

**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: 13.3.2012**

**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 Srivastava, 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  
Miss Minaxi Garg, NLDC  
Shri S. Prakesh, NLDC  
Miss Joyti Prasad, NLDC  
Shri R.K.Jain, DCMSIL  
Shri Ankit Sibbal, SSL  
Shri Anoop Singh, DSCL  
Shri Rahul Srivastava, Advocate for UPSLDC  
Shri R.K.Gupta, UPSLDC

### **Record of Proceedings**

Learned counsel for the petitioners submitted that these petitions have been filed under the provisions of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 (hereinafter referred to as 'the REC Regulations'). He further submitted the Uttar Pradesh State Load Despatch Centre (UPSLDC) has filed appeal challenging the order of Uttar Pradesh Electricity Regulatory Commission dated 10.2.2012 before the Appellate Tribunal for Electricity which is to be listed for hearing. Learned counsel further submitted as under:

- (a) Upon registration of petitioner's power plant under the REC scheme, they became entitled to avail REC benefits in terms of the REC Regulations;
- (b) The energy injections reports were duly presented to Uttar Pradesh State Load Despatch Centre (UPSLDC) for certification in terms of Clause 3.1 of the Procedure for Issuance of Renewable Energy Certificate, notified by the Central Agency. However, UPSLDC refused to certify the said reports and forward them to NLDC;
- (c) As a result, after having duly received accreditation and registration of its generation units in accordance with REC Regulations, the petitioner's entitlement to RECs was being stalled by UPSLDC without any reason;
- (d) The NLDC has not been able to act due to the failure in the system which has arisen as a result of non verification of energy injection data and the timelines for issuance of REC which expires at the end of February, 2012 needs to be extended;

- (e) The Commission may consider, as a special case, dispensing with the requirement of submitting UPSLDC certified energy injection report to NLDC for availing REC benefits;
- (f) In terms of Regulations 14 and 15 of the REC Regulations, the Commission has power to relax by general or special order of any provisions of the REC Regulations in the interest of justice;
- (g) Since the power to relax the REC Regulations is vested only in the Commission, no State Commission can grant relief as prayed in the petitions.

2. The learned counsel sought a direction to NLDC to bypass the certification of SLDC and admit the claim of the petitioner for Renewable Energy Certificate.

3. The representative of the NLDC submitted that Energy Injection report furnished by the petitioners to the Central Agency was not verified by UPSLDC as required under Clause 3.1 of the Procedure for Issuance of Renewable Energy Certificate, therefore, REC could not be issued to the petitioners. Regulation 7 (1) of the REC Regulations provides for a time line for issuance of RECs within three months after corresponding generation from eligible renewable energy projects.

4. The representative of the UPSLDC submitted that the Commission in its letter dated 21.6.2011 addressed to NLDC clarified that CPP/IPP/co-generation plant would be treated as any other generator and would be eligible based on entire energy generated from such plant including self-consumption for participating the REC scheme subject to fulfilling the REC eligibility requirement applicable for a generating company. However, as per the REC Regulations co-generators are not eligible for participating in the REC scheme based on their entire energy including the energy for self-consumption. He submitted that requirement of the REC Regulations cannot be dispensed with on the basis of the clarification through a letter 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. In terms of Grid Code and State Grid Code, the petitioners are required to submit their declared capability, schedule of generation etc. to SLDC which have not

been submitted. In the absence of the said information, SLDC is not in a position to certify the energy account data and if the SLDC certifies such data, it will be violation of the Regulations.

5. After hearing the learned counsel for the petitioners, respondents and representatives of the parties, the Commission directed to admit the petitions.

6. The respondents were directed to file their replies on affidavit, latest by 17.4.2012, with advance copy to the petitioners, who may file their rejoinder, if any, on or before 24.4.2012.

7. These petitions shall be listed for hearing on 26.4.2012.

**By order of the Commission**

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