

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 1/SM/2022 (Suo-Motu)

Coram:

1. Shri P.K. Pujari, Chairperson
2. Shri I.S.Jha, Member
3. Shri Arun Goyal, Member
4. Shri Pravas Kumar Singh, Member

Date of Order: 22nd January 2022

IN THE MATTER OF:

Ease of doing business – Regulatory compliance portal of Department for Promotion of Industry and Internal Trade, Government of India - Removal of Difficulty and Relaxation of provisions of:

(a) *Central Electricity Regulatory Commission (Standards of Performance of Inter-State Transmission Licensees) Regulations, 2012;*

(b) *Central Electricity Regulatory Commission (Procedures, Terms and Conditions for grant of Transmission License and other related matters) Regulations, 2009;*

And Modification in:

(c) *Procedure for Registration of a Renewable Energy Generator or Distribution licensee, as the case may be, issued by the Central Agency in pursuance of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificates for Renewable energy Generation) Regulations, 2010 as amended from time to time;*

- (d) Procedure for issuance of Renewable energy certificates to the Eligible entity by Central Agency, issued by the Central Agency in pursuance of the Central Electricity Regulatory Commission (Terms and Conditions for recognition of Renewable energy certificates for Renewable energy Generation) Regulations, 2010 as amended from time to time; and**
- (e) Model Procedure / Guidelines for accreditation of a Renewable Energy Generator or Distribution licensee, as the case may be, by the State Agency**

ORDER

BACKGROUND

To minimize the regulatory burden on businesses and citizens, the Government of India (GOI) launched the Regulatory Compliance Portal (a central online repository of all Central and State level compliances) on 1st January, 2021. Under this initiative, all Central Ministries/ Departments and States/ Union Territories were required to examine laws/ regulations/ rules, under their purview, and implement an 'Action Plan' to rationalize and simplify the processes and remove burdensome compliance, decriminalize laws and repeal redundant provisions.

2. Ministry of Power, Government of India, based on the meeting of Committee of Secretaries, communicated 360 issues on various Regulations/ Procedures notified/ issued by the Commission, with a request to examine/analyse the same and remove the burdensome compliances under the regulations, with the objective of reducing the burden imposed on businesses/ citizens. Based on the said examination/analysis, the Commission was also requested to carry out necessary amendments to its Regulations/ Orders. For this

purpose, the Commission was required to identify and categorise these 360 issues as Burdensome/ Non-burdensome/ Not applicable/ Repetitive or Forwarded.

3. After a detailed analysis, the following issues were identified by the Commission as burdensome, which could be reviewed for suitable modification:

(a) **Central Electricity Regulatory Commission (Standards of Performance of Inter-State Transmission Licensees) Regulations, 2012**

(i) Regulation 8 (regarding information to be furnished by the inter-State Transmission Licensees)

(b) **Central Electricity Regulatory Commission (Procedures, Terms and Conditions for grant of Transmission License and other related matters) Regulations, 2009**

(i) Clause (4) of Regulation 7 (regarding Procedure for Grant of Licence)

(ii) Clause (7) of Regulation 7 (regarding Procedure for Grant of Licence)

(iii) Clause (9) of Regulation 7 (regarding Procedure for Grant of Licence)

(iv) Clause (10) of Regulation 7 (regarding Procedure for Grant of Licence)

(v) Clause (12) of Regulation 7 (regarding Procedure for Grant of Licence)

(c) **Procedure for Registration of a Renewable Energy Generator or Distribution licensee, as the case may be, issued by the Central Agency in pursuance of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificates for Renewable energy Generation) Regulations, 2010 as amended from time to time**

i) Clause 2.5 (regarding Applicability and Scope)

ii) Clause 3 (regarding Step-wise description of the Procedure)

iii) Sub-clauses (f) and (h) of Clause 4.1 (regarding Functions, Roles and responsibilities of entities involved)

iv) Clause 11.1 (regarding Reduction of the registered capacity of the RE generating plants under REC mechanism)

(d) ***Procedure for issuance of Renewable energy certificates to the Eligible entity by Central Agency, issued by the Central Agency in pursuance of the Central Electricity Regulatory Commission (Terms and Conditions for recognition of Renewable energy certificates for Renewable energy Generation) Regulations, 2010 as amended from time to time***

i) Sub-clause (d) of Clause 4.1 (regarding Functions, Roles and responsibilities of entities involved)

(e) ***Model Procedure / Guidelines for accreditation of a Renewable Energy Generator or Distribution licensee, as the case may be, by the State Agency***

i) Sub-clauses (i) and (j) of Clause 4.1 (regarding Functions, roles and responsibilities of entities involved)

ii) Clause 2.7 (regarding Applicability and scope)

iii) Clause 3: Step 6 (step wise description of the Procedure)

iv) Sub-clauses 9.1 and 9.5 of Clause 9 (regarding Event of default and consequences thereof)

DECISION

(a) ***Central Electricity Regulatory Commission (Standards of Performance of Inter-State Transmission Licensees) Regulations, 2012***

4. The Commission observes that Clause (2) of Regulation 8 of the Central Electricity Regulatory Commission (Standards of Performance of inter-State transmission licensees) Regulations, 2012 (hereinafter referred to as “the Standards of Performance Regulations 2012”) with respect to information to be furnished by the Inter-State Transmission Licensees provides as under:

“2. Such information in the requisite formats shall be submitted to the Commission, twice during the financial year on six monthly basis, by 31st October and 30th April for the periods April to September and October to March respectively”

5. In order to ease the process of submission of information, the Commission considers it necessary to review the periodicity of information submission requirements in this context. Regulation 10 of the Standards of Performance Regulations 2012 empowers the Commission to issue directions to remove difficulties in implementation of provisions of the Regulations and is extracted as under:

“10. Power to remove difficulties: If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, by general or specific order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty”

6. In order to remove the difficulty for the stakeholders as highlighted by the Government of India and as agreed to by the Commission for review, the Commission in exercise of the powers under Regulation 10 of the Standards of Performance Regulations 2012, directs that the information as required under Clause (2) of Regulation 8 of the Standards of Performance Regulations may be submitted on yearly basis by 30th April for the previous financial year. Hence, Clause (2) of Regulation 8 of the Standards of Performance Regulations 2012 shall be read as under:

“(2) Such information in the requisite formats shall be submitted to the Commission on yearly basis by 30th April for the previous financial year.”

(b) Central Electricity Regulatory Commission (Procedures, Terms and Conditions for grant of Transmission License and other related matters) Regulations, 2009

7. The Commission also observes that Clause (4), Clause (7), Clause (9) and Clause (12) of Regulation 7 of the Central Electricity Regulatory Commission (Procedure, Terms and Conditions for grant of Transmission Licence and other related matters) Regulations, 2009 (hereinafter referred to as “the Transmission License Regulations 2009”) with respect to publishing applications as a part of the Procedure for grant of license read as under:

(4) Before making an application, the applicant shall serve a copy of the application on each of the long-term customers of the project and shall submit evidence to that effect along with the application and shall also post the complete application along with annexures and enclosures on its web site, the particulars of which shall be given in the application

(7) The applicant shall, within 7 days after making the application, publish a notice of its application in Form-II attached to these regulations, in at least two daily newspapers, one in English language and one in vernacular language, having circulation in each State or Union Territory where an element of the project or a long-term customer is situate, in the same language as of the daily newspaper in which the notice of the application is published

(9) In the notice published in the newspapers under clause (7) it shall be indicated that the suggestions and objections, if any, on the application, may be filed before the Secretary, Central Electricity Regulatory Commission, Third Floor, Chanderlok Building, Janpath, New Delhi-110001 (or the address where the office of the Commission is situated), with a copy to the applicant, by any

(12) The applicant may file its comments, duly supported by an affidavit, on the recommendations made by the Central Transmission Utility and the suggestions and objections, if any, received in response to the public notice published by him, within 45 days of service of copy of the application on the Central Transmission Utility or publication of notices in the newspapers, with an advance copy to the Central Transmission Utility or the person who has filed the suggestions and objections on the proposal made in the application, as the case may be.

8. In order to align the aforesaid provisions of the Transmission License Regulations 2009 with the provisions of the Information and Technology Act, 2000, the Commission considers it necessary to review the requirement of publication of notices. Regulation 24 of the Transmission License Regulations 2009 provides for powers of the Commission to relax provisions in the Regulations and is extracted as under :

“24. Power to Relax: The Commission may, when it considers necessary or expedient to do so and for reasons to be recorded in writing, relax or depart from any of the provisions of these regulations.”

9. Accordingly, with a view to ease the regulatory process for stakeholders as identified by the Government of India and agreed to by the Commission for review, the Commission in exercise of the powers under Regulation 24 of the Transmission License Regulations 2009,

directs that such information which was previously being submitted in physical form, may now be submitted to the Commission on its e-filing portal. The requirement of publication in newspapers shall be substituted by the provision for publication on the websites. The relevant application shall also be submitted in electronic form. Hence, Clause (4), Clause (7), Clause (9) and Clause (12) of Regulation 7 of the Transmission License Regulations 2009 shall be read as under:

“(4) Before making an application, the applicant shall submit the original application in electronic form along with annexures and enclosures on the e-filing portal of the Commission so that the same is served electronically on all the long-term customers of the project registered on the e-filing portal of the Commission. Also, a copy of the same be served through e-mail on the long-term customers of the project not registered on the e-filing portal of the Commission. Further, the applicant shall also post the complete application along with annexures and enclosures in English and in the vernacular language, on its website.”

(7) The applicant shall, within 7 days after filing the application, post the application on the e-filing portal of the Commission and on its website in Form-II attached to these regulations in English language and in Vernacular language of the State or Union Territory where an element of the project or a long-term customer is situated, inviting comments from the general public.

(9) In the notice published on the e-filing portal of the Commission and on the applicant's website under clause (7) it shall be indicated that the suggestions and objections, if any, on the application, may be filed before the Secretary, Central Electricity Regulatory Commission, Third Floor, Chanderlok Building, Janpath, New Delhi-110001 (or the address where the office of the Commission is situated), with a copy to the applicant, by any person, including the long-term customers, within 30 days of publication of the notice.

(12) The applicant may file its comments, duly supported by an affidavit, on the recommendations made by the Central Transmission Utility and the suggestions and objections, if any, received in response to the notice posted on the e-filing portal of the Commission and on the applicant's website by him, within 45 days of service of copy of the application on the Central Transmission Utility or publication of notice posted on the e-filing portal of the Commission and on the applicant's website, with an advance copy to the Central Transmission Utility or the person who has filed the suggestions and objections on the proposal made in the application, as the case may be.”

10. Additionally, the Commission also observes that Clause (10) of Regulation 7 of the Transmission License Regulations 2009 provides for the applicant to give details of the newspapers in which the application has been published, as under:

“(10) The applicant shall within 15 days from the date of publication of the notice as aforesaid submit to the Commission on affidavit the details of the notice published, indicating the newspapers in which the notice has been published and the date and place of their publication and shall also file before the Commission the relevant copies of the newspapers, in original, in which the notice has been published.”

11. As the requirement of publication of application in newspapers has been dispensed with as detailed in preceding paragraphs, Clause (10) of Regulation 7 becomes redundant. Accordingly, the Commission in exercise of the powers under Regulation 24 of the Transmission License Regulations 2009 dispenses with the provisions of Clause (10) of Regulation 7.

(c) Procedure for Registration of a Renewable Energy Generator or Distribution licensee, as the case may be, issued by the Central Agency in pursuance of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificates for Renewable energy Generation) Regulations, 2010 as amended from time to time.

(d) Procedure for issuance of Renewable energy certificates to the Eligible entity by Central Agency, issued by the Central Agency in pursuance of the Central Electricity Regulatory Commission (Terms and Conditions for recognition of Renewable energy certificates for Renewable energy Generation) Regulations, 2010 as amended from time to time.

(e) Model Procedure / Guidelines for accreditation of a Renewable Energy Generator or Distribution licensee, as the case may be, by the State Agency.

12. The Procedure for Registration of a Renewable Energy Generator or Distribution licensee, as the case may be, the Procedure for issuance of Renewable energy certificates to the Eligible entity by Central Agency and the Model Procedure/ Guidelines for accreditation of a Renewable Energy Generator or Distribution licensee, as the case may be, by the State Agency have been issued by the Central Agency in pursuance of the Central Electricity

Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificates for Renewable energy Generation) Regulations, 2010 as amended from time to time. Therefore, directions to the National Load Despatch Centre, the Central Agency in terms of the REC Regulations 2010, are being issued separately to carry out modifications in the Procedures as approved by the Commission and give wide publicity to the same.

13. Petition No.1/SM/2022 is disposed of accordingly.

Sd/-
(Pravas Kumar Singh)
Member

Sd/-
(Arun Goyal)
Member

Sd/-
(I.S.Jha)
Member

Sd/-
(P.K. Pujari)
Chairperson