

①

**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 Hon'ble Commission has notified the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (Third Amendment) Regulations, 2022 vide notification no. 1 of 2022 dated 08.04.2022. The Hon'ble Commission has fixed the RPO targets for the obligated entities through the aforesaid regulations for the period from FY 2022-23 to FY 2024-25.
- 6. The RPO target specified by the Hon'ble Commission to be fulfilled by the obligated entities during FY 2022-23, as per Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (Third Amendment) Regulations, 2022, 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, Small/Mini/Micro Hydro etc.)
2022-23	17.00	8.25	8.00	0.75

- 7. The Petitioner has achieved RPO of 12.38% against 17.00% stipulated in GERC (Procurement of Energy from Renewable Energy Source) (Third Amendment) Regulation, 2022 for FY 2022-23.

The status of RPO compliance for FY 2022-23 is tabulated as under,

Particular	FY 2022-23
Actual Energy Requirement in MUs	400.78
RE Procurement	
Wind Energy to be procured (@ 8.25%)	33.06
Solar Energy to be procured (@ 8.00%)	32.06
Biomass/Biogas/Others (@ 0.75%)	3.01
Total (@ 17.00%)	68.13
Compliance (Non-Solar)	
Wind Procured in MUs	36.65
Non-Solar Attributes in MUs	0.07
Compliance in MUs	36.71
Compliance (as % of Energy Requirement)	9.16%

Compliance (Solar)	
Solar Procured in MUs	0.04
Solar Attributes in MUs	12.84
Compliance in MUs	12.88
Compliance (as % of Energy Requirement)	3.21%
Total Compliance (as % of Energy Requirement)	12.38%
Total Shortfall/(Surplus) in MUs	18.53

7. The Petitioner respectfully submits that it has made the necessary arrangements to fulfill its non-solar RPO by entering into long term power purchase agreement with Wind Turbine Generators (WTG). The Petitioner has also considered the non-solar attributes allocated by GUVNL as per Gujarat Waste to Energy Policy – 2016 under the "Others" category of RPO. Accordingly, the Petitioner has achieved non-solar RPO of 9.16% against prescribed RPO of 9.00% for the FY2022-23.
8. The Petitioner respectfully submits that it has fulfilled its Solar RPO mainly by using renewable attributes of Solar rooftop Projects which are installed by its consumer's end as per Gujarat Solar Policy – 2015. The Petitioner has also procured solar energy through exchange to fulfill its solar RPO. Accordingly, the Petitioner has achieved Solar RPO of 3.21% against prescribed RPO of 8.00% for the FY2022-23.
9. The Petitioner has achieved an overall RPO of 12.38% against 17.00% as prescribed for the FY 2022-23. Thus, there is a shortfall of 18.53 MUs in the overall RPO fulfillment for the FY 2022-23. The shortfall is due to following issues which are beyond the control of the Petitioner:
- It is to submit that the actual generation from WTGs tied up by the Petitioner in FY2022-23 was reasonably lower by 11.17 MUs with respect to generation in FY2021-22.
 - It is to submit that the actual generation from solar projects installed at Petitioner's consumer end in FY2022-23 was lower by 1.73 MUs with respect to generation in FY2021-22. The RPO attributes of such solar generation are considered towards the RPO fulfilment of the Petitioner as per Gujarat Solar Policy – 2015.
 - From the above, it is clearly evident that there was a substantial shortfall in RE generation of 12.91 MUs on account of lower RE generation from both Wind and Solar resources.
 - Moreover, it is to humbly submit that the Petitioner has tied up wind capacity of 10.4 MW (2 x 5.2 MW) WTG with Mundra Windtech Limited for procurement of Renewable Energy to meet its RPO. The SCoD of the

aforesaid WTG was on 30.06.2022 & 30.11.2022 respectively. However, power supply from one of the WTG has been delayed from 30.06.2022 to 20.08.2023 and another WTG one has also not commenced till 31.03.2023 which otherwise could have contributed to additional generation of 8.59 MUs (at 40% CUF) which could have helped in RPO compliance of the Petitioner.

- e. From the above, it is evident that Petitioner has made consistent efforts to fulfil its RPO obligation and the shortfall in RPO fulfilment is mainly due to shortfall in RE generation and delay in commencement of RE supply which is beyond the control of the Petitioner.
10. Further, the Petitioner would like to submit here that the Petitioner have entered into Power Purchase Agreement with Solar Energy Corporation of India (SECI) for power procurement of 1070 MW of ISTS-connected Wind-Solar Hybrid Power (Under Wind-Solar Hybrid Tranche-V). The approval of tariff adoption has been accorded by the Hon'ble Commission vide its order dated 24.03.2023 in case no 2189 of 2023. This shall further enable Petitioner to fulfill its overall RPO obligation in the near future.
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)
2022-23	8.25	8.00	0.75	17.00

If the above-mentioned minimum quantum of power purchase either from Solar or Wind or Large Hydro Power Plant of capacity above 25 MW and commissioned after 8th March, 2019 as per MoP, Government of India Notification No. F. No. 15/2/2016-H-1 (Pt.) dated 08.03.2019 or Others (including Biomass, Bagasse & Bio-fuel based cogeneration, MSW and Small/Mini/Micro Hydro) is not available in a particular year, then in such

cases, additional renewable energy available either from Solar or Wind or Large Hydro Power Plant of capacity above 25 MW and commissioned after 8th March, 2019 as per MoP, Government of India Notification No. F. No. 15/2/2016-H-1 (Pt.) dated 08.03.2019 or Others shall be utilised for fulfilment of RPO.

In view of above, the Petitioner would like to submit that surplus non-solar RPO of 0.64 MUs shall be adjusted against shortfall solar RPO of 19.18 MUs for FY2022-23.

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 FY2022-23.

In view of above, the Petitioner requests Hon'ble Commission to revise solar RPO targets for FY2022-23 accordingly.

Prayers:

In the facts and circumstances mentioned above, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

- a. Consider the submissions as above.
- b. To revise the percentage target of purchase from renewable energy sources for the FY2022-23.
- c. Allow to compensate shortfall of Solar RPO with surplus Non-Solar RPO for FY the 2022-23.
- d. Allow additions / alterations / changes modifications to the submissions.
- e. Condone any inadvertent omissions/errors/shortcomings.
- f. Afford reasonable opportunity of personal hearing before passing any orders in the matter.
- g. Grant any relief/s as it deems fit and appropriate under the circumstances of the case and in the interest of justice.

Declaration that the subject matter of above petition has not been raised by the Petitioner before any other competent forum, and that no other competent forum is currently seized of the matter or has passed any orders in relation thereto.

Place: Ahmedabad

Date: 14.02.2024

For, **MPSEZ Utilities Limited**



Menul Rupera

(Authorized Signatory)