

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.167/MP/2013

Subject : Petition under Section 66, 79 and other applicable provisions of the Electricity Act read with Regulations 14 of CERC's (Terms and Conditions for Recognitions and Issuance of Renewal Energy Certificate for renewal energy generation) Regulations, 2010 for directions and orders as considered appropriate to National Load Despatch Centre, on the issue of Renewable Energy Certificates to the Petitioner.

Date of hearing : 24.9.2013

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

Petitioner : Urjankur Shree Datta Power Co. Ltd., Mumbai

Respondent : National Load Despatch Centre (NLDC), New Delhi

Parties present : Shri Sanjay Sen, Senior Advocate for the petitioner
Shri Shailendra Verma, NLDC,

Record of Proceedings

Learned senior counsel for the petitioner submitted that the petitioner has commissioned a 36 MW bagasse based cogeneration in the State of Maharashtra. The petitioner is registered with NLDC under the REC mechanism and has been selling electricity generated to a trading licensee at mutually agreed rate and receiving RECs since April, 2012. Learned senior counsel further submitted that the trader is selling such electricity to HT consumers.

2. Learned senior counsel further submitted that for certain months, due to trading licensee's inability to schedule the entire electricity generated to its HT consumers, the petitioner sold part of the electricity generated to a distribution licensee, namely, Brihan Mumbai Electricity Supply and Transport (BEST) for fulfillment of the latter's renewable purchase obligation (RPO). Learned senior counsel clarified that for the quantum of wind energy sold to the distribution licensee for its fulfillment of RPO, the petitioner has not been claiming RECs in order to avoid double counting of the said benefit.

3. Learned senior counsel submitted that for the quantum of power sold by the trading licensee to HT consumers, the petitioner is entitled for issue of RECs. However, National Load Dispatch Centre (NLDC) instead of issuing RECs directed MEDA to investigate the matter and submit a report and pending such investigation, kept the application of the petitioner for issuance of RECs on hold. Learned counsel submitted that MEDA investigated the matter and in its letter dated 28.3.2013 to NLDC recommended for issuance of RECs to the petitioner for the renewable energy generation other the generation sourced by M/s GEPL for sale to BEST for which the petitioner has not been claiming RECs.

4. Learned senior counsel for the petitioner submitted that NLDC has neither issued any show cause notice nor sought any further clarification nor raised any grounds for non-issuance of RECs to the petitioner. Learned senior counsel submitted that NLDC has failed to discharge its responsibility under the REC Regulations as it has neither issued RECs nor rejected the application of the petitioner.

5. The representative of NLDC submitted that the petitioner while applying for registration submitted an undertaking that it is not selling power to the distribution licensee at preferential tariff. The representative of NLDC further submitted that for adjudication of the dispute, the petitioner may be directed to implead MEDA and MSLDC as parties to this petition.

6. The Commission admitted the petition and directed issue of notice to NLDC as well as MEDA and MSLDC. The petitioner is directed to serve copy of the petition on MEDA and UPSLDC and file revised memo of parties immediately. Replies to the petition shall be filed by 20.10.2013 and the rejoinders, if any, shall be filed by 30.10.2013. Any reply or rejoinder filed beyond the due dates shall not be entertained.

7. The petition shall be listed for hearing on 12.11.2013.

By order of the Commission

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