

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 223/MP/2017

Subject : Petition under Section 79(1) of the Electricity Act, 2003 and Section 14 & 15 of Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010, challenging the illegal and arbitrary rejection of grant of REC application of the Petitioner by NLDC.

Date of Hearing : 19.4.2018

Coram : Shri P. K. Pujari, Chairperson
Shri A. K. Singhal, Member
Shri A. S. Bakshi, Member
Dr. M. K. Iyer, Member

Petitioner : Enn Enn Corporation Limited (EECL)

Respondent : National Load Despatch Centre

Parties present : Shri Pankaj Bhagat, Advocate, EECL
Shri Sumit Srivastava, Advocate, NLDC
Shri Arjun Krishnan, Advocate, NLDC

Record of Proceedings

Learned counsel for the petitioner submitted that present Petition has been filed under Section 79(1) of the Electricity Act, 2003 read with Regulations 14 and 15 of Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 (REC Regulations) for seeking direction to National Load Despatch Centre (NLDC) to grant REC. Learned counsel further submitted as under:

- a) The petitioner is engaged in export of diamonds, etc. The petitioner has set up 2.1 MW, 4.2 MW and 6.3 MW wind energy generating stations in the State of Gujarat.
- b) All the generating units of the petitioner have been registered under REC Regulations. On 21.5.2016, Energy Injection Report was uploaded on the official web portal of SLDC, Gujarat for the energy generated in April, 2016.
- c) On 31.10.2016, the petitioner applied to NLDC for the grant of REC for the period from April, 2016 to June, 2016 through the web portal. However, the physical application could not be submitted by the petitioner due to Diwali vacation during the period from 31.10.2016 to 13.11.2016. The petitioner sent the physical application on 14.11.2016 and the same was acknowledged by NLDC on 15.11.2016. However,

NLDC denied REC's on the ground that the petitioner had not send the hard copy of the application within time.

2. Learned counsel for NLDC submitted as under :

a) Non- issuance of REC's is due to the default of the petitioner itself. The petitioner has failed to submit application for issuance of REC's along with relevant documents within the stipulated time of six months.

b) The REC Regulations does not vest any discretionary power on the respondent to relax, extend or condone the delay with the compliance of any of the provisions.

c) As per Regulation 7 of REC Regulations, the petitioner is required to submit hard copy of application for issuance of REC's anytime within the period of six months from the corresponding generation. However, the petitioner did not take any action to comply with the same till the very end of the mandatory statutory period. The petitioner has adopted casual approach towards meeting its statutory obligations.

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

By order of the Commission

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