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Ports and Logistics

Ref: MUL/GERC/RPO/2020-21/14082021

Date: 14th Aug, 2021

To,
The Secretary,
Gujarat Electricity Regulatory Commission (GERC)
6th Floor, GIFT ONE,
Road 5-C, Zone 5, GIFT CITY,
Gandhinagar-382355, Gujarat - India

Sub.: Submission of Petition for RPO Compliance of MUL for FY 2020-21

Dear Sir,

We file herewith the application (Original + 4 copies) for RPO compliance, as per GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and its amendments, of MPSEZ Utilities Limited for FY 2020-21 for kind consideration of the Hon'ble Commission.

Detail of the payment for this application is as below:


Particulars	Details
(1) Name of the Petitioner/Applicant	MPSEZ Utilities Limited
(2) Address of the Petitioner/ Applicant	Adani Corporate House, Shantigram, Nr. Vaishno Devi Circle, S.G. Highway, Khodiyar, Navrangpura, Ahmedabad - 382 421
(3) Petition No., if any
(4) Subject Matter	RPO Compliance of MUL for FY 2020-21
(5) Details of fee remitted:	
(a) UTR No.	AXISCN0087484448
(b) Date of remittance	06-08-2021
(c) Amount remitted	10,000/-
(d) Bank name & Branch	Axis Bank Ltd., Law Garden

Kindly acknowledge the receipt of the same.

Thanking you,

Yours Sincerely,

For MPSEZ Utilities Limited


Authorized Signatory



MPSEZ Utilities Limited
(Formerly MPSEZ Utilities Private Limited)
Adani Corporate House, Shantigram,
Nr. Vaishno Devi Circle, S. G. Highway,
Khodiyar, Ahmedabad - 382421
Gujarat, India

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www.adani.com
CIN: U45209GJ2007PLC051323

AD (Legal) / Ex (Legal) Process
21/08/2021
PK 21/08/2021
Pl. accept the fee & as per mt- subject to verification of fee, fees & charges, Regulation, 2010.
21/08/2021
MIR NO. 2828
2382
Inward No - 351.1
Date: 21 AUG 2021

**BEFORE THE HON'BLE GUJARAT ELECTRICITY REGULATORY
COMMISSION AT GANDHINAGAR**

Filing No. _____

Case No. _____

IN THE MATTER OF Filing Petition for Compliance of the Gujarat Electricity Regulator Commission (Procurement of Energy from Renewable Sources) Regulations, 2010 and its subsequent amendments notified by the Commission

AND

PETITIONER MPSEZ Utilities Limited,
Adani Corporate House, Shantigram,
Near Vaishno Devi Circle,
S.G Highway, Khodiyar,
Ahmedabad - 382 421



THE PETITIONER RESPECTFULLY SUBMIT AS UNDER:

1. MPSEZ Utilities Limited (hereinafter referred to as "MUL" or "Petitioner") (Formerly known as MPSEZ Utilities Private Limited) is a company incorporated under the Companies Act, 1956 having its registered office at Adani Corporate House, Shantigram, Near Vaishno Devi Circle, S.G. Highway, Khodiyar, Ahmedabad-382 421.
2. The Hon'ble Commission in exercise of the powers conferred under section 61, 66, 86 (1) (e) and 181 of the Electricity Act, 2003 (36 of 2003), has made the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) Regulations, 2010 for promoting the sale of power from renewable energy sources and procurement of energy from renewable sources by distribution licensee within the state of Gujarat vide its Notification No. 3 of 2010 dated 17.04.2010 (herein after referred as RPO Regulations). In the RPO Regulations, the Hon'ble Commission has specified the minimum percentage for the procurement of power from Wind, Solar and Other Sources for the period from FY 2010-11 to FY 2012-13.
3. Subsequently, the Hon'ble Commission has issued the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014 vide notification no. 2 of 2014 dated 04.03.2014. The Hon'ble Commission has fixed the RPO targets for the obligated entities through the aforesaid regulations for the period from FY 2010-11 to FY 2016-17.

4. The Hon'ble Commission has notified the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018 vide notification no. 1 of 2018 dated 21.04.2018. The Hon'ble Commission has fixed the RPO targets for the obligated entities through the aforesaid regulations for the period from FY 2017-18 to FY 2021-22.
5. The RPO target specified by the Hon'ble Commission to be fulfilled by the obligated entities during FY 2020-21, as per Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018, are as under:

Year	Minimum Quantum of purchase (in %) from renewable energy sources (in term of energy in kWh)			
	Total	Wind	Solar	Others (Biomass, Bagasse, MSW, etc.)
2020-21	15.65	8.15	6.75	0.75

6. The Petitioner has achieved RPO of 14.83% against 15.65% stipulated in GERC (Procurement of Energy from Renewable Energy Source) (Second Amendment) Regulation, 2018 for FY 2020-21.

The status of RPO compliance for FY 2020-21 is tabulated as under,

Particular	FY 2020-21
Energy Requirement in MUs	377.26
RE Procurement	
Wind Energy to be procured (@ 8.15%)	30.75
Solar Energy to be procured (@ 6.75%)	25.46
Biomass/Biogas/Others (@ 0.75%)	2.83
Total (@ 15.65%)	59.04
Compliance (Non-Solar)	
Wind in MUs	41.05
Non-Solar REC in MUs	0.00
Compliance in MUs	41.05
Compliance (as % of Energy Requirement)	10.88%
Compliance (Solar)	
Solar in MUs	14.90
Solar REC in MUs	0.00
Compliance in MUs	14.90
Compliance (as % of Energy Requirement)	3.95%
Total Compliance (as % of Energy Requirement)	14.83%
Total Shortfall/(Surplus) in MUs	3.09

7. The Petitioner respectfully submits that it has made necessary arrangement to fulfill its non-solar RPO by entering into long term power purchase agreement



with WTG. Accordingly, the Petitioner has achieved non-solar RPO of 10.88% against prescribed 8.90%.

8. The Petitioner respectfully submits that its customer base mainly attributes to bulk consumers and most of them are exploring possibility to set-up their solar captive power plant as per Gujarat Solar Policy – 2015. Therefore, the Petitioner has mainly relied on use of solar RPO attribute available from captive solar plants of its consumer and purchase of solar RECs in case of some shortfall.
9. The Petitioner respectfully submits that it has fulfilled its solar RPO by using renewable attribute of Solar Projects for captive consumptions of its consumer as per Gujarat Solar Policy – 2015. Accordingly, the Petitioner could able to achieve solar RPO of 3.95% against prescribed 6.75%. The Petitioner had decided to purchase Renewable Energy Certificates (RECs) in view of Regulations 5.1 of GERC (Procurement of Energy from Renewable Sources) Regulations, 2010. However, the Petitioner could not able to fulfill Solar RPO due to following cause which is beyond its control:
 - a. The Hon'ble Appellate Tribunal for Electricity (APTEL) vide its order dated 24th July, 2020 in APPEAL NO. 113 of 2020 and related matters inter-alia held that the trading of RECs scheduled on 29.07.2020 shall be postponed by four weeks. Accordingly, the trading of RECs has been postponed by Indian Energy Exchange (IEX) vide its circular No. IEX/MO/363/2020 dated 28th July, 2020, which is enclosed as Annexure-I.
 - b. Further, Hon'ble APTEL vide its order dated 11.08.2020 in the aforementioned appeals, directed that **"List of matter for directions on 28.08.2020 (through video conferencing). Interim order dated 24.07.2020, which expire on 21.08.2020, is extended till the next date of hearing."** Accordingly, future REC trading session shall be schedule in accordance with the Hon'ble APTEL's directions by IEX vide its Circular No. IEX/MO/369/2020 dated 25th August, 2020, which is enclosed as Annexure-II.
 - c. The Hon'ble APTEL has not issued any final order in this matter till 31.03.2021.
10. The Hon'ble Commission has directed to the Petitioner vide its order dated 31.08.2020 in the Petition No. 1785 of 2019 to fulfill the shortfall of 1.441 MUs during FY2017-18 in solar RPO within FY2020-21 by procurement of Solar Renewable Energy or Solar RECs. However, the Petitioner could not able to purchase solar RECs due to reason specified in Point 9 of this Petition, which is beyond control of the Petitioner.



11. The petitioner would like to highlight that the clause 4.1 of the GERC (Procurement of energy from Renewable Sources) Regulations, 2010 and subsequent amendments provides that

"4.1 Each distribution licensee shall purchase electricity (in KWh) from renewable sources, at a defined minimum percentage of the total consumption of its consumers including T&D losses during a year. Similarly, Captive and Open Access user(s) / consumer(s) shall purchase electricity (in KWh) from renewable energy sources, at a defined minimum percentage of his/her total consumption during a year.

The defined minimum percentages are given in the table.

Year	Minimum Quantum of purchase (in %) from renewable energy sources (in term of energy in kWh)			
	Wind	Solar	Others (Biomass, Bagasse, MSW, etc.)	Total
(1)	(2)	(3)	(4)	(5)
2020-21	8.15	6.75	0.75	15.65

If the above mentioned minimum quantum of power purchase either from solar or wind or Others (Including Biogas, Biomass, Bagasse, Hydro and MSW) is not available in a particular year of FY 2017-18 to 2021-22, then in such cases, additional renewable energy available either from Solar or Wind or Others shall be utilized for fulfillment of RPO in accordance with Column 5.

In view of above, the Petitioner would like to submit that surplus non-solar RPO of 7.47 MUs shall be adjusted against shortfall solar RPO of 10.57 MUs for FY2020-21.

12. The Petitioner would like to highlight that the clause 4.2 of the GERC (Procurement of energy from Renewable Sources) Regulations, 2010 and subsequent amendments provides that:

"4.2 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 these Regulations keeping in view supply constraints or other factors beyond the control of the licensee."

Hence, Aforesaid regulation confers powers upon commission to revise the minimum percentage target for purchase of power from renewable energy sources for the FY2020-21.

In view of above, the Petitioner requests Hon'ble Commission to revise solar RPO targets for FY2020-21 accordingly.

