

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 165/MP/2015**

Subject : Petition under Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for renewable energy generation) Regulations, 2010 for issuance of certificate from the date of commissioning of the petitioner's solar power project and extend the benefit of vintage based multiplier as such project was accredited and commissioned prior to the notification of the REC (Third Amendment) Regulations, 2014.

Date of hearing : 11.8.2015

Coram : Shri Gireesh B. Pradhan, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member

Petitioner : M/s Atapi Power

Respondent : National Load Depatch Centre

Parties present : Shri Paretosh, Advocate for petitioner  
Ms. Abilia Zailia, POSOCO

**Record of Proceedings**

Learned counsel for the petitioner submitted as under:

(a) The present petition has been filed seeking relaxation of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for renewable energy generation) Regulations, 2010 (REC Regulations) and holding the petitioner eligible to get REC from the date of commissioning of the project as also holding the petitioner to be eligible to get the benefit of Vintage Based Multiplier.

(b) The petitioner has set-up a 0.5 MW solar power project under REC mechanism. On 13.10.2014, the petitioner entered into a PPA with the Jodhpur Vidyut Vitran Nigam limited for sale of electricity at pooled cost of power purchase.

(c) The petitioner was accredited under the REC mechanism by the State Agency, Rajasthan Renewable Energy Corporation Ltd on 17.11.2014. After accreditation, on 8.12.2014, the petitioner applied for registration under the REC mechanism to the Central Agency i.e. National Load Despatch Centre. On the same day, NLDC informed the petitioner to provide the commissioning certificate.

(d) Subsequently, the plant of the petitioner was commissioned on 16.12.2014 after which it started injection of solar power into the grid.

(e) Due to the administrative delay in receiving the commissioning certificate from the Commissioning Committee in the State of Rajasthan, the petitioner was issued the REC by NLDC only on 20.1.2015.

(f) As per Regulation 10 (1) of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) (Second Amendment) Regulations, 2013, after registration, the renewable energy generation plant are eligible for issuance of certificates from the date of commercial operation or from the date of registration of such plant by the Central Agency, whichever is later.

(g) The petitioner's plant was commissioned on 16.12.2014. However, Central Agency registered the same on 20.1.2015 (being the date of issuance of the REC).

(h) Clause (8) under Regulation 7 of the Renewable Energy Certificate for Renewable Energy Generation) (Third Amendment) Regulations, 2014 stipulated that " ..the vintage multiplier as specified in clause (7) of this regulation shall be provided to the solar generating companies registered under REC framework prior to 1<sup>st</sup> January, 2015 and shall be applicable [for the existing and future valid solar REC's] for the period from 1<sup>st</sup> January 2015 up to 31<sup>st</sup> March 2017...."

(i) As the petitioner was registered for REC on 20.1.2015, it was not eligible to take advantage of the benefits of Vintage Based Multiplier.

(j) The petitioner cannot be held responsible for the delay in issuance of certificate of commissioning by the State of Rajasthan, which caused the delay in issuance of REC by NLDC.

2. After hearing the learned counsel for the petitioner, the Commission admitted the petition and directed the parties to file the following information by 28.8.2015:

(a) the petitioner to submit the original commissioning certificate (as submitted on Page 141 of the petition) which would be verified and returned.

(b) Rajasthan, SLDC to give confirmation on the date of commissioning of the project.

(c) NLDC to submit details regarding the date of receipt of commissioning certificate (issued by authorities of Government of Rajasthan) from the petitioner, date of issuance of REC and reasons for delay, if any.

(d) NLDC to explain whether commissioning of the project is a condition precedent for registration under REC Regulations.

3. The Commission directed that the petition may be listed for hearing if considered necessary after going through the information to be submitted by the petitioner, Rajasthan, SLDC and NLDC.

**By order of the Commission**  
**Sd/-**  
**(T. Rout)**  
**Chief (Law)**