

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Dated: 26th June, 2015

DRAFT NOTIFICATION

No. L-1/12/2010-CERC: In exercise of powers conferred under Section 178 of the Electricity Act, 2003 (36 of 2003) and all other powers enabling it in this behalf, and after previous publication, the Central Electricity Regulatory Commission hereby makes the following regulations to amend 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 Principal Regulations”), namely:

1. Short title and commencement

- (1) These regulations may be called the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) (Fifth Amendment) Regulations, 2015.
- (2) These regulations shall come into force with effect from the date of their publication in the Official Gazette.

2. Amendment to Regulation 5 of the Principal Regulations:

- (1) Second, third, fourth, fifth and sixth proviso including the explanation under sub-clause (c) of Clause (1) of Regulation 5 of the Principal Regulations shall be deleted.
- (2) The following provisos shall be added after the first proviso under sub-clause (c) of Clause (1) of Regulation 5 of the Principal Regulations:

“Provided further that a renewable energy generator selling electricity component to third party through open access, shall be eligible for the entire energy generated from such plant for participating in the REC scheme subject to the condition that such generator has not availed or does not propose to avail any benefit in the form of concessional/promotional transmission or wheeling charges or banking facility benefit or concessional cross subsidy surcharge:

Provided also that if such a renewable energy generator forgoes on its own, the benefits of concessional/promotional transmission or wheeling charges or banking facility benefit or concessional cross subsidy surcharge, it shall become eligible for participating in the REC scheme only after the date of forgoing such benefits:

Provided also that if any dispute arises as to whether a renewable energy generator has availed such concessional/promotional benefits, the same shall be referred to the Appropriate Commission for decision.

Explanation: For the purpose of this Regulation, the expression 'banking facility benefit' shall mean only such banking facility whereby any renewable energy generator gets the benefit of utilizing the banked energy at any time (including peak hours) even when it has injected into grid during off-peak hours."

(3) A new clause shall be inserted after Clause (IA) as under:-

"(IB) A Captive Generating Plant (CGP) based on renewable energy sources and a renewable energy generating plant not fulfilling the conditions of CGP as prescribed in Electricity Rules, 2005 but having self consumption shall not be eligible for participating in the REC scheme for the energy generated from such plant to the extent of self-consumption."

Sd/-
(Shubha Sarma)
Secretary

Note:

The Central Electricity Regulatory Commission (Terms and Conditions for Recognition and Issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 were notified in Part III, Section 4, No. 26 of the Gazette of India (Extraordinary) dated 18.1.2010 and amended vide:-

- (a) First Amendment Regulations published in Part III, Section 4, No. 249 of the Gazette of India (Extraordinary) dated 01.10.2010.
- (b) Second Amendment Regulations published in Part III, Section 4, No. 192 of the Gazette of India (Extraordinary) dated 11.7.2013.
- (c) Third Amendment Regulations published in Part III, Section 4, No. 380 of the Gazette of India (Extraordinary) dated 31.12.2014.
- (d) Corrigendum dated 27.1.2015.