

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 426/MP/2019

Subject : Petition under Sections 66 and 79 of the Electricity Act, 2003 read with Regulations 14 and 15 of Central Electricity Regulatory Commission (Terms and Conditions of Recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 for issuance of directions to the Respondents to effect re-accreditation and registration of the Petitioner under the Renewable Energy Certificates (REC) mechanism and grant issue of the RECs.

Petitioner : Yadu Sugar Limited (YSL)

Respondents : National Load Despatch Centre (NLDC) and Anr.

Date of Hearing : 18.6.2020

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member

Parties present : Ms. Swapna Seshardri, Advocate, YSL
Shri Ashok Rajan, NLDC
Shri Kailash Saini, NLDC

Record of Proceedings

The matter was listed for hearing through video conferencing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, inter-alia, seeking direction to the Respondent, Uttar Pradesh New and Renewable Energy Development Agency (UPNEDA) to grant re-accreditation to the Petitioner's Plant with immediate effect and to the Respondent, National Load Despatch Centre (NLDC) to issue Renewable Energy Certificates (RECs). Learned counsel further submitted as under:

(a) The Petitioner has set up a 32 MW bio-fuel based co-generation power plant, out of which 7 MW capacity has been registered under REC Mechanism.

(b) On 3.4.2014, UPNEDA granted certificate of accreditation for the Petitioner's plant, which was valid for a period of 5 years i.e. till 2.4.2019. However, REC registration granted by NLDC on 3.12.2014 was valid till 2.12.2019.

(c) Since the REC registration was valid till 2.12.2019, the Petitioner *bona-fide* presumed that the accreditation was also valid till such date. Accordingly,



on 2.2.2019 and 20.4.2019, the Petitioner had deposited Rs. one lakh to SLDC, UP towards annual fee and Rs.11,800 to UPNEDA towards annual accreditation fee for the financial year 2019-20 respectively and the same were duly accepted by them.

(d) While accepting the fee, UPNEDA orally informed the Petitioner that its accreditation had expired on 2.4.2019. Accordingly, the Petitioner immediately on 24.4.2019 handed over a written application to UPNEDA for grant of re-accreditation. However, UPNEDA advised the Petitioner to make a formal renewal application on the letter head of the Petitioner.

(e) On 26.4.2019, the Petitioner submitted a formal written application to UPNEDA for grant of re-accreditation. However, UPNEDA refused to accept the said application stating that since accreditation had already expired and the online portal where the renewal applications are filed is now closed for the Petitioner.

(f) The Petitioner, vide its letter dated 3.9.2019, requested UPNEDA to permit the Petitioner to file its renewal application. In response, UPNEDA, vide its letter dated 19.9.2019, rejected the Petitioner's request for re-accreditation and directed the Petitioner to approach NLDC.

(g) The Petitioner, vide its letter dated 12.9.2019, also requested NLDC to renew the accreditation of the Petitioner's Plant. However, NLDC, vide its e-mail dated 13.9.2019, denied the request for re-accreditation citing that a proper online application was not made by the Petitioner.

(h) The Commission in its various orders has held that the requirement of compliance of procedural formalities and processes have to be interpreted in a manner to facilitate the achievement of primary objective of promoting renewable energy generation and not to defeat the same. In this regard, reliance was placed on the Commission's order dated 11.2.2019 in Petition No. 22/MP/2019 (Mirra and Mirra Industries v. NLDC and Anr.), order dated 11.2.2019 in Petition No. 129/MP/2018 (Shalimar Visuals Pvt. Ltd. V. NLDC and Anr.), order dated 2.3.2017 in Petition No. 308/MP/2015 (NuPower Renewables Pvt. Ltd. and Anr. v. NLDC and Anr.) and the judgment of Appellate Tribunal for Electricity dated 28.11.2014 in Appeal Nos. 156 of 2013 and 248 of 2013 (Simran Wind Power Pvt. Ltd. and Ors. v. CERC and anr.)

3. The representative of the Respondent, NLDC submitted that in terms of Clause 4.1(i) of the Procedure for Accreditation of RE Generation Project by State Agency and Clause 4.1(f) of the Procedure for Registration of RE Generation Project by the Central Agency, the generating company is required to apply for revalidation/extension of the validity of existing accreditation/registration, at least three months prior to expiry of existing accreditation/registration. However, the Petitioner had failed to apply for revalidation of accreditation on REC portal within the stipulated time frame and had approached NLDC belatedly. The representative of NLDC further submitted that under the extant Regulations/Procedure, NLDC does not have power to condone such delay. He added that as no allegations have been levelled against NLDC, it does not want to file any reply.



4. After hearing the learned counsel for the Petitioner and the representative of the Respondent, NLDC, the Commission reserved order in the matter.

By order of the Commission

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

