

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 138/MP/2018

Subject : Petition Under Section 79 of The Electricity Act 2003 read with Regulation 14 and 15 of the Central Electricity Regulatory Commission (Terms and Conditions of 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 the Respondent.

Petitioner : DCM Shriram Limited

Respondent : National Load Despatch Centre (NLDC)

Date of hearing : 27.2.2019

Coram : Shri P.K. Pujari, Chairperson
Dr. M.K. Iyer, Member
Shri I.S. Jha, Member

Parties present : Shri Manish K. Bishnoi, Advocate, DCM Shriram
Shri Archit Gupta, Advocate, DCM Shriram
Shri R.K. Bharti, DCM Shriram
Shri Puneet D., DCM Shriram
Shri Arjun Krishnan, Advocate, NLDC
Shri Sumit Srivastava, Advocate, NLDC
Shri Ashok Kumar Ranjan, NLDC

Record of Proceedings

At the outset, the learned counsel for the Petitioner submitted that the present Petition has been filed for seeking direction to NLDC to issue 5127 RECs for the energy generated and supplied from its bagasse based co-generation plant located at Hariawan in the month of January, 2016. Learned counsel further submitted as under:

(a) The Petitioner made an application in the month of May, 2016 to NLDC for grant of RECs for the period of January, 2016 through web based application form alongwith the duly signed energy report. On 8.6.2016, the application alongwith the payment details were delivered to NLDC by speed post i.e. within a stipulated period of six months in terms 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). However, NLDC has issued RECs for all applications except application for the month of January, 2016.

(b) Since, there was no response of NLDC, on 28.7.2016, the Petitioner again sent all the relevant documents to NLDC. On 26.8.2016, NLDC informed the Petitioner that since the application for issuance of RECs for the month of January, 2016 was received later than 6 months, it was not accepted. In support of its contention, learned counsel relied upon Section 27 of the General Clause Act,

1897.

(b) The Commission in its order dated 20.12.2016 in Petition No. 105/MP/2016 in Oudh Sugar Mills Ltd. Vs. NLDC has held that the error of not putting signature in energy injection report is technical in nature and directed NLDC to process the case of the Petitioner for grant of RECs. However, in the present case, the Petitioner has already submitted duly signed copies of the documents to NLDC. Therefore, the Petitioner is entitled to grant of RECs.

2. Learned counsel for NLDC submitted that as per the UP SLDC, the Petitioner is entitled for issuance of 5062 RECs instead of 5127 RECs. Learned counsel further submitted that NLDC received the copy of the application for the month of January, 2016 on 17.8.2016 which was beyond the stipulated time specified in the REC Regulations. Therefore, the Petitioner is not entitled for grant of RECs.

3. After hearing the learned counsels for the Petitioner and the Respondent, the Commission reserved order in the Petition.

By order of the Commission

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