

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No.207/MP/2022

- Subject : Petition under Section 178, 79(1)(k) of the Electricity Act, 2003 read with Regulation 4(2) and Regulation 18 (Power to Relax) of the Central Electricity Regulatory Commission (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2022 seeking issuance of appropriate order(s)/ direction(s)/ declaration by the Commission that sale of untied (without PPA) power from 600 MW (4x150 MW) Kameng Hydro Electric Project of the Petitioner as sold under DAM/RTM becomes eligible for issuance of HEC (Non-Solar REC) under the Hydro Power Obligation from 2021-22 to 2029-30 as per the order dated 8.3.2019 and 29 January, 2021 of the MoP, Gol.
- Date of Hearing : 13.12.2022
- Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : North Eastern Electric Power Corporation Ltd. (NEEPCO)
- Respondents : National Load Despatch Centre (NLDC) and 23 Ors.
- Parties Present : Shri Ripunjoy Bhuyan, NEEPCO
Shri Susanta, NEEPCO
Shri Partha Sen, NEEPCO
Ms. Elizabeth Pyrbot, NEEPCO

Record of Proceedings

The representative of the Petitioner submitted that the present petition has been filed, *inter-alia*, seeking appropriate order/direction/declaration that sale of power of untied (without PPA) power from the Petitioner's 345 MW of Kameng Hydro Electric Project under DAM/RTM becomes eligible for issuance of the Hydro Energy Certificate / (Non-Solar REC). The representative mainly submitted the following:

- (a) The Petitioner has set-up a Kameng Hydro Electric Project of 600 MW (4x150 MW) ("the Project") which qualifies to be a Large Hydro Project (LHP) and all four units of the Project have achieved the commercial operation on 17.6.2020, 1.7.2020, 22.1.2021 and 12.2.2021 respectively.
- (b) Presently, the tied-up capacity of the Project, in terms of the allocation done by the Ministry of Power, is only 255 MW and the balance 345 MW of untied/merchant power is being sold by the Petitioner in the short-term/power exchanges under DAM/RTM basis.
- (c) However, through such sale of power through exchanges under DAM/RTM, only the electricity component is traded, leaving the green (REC)



attributes unutilised, which the obligated entities could purchase to fulfil their Hydro Power Obligations as part of non-solar REC as specified by the Ministry of Power in its OM dated 8.3.2019 in the matter of “Measures for promotion of Hydro Power in India”.

(d) In the said OM, the Ministry of Power has also declared the large hydro power projects including pump storage projects having capacity more than 25 MWs (LHPs) which came into commercial operation after 8.3.2018 as renewable energy source and has specified the Hydro Power Obligation within the Non-Solar Renewable Purchase Obligation.

(e) As per the Regulation 4(2)(a) of the Central Electricity Regulatory Commission (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2022 ('REC Regulations, 2022'), a renewable energy generating station is eligible for issuance of REC if the tariff of such generating stations for part or full capacity has not been either determined or adopted under Section 62 or 63 of the Act respectively or the electricity generated is not sold directly or through a trader or in Power Exchange for the RPO compliance by an obligated entity.

(f). Hydro Energy Certificate may be issued retrospectively against such untied (without PPA) power of 1858.70 MU which is sold through power exchange till 31.05.2022 since declaration of CoD by the Petitioner.

(g) Although the Petitioner has filed Petition bearing No. 51/GT/2021 for determination of tariff under Section 62 of the Act for its Kameng Project, the untied capacity to the extent of 345 MW is outside the scope of Section 62 and Section 63 of the Act. Moreover, the sale of such untied power as being sold in the exchange is also not meant for the RPO compliance by the obligated entities.

2. After hearing the representative of the Petitioner, the Commission ordered as under:

- (a) The Petitioner to implead RLDC and SLDC as party to the Petition and file revised memo of parties within a week.
- (b) Issue notice to the Respondents.
- (c) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply to the Petition on maintainability as well as on merits within three weeks after serving copy of the same to the Petitioner, who may file its rejoinder within three weeks thereafter.
- (d) The Petitioner to file a detailed note describing how the various procedures/requirements for the issuance of renewable energy certificates will be met/complied in respect of its untied capacity from the Project upon its registration and accreditation.
- (e) Parties to comply with the above directions within the above timelines and no extension of time shall be granted.

3. The Petition shall be listed for hearing on 14.3.2023 on maintainability as well as on merits.

By order of the Commission

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