

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION GANDHINAGAR

Suo Motu Petition No. 1713 /2018

In the Matter of:

Monitoring of Compliance of Renewable Purchase Obligation by distribution licensees for the FY 2016-17 under the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014.

Respondent No. 1:	Deendayal Port Trust
Represented by:	Nobody was present
Respondent No. 2:	Jubilant Infrastructure Ltd.
Represented by:	Nobody was present
Respondent No. 3:	M/s. Aspen Infrastructures Ltd.
Represented by:	Shri Kapil Sharma
Respondent No. 4:	GIFT Power Company Ltd.
Represented by:	Nobody was present
Respondent No. 5:	Gujarat Energy Development Agency (GEDA)
Represented by:	Nobody was present
	V/s.
Objector No.1:	Shri Vishnubhai Desai
Represented by:	Shri Vishnubhai Desai

Objector No.2: Indian Wind Energy Association

Represented by: Nobody was present

CORAM:

Shri Anand Kumar, Chairman

Shri P. J. Thakkar, Member

Date: 09/06/2020

ORDER

1. The Commission has notified the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and the GERC (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014 which, inter-alia, stipulate the Renewable Purchase Obligation (RPO) to be fulfilled by the Distribution Licensees in the State of Gujarat during the period from FY 2010-11 to FY 2016-17.

1.1. Regulation 4 of the Principal Regulations viz. GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and GERC (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014, reads as under:

GERC (Procurement of Energy from Renewable Sources) Regulations, 2010

“4. Quantum of Renewable Purchase Obligation (RPO)

4.1 Each distribution licensee shall purchase electricity (in kWh) from renewable energy 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.

GERC (Procurement of Energy from Renewable Sources) (First Amendment), Regulations, 2014

4) Substitution of Table 1 of Regulation 4.1

The table 1 provided in Principal Regulation 4.1 shall be substituted by following table 1:

Year	Minimum Quantum of purchase (in %) from renewable energy sources (in terms of energy in kWh)			
	TOTAL	Wind	Solar	Others (Biomass, Bagasse, MSW, etc.)
2010-11	5.0	4.5	0.25	0.25
2011-12	6.0	5.0	0.5	0.5
2012-13	7.0	5.5	1.0	0.5
2013-14	7.0	5.5	1.0	0.5
2014-15	8.0	6.25	1.25	0.5
2015-16	9.0	7.0	1.5	0.5
2016-17	10.0	7.75	1.75	0.5

As provided in the above table the RPO for the FY 2016-17 has been fixed at

10% consisting of 7.75% from Wind, 1.75% from Solar and 0.50% from Other Renewable Sources.

- 1.2. The Commission in exercise of the powers conferred under Sections 61, 86(1)(e) and 181 of the Electricity Act, 2003 read with sub-regulation (iv) of Regulation 1 and Regulation 8 of the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) Regulations, 2010 (Notification No.3 of 2010) (Principal Regulations) and Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014 (Notification No. 2 of 2014), and all other powers enabling it in this behalf has notified Notification No. 2 of 2015 dated 1st day of July, 2015, whereby 1st day of July, 2015 is notified as the date on which the sub-regulation (iv) of Regulation 1 and Regulation 8 of Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) Regulations, 2010 (Notification No.3 of 2010) shall come into force and the Renewable Purchase Obligation shall become applicable to Captive and Open Access User(s)/Consumer(s).
- 1.3. Regulation 5 of the Principal Regulations provides an alternate mechanism for fulfilment of R.P.O. which reads as under:

“5. Certificates under the Regulations of the Central Commission

5.1 Subject to the terms and conditions contained in these Regulations, the Certificates issued under the Central Electricity Regulatory Commission’s (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 shall be the valid instruments for the discharge of the mandatory obligations set out in these Regulations for the obligated entities to purchase electricity from renewable energy sources.....”

- 1.4. Further, the Commission has notified GEDA (Respondent No. 5) as the State Nodal Agency to monitor the compliance of the RPO vide Notification No. 3 of 2010. Thus, it is the duty of GEDA to monitor the fulfilment of the RPO by the obligated entities and in case of non-fulfilment of RPO by the obligated entity (ies), should inform the same to the Commission, to enable the Commission to take appropriate decision regarding non-compliance of RPO by the entity concerned as provided in the Regulations. Further, apart from the Distribution Licensees, Captive and Open Access consumers within the State have also been identified as Obligated Entities who should comply with RPO targets stipulated by the Commission in para 1.1 above.

- 1.5. We note that GUVNL on behalf of its subsidiary distribution companies viz. Madhya Gujarat Vij Company Limited, Dakshin Gujarat Vij Company Limited, Uttar Gujarat Vij Company Limited and Paschim Gujarat Vij Company Limited has filed Petition No. 1688 of 2017, Torrent Power Ltd. – (Ahmedabad/Gandhinagar & Surat) has filed Petition No. 1689 of 2017, Torrent Power Limited (Dahej) has filed Petition No. 1690 of 2017 and MPSEZ Utilities Pvt. Ltd. has filed Petition No. 1677 of 2017 regarding compliance of Renewable Purchase Obligations for FY 2016-17.
- 1.6. The Commission in its Daily Order dated 28.02.2018 in Petition Nos. 1688 of 2017 and Daily Orders dated 05.03.2018 in Petition No. 1689 of 2017 and 1690 of 2017 has decided as under:

“We note that on completion of FY 2016-17, GUVNL filed Petition No. 1688 of 2017, Torrent Power Limited filed Petition No. 1689 of 2017 for Ahmedabad, Gandhinagar and Surat license area and Petition No. 1690 of 2017 for its Dahej License area and MPSEZ Utilities Pvt. Limited has filed Petition No. 1677 of 2016 for their RPO compliance of FY 2016-17. We also note that the other distribution licensees viz. Kandla Port Trust, Aspen Infrastructure Private Limited, Jubilant Infrastructure Limited and GIFT Power Company Limited have not filed any petition before the Commission

for compliance of RPO of FY 2016-17. We, therefore, decide to initiate suo-motu proceedings for compliance of RPO by these entities and direct them to follow the procedure for inviting comments and suggestions from the stakeholders as stated in para 2.2 above by publishing a public notice and hosting the petition on their respective websites. The Office of the Commission is also directed to initiate necessary actions in this regard.”

1.7. We note that above Daily Orders recorded that following Distribution Licensees have not filed any petition for compliance of RPO and the Commission decided to initiate suo motu proceedings for verification of compliance of RPO by these licensees:

- (1). Kandla Port Trust (Now Deendayal Port Trust)
- (2). Jubilant Infrastructure Pvt. Ltd.
- (3). Aspen Infrastructures Ltd.
- (4). GIFT Power Company Ltd.

1.8. Considering the above facts, and the Commission’s decision to initiate suo motu proceedings in order to verify the compliance of the RPO by the Distribution Licensees of the State and in case of any default by the distribution licensee, to decide the appropriate actions that may be required to be initiated against the

defaulting Distribution Licensee concerned, in accordance with the provisions of the Electricity Act, 2003 read with the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 read with amendments made thereto, the present Suo-motu proceedings are initiated by the Commission for the following licensees:

- (i). Deendayal Port Trust
- (ii). Jubilant Infrastructure Pvt. Ltd.
- (iii). Aspen Infrastructures Ltd.
- (iv). GIFT Power Company Ltd.

1.9. GEDA is notified as the State Nodal Agency for monitoring of the RPO compliance. Hence, GEDA is also made a party to the present Suo-Motu proceedings and to assist the Commission in hearings. We note that GEDA has submitted the status of compliance of RPO for the FY 2016-17, based on the data furnished by different distribution licensees. GEDA was also directed to make its submissions regarding compliance of RPO by different licensees for FY 2016-17 and submitting any other facts which it may consider appropriate for consideration of the Commission.

1.10. The Commission also directed the Respondent Distribution Licensees to file their submissions alongwith necessary supporting documents before the Commission

and submit the reasons for partial/non-compliance of RPO, if any, as well as action taken for fulfillment of their obligations in support thereof to enable the Commission to decide the issue in the present petition.

- 1.11. Moreover, the Commission also directed the Staff of the Commission to host the present Suo-Motu Petition on the website of the Commission and issue public notice in two daily Gujarati Newspapers and one English Newspaper having wide circulation in the State/National level to invite comments/suggestions from the stakeholders.
- 1.12. Accordingly, the Commission issued a public notice dated 04.04.2018 in daily News Papers having wide circulation viz. Business Standard (on 06.04.2018), Gujarat Samachar (on 07.04.2018) and Sandesh (on 07.04.2018) and also uploaded the present petition on its website to invite objections/suggestions from the stakeholders. In the said public notice the Commission decided to hold public hearing on 22.05.2018.
2. GEDA vide its letter dated 04.05.2017 while submitting the RPO compliance for the FY 2016-17 conveyed that Kandla Port Trust has conveyed to GEDA that they have procured power from PGVCL. Similarly, Jubilant Infrastructure Limited also conveyed to GEDA that they procured power from DGVCL whereas Aspen

Infrastructures Limited conveyed that they have taken up the matter with the Commission and GIFT Power Company Limited has conveyed that they are procuring power from UGVCL.

3. The Respondent No. 1, Deendayal Port Trust, vide its affidavit dated 19.05.2020 submitted that during the FY 2016-17, Deendayal Port Trust have procured power only from PGVCL and have not procured power from any other source(s).
4. The Respondent No. 2, Jubilant Infrastructure Limited, vide affidavit dated 18.04.2018 submitted that they are getting power supply from DGVCL as its consumer from the beginning and has continued during FY 2016-17. Similarly, two units established in the SEZ by Jubilant Life Science viz. Unit 1 and Unit 2 are also getting the power through DGVCL as a consumer from the date of establishing their units including in FY 2016-17. In support of the same Respondent No. 2 also filed the copies of electricity bills of DGVCL while submitting that they are communicating the said information regularly to the Commission and GEDA. It is further submitted that the Commission has considered and accepted their submissions regarding the power supply from DGVCL and granted exemption from RPO compliance for the previous years. Therefore, the Commission may

grant an exemption for FY 2016-17 based upon their drawl of power from DGVCL and also consider the same request for FY 2017-18.

5. The Respondent No. 3, Aspen Infrastructures Limited, vide its affidavit dated 04.05.2018 submitted that Commission vide its Order dated 31.12.2016 passed in Suo-Motu Petition No. 1542 of 2015 exempted Aspen Infrastructures Ltd. from the Renewable Purchase Obligation since it procured power from MGCVCL which consists of renewable energy component also. Moreover, Commission in its Order in Petition No. 1442 of 2014 has exempted Respondent No. 3 from the Renewable Purchase Obligation specified by the Commission till the time Respondent No. 3 starts procurement of power from sources other than MGCVCL. It is further submitted that the situation has not changed and Aspen Infrastructures Limited in FY 2016-17 has procured power from MGCVCL as a consumer and hence requested to exempt them from RPO compliance.

6. The Respondent No. 4, GIFT Power Company Limited, vide affidavit dated 19.05.2020 submitted that Commission vide its Order dated 06.03.2013 in License Application No. 1 of 2012 granted Distribution Licensee status to GIFT Power Company Limited for supply of electricity in the GIFT CITY area. During initial few years, the demand of the distribution license area was compact, hence power

sourcing was done through UGVCL as HTP-1 category consumer. As the demand is very low, GIFT Power Company Limited purchased power from UGVCL to supply to its consumers during FY 2016-17. It is further submitted that GIFT Power Company Limited is a consumer of UGVCL having consumer No. 18115, since 24.05.2013 and has been procuring the power from UGVCL to supply to the consumers of GIFT Power Company Ltd.

- 6.1. GIFT Power Company Limited as a distribution licensee is purchasing entire power requirement (100%) from UGVCL under HTP-1, which is one of the State entities, required to comply with the RPO Regulations notified by the Commission. UGVCL is purchasing and supplying power to the consumers which is consisting of conventional and renewable energy component. Therefore, the energy supplied by UGVCL to GIFT Power Company Limited is also having the renewable energy component. Therefore, GIFT Power Company Limited complies with percentage quantum of RPO notified by the Commission. GIFT Power Company Limited purchased around 9.15 MUs energy from UGVCL during FY 2016-17 consisting of renewable energy component as purchased by UGVCL. Therefore, GIFT Power Company Limited may be considered to be complying with RPO Regulations notified by the Commission for FY 2016-17.

7. In pursuance to the public notice Objector No. 1, Shri Vishnubhai Bhagwanbhai Desai filed his submission dated 04.05.2018 in the present Suo-Motu Petition initiated by the Commission for verifying compliance of the RPO as per the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 by the Distribution Licensees of the State for FY 2016-17. It is submitted that on account of the Petition filed by Torrent Power Limited (Petition No. 1689 of 2017) seeking revision in minimum percentage targets of purchase from renewable energy sources for FY 2016-17 under Regulation 4.2 of the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 the consumers of Torrent Power Limited in Ahmedabad, Gandhinagar, Surat and Dahej SEZ area will suffer huge financial loss because it will purchase power from outside and cost towards supplying such power up to the consumers will be high, which Torrent Power Limited wants to pass on to the consumers. Hence, Torrent Power Limited should not insist purchasing minimum quantum of energy from renewable sources.

7.1. It is further submitted that Torrent Power Limited under one pretext or other undertakes such activities which are against consumer interest and no decisions are taken keeping consumer interest but merely targeted towards increasing profitability, which is unreasonable because if the electricity bills are issued on

monthly basis to the consumers instead of 2 months then the consumers will benefit a lot. Although, the Commission in its various Tariff Orders directs to issue bills on monthly basis but Torrent Power Limited issues bill every 2 months and thereby causing loss to the consumers for which he has represented before the Commission in the past also.

7.2. The Objector has further submitted that Torrent Power Limited is not implementing the Tariff Order dated 31.03.2018 in Petition No. 1696 of 2018 by claiming meter rent despite being abolished from April by the Commission. The Petitioner is wrongly recovering GST, past dues of consumers, government taxes as well as BPL consumers are not provided any subsidy and thereby exploiting the consumers. It is also submitted that if Torrent Power Limited is unable to meet the electricity demand of consumers it should absolve itself from the said responsibility based on principles of morality. The tariff of Torrent Power Limited is much higher compared to other distribution companies as well as other States and therefore, cheaper power should be availed from wherever it is available. Torrent Power should not increase its own generating capacity because thereby it is causing huge loss to consumers but should procure cheaper power from outside in order to supply electricity. He requested that the Commission decide the

present matter keeping in view the interest of consumers. He submitted that the Commission should take appropriate decision in the matter as per the Regulation and in overall interest of consumers.

8. The Objector, Indian Wind Energy Association vide affidavit dated 11.05.2018, submitted that the present Suo-Motu Petition initiated by the Commission for compliance of the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 readwith GERC (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014 notified by the Commission and the issues to be resolved in the present matter is largely impacting the Wind Energy Sector of Gujarat and the investors willing to invest and those who have already invested in the Wind Energy Sector.

8.1. The Commission has specified the RPO for the FY 2016-17 at a total of 10% including 7.75% from Wind, 1.75% from Solar and 0.50% from Other Renewable Sources. As per the status of RPO compliance for the FY 2016-17 submitted by GEDA stated in Suo-motu Petition, MPSEZ is the only distribution licensee who has complied the GERC RPO Regulations, 2010 and its amendments. Rest of the DISCOMs have not complied the specified RPO targets and the Commission may take necessary action duly taking cognizance of the same.

- 8.2. It is further submitted that the Commission may not allow adjustment of excess solar purchase towards compliance of Non-Solar RPO for the FY 2016-17.
- 8.3. It is also submitted that the Commission may initiate Suo-Motu proceedings for verification of RPO compliance by the Open Access and Captive users within the State and that State Agency or Distribution Licensees should be given specific directions for identifying Captive and Open Access consumers in the State and an effective mechanism be put in place to continuously track their consumption and RPO compliance.
- 8.4. The matter was earlier heard on 22.05.2018 for which Daily Order dated 31.05.2018 was passed wherein the Commission decided to conclude the hearing in the matter and the matter was reserved for appropriate Order. Thereafter, the matter was relisted on 19.02.2020 for mentioning / directions on account of change in quorum, during which nobody was present on behalf of the Respondents and Objector No. 2 despite being served the hearing notice. Shri Vishnubhai Desai, Objector No. 1 who was present during the hearing submitted that he has filed the submissions in the matter which pertains to compliance of renewable energy targets specified by the Commission and there is nothing more

to add in the matter. He submitted that the Commission may accordingly, decide the present matter. Accordingly, the Commission passed Daily Order dated 27.02.2020 deciding as under:

“

4.4 We note that the Commission has already received submissions from Jubilant Infrastructure Limited vide affidavit dated 18.04.2018 and Aspen Infrastructure Limited vide affidavit 04.05.2018. The matter was relisted today for mentioning/directions and therefore, we decide to conclude the hearing in the matter and appropriate order will be passed by the Commission after receipt of affidavit from Respondent No. 1 Deendayal Port Trust and Respondent No. 4 GIFT Power Company Limited as per above directives.

.....”

- 8.5. We note that Respondent No. 1, Deendayal Port Trust and Respondent No. 4, GIFT Power Company Limited have in compliance to the above directives of the Commission filed affidavits in the present matter as recorded in earlier paras of this Order. We therefore, proceed to decide the matter.

9. We have considered the submissions made by the parties. We note that as regards the RPO compliance by other distribution licensees in the State for FY 2016-17 is concerned, that Gujarat Urja Vikas Nigam Limited on behalf of its four subsidiary distribution companies namely Madhya Gujarat Vij Company Limited, Uttar Gujarat Vij Company Limited, Paschim Gujarat Vij Company Limited and Dakshin Gujarat Vij Company Limited has filed Petition No. 1688 of 2017 and Torrent Power Limited for its license area of Ahmedabad/Gandhinagar and Surat has filed Petition No. 1689 of 2017 submitting their RPO compliance for FY 2016-17 and seeking revision of minimum quantum of purchase (in %) from renewable energy sources in view of supply constraints and factors beyond the control of the licensee under the provisions of Regulation 4.2 of the GERC (Procurement of Energy from Renewable Sources) Regulation, 2010. Also, Torrent Power Limited has filed Petition No. 1690 of 2017 for its Dahej license area submitting its RPO compliance for FY 2016-17 considering total energy requirement as 251.43 MUs and seeking revision of minimum quantum of purchase (in %) from renewable energy sources in view of supply constraints and factors beyond its control. Further, Also, MPSEZ Utilities Private Ltd. (MUPL) has filed Petition No. 1677 of 2017 for its license area submitting its RPO compliance for FY 2016-17 considering total energy requirement as 206.53 MUs. As already noted above, GEDA has

submitted the RPO compliance details of GUVNL, Torrent Power Ltd. (Ahmedabad, Gandhinagar & Surat), Torrent Power Ltd. (Dahej) and MUPL.

9.1. The Commission in its Daily Order dated 28.02.2018 in Petition Nos. 1688 of 2017 and Daily Orders dated 05.03.2018 in Petition No. 1689 of 2017 and 1690 of 2017 had decided to initiate Suo-motu proceedings against Deendayal Port Trust (earlier Kandla Port Trust), Jubilant Infrastructure Limited, Aspen Infrastructures Private Limited and GIFT Power Company Limited since they have not filed any Petition before the Commission for compliance of RPO for FY 2016-17. Therefore, the present Suo-motu proceeding has been initiated by the Commission and also invited comments and suggestions from the stakeholders prior to deciding the compliance of RPO by the obligated entities.

9.2. We note that the Commission has issued the GERC (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014 on 04.03.2014 wherein the RPO of the obligated entities for FY 2016-17 is specified as under:

Year	Minimum Quantum of purchase (%) from renewable energy sources (in terms of energy in kWh)			
	Total	Wind	Solar	Biomass, Bagasse and Others
FY 2016-17	10.00	7.75	1.75	0.50

- 9.3. We note that the Respondent No. 1, Deendayal Port Trust has procured power from PGVCL as a consumer during FY 2016-17. As the licensee is procuring power from PGVCL, which includes the renewable energy component also, they comply with the RPO requirement to the extent of RPO compliance by PGVCL.
- 9.4. As far as Respondent No. 2, M/s. Jubilant Infrastructure Limited is concerned, we note that vide affidavit dated 18.04.2018 it is submitted that they are getting power supply from DGVCL as its consumer from the beginning and has continued during FY 2016-17. Similarly, two units established in the SEZ by Jubilant Life Science viz. Unit 1 and Unit 2 are also getting the power through DGVCL as a consumer from the date of establishing their units including in FY 2016-17. In support of the same Respondent No. 2 also filed the copies of electricity bills of DGVCL as a consumer during FY 2016-17. As the licensee is procuring the power from DGVCL, which includes the renewable energy component also, they comply with the RPO requirement to the extent of RPO compliance by DGVCL.
- 9.5. The Respondent No. 3, Aspen Infrastructures Limited submitted that it has procured power from MGVCL as a consumer during FY 2016-17. As the licensee is procuring power from MGVCL, which includes the renewable energy component

also, they comply with the RPO requirement to the extent of RPO compliance by MGVCL.

9.6. The Respondent No.4, GIFT Power Company Limited, submitted that the demand in their license area is very low and hence they have purchased power from UGVCL and supplied to their consumers during FY 2016-17. As GIFT Power Company Limited is a consumer of UGVCL having consumer No. 18115, since 24.05.2013, and has been purchasing power from UGVCL, which includes the Renewable Energy component also, they comply with the RPO requirement to the extent of RPO compliance by UGVCL.

10. Now we deal with the objections/suggestions filed by the stakeholders in the present petition as enumerated in para 7 & 8 above.

10.1. We note that Objector No. 1, Shri Vishnubhai Desai has made certain objections and observations pertaining to Torrent Power Limited, which are extraneous to the present Petition and have no relevance to the subject matter of the RPO compliance by the Respondent distribution licensees, hence the same do not deserve any merit. As regards certain other submissions made by him regarding Torrent Power Limited, we note that similar submissions have also been filed in

Petition No's. 1689 of 2017 and 1690 of 2017 filed by Torrent Power Limited which have already been dealt by the Commission in its Orders dated 06.05.2020 and 14.05.2020. In so far as his submission that the Commission may decide the present matter as per the Regulation and in overall interest of the consumers is concerned, as noted above in the present matter the Respondent distribution licensees are procuring their power requirements from the State owned distribution licensees as the case be which includes the Renewable Energy component also and accordingly they are complying with the RPO requirements to the extent of RPO compliance by such State owned distribution licensees whose RPO compliance as per the Regulations framed by the Commission is also monitored by the Commission either on Petition filed by these distribution licensees or on Suo-motu basis.

10.2. Moreover, the Commission in its Orders dated 06.05.2020 in Petition No. 1688 of 2017 filed by GUVNL and Petition No. 1689 of 2017 filed by Torrent Power Limited has noted that the preamble of the Electricity Act, 2003, Tariff Policy and National Electricity Policy mandate the State Electricity Regulatory Commission to protect the interest of the consumers as specified under Section 61(d) and 94 of the Act and also promote co-generation and generation of electricity from the renewable

energy sources as specified under Section 61 (h) and 86 (1) (e) of the Act and that the role of the Commission is to balance the interest of the consumers as well as the promotion of renewable energy. Accordingly, the aforesaid suggestion of Objector No. 1, Shri Vishnubhai Bhagwanbhai Desai is addressed.

10.3. Indian Wind Energy Association has submitted that MPSEZ is the only distribution licensee who has complied the GERC RPO Regulations, 2010 and its amendments whereas rest of the DISCOMs have not complied the specified RPO targets and the Commission may take necessary action duly taking cognizance of the same. We note that the Commission in its Orders dated 06.05.2020 in Petition No. 1688 of 2017 filed by GUVNL & Petition No. 1689 of 2017 filed by Torrent Power Limited and Order dated 14.05.2020 in Petition No. 1690 of 2017 has after revising the RPO targets has decided that GUVNL and Torrent Power Limited have complied with the Solar RPO of 1.75% and revised Non-Solar RPO target of 6.10%. While in case of Deendayal Port Trust, Jubilant Infrastructure Ltd., Aspen Infrastructures Limited and GIFT Power Company Limited as recorded in earlier part of this Order that they are procuring the electricity from PGVCL, DGVCL, MGVCL and UGVCL respectively which consists of the renewable energy component also. Accordingly, they are not required to comply with the RPO separately as this would not only

result in duplication but also increase in the cost of their power purchase. Therefore, the said contention of Objector No. 2, Indian Wind Energy Association that MPSEZ is the only distribution licensee who has complied the GERC RPO Regulations, 2010 and its amendments whereas rest of the DISCOMs have not complied the specified RPO targets does not survive anymore.

10.4. Indian Wind Energy Association also submitted that the Commission may not allow adjustment of excess solar purchase towards compliance of Non-Solar RPO for the FY 2016-17. As recorded in earlier para, Deendayal Port Trust, Jubilant Infrastructure Ltd., Aspen Infrastructures Limited and GIFT Power Company Limited are procuring the electricity from PGVCL, DGVCL, MGVCL and UGVCL respectively which includes the renewable energy component also and thereby these entities are not required to comply the RPO on standalone basis. Therefore, the issue regarding allowing adjustment of excess solar purchase towards compliance of Non-Solar RPO for the FY 2016-17 does not arise.

10.5. Indian Wind Energy Association also contended that the Commission may monitor and verify the RPO compliance of the captive and open access consumers. We note that some of the captive users have filed LPA No. 601 of 2015 and allied matters against the Order of the Hon'ble High Court of Gujarat in SCA No. 6389 of

2009 and allied matters. Since the aforesaid LPA No. 601 of 2015 and allied matters are sub-judice before the Hon'ble High Court of Gujarat, the Commission has no comments to offer.

- 10.6. Before parting, we note that as regards the RPO compliance by the Respondent distribution licensees, namely, Jubilant Infrastructure Limited, Deendayal Power Trust (earlier Kandla Port Trust), Aspen Infrastructures Pvt. Ltd. and GIFT Power Company Limited, the Commission in its Order dated 26.12.2019 in Suo-Motu Petition No. 1637 of 2017 regarding monitoring the RPO compliance of the obligated entities for the FY 2015-16 had decided at para 13.5 that as long as they respectively continue to purchase power from DGVCL, PGVCL, MGVCL and UGVCL only, they are not required to comply with the RPO requirement on standalone basis. However, it will be incumbent upon them to submit to the Commission and GEDA documents substantiating the purchase of power from DGVCL, PGVCL, MGVCL and UGVCL respectively in quarterly RPO compliance monitoring by the Commission and Annual RPO compliance undertaken by the Commission. We decide that the said dispensation shall continue and they shall be required to submit the requisite details regarding quarterly RPO compliance monitoring by the Commission to GEDA as well as the Commission and also submitting relevant

details for Annual RPO compliance undertaken by the Commission either by filing Petition before the Commission or through filing affidavit/reply in case of any Suo-motu proceedings initiated by the Commission.

11. We order accordingly.
12. With this Order the present Suo motu Petition stands disposed of.

Sd/-
[P. J. THAKKAR]
MEMBER

Sd/-
[ANAND KUMAR]
CHAIRMAN

Place: Gandhinagar.

Date: 09/06/2020.