

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 287/MP/2019

- Subject : Petition under Regulation 1.5(iv) read with Regulation 5.2(u) and Regulation 6.5(11) of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 for enforcement of 'must run' status granted to solar power projects and Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking direction to State Load Despatch Centre to stop issuing backing down instructions to the Petitioners.
- Petitioners : 1. Wardha Solar (Maharashtra) Private Limited (WS(M)PL)
2. Parampujya Solar Energy Private Limited (PSEPL)
- Respondents : Karnataka State Load Despatch Centre (KSLDC) and Ors.
- Date of Hearing : 5.5.2020
- Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
- Parties present : Shri Amit Kapur, Advocate, WS(M)PL and PSEPL
Ms. Aparajita Upadhyay, Advocate, WS(M)PL and PSEPL

Record of Proceedings

The matter was listed for hearing through video conferencing.

2. Learned counsel for the Petitioners submitted that the present Petition has been filed invoking the Regulation 1.5(iv) of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 ('Grid Code'), *inter-alia*, enforcement of the 'must run' status granted to their Solar Projects in the State of Karnataka under Regulations 5.2(u) and 6.5(11) of the Grid Code and direction to the Respondent, Karnataka State Load Despatch Centre (KSLDC) to forthwith stop issuing back-down instructions to such Power Projects. Learned counsel mainly submitted as under:

(a) The Petitioners have set up Solar Power Projects of total capacity of 390 MW in the State of Karnataka after being selected by a competitive bidding process initiated by the Respondent No.2, Solar Energy Corporation of India Limited (SECI) under the Guidelines for Implementation of Scheme for Setting up of 2000 MW Grid-connected Solar PV Power Projects under Batch-III-'State Specific VGF Scheme' under JNNSM Phase-II issued by Ministry of New and Renewable Energy (MNRE), Government of India.



(b) This Commission has the jurisdiction to adjudicate the present Petition under Section 79(1)(h) of the Electricity Act, 2003 read with Regulation 1.5 (iv) of the Grid Code for violation of the Regulations 5.2(u) and 6.5(11) of the Grid Code by KSLDC. The Karnataka Electricity Regulatory Commission has notified the Karnataka Electricity Grid Code, 2015 ('KEGC'). However, there is no corresponding provision therein for dealing with the non-compliance of the Grid Code or KEGC by SLDC. Since KEGC is subject to the Grid Code in terms of Section 79(1)(h) and 86(1)(h) of the Act, only this Commission has jurisdiction to adjudicate upon the present Petition with respect to non-compliance of the provisions of the Grid Code by KSLDC.

(c) The Hon'ble Supreme Court in Central Power Distribution Co.& Ors. v. Central Electricity Regulatory Commission & Anr. [(2007) 8 SCC 197] has also held that grid discipline even when there is a single State beneficiary will be within the purview of this Commission.

(d) From the commissioning of these power projects during February to May, 2018, KSLDC has been issuing telephonic instructions to the Petitioners to back down generation in violation of the Grid Code as well as the MNRE letter dated 1.8.2019 wherein the MNRE has taken note of irregular curtailment of solar and wind power by various SLDCs and has instructed that the curtailment of solar and wind power can only be done for the reasons of the grid safety and security based on the detailed written instructions with reason to curtail the generator.

(e) Learned counsel requested that during the pendency of the Petition, the Respondent, KSLDC be directed to henceforth comply with the provisions of the Grid Code.

3. In response to the Commission's specific query that the Hon'ble High Court of Andhra Pradesh has stayed the further proceedings in Petition No. 342/MP/2019 involving similar issues, on the ground of lack of jurisdiction as raised by AP SLDC, learned counsel submitted that interim stay granted by the Hon'ble High Court is in respect of Andhra Pradesh PPAs and is applicable in the State of Andhra Pradesh only. Since the present case is pertaining to the State of Karnataka, the order of the Hon'ble High Court of Andhra Pradesh will not come on the way of exercising the jurisdiction by this Commission.

4. After hearing the learned counsel for the Petitioners, the Commission reserved the order on admissibility of the matter.

By order of the Commission

**Sd/-
(T.D. Pant)
Deputy Chief (Law)**

