

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 595/MP/2020

Subject : Petition for directions to the Respondents, National Load Despatch Centre and Odisha Renewable Energy Development Agency-State Nodal Agency for the fresh accreditation and registration of the Petitioner under the Renewable Energy Certificates (REC) mechanism and consequent reliefs.

Date of Hearing : 25.8.2020

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

Petitioner : Dalmia Cement (Bharat) Limited (DCBL)

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

Parties present : Shri Manu Seshadri, Advocate, DCBL
Ms. Pallavi Anand, Advocate, DCBL
Shri Manorajan Sahoo, DCBL
Shri Ahmer Ali Khan, DCBL

Record of Proceedings

The matter was heard through video conferencing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed seeking appropriate directions to the Respondents to grant accreditation and registration of the Petitioner's 2.5 MW Captive Solar PV Plant under the Renewable Energy Certificate (REC) mechanism on account of change of name of the Petitioner from 'OCL India Limited' to 'Dalmia Cement (Bharat) Limited' subsequent to amalgamation of OCL India Limited with its parent company, Dalmia Cement (Bharat) Limited and for consequent reliefs. Learned counsel further submitted as under:

(a) The Petitioner has set-up a 2.5 MW Captive Solar PV Plant at its Kapilas Cement Manufacturing Works unit (in short, 'KCMW') in the State of Odisha. KCMW unit was part of OCL India Limited.

(b) Accordingly, the said Captive Solar Plant was accredited and registered as an 'Eligible Entity' as part of OCL India Limited under the provisions of Central Electricity Regulatory Commission (Terms and Conditions for Recognition and Issuance of Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2010 (in short, 'REC Regulations') for issuance of RECs.



(c) The accreditation granted to the said Captive Solar PV Plant by Odisha Renewable Development Agency (OREDA) was last renewed on 2.1.2018 and is valid upto 1.1.2023. The registration granted by NLDC was last renewed on 2.5.2018 and is valid upto 1.5.2023. However, pursuant to the order dated 20.4.2018 of the National Company Law Tribunal (NCLT), Chennai, the entire undertaking of OCL India Limited has been amalgamated with the Petitioner and as a result, said Captive Solar Power PV Plant at KCMW came to be vested and transferred in the favor of the Petitioner.

(d) As per advise of OREDA, on 20.1.2020, the Petitioner approached NLDC, for 'change of name' from OCL India Limited to Dalmia Cement (Bharat) Limited. However, NLDC vide its e-mail dated 10.2.2020 informed that this is not a case of simple name change but change in the legal status of the company and accordingly, the Petitioner was directed to comply with the provision of Clause 4.1(j) of the Model Procedure/ Guidelines for Accreditation of Renewable Energy Generation Project under REC Mechanism (in short, 'REC Procedure').

(e) Thereafter, the Petitioner applied for fresh accreditation and registration in the name of Dalmia Cement (Bharat) Limited. However, the online portal did not permit the Petitioner's application as the option for filing of fresh application for Captive Generating Plant was not available. Subsequently, NLDC informed the Petitioner that as per Clause 2.2 of REC Procedure, new entity i.e. the Petitioner will not be eligible for fresh accreditation for energy generated from its plant to the extent of self-consumption. However, the Petitioner's Captive Solar PV Plant fulfils the conditions specified in the REC Regulations.

3. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed to issue notice to the Respondents.

4. The Commission directed the Petitioner to serve copy of the Petition on the Respondents immediately, if not already served. The Respondents were directed to file their reply by 18.9.2020, with advance copy to the Petitioner, who may file its rejoinder, if any, by 30.9.2020. The Commission further directed that the due date of filing of reply and rejoinder should be strictly complied with.

5. Learned counsel for the Petitioner submitted that the Petitioner has also filed IA No. 51/2020 for interim reliefs for extension of time for Renewable Purchase Obligation (RPO) compliance and for protection from any coercive steps that may be taken by any authority against the Petitioner arising out of non-compliance or failure to meet RPO targets during the pendency of the present Petition. After hearing the learned counsel, the Commission clarified that the specification of RPO targets and compliance thereof are not within the purview of the Commission. The Commission declined to issue any interim relief in this regard. Accordingly, the Commission disposed of IA No. 51/2020.



6. The Petition shall be listed for hearing in due course for which separate notice will be issued.

By order of the Commission

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

