

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No.1742/2018.

In the Matter of:

**Petition regarding RPO compliance exemption for FY 2017-18 under the GERC
(Procurement of Energy from Renewable Sources) Regulations, 2010 and its (First
Amendment) Regulations, 2014.**

Petitioner : Jubilant Infrastructures Limited (JIL),
Plot No. 5, Vilayat Industrial Estate,
Taluka: Vagra, District – Bharuch, Gujarat – 392012.

Represented by : Shri Mahesh Mandwarya and Shri Pranav Macwana

CORAM:

Shri Anand Kumar, Chairman

Shri P. J. Thakkar, Member

Date: 12/10/2020.

ORDER

1. The Petitioner Jubilant Infrastructure Limited has filed the present petition regarding exemption from Renewable Purchase Obligation for the period of FY 2017-18 seeking the following prayers:
 - (i) To grant the RPO exemptions for FY 2017-18 & consider the request for FY 2018-19 and FY 2019-20 as well based upon drawl of power supply by the Petitioner from DGVCL and from the other separate consumer units of Jubilant Life Sciences Limited in the SEZ area;
 - (ii) To issue the formal orders for granting the RPO exemptions for the previous year 2015-16 & 2016-17 as same as granted for the previous years of 2013-14 & 2014-15.
2. The facts mentioned in the Petition are stated briefly as under

- 2.1 The Petitioner received the letter No. 1171/GERC/Legal/2017 dated 05.07.2018 from the Office of the Commission with a direction to file the petition with respect to the RPO compliance for FY 2017-18 by the Petitioner with necessary documents/proofs as per the GERC (Conduct of Business) Regulations 2004. To comply with the same, the Petitioner has filed the present petition before the Commission on 14.08.2018.
- 2.2 It is submitted that Jubilant Infrastructure Limited is receiving power supply from DGVCL as a consumer from the beginning and to be continued to get the same during FY 2017-18 and thereafter also. Similarly, units established by Jubilant Life Sciences Limited in the SEZ area is also receiving the power supply as consumer from DGVCL from the date of establishing their units including in FY 2017-18 and continuing the same thereafter.
- 2.3 It is submitted that the aforesaid relevant information is being communicated to GEDA and to the Commission at regular intervals.
- 2.4 It is submitted that the Commission has considered and accepted the submissions of the Petitioner with respect to submissions regarding the supply of power from DGVCL and granted the exemption from RPO compliance for previous years.
3. The matter was earlier heard by the Commission on 19.11.2018.
4. The matter was relisted on 07.08.2020 for mentioning/directions on account of change in quorum through Video Conferencing, physical presence being not insisted on account of prevailing COVID 19 pandemic and containing its spread. The Petitioner was intimated regarding the said hearing through letter dated 20.07.2020 and email dated 21.07.2020. During the hearing held on 07.08.2020, Shri Mahesh Mandwarya, on behalf of the Petitioner JIL, submitted that the Petitioner has already filed the submissions in the matter and has nothing more to add in the matter. He further requested that the Commission may accordingly decide the matter considering the submissions already made earlier and based on record of the present Petition.
5. We have considered the submissions made by the Petitioner. We note that the present petition has been filed by the Petitioner seeking exemption of RPO compliance for FY 2017-18 and accordingly also sought the RPO compliance exemption for FY 2018-19 and FY 2019-20 on the

basis that the Petitioner is procuring power from DGVCL licence area. The Petitioner also prayed that the Commission may grant the RPO exemptions for the previous years of FY 2015-16 and FY 2016-17 on the basis of RPO exemption granted by the Commission for FY 2013-14 and FY 2014 -15.

- 5.1. We note that the Commission vide Daily Order dated 29.11.2018 directed the Petitioner to issue a public notice in two daily Gujarati Newspapers and one English Newspaper having wide circulation in the State and also upload the present petition with all the relevant documents on its website for inviting comments and suggestions from the stakeholders within 21 days from the date of issue of public notice. In compliance of the said directives of the Commission, the Petitioner vide email dated 01.01.2019 informed the Commission that the notices have been published on 29.12.2018 in two Gujarati Newspapers viz, Sandesh & Divya Bhaskar and in one English Newspaper of "Times of India" on 30.12.2018 for inviting objections/suggestions from various stakeholders on its petition and also provided the photocopies of the said notices published in the newspapers. The Petitioner also placed the copy of public notice and Petition on its website for inviting objections/suggestions from the stakeholders. The staff of the Commission also uploaded copy of the Petition alongwith notices of Gujarati and English Newspaper as provided by the Petitioner on the Commission's website for inviting objections/suggestions from the stakeholders, in pursuant to the directives of the Commission stated in Daily Order dated 29.11.2018.
- 5.2. We note the submission of the Petitioner that no comments/suggestions were received by the Petitioner from the stakeholders. We also note that the Commission's Office has also not received any comments/suggestions from the stakeholders to the present Petition pursuant to above public notices.
- 5.3. M/s Jubilant Infrastructure Limited has been notified as a Special Economic Zone (SEZ) by the Ministry of Commerce & Industry, Government of India, vide notification No. 290 (E) dated 11/02/2008. Further, the Department of Commerce, Government of India issued a notification No. 528 (E) dated 03.03.2010, under Section 49 of the SEZ Act, 2005 which stipulates that the SEZs are deemed distribution licensee under the Electricity Act, 2003.
- 5.4. The Commission had initiated the Suo-motu proceedings for issuing of distribution license for the distribution of electricity in the SEZ area pertaining to M/s Jubilant Infrastructure Limited on basis of the letters dated 13.12.2010 and 04.01.2011 written by M/s Jubilant Infrastructure

Limited with a request that Jubilant Infrastructure Limited be declared as a deemed distribution licensee and also had paid initial fee of Rs. 5 lacs as license fee. The Commission vide its letter Number GERC/Legal/2011/SEZ/123 dated 18.01.2011 recognized M/s Jubilant Infrastructure Limited as a deemed distribution licensee for distribution of electricity in its SEZ area at Villayat, Bharuch district. The Commission also vide Letter No. 02152/GERC/Legal/2012 dated 11.10.2012 has granted the distribution license to M/s Jubilant Infrastructure Limited vide License No. 07 of 2012 in the SEZ area notified by Ministry of Commerce & Industry, Government of India and also approved Map of the distribution of electricity License area. The said licence still continue and held by the Petitioner.

- 5.5. The Commission from time to time directed all the distribution licensees including the Petitioner in the State to provide the details in the respect of compliance of the fulfilment of its Renewables Power Obligation for respective years and the Commission has also been monitoring the same on quarterly basis during the respective financial year. Therefore, the Commission vide letter No. GERC/Legal/2017/1171 dated 5.07.2018 directed the Petitioner to file petition with respect to the RPO compliance for FY 2017-18 as per the GERC (Conduct of Business) Regulations, 2004. In compliance to the same, the Petitioner has filed present petition alongwith relevant documents on 14.08.2018.
- 5.6. We also note the submissions of the Petitioner that Jubilant Infrastructure Limited and its units established by Jubilant Life Sciences Limited in the SEZ are receiving power supply from DGVCL as its consumers from the beginning and continued to get during FY 2017-18 and continued to received thereafter also. The Petitioner also vide its letters dated 07.07.2018 and 12.07.2018 informed the Commission that with regard to the First Quarter (April-June), the Petitioner along with its two units viz, Jubilant Life Sciences Unit – 1 and Unit – 2 have drawn the Power Supply from DGVCL as a consumer. It is stated that all the three connections are separate and having separate consumer numbers from DGVCL, Bharuch. Being the consumers of DGVCL and presently the Petitioner is consuming 6.5 MW power which includes the renewable component also. It is further stated that the development of SEZ is in progress and would be completed by 2021 and currently no open access power is being procured by the Petitioner and the same may update well in advance to the Commission as soon as it starts its operations of distribution of electricity as Distribution Licensee. Further, the Petitioner has claimed the RPO exemptions for the FY 2017-18.

5.7. The Commission has notified GERC (Procurement of Energy from Renewable Sources) (Second Amendment), 2018 which, inter-alia stipulate the Renewable Purchase Obligation (RPO) to be fulfilled by the Distribution Licensees in the State of Gujarat during the period of 2010-11 to 2021-22. 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:

4. "Quantum of Renewable Purchase Obligation (RPO) GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 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.

3) Substitution of Table I of Regulation 4.1: Table I provided in the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014 is substituted by following Table - I and II:

Table - I

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

Table - II

Year	Minimum Quantum of purchase (in %) from renewable energy sources (in terms of energy in kWh).			
	Wind (%)	Solar (%)	Others (Biomass, Bagasse, MSW and Hydro) (%)	Total (%)
(1)	(2)	(3)	(4)	(5)
2017-18	7.75	1.75	0.5	10.00
2018-19	7.95	4.25	0.5	12.70
2019-20	8.05	5.5	0.75	14.30
2020-21	8.15	6.75	0.75	15.65
2021-22	8.25	8.0	0.75	17.00

*4) Substitution of para 2 of Principal Regulation 4.1: If the above mentioned minimum quantum of power purchase either from Solar or Wind or Others (including 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 utilised for fulfilment of RPO in accordance with Column 5.
.....”*

From the above, it is noted that for FY 2017-18 the RPO has been fixed at 10% which consists of 7.75% for Wind, 1.75% for Solar and 0.5% from other Renewable Sources (Biomass, Bagasse, MSW and Hydro) for the obligated entities of the State. Therefore, it is necessary for the obligated entities including the Petitioner to comply with the above RPO % as envisaged and decided by the Commission.

- 5.8. We note that as regards the RPO compliance by the Petitioner as distribution licensee, 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 the Petitioner continue to purchase power from DGVCL only, the Petitioner is not required to comply with the RPO requirement on standalone basis.
- 5.9. We also note that as per the submission given by the Petitioner that they have not initiated any distribution business, which would be done till 2021. We further note that the Petitioner has submitted the copies of the electricity bill for Jubilant Infrastructure Limited having Consumer No. 40531 as well as for Jubilant Life Science Unit -I having Consumer No. 40566 and Unit II having Consumer No. 40567. The Petitioner M/s Jubilant Infrastructure Limited is getting power for themselves and for two of their companies namely viz. Jubilant Life Science Unit 1 and 2 from DGVCL as a consumer during FY 2017-18. 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 for the FY 2017-18 and accordingly, the Commission exempts the Petitioner for the RPO compliance of FY 2017-18. We note that the Petitioner has also prayed for granting RPO exemption for FY 2018-19 and FY 2019-20. In this regard, we note that the Commission has to decide RPO compliance of FY 2018-19 and FY 2019-20 of different distribution licensees in pending Petitions before the Commission and therefore, the prayer of the Petitioner to grant the RPO exemption for FY 2018-19 and FY 2019-20 is not decided by the Commission in present Petition being premature at present. However, it will be incumbent upon the Petitioner to submit to the Commission and GEDA documents

substantiating the purchase of power from DGVCL 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.

- 5.10. We note that the prayer of Petitioner for the formal orders by the Commission for granting the RPO exemptions for the previous year 2015-16 & 2016-17 is concerned, in this regard it is to be noted that the Commission had initiated the Suo-Motu proceedings for monitoring of the Compliance of the RPO of the distribution licensees including the deemed distribution licensees alongwith the Petitioner in the year 2015-16 and 2016-17 by way of Suo-Motu Petition Nos. 1542/2015 and 1713/2018 respectively. The Commission after following the due process in accordance with law, considered the submission of all parties and passed Orders in Suo-Motu Petition Nos. 1542/2015 and 1713/2018. The relevant para of said Orders are reproduced as under:

“Para 15 of the Order dated 31.12.2016 in Suo-Motu Petition No. 1542 of 2015:

“15. We also note that Jubilant Infrastructure Limited, GIFT Power Company Limited and Aspen Infrastructure Limited and Kandla Port Trust are procuring the power from the DGVCL, UGVCL, MGVCL and PGVCL respectively, which consists of the renewable energy component also. Therefore, we exempt them from the renewable purchase obligations specified by the Commission.”

Para 9.4 of the Order dated 09.06.2020 in Suo-Motu Petition No. 1713 of 2018:

“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.

5.11. Based on the above, it transpires that the Commission has already exempted the Petitioner, Jubilant Infrastructure Limited to comply with the Renewable Purchase Obligation for the FY 2015-16 and 2016-17 as they comply with the RPO requirement to the extent of RPO compliance by DGVCL. Hence, the aforesaid prayer of the Petitioner is already addressed by the Commission in above two petitions. In view of this, the prayer of the Petitioner to issue formal orders with respect to the RPO compliance of FY 2015-16 and FY 2016-17 does not survive and the same is rejected accordingly.

6. We Order accordingly.

7. With this Order the present Petition stands disposed of.

Sd/-
[P. J. THAKKAR]
Member

Sd/-
[ANAND KUMAR]
Chairman

Place: Gandhinagar.

Date: 12/10/2020.