

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Coram: **Dr. Pramod Deo, Chairperson**
 Shri S. Jayaraman, Member
 Shri V.S.Verma, Member
 Shri M.Deena Dayalan, Member

DATE OF HEARING: 26.4.2012

Petition No. 34/MP/2012
with I.A. Nos. 6/2012 and 9/2012

Sub: Petition under Section 86 (1) (k) of the Electricity Act, 2003 read with Regulations 3 (4), 14 and 15 of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for renewable Energy Generation) Regulation, 2010.

Petitioner : Mawana Sugars Limited, New Delhi.

Respondents Uttar Pradesh State Load Despatch Centre, Lucknow
 National Load Despatch Centre, New Delhi

Petition No. 36/MP/2012
with I.A.No. 8/2012

Sub: Petition under Section 86 (1) (k) of the Electricity Act, 2003 read with Regulations 3 (4), 14 and 15 of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for renewable Energy Generation) Regulation, 2010.

Petitioner : Dhampur Sugar Limited, New Delhi.

Respondents National Load Despatch Center, New Delhi
 Uttar Pradesh State Load Despatch Centre, Lucknow
 Uttar Pradesh New and Renewable Development
 Agency, Lucknow

Petition No. 37/MP/2012

Sub: Petition under Section 86 (1) (k) of the Electricity Act, 2003 read with Regulations 3 (4), 14 and 15 of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for renewable Energy Generation) Regulation, 2010

Petitioner : Balrampur Chini Mills Limited, Kolkata.

Respondents National Load Despatch Center, New Delhi
Uttar Pradesh State Load Despatch Centre, Lucknow
Uttar Pradesh New and Renewable Development Agency, Lucknow

Petition No. 45/MP/2012

Sub: Petition under Section 86 (1) (k) of the Electricity Act, 2003 read with Regulations 3 (4), 14 and 15 of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for renewable Energy Generation) Regulation, 2010

Petitioner : Dalmia Bharat Sugar and Industries Ltd, New Delhi

Respondents National Load Despatch Center, New Delhi
Uttar Pradesh State Load Despatch Centre, Lucknow

Petition No. 46/MP/2012

Sub: Petition under Section 86 (1) (k) of the Electricity Act, 2003 read with Regulations 3 (4), 14 and 15 of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for renewable Energy Generation) Regulation, 2010

Petitioner : DCM Shriram Consolidated Limited, New Delhi

Respondents National Load Despatch Center, New Delhi
Uttar Pradesh State Load Despatch Centre, Lucknow

Parties present : Shri Sanjay Sen, Advocate for petitioners
Shri Rajiv Yadav, Advocate for Petitioners
Shri Anurag Sharma, Advocate for the petitioners
Miss Ranjitha Ramchandran, Advocate for DCM SCL
Shri S.K.Sonee, NLDC

Shri V.K.Agarwal, NLDC
Shri V.V.Sharma, NLDC
Miss Minaxi Garg, NLDC
Shri S. Prakesh, NLDC
Shri S.Singh, NLDC
Miss Joyti Prasad, NLDC
Shri R.K.Jain, DCMSIL
Shri Rahul Srivastava, Advocate for UPSLDC
Shri R.K.Gupta, UPSLDC
Shri Durga Prasad, U.P.Co.gen. Association
Shri Pankaj Rastogi, DSL

Record of Proceedings

At the outset, the Commission directed to know whether UPSERC`s order has been challenged. Learned Counsel for the UPSLDC submitted that order dated 26.12.2011 in Petition No. 771 of 2011 is not a final order, which is still pending before the UPERC. However, interim order dated 10.2.2012 passed by the UPERC was challenged before the Appellate Tribunal for Electricity.

2. The learned counsel for the petitioner submitted that UPERC`s order dated 26.12.2011 in Petition No. 771 of 2011 is a final order. Learned counsel for the petitioner went through the relevant provisions of the said order and submitted that UPERC has clarified each and every issue. He further submitted that UPSLDC has to ensure implementation of scheme in view of observations made in the said order dated 26.12.2011.

3. The learned counsel for the UPSLDC submitted that Regulation 7 of the REC Principal Regulations provides that the certificate shall be issued to the eligible entity on the basis of the units of electricity generated from renewable energy sources and injected into the grid. However, Regulation 5 of the amended REC Regulation provides that a Captive Power Producer (CPP) based on renewable energy sources shall be eligible for the entire energy generated from such plant including self consumption for participating in the REC scheme. Therefore, the requirement of the REC Regulations cannot be dispensed with on the basis of the clarification through a letter dated 21.6.2011 issued by the Commission as it would amount to amendment of the REC Regulations. Learned counsel further submitted that the petitioners are availing one or other benefit in the form of concessional/promotional transmission or wheeling charges, banking facility benefit and waiver of electricity duty hence even on the basis of said letter they do not become eligible for participating in the REC scheme.

4. The learned counsel for the UPSLDC further submitted that in terms of Chapter 6 of the CERC (Indian Electricity Grid Code) Regulations, 2010 and State Grid Code, the petitioners and other co-generators are required to submit their declared capability and schedule of generation etc. to SLDC. However, the petitioners and other Co-generators are not complying with the Grid Code by not submitting their declared capability and schedule of generation. Therefore, SLDC is not in a position to prepare implemented schedule and energy account in accordance with Grid Code and to certify the energy account data for self consumption/auxiliary consumption.

5. After hearing the learned counsel for the petitioners and respondents, the Commission directed the Uttar Pradesh State Load Despatch Centre to submit following information/clarification, on affidavit, with an advance copy to the petitioners, on or before 30.5.2012:

- (a) Whether self consumption (deemed injection) quantum for co-generation unit was required to be scheduled or not in accordance with existing State Grid Code;
- (b) What impact in existing Grid system shall make if Schedule for such self consumption (deemed injection) is not provided and provided by Co-generating units;
- (c) Existing protocols and procedures of UPSLDC to collect energy injection quantum from co-generation units and to approve/reject the self consumption, auxiliary consumption and export to State Grid;
- (d) Existing procedure for energy audit and billing for energy injected into the State Grid based on respective grid connectivity level i.e DISCOM Grid and transmission grid;
- (e) Details of verifying Nodal Officer/Authority for certifying energy injected into the grid from C-Generation plants/conventional power plant connected to Distribution and Transmission Grid network; and
- (f) Details of Nodal Officer from UPSLDC, representing SLDC during existing joint meter reading for accounting of energy export to Grid.

6. The Commission directed the petitioner to submit a written note on legal issues involved in the petition by 30.5.2012.

7. Subject to above, Commission reserved its order in petitions.

By order of the Commission

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