

Rajasthan Electricity Regulatory Commission

Petition No. RERC-1770/20

Petition under Regulation 18, 19 and 20 of RERC (Connectivity and Net Metering for Rooftop and Small Solar Grid Interactive Systems) Regulations, 2015 and Regulation 72 of RERC (Transaction of Business) Regulations, 2005 seeking suitable energy accounting mechanism to be applicable during lockdown under Covid-19 situation.

Coram :
Shri Shreemat Pandey, Chairman
Shri S.C. Dinkar, Member
Shri Prithvi Raj, Member

Petitioner : Mewar Chamber of Commerce and Industry

Respondent : Ajmer Vidyut Vitran Nigam Ltd.

Date of hearing : 22.10.2020

Present : 1. Sh. R.G. Gupta, Authorised rep. of Petitioner
2. Sh. Sandeep Pathak, Advocate for Respondent

Order Date: **07.12.2020**

ORDER

1. Petitioner, Mewar Chamber of Commerce and Industry has filed this petition on 06.07.2020 under Regulation 18, 19 and 20 of RERC (Connectivity and Net Metering for Rooftop and Small Solar Grid Interactive Systems) Regulations, 2015 (RERC Net Metering Regulations, 2015) and Regulation 72 of RERC (Transaction of Business) Regulations, 2005 for providing suitable energy accounting mechanism to be applicable during lockdown under Covid-19 situation.

2. Notice was issued to Respondent Ajmer Vidyut Vitran Nigam Ltd. (AVVNL) on 07.07.2020 for filing the reply. Accordingly AVVNL filed its reply on 21.10.2020.
3. The matter was heard on 22.10.2020. Sh. R.G. Gupta, Authorised rep. appeared on behalf of Petitioner and Sh. Sandeep Pathak, Advocate appeared on behalf of Respondent.
4. Petitioner in its petition and during hearing has submitted as under:
 - 4.1 The Petitioner is the Divisional Chamber of Southern Rajasthan representing almost the entire industrial units of Bhilwara, Chittorgarh, Pratapgarh, Dungarpur, Banswara, Rajasmand & Udaipur. The members of chamber are running manufacturing industries and many of them have installed roof top solar PV plants under RERC Net Metering Regulations and are receiving electric supply from Respondent.
 - 4.2 Section 61, 66 and 86 (1) (e) of the Electricity Act, 2003 strongly suggests that the intent of the Act is to promote generation from renewal energy sources, to develop the market and to provide suitable measures for connectivity with the grid.
 - 4.3 Rajasthan Government had issued an order dated 22.03.2020 imposing complete closure of all commercial and industrial activity in view of WHO and the UNO declared Covid-19 infection as pandemic. The State Government had issued the order in exercise of its powers under Rajasthan Epidemic Disease Act, 1957. Subsequent of the above order, entire industrial activity and commercial activity came to a grinding halt and the Petitioner was being prevented from drawl of energy from the Respondent.
 - 4.4 The roof top Solar PV plants installed by the Petitioner continued to

generate solar electricity as they remained connected at the interconnection point. This unprecedented situation has resulted in surplus injection in the grid and this surplus injection is still continuing because many industries being represented by the Petitioner are still non operative despite easing out of lockdown because of other issues such as non availability of labour and severe financial constraints.

- 4.5 As per energy accountable provision under Regulation 10 (3) of the RERC Net Metering Regulations, 2015 and the first amendment Regulations, 2019, the Petitioner shall be billed for the payment of the net electricity i.e. difference of quantum of electricity supplied by the distribution licensee and the quantum of energy injected by eligible consumer during the billing period. But there being no energy accounting mechanism available in the RERC Net Metering Regulations to provide remedies for such a force majeure and unprecedented situation, therefore, the Petitioner has come before the Commission.
- 4.6 As per Regulation 12 of the RERC Net Metering Regulations, 2015, the Respondent is considering the energy injected by the solar roof top for the compliance of his Renewable Purchase Obligation and thus taking advantage of such injected energy even during the period adversely affected by the lockdown. Petitioner even after easing out of lockdown is not able to run the industrial units in full swing. Almost all the units are still non operative or partially operative.
- 4.7 Petitioner is likely to inject surplus energy in the grid in view of restrained use of Discom power. Therefore, the provision of Regulation 10 (3) of the RERC Net Metering Regulations, 2015 regarding energy accountable and settlement has become non operative and defunct for the period adversely affected by the lockdown for billing month April, 2020 to billing month September, 2020. For this period the Petitioner will have surplus

energy in the grid which will remain unaccounted for the billing month because of prevention of drawl of energy from the Discom.

4.8 Petitioner request to permit quantum of roof top solar energy injection for the period billing month April, 2020 to billing month September, 2020 to be adjusted against the billing month of October, 2020 to September, 2021 by providing 1 year grace period for adjustment of the solar energy injected in the grid during the lockdown affected period of billing month April, 2020 to September, 2020 and to issue suitable directions under Regulation 18, 19 and 20 of the RERC Net Metering Regulation, 2015 to provide justice to the Petitioner.

4.9 In view of above Petitioner has prayed to:-

a) accounting and settlement of roof top solar energy which remains/remained unadjusted during the billing period of April, 2020 to September, 2020 in the subsequent next 12 billing months from October, 2020 to September, 2021 and issue suitable directions to the Respondent.

b) make suitable amendment/relaxation/ insertion in the RERC Net Metering Regulations, 2015 to give effect to the request made by the Petitioner.

5. Respondent AVVNL in its reply and during hearing has submitted as under:-

5.1 Petitioner has not filed appropriate Board Resolution and has also not disclosed nature of organization and under which law or statute the Petitioner is registered. The Petitioner also did not disclose the total number and details of members who are purportedly part of the Petitioner association. Merely by stating that Petitioner represents entire industrial

units at Bhilwara, Chhitorgarh, Pratapgarh, Doongarpur, Banswara, Rajsamand and Udaipur, the petition cannot be termed as maintainable. The basic particulars of number of members, nature of industries and the details about installations of roof top Solar PV Plants is also not provided by the Petitioner.

- 5.2 The State Government considering the impact of Covid-19 outbreak on the industries and all the consumers in general issued certain guidelines to mitigate its impact on consumers. Accordingly, the Respondent has also issued an order dated 01.06.2020 wherein the relaxations granted by the State Government have been implemented by the Respondent.
- 5.3 Commission was also considerate about the impact of outbreak of Covid-19 on different category of consumers. Therefore, Commission vide order dated 15.04.2020 and 03.06.2020 has passed directions in Suo-Moto petition. In these orders Commission has considered the impact of Covid-19 and has passed orders for granting relaxation to the consumers, wherever found necessary.
- 5.4 The Commission has not granted relaxation regarding the accounting and settlement of roof top solar energy from the period from April, 2020 to September, 2020. Therefore, the existing Regulations hold the filed in this regard. By way of this petition, Petitioner is trying to overreach the directions issued by the Commission. It is a settled preposition of law that whatever cannot be done directly can also not be done indirectly.
- 5.5 No petition can be filed seeking adjustment of a particular billing period contrary to the existing Regulations. Prayer made by the Petitioner clearly indicates that the basis for filing the petition is the outbreak of the Covid-19. In view of the existing Regulations, the said prayer is not maintainable. Although, the Petitioner has made a further prayer regarding amendment

in the RERC Net Metering Regulations, 2015. However said prayer is also in furtherance to the limited billing period from April 2020 to September 2020. Regulations are not framed by the Commission for any specific period. Therefore, prayer made by the Petitioner is misconceived.

- 5.6 The effect of RERC Net Metering Regulations, 2015 and amendment made in year 2019 is self explanatory and each billing period is to be construed separately for the purposes of bills and demand. The Respondent has not committed any error in raising demand from any consumers.
- 5.7 The adjustment of the electricity supplied by the Discom and electricity injected by any consumer through Solar Plant is governed by the RERC Net Metering Regulations, 2015, which clearly provide that such adjustment would take place for each billing cycle separately. There is no provision for carry-forward or bulk adjustment on future dates or years. It is incorrect to state that any consumer was prevented by the Discom from receiving electricity.
- 5.8 The outbreak of Covid-19 would not dilute the provisions of RERC Net Metering Regulations, 2015. The changes sought by the Petitioner in billing period would create a chaotic situation and it would not be possible for carrying on the billing functions by the Respondent in a proper manner. Hence, there is no justification for changing the billing period or for granting adjustment of the earlier billing period with the future period in the year 2021.
- 5.9 The billing is being done as per Regulations and Petitioner cannot claim any advantage on account of lockdown. It is incorrect to state that Regulation 10 (3) has become defunct or non-operative for the period from April, 2020 to September 2020. It is of utmost importance to state that

the contents are even contrary to record as this period cannot be said to be under lockdown. The Petitioner is not correct in stating that there will be unaccounted energy in this period, as none of the consumers were prevented from drawl of energy and also because the billing period is to be construed as per the Regulations.

- 5.10 It is, therefore, prayed that the petition filed by the Petitioner may be dismissed with exemplary cost.

Commission's view

6. Commission has carefully considered the submissions made by Petitioner and the Respondent.
7. Petitioner mainly prayed for accounting and settlement of roof top solar energy generated during the billing period of Lockdown which remained unadjusted, in the subsequent next 12 billing months from October, 2020 to September, 2021.
8. Petitioner submitted that present situation has arisen due to Lockdown imposed by the Government of India and Government of Rajasthan due to Covid-19 pandemic. In subsequent of the above order, entire industrial activity and commercial activity came to a grinding halt and the Petitioner could not draw the energy from the Respondent due to forced shutdown and non-operations of industries.
9. Petitioner is also seeking the amendment for energy accounting mechanism in RERC Net Metering Regulations, 2015 to provide remedies for such force majeure and unprecedented situation.
10. Per contra Respondent Discom submitted that the State Government and the Commission considering the impact of Covid-19 outbreak on the Industries and all the consumers in general has issued certain guidelines to

mitigate its impact on consumers. Accordingly, the Respondent has also issued an order dated 01.06.2020 wherein the relaxations granted by the State Government have been implemented by the Respondent. The Commission has not directed to grant any relaxation regarding the accounting and settlement of roof top solar PV plants. Therefore the existing Regulations are still in force unless they are amended.

11. Respondent also submitted that the adjustment of the electricity supplied by the Discom and electricity injected by any consumer through Solar PV plant is governed by the RERC Net Metering Regulations, 2015, which clearly provide that such adjustment would take place for each billing cycle separately. There is no provision for carry forward or bulk adjustment on future dates or years.
12. Respondent submitted that Petitioners by way of present petition seeking amendment and relaxation in the existing Regulations for limited billing period. Regulations are not framed by commission for any specific time period. Therefore, prayer made by Petitioner is misconceived.
13. Commission observes that the circumstances due to Covid-19 were unforeseen and unprecedented, which required the Commission to act for balancing the interest of consumers and utilities. Each constituent of the Power Sector has been affected by the Lock-down. The Commission therefore took the measures to mitigate hardships to the consumers and the utilities in public interest. The prime function of the Commission is to protect the interest of the consumer and at the same time ensuring recovery of cost by utilities.
14. Commission therefore vide its orders dated 15.04.2020 and 03.06.2020 issued certain directions to the Discoms to mitigate hardships to the consumers. The Government of Rajasthan has also announced various

measures which inter-alia includes deferment of the fixed Charges for industrial and non-domestic consumers. In view of above, it is clear that the GOR and the Commission have provided the necessary reliefs to mitigate hardships to the consumers on account of COVID 19. The Commission is not inclined to review its decision and allow the prayer of the Petitioner at this stage.

15. Commission observes that Petitioner is seeking amendment in RERC Net Metering Regulations, 2015. Commission has considered the request of Petitioner seeking amendment in RERC Net Metering Regulations, 2015 and the facts submitted.
16. As and when Commission initiates the process for amendment in the matter, it would treat the proposal of Petitioner as a suggestion/input. However, Petitioner is at liberty to give more inputs when Commission invites comments/suggestions on further amendment in 'RERC Net Metering Regulations, 2015.
17. The petition is disposed of accordingly.

(Prithvi Raj)
Member

(S. C. Dinkar)
Member

(Shreemat Pandey)
Chairman