

Rajasthan Electricity Regulatory Commission

Petition No. RERC-1929/2021

Petition filed by Sh. Rakesh Singh seeking directions to Jaipur Discom to align its order dated 22.03.2021 with the applicable Regulations under PM Kusum Yojna Component-A.

Coram:

Dr. B. N. Sharma,	Chairman
Shri S. C. Dinkar,	Member
Shri Prithvi Raj,	Member

Petitioners : Sh. Rakesh Singh

Respondent : Jaipur Vidyut Vitran Nigam Ltd.

Date of hearings : 20.10.2021

Present : Sh. Rakesh Singh, Petitioner
Sh. Bipin Gupta, Advocate for Respondent

Order Date:

02.11.2021

ORDER

1. Sh. Rakesh Singh has filed this petition on 01.09.2021, seeking directions to Jaipur Discom to align its order dated 22.03.2021 with the applicable Regulations under PM Kusum Yojna Component-A.
2. Notice was issued to Respondent, through online e-filing portal, to file reply to the petition. Jaipur Discom Ltd. filed the reply on 18.10.2021. Petitioner filed rejoinder to the reply on 26.10.2021.
3. The matter was heard on 20.10.2021. Sh. Rakesh Singh, Petitioner appeared and Sh. Bipin Gupta, Advocate appeared for Respondent.

4. Petitioner in the petition, written submission and during hearing has submitted as under:
- 4.1. Petitioner setup a 500 KW ground mounted solar power plant in his agricultural land at Village- Ugariawas, District- Jaipur, under Govt. scheme named as PM Kusum Yojna Component-A. Petitioner signed a PPA with Rajasthan Urja Vikas Nigam on dated 23.09.2020 to evacuate entire energy generated to the grid, from its power plant through 11 KV line connected at 33/11KV SS Balaji under SD Sambhar Lake.
- 4.2. While Petitioner was in process to start the work, JVVNL issued an office order dated 22.03.2021 regarding procedure for processing of application from Solar Power Generator (SPG) Under Component-A of PM Kusum Scheme. In compliance to JVVNL order Petitioner submitted application on 25.03.2021 to the Assistant Engineer (O&M), Sambhar Lake along with required documents.
- 4.3. In the guidelines issued by JVVNL dated 22.03.2021, following 3 provisions of guidelines are not in-line with the Regulations.
- 4.4. Recovery of Supervision charges from RPG:-

As per clause 7.5(f) and 13.4 of terms & condition of supply of electricity (TCOS), 2021 issued by Discoms in pursuance of the Rajasthan Electricity Regulatory Commission (Electricity supply code and connected matters) Regulation, 2021, Discoms are entitled to recover supervision charges from the Developers, developing the power distribution system and there after handing over the system to Discoms for O&M. The 11 KV line required to lay by SPG from his plant to 33/11 KV SS is a tie-line. SPG is not a consumer of Discoms and it intends to inject entire energy generated, to the grid from Solar Power Generation.

- 4.5. Further as per clause 2 (n) of CEA (Technical Standards for Connectivity of the Distributed Generation Resources) Regulations, 2013 it is defined as “user”, not developer from whom Discoms are recovering supervision charges. There is no precedence in any other State which is recovering supervision charges on the EHV/HV lines which are laid by Generating companies to supply the power to any STU or Discoms. The recovery of supervision charges from SPG is not legitimate and required to be seen in light of the Regulations.
- 4.6. Further in the Expression of Interest (EOI) issued by state Nodal Agency (SNA/RRECL) of PM Kusum Yojna component-A, at item no 10 (IV) it is mentioned that Discoms will help Renewable Power Generator (RPG) to get the right of way for the 11 KV line required to draw to inject power generated by him in to the grid. But Respondent has denied to do so and given a conditional demand note of supervision charges with the condition, that RPG will be responsible to resolve any dispute in related to laying of line and ROW clearance, which makes it clear that Respondent have not accepted any obligation and responsibility for the ROW clearance.
- 4.7. It is submitted that 11KV line is to be laid and maintained by Petitioner ROW clearance is also in the scope of Petitioner and the cost of line losses are to be borne by Petitioner. Further the electrical inspector GoR, after recovering the inspection charges, will visit the site and approve the line work and if found line in accordance with all safety Regulations than issue charging clearance, there is no role of Discoms to approve the line work carried out by RPG, this line will also be not handed over to Respondent for operation and maintenance in such case no Regulation allow Respondent to recover supervision charges from generator.
- 4.8. Provision of outdoor circuit Breaker at Both End of Line:-

As per Clause 48 (8)(9) under Part B of CEA (Technical standard Construction of Plants and Electric Lines) Regulation 2010 circuit breakers are required to be provided at incoming 33KV, 22 KV line and at 11 KV outgoing line. This clause is applicable to 33/22, 33/11 and 22/11 kV Sub stations.

4.9. Further as per provision of Regulation 35 (3) (i) of CEA (Measures relating to safety and electric supply) Regulations, 2010, fuse is considered sufficient protection for the transformers having capacity less than 1MVA.

4.10. Provision of ABT Metering:-

4.11. As per CEA (Installation and Operation of Meters) Regulations, 2006 Clause 7 (2) (d) i.e. on the matter of location of meters, feed in Tariff Metering:- Renewable Energy Plant connected to the grid to inject entire electricity generated to the Grid is covered under the consumer meter which clearly indicate that SPG meter is a consumer meter not interface meter.

4.12. As per Clause 2 (VI) (n) of CEA Regulations, 2006, interface meter means a meter used for accounting and billing of electricity, connected at the point of interconnection between electric systems of generating company, licensee and consumers, directly connected to the Inter-State transmission system or Intra-State transmission system or distribution system and who have been permitted open access by the appropriate Commission. Since Petitioner is not permitted open access so he is not covered under the definition of interface meter, Petitioner is also not having any obligation for forecasting and scheduling for power generation so there is no ground to impose ABT complied meters on him.

4.13. As per PPA Article 6.1.1, RPG shall be required to schedule its power as per the applicable Regulations of RERC and SLDC, since in the present regulation of RERC and SLDC there is no requirement of scheduling of power for 500 KWp solar power plant so ABT metering is further not required.

4.14. JVVNL has considered to opt ABT meters only due to the Reason of considering SPG metering as Interface metering in place of consumer metering which is very clear in the CEA Regulations.

4.15. Further it is submitted that as per para No-6 of JVVNL order after deposit of supervision charges SPG will start work of 11 KV line and setting up his PV power plant, this results of forcefully stopping of the work of Petitioner's power plant.

4.16. Petitioner also has given a representation dated 04.08.2021 to the MD & Director (technical), RRECL & JVVNL, and also to the Electricity Ombudsman in respect of discrepancies in the guidelines issued by JVVNL dated 22.03.2021 but Respondent Discom didn't take any action against discrepancies in the guidelines.

4.17. In view of above submissions, it prayed to:

- a) Direct JVVNL to, align its order dated 22.03.2021 with the Regulations and relax supervision charges, both side Circuit Breaker provision in the case of 500 KW SPG and ABT Metering.
- b) Direct JVVNL to fix time line for processing the SPG applications. In respect of providing Grid connectivity.

5. Respondent in its reply and during hearing submitted as under:

5.1. Present petition is not maintainable for the reason that the Petitioner has approached the Commission without following the procedure of amicable settlement dispute resolution as provided under Article 16.2 of the PPA thus, deserves to be rejected.

5.2. It is submitted that as per Kusum Yojana, the cost of line of 11 KVA is to be borne by the generator. Since the line cost has to be borne by the generator and it has to be approved by the Discom and further Discom has to facilitate

the generator in getting right of way for laying 11 KVA line therefore, the supervision charges have been levied. If the line is to be constructed by the Discom, then also there is a provision of payment of applicable cost and other charges. The charges of supervision are also provided under clause 7.5 and 13.4 of Term and Condition of Supply of Electricity, 2021. Though the said clauses of T&C apply on consumers but in any event if the line is drawn by the generator then charging the supervision charges is not contrary to any Regulation nor to any scheme as there is no bar to levy such charges.

- 5.3. Further it is submitted that the circuit breaker are installed for the purpose of the safety of line, plant and transformers and none of the Regulations prohibit the installation of the circuit breaker on both sides as the installation of the circuit breakers would only enhance the safety of the system and therefore, the contention of the Petitioner that the circuit breaker is not necessary is baseless. Furthermore, reliance on clause 7(2)(d) of Central Electricity Authority (Installation and Operation of meters) Regulations 2006 (hereinafter 'CEA Regulations, 2006) is of no use for the reason that the said clause was added in the original Regulation of 2006 vide notification dated 26.11.2014 and the same has already been omitted vide notification dated 23.12.2019. Therefore, this contention of the Petitioner is also baseless and deserves to be rejected.
- 5.4. Regarding installation of ABT meters, the Petitioner has relied upon clause 7(2)(d) of the CEA Regulation, 2006. It is again submitted that the said clause has been deleted vide notification dated 23.12.2019. In the PPA itself the Petitioner has agreed to install 0.2s accuracy class meters as per applicable Regulations. For generators, the meters of interface meters have been provided under clause 7 of the CEA Regulations, 2006 and their locations have been provided.
- 5.5. Further, as per Clause 2(n) in the definitions of CEA Regulations, 2006, interface meter means a meter used for accounting and billing of electricity, connected

at the point of interconnection between electrical systems of generating company, Licensee and consumers, directly connected to the Inter-State Transmission System or Intra-state Transmission System or Distribution system and who have been permitted open access by the appropriate commission. In case of generating company, Interface meter are to be installed at the point of interconnection under clause 7 of the CEA Regulations, 2006. There is no provision to install any other meters other than interface meters for the generator. It is also pertinent to mention here that as per ARTICLE 6: Dispatch and Scheduling under PPA the Petitioner provides dispatch and scheduling, for which ABT meters are mandatory. Therefore also placing reliance on deleted provision is of no consequence and thus, the petition deserves to be rejected.

Commission's view

6. Commission has considered the submissions, reply and oral arguments made on behalf of the Petitioner and Respondent.
7. Petitioner submitted that in the guidelines issued by JVVNL dated 22.03.2021; following 3 provisions of guidelines is not in-line with the Regulations (a) Recovery of Supervision charges from RPG. (b) Provision of outdoor circuit breaker at both end of line. (c) Provision of ABT metering.
8. Per contra Respondent contended the Petitioner's objections and submitted that guidelines issued dated 22.03.2021 are as per Regulations.
9. To resolve the matter Commission looked into issues one by one as here under:-

Recovery of Supervision charges from RPG

10. Petitioner submitted that as per clause 7.5 and 13.4 of Terms & Condition of Supply of Electricity (TCOS), 2021, Discoms are entitled to recover supervision

charges from the developers, developing the power distribution system and there after handing over the system to Discoms for O&M.

11. Further Petitioner submitted that in the Expression of Interest (EOI) issued by state Nodal Agency (SNA/RRECL) of PM Kusum Yojna component-A, at item no 10 (IV) it is mentioned that Discoms will help RPG to get the right of way for the 11 KV line required to draw to inject power generated by him in to the grid. 11KV line is to be laid and maintained by Petitioner ROW clearance is also in the scope of Petitioner and the cost of line losses are to be borne by Petitioner and the electrical inspector GoR, after recovering the inspection charges, will approve the line work and will issue charging clearance, there is no any role of Discoms to approve the line work carried out by RPG, this line will also be not handed over to Respondent for O&M in such case no any Regulation is allowed to Respondent to recover supervision charges from generator.
12. Per contra Respondent submitted that as per Kusum Yojana, the cost of line of 11 KVA is to be borne by the generator and Discom has to facilitate the generator in getting right of way for laying 11 KVA line therefore, the supervision charges have been levied.
13. Further the supervision charges are also provided under clause 7.5 and 13.4 of Term and Condition of Supply of Electricity, 2021. Though the said clauses of T&C apply on consumers but in any event if the line is drawn by the generator then charging the supervision charges is not contrary to any Regulation nor to any scheme as there is no bar to levy such charges.

Commission's view

14. Commission observes that, the line is to be laid and maintained by generator. Further the electrical inspector GoR will approve the line work and will issue charging clearance, there is no role of Discoms to approve the line work carried out by RPG. In view of above, Commission is of the view that in such

cases Respondent is not entitled to recover supervision charges from generator, necessary changes should be made in orders issued by Discom accordingly.

Provision of outdoor circuit breaker at both end of line.

15. Petitioner submitted that as per clause 48 (8)(9) under Part B of CEA (Technical standard Construction of Plants and Electric Lines) Regulation 2010 circuit breakers are required to provide at incoming 33KV, 22 KV line and at 11 KV outgoing line. This clause is applicable to 33/22, 33/11 and 22/11 kV Sub stations. As per Regulation 35 (3) (i) of CEA (Measures relating to safety and electric supply) Regulations, 2010, fuse is sufficient protection for the transformers having capacity less than 1MVA.
16. Per contra Respondent submitted that circuit breaker are installed for the purpose of the safety of line, plant and transformers and none of the Regulations prohibit the installation of the circuit breaker on both sides as the installation of the circuit breakers would only enhance the safety of the system.

Commission's view

17. Commission observes that, circuit breaker are installed for the purpose of the safety of line, plant and transformers and the installation of the circuit breaker on both sides would only enhance the safety of the system therefore Petitioner's request can't be granted.

Provision of ABT Metering.

18. Petitioner submitted that as per CEA (Installation and Operation of Meters) Regulations, 2006 Clause 7 (2) (d) SPG meter is a consumer meter not interface meter. Further as per Clause 2 (VI) (n) of CEA Regulations, 2006, Petitioner is not covered under the definition of interface meter, so there is no any ground to impose ABT complied meters on him.

19. Further as per PPA Article 6.1.1, RPG shall be required to schedule its power as per the applicable Regulations of RERC and SLDC, since in the present regulation of RERC and SLDC there is no any requirement of scheduling of power for 500 KWp solar power plant so ABT metering is further not required.
20. Per contra Respondent submitted that in the PPA Petitioner has agreed to install 0.2s accuracy class meters as per applicable Regulations. For generators, the meters of interface meters have been provided under clause 7 of the CEA Regulations, 2006 and their locations have been also provided.
21. Further, as per Clause 7 of the CEA Regulations, 2006, in case of generating company, Interface meter are to be installed at the point of interconnection under. There is no provision to install any other meters other than interface meters for the generator. As per ARTICLE 6: Dispatch and Scheduling under PPA the Petitioner provides dispatch and scheduling, for which ABT meters are mandatory.

Commission's view

22. Commission observes that, interface meter means a meter used for accounting and billing of electricity, connected at the point of interconnection between electrical systems of generating company, Licensee and consumers, directly connected to the Inter-State Transmission System or Intra-state Transmission System or Distribution system. Therefore, in Petitioner's case Interface meter are to be installed at the point of interconnection. The Petitioner's prayer in this regard also can't be granted.
23. The Petition is disposed of in terms of the above.

(Prithvi Raj)
Member

(S. C. Dinkar)
Member

(Dr. B.N. Sharma)
Chairman