

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 22/MP/2013

Subject: Petition under section 66 and 79 of the Electricity Act, 2003 read with Regulation 3(3), 3(4) and 14 of the CERC (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 and its amendment thereof, to issue direction and orders as considered appropriate to the National Load Despatch to consider the commissioning date of generating stations as the effective date for the issuance of Renewable Energy Certificates to the IL & FS Wind Power Limited.

Coram Dr. Pramod Deo, Chairperson
Shri S. Jayaraman, Member
Shri M. Deena Dayalan, Member

Date of Hearing 28.2.2013

Petitioner IL & FS Wind Power Limited, Gurgaon

Respondent National Load Dispatch Center, New Delhi

Present: Ms. Sampada Narang, Advocate, ILFS
Shri Vikram Madan, ILFS
Shri Ravi Bhati, ILFS
Shi Kapeesh Rustagi, ILFS

RECORD OF PROCEEDING

Learned counsel of the petitioner submitted that present petition has been filed under Sections 66 and 79 of the Electricity Act, 2003 read with Regulation

14 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) seeking directions to the Respondent, National Load Despatch Centre to issue Renewable Energy Certificate (REC) for generation and injection of electricity in the grid from the date of commissioning of generating units instead of from the date of registration by the respondent. Learned counsel submitted that the petitioner has commissioned wind turbine generation stations with an installed capacity of 12 MW each in the States of Tamil Nadu and Gujarat. The PPA were entered into prior to the commissioning of each generation station and the petitioner is selling electricity in compliance with the conditions specified in REC Regulations to be entitled to RECs from the dates when the generating units have been commissioned.

2. Learned counsel of the petitioner further submitted that REC mechanism is to provide a financially viable alternate mode of sale that is applicable from the commissioning as is the case with selling under preferential tariff mode otherwise financial viability of the project will be jeopardized.

3. Learned counsel of the petitioner submitted that the REC Regulations no where debar issuance of certificates from the date of commissioning of generating units. Referring to the Regulation 5 of the REC Regulations, learned counsel submitted that at the time of application petitioner was fulfilling all the eligibility criteria, therefore, is entitled for RECs from the date of application. Learned counsel of the petitioner also referred the provisions made in the procedure which specifically permit the RE generator to apply for registration after the commissioning of the generating units.

4. In response to Commission`s specific query why the petitioner has not initiated the process of accreditation and registration as per the REC Regulations and the procedures framed which allows RE generator to apply for accreditation six months prior to date of commissioning and for registration three months prior to date of commissioning, learned counsel submitted that in the State of Gujarat, the petitioner did not sign PPA as he was awaiting for new APPC to be declared by the Commission and it has commercial implications.

5. After hearing the learned counsel, the Commission directed the petitioner to give specific project wise details regarding delay, if any, on the part of State

Agency and Central Agency in the accreditation and registration process, respectively on affidavit, latest by 22.3.2013.

6. Subject to above, the Commission reserved order on the maintainability of the petition.

By order of the Commission,

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