

**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 : 14.3.2023
- Coram : Shri Jishnu Barua, Chairperson
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 44 Ors.
- Parties Present : Shri Ripunjay Bhuyan, NEEPCO
Ms. Elizabeth Pyrbot, NEEPCO
Shri Gajendra Singh, NLDC
Shri Kailash Chand Saini, NLDC
Ms. Nikita Chouksey, Advocate, MSEDCL
Ms. Astu Khandelwal, Advocate, MSEDCL
Ms. Preetika Dwivedi, Advocate, Punjab SLDC
Shri Abhishek Mohanty, Advocate, Punjab SLDC

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 (HEP) under DAM/RTM becomes eligible for issuance of the Hydro Energy Certificate / (Non-Solar REC). The representative of the Petitioner further submitted as under:

- (a) After the last hearing of the matter on 13.12.2022, Grid Controller of India (GCIL) (formerly, POSOCO) issued the "Procedure for Implementation of REC Mechanism" under the Central Electricity Regulator Commission (Terms and Condition of REC Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2022 ('REC Regulations, 2022').

(b) Pursuant thereto, the Petitioner submitted its application for issuance of REC (Hydro) on 29.12.2022 and has been granted accreditation & registration in respect of its Kameng HEP for 347 MW (out of 600 MW) of untied (without PPA) power under REC mechanism w.e.f .14.2.2023.

(c) Hence, the only remaining issues at this stage are issuance of RECs against the untied power of Kameng HEP from the date of commercial operation of its 1st Unit i.e. 17.6.2020 and the applicability of the multiplier to the Petitioner's Kameng HEP which achieved the COD on 12.2.2021. On the above issues, the Petitioner has sought to invoke the Commission's Power to Relax under Regulation 18 of the REC Regulations, 2022 as allowing the retrospective issuance of the certificates to the Petitioner as per the above will not lead to losses or prejudices to any party and will only help the obligated entities to fulfill its Hydropower Purchase Obligation.

(d) Ministry of Power, Government of India in its OM in the matter of "Measures for Promotion of Hydro Power in India" dated 8.3.2019, had declared the large hydro power projects including pump storage projects having capacity more than 24 MWs which came into commercial operation after 8.3.2018 as renewable energy sources. Also, vide order dated 29.1.2021, Ministry of Power has prescribed the Hydropower Purchase Obligation from the year 2021-22 itself. Hence, prayer of the Petitioner for retrospective issuance of certificate ought to be considered in light of these OM and Order of the Ministry of Power.

2. The representative of the Respondent, GCIL submitted that GCIL has already filed its reply in the matter, which may be considered. He further referred to the reply and submitted that as per the REC Regulations, 2022, an entity is eligible for issuance of RECs thereunder only after its registration i.e. 14.2.2023 in the Petitioner's case. The representative of GCIL also submitted that as per the REC Regulations, 2022, only the generating station and captive generating station based on the renewable energy sources which commissioned after the date of coming into the force of REC Regulations, 2022 are eligible for the multiplier as specified therein. He further added that insofar as the Petitioner's request for invoking the Power to Relax under Regulations 18 of the REC Regulations, 2022 is concerned, the Commission may take an appropriate view in this regard.

3. Learned counsel for the Respondent No. 21, MSEDCL submitted that the Respondent may be permitted to file its reply to the additional affidavit dated 1.3.2023 as filed by the Petitioner.

4. Considering the submissions made by the representative of the Petitioner and learned counsel for the parties, the Commission permitted the Respondent, MSEDCL to file its reply/written submissions to the additional affidavit filed by the Petitioner within three weeks with copy to the Petitioner, who may file its response thereon, if any, within two weeks thereafter.

5. Subject to the above, the Commission reserved the matter for order.

By order of the Commission

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