

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 255/MP/2012**

Subject: Petition under CERC (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 for the development of market in power from Non Conventional Energy Sources by issuance of transferable and saleable credit certificates with to (i) Issuance of REC against the energy injected into the grid for the month of August, 2012 and (ii) issuance of REC for the generation injected into the grid from the date of commissioning of the WTGs accredited under REC Scheme.

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

Date of Hearing 14.2.2013

Petitioner Surajbari Windfarm Development Private Ltd., Mumbai

Respondent National Load Dispatch Center, New Delhi

Present: Shri Rakesh Rathore, SWDPL  
Ms. Minaxi Garg, NLDC  
Ms. Joyti Prasad, NLDC  
Shri Satya Prakash, NLDC

**RECORD OF PROCEEDING**

The representative of the petitioner submitted Regulation 7 (1) of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of renewable Energy Generation) Regulations, 2010 (REC Regulations) provides that within three months from the corresponding generation from renewable energy projects, the eligible entity is required to apply to the Central Agency for the certificate. In terms of Regulation 7 (1) of the REC Regulations, the petitioner was eligible to receive the REC for the electricity generated and injected into the grid from 1.8.2012 to 31.8.2012 for 4155.422 units. Even though 15 days period of available after 15th day in the third month, the petitioner is not able to apply for REC as no registration is allowed after 15

days of the third month. The petitioner was therefore deprived of the opportunity to receive the REC for the electricity generated and injected into the grid. The detailed procedure issued under the REC Regulation also allow the eligible entity to apply for certificates within three months from the month in which renewable energy was generated and injected into the electricity grid after issuance of the monthly energy injection report by the concerned SLDC.

2. The representative of the petitioner submitted that the petitioner received the certificate for the injection of the electricity into the grid for the month of August, 2012 at the belated stage in the month of October, 2012. i.e 9.10.2012. Therefore, the petitioner received only three dates for applying for issuance of REC for which there is no fault of the petitioner.

3. Regarding issuance of REC for the generation injected into the grid from the date of commissioning of the WTGs accredited under REC Scheme, the representative of the petitioner submitted that the petitioner has fulfilled the eligibility criteria for being entitled for issue of REC from the date energy, was injected into the grid i.e. the date of commissioning of the project by the petitioner. The Central Agency has deprived the petitioner of its right to get RECs for the 2382.485 MWh energy injected into the grid due to procedural delay in registration.

4. With regard to timeline for applying for issuance of RECs, the representative of the respondent submitted that as per Regulation 7 (1) of the REC Regulations, RE generators are required to apply for issuance of RECs within three months from the generation date. The said provisions also clearly specify that application has to be made either on first day of the month or fifteenth day of the month. Accordingly, REC web application allows to the applicant to file application for issuance of RECs on 1st and 15th date of every month. However, after applying online on 1st or 15th of the month, the RE generator is required to submit physical application to Central Agency till last working day of the month.

5. The representative of the respondent submitted that the petitioner's contention that the prescribed limitation period of three months for applying for RECs shall commence from the date of issuance of monthly Energy Injection Report by SLDC is not correct. In fact, the RE generator shall apply for issuance of RECs after completing all the formalities such as getting the certified Energy Injection Report from the concerned SLDC within the stipulated period of three months. The software for implementation of REC Mechanism has been designed in line with REC Regulations and approved detailed procedures. The representative of the respondent submitted that the petitioner had the flexibility to apply on the REC web application for issuance of RECs pertaining to the month of August, 2012 from 1st September, 2012 to 15th November, 2012. The petitioner himself has admitted that he received the certified copy of SLDC report for the month of August 2012 on 9th October 2012 itself. Thus, petitioner should have applied online for issuance of RECs within the stipulated timelines. Thereafter, petitioner could have submitted physical application to Central Agency till last working day of November,

2012. However, the petitioner has failed to apply for issuance of RECs on the online portal for the successive three months. The lapse is attributed to the petitioner himself in not applying for issuance of RECs. In absence of application for issuance of RECs, Central Agency cannot issue RECs to the petitioner.

6. Regarding second prayer of the petitioner, the representative of the respondent submitted that the as per provisions of REC Regulations and Approved Procedures, RECs can be issued only after the project is registered by Central Agency. As per provisions of clause 2.3 of the 'Model guidelines for accreditation' and clause 2.2 of 'procedure for registration', for new projects applications for accreditation and registration may be filed 6 months and 3 months prior to the date of commissioning, respectively.

7. The representative of the respondent submitted that there is no provision for issuance of RECs retrospectively. Therefore, RECs cannot be issued for the period prior to the date of registration.

8. The Commission enquired from the representative of the petitioner as to why the application was not made well in advance. The representative of the petitioner replied that it applied to the State Agency 4 months prior to the date of commissioning.

9. The Commission directed the petitioner and the respondent to file written submission by 22.3.2013.

10. Subject to above, the Commission reserved order in the petition.

**By order of the Commission,**

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