

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 76/MP/2018

Subject : Petition under Regulations 14, 5 (3) and (4) of the Central Electricity Regulatory Commission (Terms and conditions for Recognition and issuance of Renewable Energy Generation) Regulations, 2010 for grant of renewable energy certificates to the Petitioner from the date of the commissioning of the 24 MW Bhilangana–III Hydro Electric Project.

Petitioner : Bhilangana Hydro Power Limited (BHPL)

Respondents : National Load Despatch Centre and Another

Date of Hearing : 9.7.2019

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

Parties present : Shri Anand K. Ganesan, Advocate, BHPL
Shri Arjun Krishnan, Advocate, NLDC
Shri Ankur Singh, Advocate, NLDC
Shri Ashok Rajan, NLDC

Record of Proceedings

At the outset, learned counsel for the Petitioner submitted that the present Petition has been filed for seeking direction to National Load Despatch Centre to issue the Renewable Energy Certificates in respect of 24 MW Bhilangana Hydro Electric Project of the Petitioner located in the State of Uttarakhand from the date of commissioning of the project i.e. 20.12.2011 till the date of registration i.e. 28.2.2012. Learned counsel further submitted that the Petitioner had applied for accreditation on 1.3.2011 i.e. prior to the commissioning of the project. However, the said accreditation was granted to the Petitioner on 8.2.2012 which clearly states that the delay in issuing the accreditation is a fault of NLDC.

2. Learned counsel for NLDC submitted that as per Regulation 10 of the REC Regulations, after registration, the Renewable Energy generation plant shall be eligible for issuance of certificates from the date of commercial operation or from the date of registration of such plant by the Central Agency, whichever is later. Therefore, where the commercial operation of the project was achieved prior to the date of registration by the Central Agency under the REC Regulations, the RECs are to be issued from the date of registration. Learned counsel further submitted that reliance placed by the Petitioner upon APTEL's order dated 28.11.2014 in Appeal Nos.156/2013 and 248/2013 is misplaced as the said order has been stayed by the Hon'ble Supreme Court vide order dated 9.7.2015 in Civil Appeal No.17807 of 2015.

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

By order of the Commission

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