

Delhi Electricity Regulatory Commission
Viniyamak Bhawan, 'C' Block, Shivalik, Malviya Nagar, New Delhi -110017

No. F. 11(1226)/DERC/2015-16/4798/

Petition No. 30/2015

In the matter of: Petition under Section 86(1)(e) of the EA 2003, DERC (Renewable Purchase Obligation and Renewable Energy certificate Framework Implementation) Regulations, 2012

BSES Rajdhani Power Limited
Through its: **CEO**
BSES Bhawan, Nehru Place,
New Delhi-110019

...Petitioner

National Solar Energy Federation of India
702 Chiranjiv Tower,43, Nehru Place,
New Delhi 110 019

And

Green Energy Association
Sargam, 143, Taqdir Terrace,
Near Shirodkar High School
Dr. E. Borjes Road,
Parel (E) Mumbai 400012

... Intervenors

Petition No. 31 of 2015

In the matter of: Petition under Section 86(1)(e) of the EA 2003, DERC (Renewable Purchase Obligation and Renewable Energy certificate Framework Implementation) Regulations, 2012

BSES Yamuna Power Ltd.
Through its: **CEO**
Shakti Kiran Building,
Karkardooma
New Delhi – 110092

...Petitioner

National Solar Energy Federation of India
702 Chiranjiv Tower,43, Nehru Place,
New Delhi 110 019

And

Green Energy Association
Sargam, 143, Taqdir Terrace,
Near Shirodkar High School
Dr. E. Borjes Road,
Parel (E) Mumbai 400012

... Intervenors

PETITION NO. 01/2018

In the matter of : **Petition u/s 86(1)(e) of the Electricity Act, 2003; and DERC (Renewable Purchase Obligation and Renewable Energy Certificate Framework Implementation) Regulations, 2012 in regard to Renewable Purchase Obligation for the year 2016-17.**

BSES Yamuna Power Limited
Through its : **CEO**
Shakti Kiran Building,
Karkardooma
New Delhi – 110 092

.....**Petitioner**

Coram: Sh. B.P. Singh, Member

Appearance:

1. Mr. Buddy A Ranganadhan, Advocate, BYPL & BRPL
2. Mr. Hasan Murtaza, Advocate, BYPL & BRPL
3. Ms. Varaa Masood, Advocate, BYPL & BRPL
4. Mr. Saransh Shaw, Advocate, GEA
5. Mr. Vekarsh, Advocate, NSEF
6. Mr. Gagan Swai, BYPL
7. Mr. Shekhar Saklani, BYPL
8. Mr. Sameer Singh, BYPL
9. Mr. Kanishk, BRPL
10. Mr. Ravi Shandilya, BRPL

INTERIM ORDER

(Date of Hearing: 23.01.2018)

(Date of Order: 30.01.2018)

1. The Petition No. 01 of 2018 has been filed by BYPL requesting the Commission to (i) defer the purchase of balance requirement of approximately 448 MUs to FY 2017-18 and (ii) allow cumulative fulfillment of RPO for the period FY 2016-17 and FY 2017-18 in exercise of its power under Regulation 11 (carry forward) and Regulation 13 (Power to Relax) of the RPO Regulations.
2. After hearing the submissions of the Counsel for the Petitioner, the Petition No. 01 of 2018 is admitted. The petition is tagged with similar Petition no. 30 of 2015 filed by BRPL and 31 of 2015 filed by BYPL seeking waiver of Renewable Power Obligation (RPO) targets for the Petitioners for the year 2013-14, 2014-15 & 2015-16 and deferment of the compliance thereof.

3. All the three petitions viz. Petition No. 30 of 2015, Petition no. 31 of 2015 and Petition no. 01 of 2018 were heard together.
4. The Counsel for the Interveners namely M/s National Solar Energy Federation of India and M/s Green Energy Association sought time to file reply to the Petition. The interveners are directed to file their reply within two weeks, with a copy to the Petitioners.
5. The Counsel for the Petitioners submitted that the Petitioners have been making sincere efforts to fulfill the RPO and it has already made purchase of renewable energy power and REC's to meet its RPO for FY 2016-17 and is praying before the Hon'ble Commission to allow the Petitioners to defer the purchase of balance requirement of approximately 448 MUs to FY 2017-18 and allow cumulative fulfillment of RPO for the period FY 2016-17 and FY 2017-18.
6. The Counsel for the Petitioners further submitted that the Commission has not determined the ARR and Tariff for FY 2016-17. Regulation 4(1) of the 2012 RPO Regulations clearly refers to the targets and costs of RPO as approved in the ARR for the concerned year. Since, there is no ARR approved by the Commission for FY 2016-17, there cannot be any RPO for FY 2016-17. The RPO targets specified in Regulation 4(1) of the RPO Regulations, 2012 are given in percentage of total consumption of the distribution licensee. However, total consumption of BYPL (i.e quantum of sales) has yet not been approved by the Commission for FY 2016-17 as the ARR for that year has not been determined by the Commission. Hence without determination of the specific sales quantum for the distribution Licensee, the percentage of total consumption cannot be worked out for FY 2016-17. In the absence of an approved ARR much less as approved cost of RPO procurement for FY 2016-17 no obligated entity like the Licensees could know as to what level of RPO to procure.
7. The Commission observes that since the RPO target is a fixed percentage of the total sale of energy in a particular year therefore, the aforesaid plea of the Petitioners is not sustainable. Moreover, ARR is only a projection and the actual figures are trued up once the accounts are finalized. Therefore, the Petitioners could have met their RPO targets on the basis of sale of energy units.
8. In view of the above, the Petitioners have to discharge their RPO and they will have to specify a date by which they will comply with their pending RPO. The Petitioners

are directed to file an undertaking on an affidavit within two weeks, in respect of compliance of RPO by a specific date say by the end of February 2018. The request of the Petitioners for relaxation shall be considered accordingly. However, any relaxation in fulfilment of RPO shall be without prejudice to the proceedings u/S 142 of the Electricity Act, 2003.

9. Ordered accordingly.

Sd/-
(B.P. Singh)
Member