

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 204/MP/2020

Subject : Petition invoking Regulation 1.5(i) 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 and wind generators and Regulation 111 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking direction to State Load Despatch Centre to act in accordance with IEGC provisions while issuing backing down instructions to the solar and wind generators.

Petitioner : Southern Regional Load Despatch Centre (SRLDC)

Respondents : Andhra Pradesh State Load Despatch Centre (APSLDC) and Ors.

Date of Hearing : 14.7.2020

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member

Parties present : Shri Venkateshan M., SRLDC
Shri Asudi Janardhan, SRLDC
Shri S. Vallinayagam, Advocate, AP Transco
Shri A. K. V. Bhaskar, AP Transco
Shri M. Murali Krishna, AP Transco

Record of Proceedings

The matter was heard through video conferencing.

2. The representative of the Petitioner submitted that the present Petition has been filed for invoking Regulation 1.5(i) read with Regulation 5.2(u) and Regulation 6.5(11) of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 (in short 'Grid Code') for enforcement of 'must run' status granted to solar and wind generators and direction to State Load Despatch Centre to act in accordance with the provisions of the Grid Code while issuing back down instructions to the solar and wind generators.

3. At the outset, learned counsel for the Respondent, Andhra Pradesh State Load Despatch Centre (APSLDC), objected to the maintainability of the Petition. Learned counsel submitted that the same issue as raised by the Petitioner has been raised by



Prayatna Developers Private Limited in Petition No. 342/MP/2019, wherein the Petitioner, SRLDC is also a party and has filed its reply. In the said Petition, specific issue of APSLDC's authority to curtail/ back down the intra-State wind and solar generators under Section 32 of the Electricity Act, 2003 has been raised and is being deliberated. He further submitted that the Hon'ble High Court of Andhra Pradesh, vide its interim order, has stayed the proceedings in Petition No. 342/MP/2019. None of these facts have been placed on record by the Petitioner. Learned counsel for the Respondent sought time to file its reply on maintainability of the Petition.

4. In response, the representative of the Petitioner submitted as under:

(a) While Prayatna Developers Private Limited in Petition No. 342/MP/2019 may have invoked Regulation 5.2 of the Grid Code on account of being aggrieved by the loss of generation due to back down, in the present Petition issue of Regulation 1.5 (Compliance Oversight) of Grid Code has been raised.

(b) Regulation 1.5 of Grid Code mandates the Petitioner to report to the Commission instance of serious or repeated violation of any of the provisions of the Grid Code and incidence of persistent non-compliance of the RLDC's directions for ensuring stability of grid operations of the regional grid under its control.

(c) Reply filed by SRLDC in Petition No. 342/MP/2019 was limited to SRLDC's control area jurisdiction in respect of Ultra Mega Power Project and its scheduling in terms of provisions of the Grid Code.

(d) Pursuant to the Ministry of New and Renewable Energy's letter dated 1.8.2019 directing SLDCs to honour the 'must run' status of the solar and wind generators, the Petitioner had been taking up the issue of curtailment of renewable generation in various OCC meetings. Therefore, present Petition has no relevance with Petition No. 342/MP/2019.

(e) Hon'ble High Court of Andhra Pradesh in its order dated 24.9.2019 in WP No. 9844 of 2019 and Ors. has also directed the Respondents not to take any coercive steps including curtailing production, stopping evacuation except after giving due notice to the generators and as per the PPAs, Regulations and the Act. However, the curtailment of the renewable generation has been continued.

(f) In terms of the provisions of the Grid Code, the wind and solar generators are required to be treated as must-run stations and are allowed to be backed down only on consideration of grid security or if safety of any equipment or personnel is endangered. As far as 'grid security' is concerned, there was no constraint on 400 kV inter-State network. However, for intra-State network, the Petitioner has not been communicated as to whether there was any constraint or not.

(g) In terms of Para 17 and Para 19 of the judgment of Hon'ble Supreme Court in Central Power Distribution Co. & Ors. v. Central Electricity Regulatory Commission and Anr. [(2007) 8 SCC 197], the Commission has jurisdiction in



respect of the matters pertaining to grid discipline even when there is a single State beneficiary.

(h) APSLDC is not submitting to the Petitioner details of curtailment/back-down of wind and solar generation, which is leading to a precarious situation while managing the grid at regional level. Therefore, during the pendency of the Petition, APSLDC may be directed to provide the details of renewable energy curtailment/back-down.

5. After hearing the representative of the Petitioner and the learned counsel for the Respondent, the Commission directed the Respondent, APSLDC, to file its reply on the maintainability of the Petition by 30.7.2020 with advance copy to the Petitioner, who may file its rejoinder, if any, by 14.8.2020.

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

By order of the Commission

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

