केन्द्रीय विद्युत विनियामक आयोग
CENTRAL ELECTRICITY REGULATORY COMMISSION

नई दिल्ली
NEW DELHI

याचिका संख्या./ Petition No. 979 /MP/2025

कोरम/ Coram:

श्री जिश्नु बरुआ, अध्यक्ष / Shri Jishnu Barua, Chairperson
श्री रमेश बाबू व., सदस्य / Shri Ramesh Babu V., Member
श्री हरीश दुदानी, सदस्य / Shri Harish Dudani, Member
श्री रविन्द्र सिंह ढिल्लो, सदस्य / Shri Ravinder Singh Dhillon, Member

आदेश दिनांक/ Date of Order: 2nd November, 2026

IN THE MATTER OF:

Petition under Section 79 of the Electricity Act, 2003 read with Regulations 11 and 12 of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2024 and Regulation 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 seeking appropriate directions for holding and declaring that the 160 MW Sui Generis Blended Wind Power Project (based on 81% wind component and 19% solar component) of the Petitioner be considered and treated as a generating station based on wind resource for the purpose of the CERC DSM Regulations, 2024 and more specifically under Regulation 8(4) of the CERC DSM Regulations, 2024.

AND IN THE MATTER OF:

Vena Energy Vidyuth Private Limited (VEVPL)
No.3, 5th Floor, Embassy Icon
Infantry Road, Bengaluru,
Karnataka-560001, India **…Petitioner**

Versus

1. Southern Regional Power Committee (SRPC)
No.29, Race Course Cross Road

Bengaluru, Karnataka-560009, India

2. Southern Regional Load Despatch Centre (SRLDC)

No.29, Race Course Cross Road,

Bengaluru, Karnataka-560009, India

3. Ministry of New and Renewable Energy (MNRE)

Atal Akshaya Urja Bhawan,

CGO Complex, Lodhi Road,

New Delhi- 110003, India

4. Solar Energy Corporation of India Limited (SECI)

6th Floor, Plate-B, NBCC Office, Block Tower-2,

CGO Complex, Lodhi Road,

East Kidwai Nagar, New Delhi-110023 **…Respondents**

Parties Present: Shri Aniket Prasoon, Advocate, VEVPL
Shri Vinit Kumar, Advocate, VEVPL
Shri Sarthak Sareen, Advocate, VEVPL
Shri Aniket Prasoon, Advocate, VEVPL
Shri Vinit Kumar, Advocate, VEVPL
Shri Sarthak Sareen, Advocate, VEVPL
Shri Ashok Rajan, SRLDC
Shri Subhendu Mukherjee, SRLDC
Shri Alok Mishra, SRLDC
Shri Nadim Ahmad, SRLDC
Shri B S Shruthi, SRLDC

आदेश/ ORDER

The Petitioner, viz., Vena Energy Vidyuth Private Limited (VEVPL/Vena Energy), is a generating company under Section 2(28) of the Electricity Act, 2003. It has developed a blended wind power project of 160 MW at Villages Jumalapura and Hanchinhal, Kushtagi Taluk, Koppal District, Karnataka, configured with an AC capacity of 129.6 MW of wind (81%) and 30.4 MW of solar (19%). The project was commissioned on 29.10.2024 pursuant to the Power Purchase Agreement (PPA) dated 03.05.2021 executed with Solar Energy

Corporation of India Limited (SECI) for generation and supply of electricity. SECI entered into a Power Sale Agreement (PSA) dated 05.03.2021 with Madhya Pradesh Power Management Company Limited (MPPMCL) for supply of the power procured under the aforesaid PPA.

2. The Respondent No.1, Southern Regional Power Committee (SRPC), is a committee established by resolution of the Central Government for a specified region for facilitating the integrated operation of the power systems in that region. SRPC comprises the States of Andhra Pradesh, Telangana, Karnataka, Kerala, Tamil Nadu and the Union Territory of Puducherry.
3. The Respondent No. 2, Southern Regional Load Despatch Centre (SRLDC) is one of five Regional Load Despatch Centres (RLDCs) of the Grid Controller of India Limited and performs the functions as set out under Section 29 of the Electricity Act in respect of the Southern Region of India comprising the States of Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Telangana and the Union Territory of Puducherry.
4. The Respondent No.3, Ministry of New and Renewable Energy (MNRE), is the ministry of the Government of India for matters relating to new and renewable energy in India.
5. The Respondent No. 4, Solar Energy Corporation of India Limited (SECI), is designated as the Renewable Energy Implementing Agency (REIA) for the implementation of schemes of the Government of India for setting up grid-connected Inter-State Transmission System (ISTS) connected/State Specific Solar/ Wind / Renewable Power Projects.
6. The Petitioner has filed the present petition under Section 79 of the Electricity Act read with Regulations 11 and 12 of the Central Electricity Regulatory Commission (Deviation Settlement Mechanism and Related Matters) Regulations, 2024 (DSM Regulations,2024) and Regulation 65 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 (COB Regulations) seeking a declaration that its 160 MW Blended Wind Power Project be classified as a "generating station based on wind resource" for the purposes of the CERC DSM Regulations, 2024.
7. The Petitioner has made the following prayers:

   (a) Admit the present Petition;

   (b) Hold and declare that in view of the peculiar facts and circumstances, the Petitioner's Blended Wind Power Project should be treated as Wind Power Project for the purpose of the 2024 DSM Regulations as amended from time to time;

(c) Exercise power under Regulations 11 and 12 of the 2024 DSM Regulations to relax the operation of Regulation 8(4) of the 2024 DSM Regulations and direct the Respondent No.1 & 2 to consider Petitioner's Blended Wind Power Project as Wind Power Project for the purpose of deviation penalty/ charges under Regulation 8(4) of the 2024 DSM Regulations;

(d) pass any other or further order(s) as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the present case and interest of justice.

Submission by the Petitioner, Vena Energy Vidyuth Private Limited (VEVPL)

8. The Petitioner submitted the following:

(a) The Petitioner has developed a Blended Wind Power Project of 160 MW in Karnataka in pursuance of competitive bidding conducted as per the scheme by MNRE for Tariff Based Competitive Bidding Process for procurement of RE power from 2500 MW ISTS Connected Blended Wind Power Projects ('Blended Wind Scheme') and Guideline for Tariff Based Competitive Bidding Process for procurement of power from 2500 MW ISTS Connected Blended Wind Power Projects ('2020 Blended Wind Guidelines').

(b) The 2020 Blended Wind Guidelines mandated setting up a blended wind power project with at least 80% rated wind power capacity of the total contracted capacity of the project; and allowed blending with rated solar power capacity up to 20% of the total contracted capacity.

(c) The RfS for 2500 MW Blended Wind Power Projects issued on 20.03.2020 in pursuance of the 2020 Blended Wind Guidelines was notified as Tranche-IX Wind Scheme by the SECI for inviting bids from the power developers.

(d) At the time of bidding on 28.07.2020, the then applicable Regulations, being the DSM Regulations 2014, only provided one permissible deviation band of ± 15%, which was applicable for both solar and wind generators and consequent imposition of the DSM charges. The Petitioner determined its tariff bid based on the regulatory treatment applicable to wind projects. An e-reverse auction was conducted, and Vena Energy was awarded 160 MW @Rs. 2.99/kWh; JSW Solar was awarded 810 MW @ Rs. 3.00/kWh.

(e) On 07.09.2020 and 26.09.2020, the Petitioner applied for Stage-I and Stage-II connectivity to ISTS, respectively, for its Blended Wind Power Project. In this context, despite the project of the Petitioner being a Blended Wind Power Project, the Petitioner

was constrained to categorise it as a 'Hybrid Project' for the purpose of energy source classification, as there was no available option to categorise it as a 'Blended Wind Power Project' in the Stage-I and Stage-II connectivity applications.

(f) The Commission had also acknowledged the aforesaid Blended Wind Guidelines and the Blended Wind Scheme in the Order dated 22.12.2021 in Petition No.178/AT/2021 filed by SECI for adoption of tariff for 970 MW Wind Power Projects (Tranche-IX Scheme). Out of 970 MW, 160 MW was awarded to the Petitioner and the remaining 810 MW was awarded to another developer, namely JSW Solar Limited. The Petitioner's Blended Wind Power Project is sui generis, as JSW developed and commissioned the entire awarded capacity without blending any solar capacity, i.e., developed the entire 810 MW as a purely wind power project.

(g) The Petitioner's project achieved commercial operation on 29.10.2024 with 81% (wind):19% (solar) AC configuration, i.e. 129.6 MW (wind component) and 30.4 MW (solar component) respectively.

(h) Further, as per the Suo Motu Order dated 06.02.2023 in Petition No. 1/SM/2023 under the DSM Regulations, 2022, the classification of WS Seller deviation bands into two categories, namely, (i) WS Seller being 'a generating station based on solar or a hybrid of wind and solar resources', and (ii) WS Seller being a 'generating station based on wind resource' was retained in the Draft DSM Regulations, 2024. According to the Petitioner, since its Blended Wind Power Project had not been commissioned at that stage, it was not affected by the said classification.

(i) Also, during the draft DSM Regulations, 2024 consultation process, several stakeholders suggested that for the purposes of the DSM permissible deviation bands and imposition of the DSM charges, the Hybrid Power Projects should be categorised based on the predominant nature of their resources rather than categorising Hybrid Power Projects along with the Solar Power Projects in a carte blanche manner. However, the final DSM Regulations, 2024, retained the aforesaid classification of WS Sellers for the purpose of deviation charges.

(j) Despite the predominant wind component of its Blended Wind Power Project, Respondent No. 1, SRPC mechanically categorised it as a Hybrid Project and imposed DSM charges in a manner contrary to the intent of the 2020 Blended Wind Guidelines.

(k) Further, in order to qualify as a Wind-Solar Hybrid Power Project, the 'Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power for Grid

Connected Wind Solar Hybrid Projects' notified by the MNRE on 14.10.2020 ('2020 Hybrid Guidelines'); Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Solar Hybrid Projects' notified by Ministry of Power on 21.08.2023 ('2023 Hybrid Guidelines'); or as a Renewable Hybrid Energy Project under the CERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) Regulations, 2024 ('CERC RE Tariff Regulations, 2024'), prescribed that the rated capacity of one resource must be at least 33% of the total contracted capacity.

(l) However, under the DSM Regulations, 2024, by erroneously categorising the Petitioner's Blended Wind Power Project as a Hybrid Project and imposing deviation charges applicable to solar projects under Regulation 8(4), the Petitioner suffered a revenue loss of about 5.3%.

(m) Further, the benefit of aggregation materially reduces DSM liability, i.e., to the extent of 40-50% of the regular DSM imposition on account of pool-based aggregation. Until and unless the Petitioner's Blended Wind Power Project, being predominantly wind-based, is classified as a Wind Project for DSM purposes, the Petitioner would suffer the same discriminatory disadvantage despite its wind-dominated generation profile. Therefore, the Petitioner filed the Petition for seeking the Commission to exercise power under Regulation 11 of the CERC DSM Regulations, 2024 to relax the operation of Regulation 8(4) of the DSM Regulations & associated provisions; and direct the Respondents to consider & treat the categorisation of the Petitioner's Blended Wind Power Project as a 'generating station based on wind resource' for the purpose of imposing of deviation penalty/ charges under the Regulation 8(4) of the DSM Regulations, 2024 instead of currently being treated as a 'generating station based on solar or a hybrid of wind-solar resources'.

Hearing dated 19.12.2025

9. During the course of the hearing, the counsel for the Petitioner submitted that the present Petition was filed to seek appropriate directions to declare that the 160 MW Sui Generis Blended Wind Power Project of the Petitioner be considered and treated as a generating station based on wind resource for the purpose of Regulation 8(4) under DSM Regulations, 2024. After hearing the Petitioner's counsel, the Commission admitted the

Petition and directed the Respondents to file their reply and the Petitioner to file the rejoinder, if any.

Submissions of the Respondent No.1, Southern Regional Power Committee (SRPC), on 12.01.2026, in compliance with the ROP of the hearing dated 19.12.2025

10. The Respondent No.1, SRPC, submitted the following:

(a) The CERC DSM Regulations, CERC (Indian Electricity Grid Code) Regulations, 2023, CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022, and CERC RE Tariff Regulations, 2024 define a hybrid project as comprising two or more renewable energy sources, without specifying any percentage-wise composition of the individual renewable energy sources. Therefore, based on the number of renewable sources connected, the project category has been identified as a Hybrid Generating Station.

(b) There is no reference regarding Blended Wind projects in the DSM Regulations, 2024; therefore, the account statements were issued in accordance with the extant CERC Regulations.

(c) The Connectivity Agreement executed between Central Transmission Utility of India Limited (CTUIL) and Vena Energy for Stage-I and Stage-II specified the project as a Hybrid Generating Station.

(d) Further, with regard to the Petitioner's claim of revenue loss on account of DSM charges, the period for which the revenue loss has been computed by the Petitioner has not been clearly specified. In the case of a Hybrid project, DSM computation must be carried out at the ISTS common point by considering the aggregated Schedule and Actual generation data. Based on this aggregation, the applicable deviation percentage is determined. As reflected in the Petitioner's submission, no separate computation for solar and wind is carried out for a hybrid project at the ISTS point. It has been considered as a single entity. If aggregation at the ISTS point is considered, the extent of deviation would be significantly lower

Submissions of the Respondent No. 2, Southern Regional Load Despatch Centre (SRLDC), on 22.01.2026 in compliance with the ROP of the hearing dated 19.12.2025

11. The Respondent No.2, SRLDC, submitted the following:

(a) The specific characterisation of the project as "sui generis" or otherwise is denied as being irrelevant for the purpose of DSM implementation.

(b) The Petitioner's generating station comprises both wind and solar generation assets connected to the grid through a single injection point and is accordingly treated as a generating station based on a hybrid of wind-solar resources for DSM purposes.

(c) Further, SRLDC does not determine deviation charges; it implements the settlement mechanism as prescribed under the DSM Regulations. It is denied that SRLDC has any power to relax the provisions of the DSM Regulations or to remove any alleged difficulty faced by the Petitioner, and the power to relax or remove difficulty vests exclusively with the Commission under the DSM Regulations, 2024.

(d) The contents of the Petition referring to the MNRE's 2020 Blended Wind Guidelines, SECI bidding documents, and tariff adoption orders are matters between the Petitioner and the concerned procuring agencies. The bidding guidelines, schemes, and contractual arrangements cannot override or modify statutory regulations framed by the Commission under Section 178 of the Electricity Act, 2003, and the Petitioner's reliance on MNRE guidelines to seek re-classification under DSM Regulations is legally misconceived and unsustainable.

Rejoinder by the Petitioner, Vena Energy, dated 18.02.2026, on the Reply submitted by the Respondent No. 1, SRPC

12. The Petitioner mainly submitted the following:

(a) The project has a distinct composition of criteria applicable to a Blended Wind Power Project, which was conceived, bid, developed and commissioned under the statutory bidding guidelines notified by the MNRE under Section 63 of the Electricity Act.

(b) Both the 2020 Hybrid Guidelines as well as the 2023 Hybrid Guidelines clearly and uniformly prescribed a specific quantitative threshold of 33% for rated power capacity of one resource (wind or solar) as a sine qua non for qualification of a project as a 'Hybrid Power Project'. The 2020 Blended Wind Guidelines categorically provided eligibility criteria to qualify as a Blended Wind Project.

(c) The Petitioner was constrained to categorise the Project as Hybrid solely for the limited purpose of Energy Source classification in the connectivity applications, owing to the absence of any available option to mention 'Blended Wind Power Project' corresponding to Energy Source under the applicable connectivity

framework at the relevant time. The absence of a specific category for 'Blended Wind Power Projects' in the connectivity application format cannot operate to the detriment of the Petitioner.

(d) SRPC itself acknowledged in the Reply that the PPA dated 03.05.2021 recognises and refers to the Petitioner as a Wind Power Developer. The said contractual recognition was not incidental; it flows directly from the policy framework of the 2020 Blended Wind Guidelines, which mandates a predominant wind component and permits limited solar blending only as an ancillary measure.

(e) The core objective of the Blended Wind Scheme and the 2020 Blended Wind Guidelines was not to create another category of hybrid project, but rather to encourage development of a larger quantum of wind capacity while ensuring tariff competitiveness, at a time when wind tariffs were witnessing a rising trend and had become comparatively costlier than solar power.

(f) Further, with regard to the claim of revenue loss on account of DSM charges, the period for which the revenue loss has been computed by the Petitioner pertains to the period from November 2024 to September 2025.

Rejoinder by the Petitioner, Vena Energy, dated 18.02.2026, on the Reply submitted by the Respondent No. 2, SRLDC

13. The Petitioner mainly submitted the following:

(a) In the present case, the Petitioner's Blended Wind Power Project, having a predominantly wind-based character, is materially and fundamentally distinct from a hybrid project. It is a settled principle that unequal cannot be treated equally.

(b) The Petitioner's sole and limited grievance pertains to classification, namely that a project conceived, bid and commissioned under the MNRE's Blended Wind Scheme and the 2020 Blended Wind Guidelines, which permit limited solar blending up to 20%, has been categorised as a "generating station based on solar or a hybrid of wind-solar resources" under the DSM Regulations, 2024, despite being a predominantly wind-based Project. The Petitioner sought only correct classification, so that the deviation tolerance bands and settlement principles are applied equitably with the governing statutory and policy framework.

(c) The relief sought in the present proceedings would not create a precedent of general application as it is the only project in the country developed strictly in accordance with the 2020 Blended Wind Guidelines.

(d) The Petitioner's Project, being recognised as a wind-based generating project under the applicable Guidelines as well as contractually, cannot be artificially reclassified as a Hybrid Power Project for the purposes of deviation settlement under the DSM Regulations, 2024.

Hearing dated 25.03.2026

14. During the course of the hearing, on the request of the Petitioner, the Commission permitted the Petitioner to file its written submissions within a week. Subject to the above, the matter was reserved for order

Written Submission by the Petitioner, Vena Energy, on 03.04.2026 in compliance with the ROP of the hearing dated 25.03.2026.

15. The Petitioner reiterated the contentions made in the petition as well as in the rejoinder and further mainly made the following submissions:

(a) The PPA dated 03.05.2021 referred to the Petitioner as the Wind Power Developer/ Blended Wind Power Developer.

(b) Pursuant to the 2020 Blended Wind Guidelines, to date only one RfS, i.e., the RfS for 2500 MW Blended Wind Power Project, was floated for development of the 'Blended Wind Power Projects', in terms of which capacity of 970 MW was allocated. The balance capacity (1530 MW) under the aforesaid 2020 Blended Guidelines was not bid out. This showed that further bidding under the 2020 Blended Wind Guidelines was unlikely. Even otherwise, the apprehension of any such project being set up under the aforesaid Guidelines in future could not be the basis of denying the 'sui generis' nature of the Project in the facts and circumstances of the present case.

(c) A project where more than four-fifths of generation comes from wind cannot be scheduled or forecast with the precision expected of solar or balanced hybrid projects. The inherent intermittency and variability of wind generation make compliance with a ±10%, and certainly a ±5%, deviation band operationally unachievable, particularly when the solar component is only 19%.

(d) Since commissioning in October 2024 up to 31.09.2025, the Project earned total revenue of Rs. 89,55,63,734. Under the erstwhile DSM Regulations, 2014, the DSM liability would have been Rs. 66,13,300 (0.7% of revenue), whereas under the DSM Regulations, 2024, treating the Project as a solar/hybrid generating station with a 10% deviation band, the liability increased to approximately Rs. 4,72,66,007 (5.3% of revenue), as against approximately Rs. 2,68,10,491 (3.0% of revenue) if treated as a wind generating station with a 15% deviation band. Further, under the DSM framework proposed for 2026, without X-factor consideration, the liability would increase to approximately Rs. 8,50,16,091 (around 9% of revenue) for the solar/hybrid category with a 5% deviation band, as against approximately Rs. 4,72,66,007 (around 5% of revenue) for the wind category with a 10% deviation band.

(e) The Project, despite being predominantly wind-based (81% wind), is classified as a hybrid/solar station and consequently subjected to the stricter deviation band of ±10% (±5% from 01.04.2026), whereas out of 10 generators connected to the Gadag-PS, 7 are wind generators which are subject to a wider ±15% band (±10% from 01.04.2026). Since aggregation is optional and not mandatory, no rational wind generator would agree to aggregate with the Petitioner, as including a hybrid-classified project for DSM purposes would tighten/reduce the pooled deviation tolerance available to wind generators, thereby increasing their own DSM exposure. The two other projects, i.e., one solar project of Solar One and the hybrid project of Serentica, would be unlikely to agree to pool with the Petitioner's Blended Wind Power Project because its predominant wind component, inevitably results in higher deviation on an overall/deviation for such projects. Unless the Petitioner's Blended Wind Power Project is treated as a wind-based generating station for DSM purposes, the Petitioner would continue to be deprived of these aggregation benefits.

(f) Further, for determining the true nature and classification of the Petitioner's Blended Wind Power Project, the Commission should apply the "pre-dominant test"/ "dominant nature test"

(g) Also, both the Respondents themselves acknowledged that the DSM Regulations, 2024 do not contain any express reference to Blended Wind Power Projects developed under the 2020 Blended Wind Guidelines.

Analysis and Decision

16. The Commission has heard the learned counsel for the Petitioner and the Respondents and considered their submissions, and has carefully perused the records.

17. Brief facts of the case: The Petitioner, Vena Energy Vidyuth Private Limited (VEVPL), has developed a 160 MW Blended Wind Power Project at Koppal District, Karnataka, comprising 129.6 MW of wind capacity and 30.4 MW of solar capacity, in the ratio of 81% wind and 19% solar. The Project was developed pursuant to the 2020 Blended Wind Guidelines and achieved commercial operation on 29.10.2024. The Project is connected to the ISTS at Gadag Pooling Station and treated as a Hybrid Generating Station under the DSM Regulations, 2024. Aggrieved by the application of the deviation bands applicable to generating stations based on solar or hybrid wind-solar resources under Regulation 8(4) of the DSM Regulations, 2024, the Petitioner has sought that the Project be treated as a generating station based on wind resource, contending that the Project is predominantly wind-based and was developed under the 2020 Blended Wind Guidelines. The Petitioner has also sought relaxation of Regulation 8(4) under Regulation 11 and removal of difficulty under Regulation 12 of the DSM Regulations, 2024. In response, the Respondent No.1, SRPC, submitted that the DSM Regulations, 2024 contain no specific reference to Blended Wind Projects and that the Project is also identified as a Hybrid Generating Station in the Connectivity Agreement. The Respondent No.2, SRLDC, submitted that the Project, comprising wind and solar sources connected through a single injection point, is required to be treated as a hybrid generating station under the DSM Regulations, 2024 and that the Petitioner's reliance on the 2020 Blended Wind Guidelines and contractual arrangements cannot override the statutory DSM Regulations.

18. In view of the above submissions and pleadings, the Commission notes that the only issue that arises is whether the Petitioner's 160 MW Blended Wind Power Project, comprising 81% wind and 19% solar connected through a common injection point, can be treated as a generating station based on wind resource for the purpose of calculation of deviation charges under Regulation 8(4) of the DSM Regulations, 2024, by exercising the power to relax and the power to remove difficulty under Regulations 11 and 12 of the said Regulations.

19. Further, Regulation 8(4) of the DSM Regulations, 2024 stipulates the charges for deviations for the generating stations based on solar or a hybrid of wind–solar resources as

well as for the generating station based on wind resource. The extract of Regulation 8(4) of the DSM Regulations, 2024, is as follows:

" 8.Charges for Deviation

……

(4) Charges for Deviation, in respect of ***a WS Seller,*** *including such generating stations aggregated at a pooling station through QCA shall be without any linkage to grid frequency, as under:*

Deviation by way of over injection (Receivable by the Seller)	***Deviation by way of under injection (Payable by the Seller)***
(i) for VLw_S(1) @ contract rate; *(ii) for VLw_S(2) @ 90% of contract rate* *(iii) beyond VLw_S(2) @ Zero;*	*iv) for VLw_S(1) @ contract rate;* *(v) for VLw_S(2) @ 110% of contract rate;* *(vi) beyond VLw_S(2) @ 200% of contract rate'*

Note-1: Volume Limits for WS Seller (VLw_S):

(i) Volume limits of a WS Seller for the period from ***the date of commencement of these regulations*** *to 31.03.2026 shall be as under:*

WS Seller	***Volume Limit***
A generating station based on solar or a hybrid of wind –solar resources	*VLw_S(1) = Deviation up to 10% D_{WS}* *VLw_S(2) = Deviation beyond 10% D_{WS} and up to 15% D_{WS}*
A generating station based on wind resource	*VLw_S(1) = Deviation up to 15% D_{WS}* *VLw_S(2) = Deviation beyond 15% D_{WS} and up to 20% D_{WS}*

(ii)Volume limit of a WS Seller for the period from 01.04.2026 onwards:

WS Seller	*Volume Limit*
A generating station based on solar or a hybrid of wind –solar resources	*$VLw_S(1)$ = Deviation up to 5% D_{WS}* *$VLw_S(2)$ = Deviation beyond 5% D_{WS} and up to 10% D_{WS}*
A generating station based on wind resource	*$VLw_S(1)$ = Deviation up to 10% D_{WS}* *$VLw_S(2)$ = Deviation beyond 10% D_{WS} and up to 15% D_{WS}*

……"

20. The Commission notes that the 2020 Blended Wind Guidelines mandated setting up of a blended wind power project with at least 80% rated wind power capacity of the total contracted capacity of the project and allowed blending with rated solar power capacity up to 20% of the total contracted capacity. Accordingly, the Petitioner's Project comprises 81% wind and 19% solar capacity, which meets the requirements of the said Guidelines. However, the fact that the Project qualifies as a Blended Wind Power Project under the 2020 Blended Wind Guidelines does not, by itself, determine its treatment under the DSM Regulations, 2024. While the 2020 Blended Wind Guidelines provide the framework for developing and procuring predominantly wind-based projects with a solar component, Regulation 8(4) of the 2024 DSM Regulations stipulates the treatment of deviations based on the nature of the generating station. The Petitioner's Project cannot be considered as a generating station based exclusively on wind resource for the purpose of Regulation 8(4) under the DSM Regulations 2024.

21. The Commission also notes that the Petitioner has relied upon the 2020 Hybrid Guidelines, the 2023 Hybrid Guidelines and the CERC RE Tariff Regulations, 2024, which prescribe that one resource must be at least 33% of the total contracted capacity. The Commission is of the view that this criterion, prescribed for Hybrid Projects under the aforesaid Guidelines and Regulations, cannot be relied upon to determine the Project's applicable category under the DSM Regulations, 2024.

22. The Commission observes that the Project was selected under the 2020 Blended Wind Guidelines with knowledge that the Project would comprise both wind and solar

generation and the Petitioner was also aware of the regulatory framework governing scheduling and deviation settlement. The DSM Regulations, 2024 were notified on 15.08.2024, prior to the Project's commercial operation (i.e., 29.10.2024), after due consultation. The DSM Regulations, 2024 do not differentiate the Hybrid Projects based on the rated capacity. The Petitioner therefore had an opportunity to seek appropriate clarification or raise its concerns regarding the applicability of the deviation framework before commencement of commercial operation. Further, as explained in the Statement of Reasons for DSM Regulations, 2024, the regulations are framed to encourage more accurate forecasting and scheduling by WS sellers. Deviating from the norms would be akin to amending the Regulations.

23. Further, as the 2020 Blended Wind Guidelines provided flexibility to the developers in configuration of the Project, in this regard, it is pertinent to note that JSW Solar Limited, which was awarded 810 MW under the RfS for setting up of 2500 MW ISTS Connected Blended Wind Power Projects in India under Tariff Based Competitive Bidding (Tranche-IX), developed the entire awarded capacity as a wind power project without any solar component. Thus, the Petitioner also had the flexibility to develop its project entirely based on wind. Having chosen to include 81% wind and 19% solar capacity in its Project, the Petitioner cannot treat the entire Project as a wind-generating station for the purpose of deviation settlement under the DSM Regulations, 2024.

24. The Commission further observes that accepting the contention of the Petitioner would require determination of a new threshold for distinguishing a predominantly wind-based blended project from a hybrid project under Regulation 8(4) of the DSM Regulations, 2024, which would be akin to an amendment of the Regulations.

25. In this regard, the Commission clarifies that the power to relax or the power to remove difficulty under Regulations 11 and 12 of the DSM Regulations, 2024, respectively, cannot be exercised to create a new category or classification of generating station.

26. Accordingly, the Commission is of the view that the Petitioner’s 160 MW Blended Wind Power Project, comprising 81% wind and 19% solar capacity, cannot be treated as a generating station based on wind resource for the purpose of Regulation 8(4) under the DSM Regulations, 2024 merely on account of its predominant wind capacity or its

classification under the 2020 Blended Wind Guidelines. The Petitioner's prayers in the instant Petition are, therefore, rejected.

27. Petition No. 979/MP/2025 is disposed of in terms of the above.

Sd/-	Sd/-	Sd/-	Sd/-
रविन्द्र सिंह ढिल्लों	**हरीश दुदानी**	**रमेश बाबू वी.**	**जिश्नु बरुआ**
सदस्य	**सदस्य**	**सदस्य**	**अध्यक्ष**