

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Petition No. 162/MP/2012
With I.A.No. 37/2012**

Sub: Petition under Section 79 (1) (k) of the Electricity Act, 2003 read with Regulations 14 and 15 of the Central Electricity Regulatory Commission (Terms and Conditions for Recognition and Issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010.

Date of hearing : 7.8.2012

Coram : Shri S.Jayaraman, Member
Shri M.Deena Dalayan, Member

Petitioner : Shri Someshwar Sahakari Sakhar Karhnana Limited,
Pune

Respondents : National Load Despatch Centre, New Delhi
Maharashtra Energy Development Agency, Pune
Maharashtra State Load Despatch Centre, Navi
Mumbai

Parties present : Shri Rajiv Yadav, Advocate for petitioner
Shri Neeraj Kumar, SSKSL
Miss Joyti Prasad, NLDC

Record of Proceedings

The petitioner Shri Someshwar Sahakari Sakhar Karhnana Limited has filed this petition with regard to the accreditation by Maharashtra Energy Development Agency for generation of bagasse based power under 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 'REC Regulations').

2. Learned counsel for the petitioner submitted that the Petitioner owned and operates an 18 MW co-generation plant located at Pune. The petitioner entered into seasonal PPA with Maharashtra State Electricity Distribution Company Limited for sale of surplus power generated from said co-generation plant. Such co-generation plant is accredited and registered under the REC framework for said 18 MW capacity which was divided between 11.9 MW for

sale to Distribution Company under preferential tariff and 6.1 MW for self consumption.

3. Learned counsel further submitted that Maharashtra Energy Development Agency vide its letter dated 28.3.2012 directed the NLDC to revise the petitioner's accreditation capacity from 6.1 MW to 2.35 MW. Maharashtra Energy Development Agency also directed the petitioner to furnish the undertaking for revised accreditation of its co-generation unit. Accordingly, NLDC vide its letter dated 11.5.2012 informed the petitioner that its capacity under accreditation and registration is being reduced which was done without giving an opportunity of being hearing to the petitioner. Learned counsel further submitted that Regulation 5 (1) (b) of the REC Regulations could not reasonably be implemented without considering whether a particular co-generation plant is operating in season or off-season.

4. The learned counsel for the petitioner sought an interim direction to NLDC, to not treat its REC entitlement in respect of 3.85 MW. The Commission declined to grant any ad-interim directions in the matter without hearing NLDC.

5. The Commission admitted the petition and directed issue of notice to the respondents who shall file their replies by 30.8.2012 and the petitioner to file its rejoinder, if any, by 10.8.2012.

6. The petition shall be listed for hearing on 18.9.2012.

By Order of the Commission

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