

**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 : 17.9.2021

Coram : Shri P. K. Pujari, Chairperson
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Dalmia Cement (Bharat) Limited (DCBL)

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

Parties Present : Shri Manu Seshadri, Advocate, DCBL
Shri Aveek Ganguly, Advocate, DCBL
Ms. Pallavi Anand, Advocate, DCBL
Ms. Abiha Zaidi, Advocate, NLDC
Shri Manorajan Sahoo, DCBL
Shri Ahmer Ali Khan, DCBL
Shri Gajendra Sinh Vasava, NLDC
Shri Alok Kumar, NLDC

Record of Proceedings

Case was called out for virtual hearing.

2. The learned counsel for the Petitioner submitted that the present Petition has been filed praying for 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 the change of name of the Petitioner from 'OCL India Limited' to 'Dalmia Cement (Bharat) Limited' brought about by amalgamation of OCL Cement Limited with its parent company, Dalmia Cement (Bharat) Limited and for consequent reliefs.

3. The learned counsel for the Respondent No.1, NLDC submitted that the issue involved in the present case is covered by the recent decision of the Appellate Tribunal for Electricity ('APTEL') dated 20.5.2021 in Appeal No. 174 of 2020 (Magadh Sugar and Energy Ltd. v. POSOCO and Ors.), wherein the APTEL, *inter alia*, has permitted the grant of re-accreditation and registration of appellate/ captive generator therein from the appointed date i.e. the date from which the scheme of arrangement had become effective, it being within the threshold date of 30.6.2016 as specified in Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) (Fourth Amendment) Regulations, 2016. The learned counsel submitted that in the Petitioner's case also, the appointed date for the Scheme of

amalgamation and arrangement is 1.1.2015. The learned counsel sought liberty to place on record the aforesaid judgment of the APTEL.

4. In response, the learned counsel for the Petitioner prayed for time to examine the decision of the APTEL dated 20.5.2021 in Appeal No. 174 of 2020.

5. After hearing the learned counsel for the parties, the Commission directed the Respondent, NLDC to file its reply along with copy of decision of APTEL in Appeal No. 174 of 2020 within a week after serving copy to the Petitioner, who may file its response thereon, if any, by within a week thereafter.

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)
Joint Chief (Law)**