

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 70/MP/2023

- Subject : Petition under Section 79(1)(k) of the Electricity Act, 2003 read with Section 178(2)(y) and Section 66 along with Regulations 17, 18 and 19 of the Central Electricity Regulatory Commission (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2022 as well as Regulations 111 and 113 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking issuance of Renewable Energy Certificates for FY 2019-2020 and 2020-2021 and other reliefs.
- Date of Hearing : 20.4.2023
- Coram : Shri Jishnu Barua, Chairperson
Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member
- Petitioner : Southern Power Distribution Company of Andhra Pradesh Ltd. (SPDCAPL)
- Respondent : National Load Despatch Centre (NLDC)
- Parties Present : Shri Sidhant Kumar, Advocate, SPDCAPL
Ms. Manya Chandok, Advocate, SPDCAPL
Shri Kailash Chand Saini, NLDC
Shri Gajendra Sinh Vasava, NLDC

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking direction to the Respondent, NLDC to issue the Renewable Energy Certificates (RECs) for the financial years 2019-20 and 2020-21 in favour of the Petitioner. Learned counsel mainly submitted as under:

(a) As per the Central Electricity Regulatory Commission (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2010 ('REC Regulations 2010'), the Petitioner, in order to avail the benefits of RECs for the financial years 2019-20 and 2020-21, was required to obtain an eligible certificate/recommendation from the concerned State Commission i.e. Andhra Pradesh Electricity Regulatory Commission (APERC).

(b) Accordingly, the Petitioner approached APERC on 19.2.2022 & 30.7.2022 for its recommendation for issuance of RECs for financial years 2019-20 and 2020-21 in favour of the Petitioner. However, APERC issued its recommendation only on 5.12.2022. As per the REC Regulations, 2010, the Petitioner was required to approach NLDC within 3 months from the date of receipt of the recommendation from the State Commission i.e. by March, 2023 in the present case.

(c) However, before the lapse of aforesaid period of 3 months, the Commission replaced the REC Regulations, 2010 with REC Regulations, 2022 which revised the timeline for making an application. The REC regulations of 2022 prescribes that the applicant is required to apply for certificate within 3 months from the end of a financial year. In view of this revised timeline under the REC Regulations, 2022, the Petitioner has been prevented from filing an application for issuance of RECs from the financial years 2019-20 and 2020-21.

(d) Accordingly, the Petitioner has, *inter-alia*, prayed for direction to NLDC to consider and decide the Petitioner's application for issuance of RECs in respect of financial years 2019-20 and 2020-21 in accordance with the provisions of the REC Regulations, 2010.

2. The representative of the Respondent, NLDC submitted that the Respondent has yet not received a copy of the Petition and NLDC may be permitted time to examine the Petition after its receipt from the Petitioner.

3. After hearing the learned counsel for the Petitioner and the representative of the Respondent, the Commission ordered as under:

(a) Admit. Issue notice to the Respondent.

(b) The Petitioner to serve copy of the Petition on the Respondent immediately, if not already served and the Respondent to file its reply, if any, within three weeks with copy to the Petitioner who may file its rejoinder within three weeks thereafter.

(c) Parties to comply with the above direction within the stipulated timelines and no extension of time shall be granted.

4. The Petition shall be listed for hearing on 19.7.2023.

By order of the Commission

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