

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1754 of 2018.

In the Matter of:

Petition under Regulation 4.1 of GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 as amended for minimum quantum of purchase (in %) from renewable energy sources for FY 2017-18, for its Ahmedabad/Gandhinagar and Surat License area.

Petitioner : Torrent Power Limited (TPL),
Samanvay, 600, Tapovan,
Ambawadi, Ahmedabad-380015.

Represented By : Shri Chetan Bundela along with Shri Jignesh Langalia
and Ms. Luna Pal.

CORAM:

**Shri Anand Kumar, Chairman
Shri P. J. Thakkar, Member**

Date: 09/06/2020.

Daily Order

1. The matter was kept for hearing on 08.06.2020 through Video Conferencing and the Petitioner was intimated regarding the said hearing through email dated 02.06.2020.
2. Shri Chetan Bundela, on behalf of the Petitioner, during the virtual hearing through Video conference on 08.06.2020, submitted that the Commission in exercise of powers conferred under Sections 61, 66, 86(1)(e) and 181 of the Electricity Act, 2003 has notified the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 vide Notification No. 03 of 2010

dated 17.04.2010 specifying the minimum percentage for procurement of power from renewable energy sources by the distribution. Subsequently, the Commission issued the GERC (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014. Thereafter, the Commission vide its Tariff Order dated 09.06.2017 in Case No. 1627 of 2016 and 1628 of 2016 prescribed the RPO targets for the Petitioner. Subsequently, the Commission notified the GERC (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018 vide Notification No. 01 of 2018 dated 21.04.2018 and as per the said Regulations, the Renewable Power Purchase obligations of the obligated entities for FY 2017-18 are as under:

Year	Minimum Quantum of purchase (in %) from renewable energy sources (in terms of energy in kWh)			
	Total	Wind	Solar	Biomass, Bagasse and Others
FY 2017-18	10.00	7.75	1.75	0.50

- 2.1. The details of the power purchased by the Petitioner from the renewable sources of energy and the status of RPO compliance during the FY 2017-18 is as under:

Particulars	TPL-D
Energy Requirement (MUs)	11452.15
RE Procurement	
Wind energy to be procured (@ 7.75%) (MUs)	887.54
Solar energy to be procured (@ 1.75%) (MUs)	200.41
Biomass/Bagasse/Others (@ 0.50%) (MUs)	57.26
Total (MUs)	
Compliance (Non-Solar)	
Wind (MUs)	736.90
Non-solar REC (MUs)	207.15
Total (MUs)	944.05
Compliance (as % of Energy Requirement)	8.24%

Particulars	TPL-D
Compliance (Solar energy)	
Solar (MUs)	296.96
Solar-REC (MUs)	-
Total (MUs)	296.96
Total Compliance (as % of Energy Requirement)	2.59%
Total Shortfall/(Surplus) for FY 2017-18 (MUs)	(95.80)
Total Shortfall/(Surplus) for FY 2017-18 (%)	(0.84%)

- 2.2. He submitted that from the above table it can be seen that the Petitioner has not only complied with the RPO target of FY 2017-18, but there is surplus of 95.80 MUs on overall basis after meeting the RPO target of 10%. He further submitted that in case of Non-Solar RPO the Petitioner has made efforts to fulfil its obligation by entering into long term arrangements at preferential tariff and by procuring Non-Solar RECs, but the Petitioner has achieved 8.24% as against the Non-Solar RPO target of 8.25% as specified by the Commission in its Regulations. In case of Solar RPO the Petitioner has achieved the target of 1.75% and there is surplus of 0.84%, which the Commission may allow to be adjusted against shortfall in Non-Solar RPO in terms of para 2 of Regulation 4.1 of the aforesaid Regulations.
3. On a query from the Commission that whether any Petition has been filed regarding compliance of RPO targets of FY 2017-18 for Dahej licence area, he submitted that Torrent Power Limited (Dahej) has not filed the same since, TPL-Dahej has complied with the RPO targets specified by the Commission for FY 2017-18. On a further query that it is for the Commission to verify the RPO details and decide the compliance thereof, he referring to Regulation 4.2 of the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 submitted that the Commission may, Suo-Motu or at the request of a licensee, revise the percentage targets for a year as per clause 4.1 of the said Regulations and further submitted that the said Petition can be filed as per the decision and directive by the Commission.

4. We have considered the submissions made by the Petitioner. We note that the present Petition has been filed by the Petitioner for compliance of RPO for FY 2017-18 against the RPO specified by the Commission in the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 readwith its amended Regulations for FY 2017-18. The Petitioner has prayed for adjustment of surplus Solar energy remaining after meeting the Solar RPO target of 1.75% against Non-Solar energy for fulfilment of RPO of FY 2017-18. The aforesaid issue is associated with the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 alongwith amendments thereto notified by the Commission including the GERC (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018 and accordingly, the Commission has the jurisdiction to decide the issues raised in the present Petition. We, therefore, decide to admit the Petition.
- 4.1. We note that the Hon'ble APTEL in its judgement dated 25.04.2014 in Appeal No. 24 of 2013 and IA No. 39 of 2013 directed the State Commission that after completion of the financial year, the State Commission has to review the actual performance in respect of RPO and pass necessary directions as per the Regulations either suo-motu or on a petition filed by an obligated entity. Such review should be subjected to public notice to invite suggestions and objections from all the stakeholders. Thus, for annual review of RPO or otherwise by the State Commission either suo-motu or on application from an obligated entity, the suggestions and objections of the public are required to be invited.
- 4.2. According to the Hon'ble APTEL's directions, it is necessary to issue a public notice and invite suggestions/objections from all the stakeholders in the matter pertaining to compliance of RPO by the obligated entities. As the present Petition is filed to verify and decide the compliance of RPO by the Petitioner and to decide adjustment of surplus Solar energy against Non-Solar energy for fulfilment of RPO of FY 2017-18, we decide and direct the

Petitioner to issue a public notice in two daily Gujarati Newspapers and one English Newspaper having wide circulation in the State/National level stating that they have filed Petition No. 1754 of 2018 before the Commission for compliance of RPO target for FY 2017-18 under the provisions of the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and its amendment Regulations, 2014 and Regulation, 2018. The Petitioner is also directed to upload the present petition with all the documents on its website and invite comments and suggestions from the stakeholders on the petition on affidavit within 30 days from the date of issuance of public notice. The Petitioner shall state in the public notice that the stakeholders/objectors are required to file their objections/suggestions in the present petition to the Secretary of the Commission in five copies alongwith affidavit in support of their submissions. The staff of the Commission is also directed to upload the petition along with all relevant documents on the website of the Commission after compliance affidavit of issuing public notice and uploading of petition is filed by the Petitioner along with copy of public notices issued by the Petitioner is provided to the Commission and invite comments/suggestions from the stakeholders.

- 4.3. We note that on completion of FY 2017-18, the Commission vide its letter dated 05.07.2018 informed all the obligated distribution licensees that since FY 2017-18 is already over, it is necessary for the Commission to verify the details and decide the RPO compliance for FY 2017-18, for which Petition needs be filed with the necessary details/documents. We note that apart from the present Petition filed by Torrent Power Limited for its Ahmedabad, Gandhinagar & Surat license area, MPSEZ Utilities Pvt. Limited has filed Petition No. 1785 of 2019 for the RPO compliance for FY 2017-18. Further, M/s Aspen Infrastructure Limited and Jubilant Infrastructure Limited have filed Petitions No. 1723 of 2018 and 1742 of 2018 respectively before the Commission regarding Renewable Purchase Obligations. We also note that the other distribution licensees viz. GUVNL on behalf of its subsidiary

distribution companies PGVCL, UGVCL, MGVCL & DGVCL, Torrent Power Limited for its Dahej license area, Deendayal Port Trust and GIFT Power Company Limited have not filed any Petition before the Commission for compliance of their respective RPO of FY 2017-18. We, therefore, decide to initiate suo-motu proceedings for compliance of RPO of these obligated distribution licensees for FY 2017-18. The staff of the Commission is also directed to initiate necessary actions in this regard and to follow the procedure for inviting comments and suggestions from the stakeholders as stated in para 4.2 above by publishing a public notice and hosting the suo-motu Petition on website of the Commission.

5. The next date of hearing will be intimated separately.
6. We order accordingly.

Sd/-
[P. J. THAKKAR]
Member

Sd/-
[ANAND KUMAR]
Chairman

Place: Gandhinagar.

Date: 09/06/2020.