 16 MW. Such project is accredited by State Agency under the REC framework for said 16 MW capacity. The petitioner vide its letter dated 5.7.2012 had separately applied to NLDC for registration as an eligible entity

for the entire 16 MW including 8 MW to be supplied to BSES Rajdhani Power Limited (BRPL) as per PPA approved by the Delhi Electricity Regulatory Commission and for remaining 8 MW which is to be sold to any third through open access. NLDC vide its letter dated 13.7.2012 sought certain clarifications regarding eligibility for petitioner's 8 MW application, from the State Agency. The State Agency vide its letter dated 27.7.2012 responded to the queries of the NLDC. However, NLDC vide its letter dated 10.8.2012 once again requested the State Agency to clarify eligibility of the project for accreditation under REC Regulations and same was sent to the petitioner by the State Agency on 24.8.2012. The petitioner vide its detailed reply dated 30.8.2012 to the State Agency clarified that power generated with respect to 8 MW under EPA is not being sold to the BRPL at preferential tariff and power is to be sold to the BRPL at a price not exceeding BRPL's pooled cost of power purchase and ₹ 2.833/KWh as levelled tariff as approved by DERC in its order dated 20.1.2011.

3. Learned counsel submitted that in terms of Regulation 5 (3) of the REC Regulations, the NLDC is required to accord registration within 15 days from the date of application if the petitioner satisfies the condition of eligibility of Regulation 5 (1) of the REC Regulations. Despite the petitioner satisfying all criteria specified in Regulation 5 (1) of the REC Regulations and regularly reminding the NLDC of its pending application, there has been a surprising lack of action on the part of NLDC.

4. The representative of the BRPL submitted that the BRPL is a effected party and any decision in the matter should be taken after hearing the BRPL. He requested the Commission to issue direction to petitioner to implead the BRPL as party to the petition.

5. After hearing of the learned counsel, the Commission directed to admit the petition and issue notice on the petition. The Commission further directed the petitioner to implead the BRPL as respondent to the petition and file revised memo of parties.

6. Accordingly, the petitioner was directed to serve copy of the petition on the respondents by 14.12.2012 who may file their responses by 28.12.2012 and the petitioner may file its rejoinder, if any, 12.1.2013.

7. The petition shall be listed for hearing on 17.1.2013.

By the order of the Commission,

**Sd/-
(T. Rout)
Joint Chief (Law)**