

**IN THE JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION  
AT RANCHI**

**Case No. 21 of 2019**

Tata Steel Limited (TSL) ..... Petitioner  
**Versus**  
Jharkhand Renewable Energy Development Agency.....Respondent

**Case No. 23 of 2019**

Tata Steel Limited (TSL) ..... Petitioner  
**Versus**  
Jharkhand Renewable Energy Development Agency.....Respondent

**Case No. 09 of 2020**

M/s Rungta Mines Limited ..... Petitioner  
**Versus**  
Jharkhand Renewable Energy Development Agency.....Respondent

**Case No. 10 of 2020**

M/s Rungta Mines Limited ..... Petitioner  
**Versus**  
Jharkhand Renewable Energy Development Agency.....Respondent

**Case No. 17 of 2020**

Tata Steel Long Products Limited ..... Petitioner  
**Versus**  
Jharkhand Renewable Energy Development Agency.....Respondent

**CORAM: HON'BLE MR. R.N. SINGH, MEMBER (ENGINEERING)  
HON'BLE MR. P.K. SINGH, MEMBER (LEGAL)**

For the Petitioners : Mr. Indrajit Sinha, Mr. Saket Updhyay and Mr.  
N.K.Pasari, Advocates  
For the Respondent : Mr. Mukesh Kumar and Mr. Rupesh Kumar  
Advocates

**ORDER**

**Date – 06<sup>th</sup> January, 2021**

1. In the course of argument, it was felt that the above listed cases may be decided by a common order as a common issue is required to be answered by this commission; as such all the petitions are being disposed by this common order.

**(Case No 21 of 2019)**

2. The petitioner – Tata Steel Limited (herein after referred to as TSL) has submitted this petition purported to be filed under Regulations 12.1 & 14.2 of the Jharkhand State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2010 (notification dated 21<sup>st</sup> July, 2010) and under Regulations 13 read with 15.2 of the Jharkhand

State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2016 for exempting and relaxing the compliance of Renewable Purchase Obligation mainly on ground that electricity produced from captive co-generating units of the petitioner is far in excess of its RPO requirements for the period 2014-15,2015-16, 2016-17,2017-18 & 2018-19 and further periods in terms of 2010 & 2016 Regulations.

3. It is submitted that out of different Captive Power Plants-Coke dry quenching and Top recovery pressure turbine based power generating units falls under the definition of co-generation plants and the petitioner installed above said captive power plants in different stages of augmentation of the steel plant and they consume by-product gases generated in Blast Furnaces, Coke ovens and Steel melting shops. These by-product gases are used in the boilers as fuel. The steam so generated is used for process heating, while electrical power so consumed is put to use in the manufacturing process.
4. It is pointed out that Co-generation is defined in Section 2(12) of the Electricity Act, 2003 as:-

*“Co-generation means a process which simultaneously produces two or more forms of useful energy (including electricity)”*
5. It is submitted that the petitioner commissioned Coke dry quenching (CDQ) power plant in April, 2019 which includes boiler i.e. waste heat recovery boiler and the steam generated from the waste heat recovery boiler is used for generating electricity. As such, the CDQ power plant qualifies as Co-generation plant.
6. Learned counsel pointed out that the petitioner is an obligated entity as per the provisions of 2010 and 2016 Regulations and it complies with RPO requirement through its own captive co-generation plants as the electrical energy produced through the aforesaid captive Co-generation plants are sufficient to meet entire RPO liabilities of the petitioner.
7. Learned Counsel for the petitioner submitted that the petitioner in view of the above submission seeks exemption and /or passing of appropriate order relaxing compliance of renewable purchase obligations, as per the Regulations, 2010 & 2016, as the electricity produced from captive co-generating units of the petitioner, is in far excess of its RPO requirements for the period 2014-15 to 2018-19 and also for further period as per the above said Regulations.

### **Submission of the Respondent**

8. Learned Counsel for the Respondent-JREDA submitted that the power produced from Co-generation based on power Generating Station cannot be considered at par with renewable power as the source of energy/fuel used for generating such power is a fossil fuel and not renewable in nature.
9. Learned Counsel pointed out that the contention of the petitioner is not maintainable in the light of Tariff policy notified by MOP, GOI on 28.01.2016 which clearly states that:-

*“Provided that Co-generation from sources other than renewable sources shall not be excluded from applicability of RPOs under section 6.4 Sub section 1.”*

### **(Case No.17 of 2020)**

10. The petitioner Tata Steel Long Products Limited ( herein after referred to as TSCPL) has submitted this petition purported to be filed under clause 12.1 & 14.2 of the Jharkhand State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2010 and under clause 13 read with 15.2 of the Jharkhand State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2016 for relaxation and exemption from fulfilment of Renewable Purchase Obligation.

The Petitioner-TSLPL in its petition has prayed for following reliefs:-

I For passing appropriate orders in the matter of exemption/relax from fulfillment of renewable purchase obligation (in short 'RPO') in terms of Regulations 12.1 & 14.2 of the Jharkhand State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2010, (Notification dated 21<sup>st</sup> July, 2010) and under Regulation 13 read with 15.2 of Jharkhand State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2016.

II For relaxing the compliance of RPO, since the electricity produced from captive co-generating units of the petitioner is far in excess of its RPO requirements for the period 2019-20 and for further periods in terms of 2010 and 2016 Regulations.

### **Submission of the Petitioner**

11. Learned Counsel for the Petitioner submitted that the petitioner installed captive power plants which operate on the basis of the Industrial Waste heat generated in course of manufacture of steel at the steel plant.
12. Learned Counsel further submits that out of total capacity of 130 MW, the 63 MW is a Thermal Power Plant & 67 MW CPP is being operated based on the Industrial waste heat generated from sponge iron and coke oven plant at the steel plant.
13. Learned Counsel submits on the above ground, that the petitioner is seeking benefits for its captive Co-generation power plant as a renewable power generating plant and be exempted from RPO Compliance.

### **Submission of the Respondent**

14. Learned Counsel for the Respondent submitted that co-generation from fossil fuels has not been recognized at par with Renewable Energy by either Ministry of Power, Government of India, Ministry of Renewable Energy, Government of India or Jharkhand State Electricity Regulatory Commission. Learned Counsel further submitted that till the time any of the above said three Government Entities recognize it otherwise, the petitioner shall come under RPO Mechanism.
15. Learned Counsel pointed out that power generated from waste heat recovery Generation Plant /Co generation plant cannot be considered at par with Renewable power till such order is passed by JSERC or New and Renewable Energy, Government of India. It is further pointed out that if the petitioner was so convinced about non-applicability of RPO, there was reason for it to purchase REC to comply with its RPO.

### **(Case No. 09 of 2020)**

16. The Petitioner-M/s Rungta Mines Limited (herein after referred to as 'RML') has submitted this petition purported to be filed under clause 13 read with 15.2 of the Jharkhand State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2016 seeking exemption from compliance of Renewable Purchase obligations upon the petitioner, since the petitioner out of co-generation is fulfilling the said requirement.
17. The Petitioner in its petition has prayed for following relief:-

*to grant exemption from compliance of Renewable Purchase Obligations fastened upon the petitioner by the Respondent in exercise of powers under 2016 Regulations for the period 2019-20, in the matter of fulfillment of obligation to purchase power from renewable source under Regulation 13 read with 15.2 of the of Jharkhand State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2016. Since the petitioner out of co-generation is fulfilling the said requirement and hence is eligible and entitled for exemption*

### **Submission of the Petitioner**

18. Learned Counsel for the petitioner submitted that the petitioner is operating an integrated steel plant in Saraikela-Kharsawan, Jharkhand and the said plant is operating as a captive power plant (CPP) with installed capacity of 58 MW out of which 33 MW is from Waste Heat Recovery Boiler (WHRB) of sponge iron kilns.
19. Learned Counsel further submitted that the power generation at the Captive Power Plant of the petitioner is resulting in reduction of greenhouse gas emissions into the atmosphere, therefore, it can be said that 33MW waste heat recovery power of the petitioner is a clean form of energy generation and thus equivalent to non-fossil fuel and green power.
20. Learned Counsel pointed out that the petitioner is carrying out generation of electricity through waste heat recovery based generation which is using steam and the petitioner out of co-generation is fulfilling the compliance of RPO Regulations, hence be exempted from the Renewal Purchase Obligations.

### **Submission of the Respondent**

21. Learned Counsel for the Respondent submitted that the Co-generation from fossil fuels has not been recognized at par with Renewable energy either by Ministry of Power, GOI or Jharkhand State Electricity Regulatory Commission. Learned Counsel further submitted that till any of the above said three Government entities recognize it otherwise, the petitioner shall come under RPO mechanism.

### **(Case No. 10 of 2020)**

22. The Petitioner-M/s Rungta Mines Limited (herein after referred to as 'RML') has submitted this petition purported to be filed under clause 13 read with 15.2 of the Jharkhand State Electricity Regulatory Commission

(Renewable Purchase Obligation and its compliance) Regulations, 2016 seeking exemption from compliance of Renewable Purchase obligations upon the petitioner, since the petitioner out of co-generation is fulfilling the said requirement.

23. The Petitioner-RML in its petition has prayed mainly for following relief:-  
*to grant exemption from compliance of Renewable Purchase Obligations fastened upon the petitioner by the Respondent in exercise of powers under 2016 Regulations for the period 2015-16 to 2018-19, in the matter of fulfillment of obligation to purchase power from renewable source under Regulation 12.1 & 14.2 of the of Jharkhand State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2010, (notification dated 21<sup>st</sup> July 2010) and under Regulation 13 read with 15.2 of the Jharkhand State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2016, Since the petitioner out of co-generation, is fulfilling the said requirement and hence is eligible and entitled for exemption*

#### **Submission of the Petitioner**

24. Learned Counsel for the petitioner submitted that the petitioner is operating an integrated steel plant in Saraikela-Kharsawan, Jharkhand and the said plant is operating a captive power plant (CPP) with installed capacity of 58 MW of which 33 MW is from Waste Heat Recovery Boiler (WHRB) of sponge iron kilns.
25. Learned Counsel further submitted that the power generation at the Captive Power Plant of the petitioner is resulting in reduction of greenhouse gas emissions into the atmosphere, therefore, it can be said that 33MW waste heat recovery power of the petitioner is a clean form of energy generation and thus equivalent to non-fossil fuel and green power.
26. Learned Counsel pointed out that the petitioner is carrying out generation of electricity through waste heat recovery based generation which is using steam and the petitioner out of co-generation is fulfilling the compliance of RPO Regulations, hence be exempted from the Renewal Purchase Obligations.

#### **Submission of the Respondent**

27. Learned Counsel for the Respondent submitted that the Co-generation from fossil fuels has not been recognized at par with Renewable energy either by Ministry of Power, GOI or Jharkhand State Electricity Regulatory

Commission. Learned Counsel further submitted that till any of the above said three Government entities recognize it otherwise, the petitioner shall come under RPO mechanism.

**(Case No. 23 of 2019)**

28. The Petitioner-Tata Steel Limited (TSL) has submitted this petition purported to be filed under clause A 13 of JSERC (Renewable Purchase Obligation and its Compliance) Regulations, 2016 seeking relaxation and/or the order of the Ministry of Power, Government of India Notification No.30/04/2019-R&R dated 1<sup>st</sup> October, 2019.
29. The Petitioner in its petition has prayed for the following reliefs:
- (a) Renewable Purchase Obligation for the operational Captive Power Plants of the petitioner may be fixed in the light of the order of the Ministry of Power, Government of India Notification No. 30.04.2019-R&R dated 1<sup>st</sup> October, 2019 and accordingly the parameters set as per the JSERC (Renewable Purchase Obligation and its Compliance) Regulations, 2010 and JSERC (Renewable Purchase Obligation and its Compliance) Regulations, 2016 may be relaxed.
  - (b) Further be pleased to allow the petitioner to utilise the excess RPO procured for future RPO requirements. Any other relief as may be deemed suitable and appropriate.

**Submission of the Petitioner**

30. Learned Counsel for the petitioner submitted that the petitioner has been discharging its obligations under the 2010 and 2016 Regulations by purchase of requisite RECs from competent authorities as prescribed in the Regulations.
31. Learned Counsel further submitted that the notification No. 30.04.2019 R&R dated 1<sup>st</sup> February 2019 and 1<sup>st</sup> October, 2019 mandates that in case of Captive Power Plants (CPPs) commissioned before 01.04.2016, the RPO requirement was to be at the level mandated by the appropriate Commission for the Year 2015-16. For CPPs commissioned from 01.04.2016. For CPPs commissioned from 01.04.2016 onwards. The RPO level as mandated by the appropriate Commission or Ministry of Power, whichever was higher, for the year of commissioning of the CPP would be applicable.

32. Learned counsel pointed out that apart from the CDQ power generating unit which was commissioned in 2019, all the other power generating units of the petitioners were commissioned much prior to 01.04.2016.

33. Learned Counsel further prayed that the Commission under Section 86(4) of the Electricity Act, 2003 and National Electricity Policy and Tariff Policy is required to exercise the power to relax the RPO obligation in the light of the order of Ministry of Power, Government of India notification No. 31.04.2019-R&R dated 1<sup>st</sup> October, 2019.

Learned Counsel for the petitioner in its supplementary affidavit has prayed for permission to withdraw the petition at present with a liberty to file a fresh case, if required after the disposal of the Case No. 21 of 2019 (M/s Tata Steel Limited Vs. Jharkhand Renewable Energy Development Agency).

*Following citations have been referred by the petitioners for appreciating law points, we have considered the law lay down anxiously:-*

a) *Bajaj Hindustan Ltd. Vs. Sir Shadi Lal Enterprises Ltd. and Ors. – 29.11.2010 – MANU/SC/1019/2010;-*

*Not relevant in this instant case, in the cited case rules were found to be wrongly interpreted.*

b) *Jain Exports (P) Ltd. & Anr vs Union Of India & Ors on 5<sup>th</sup> May 1988 – 1988 SCR (3) 952m 1988 SCC (3) 579;-*

*It is brought for saying that order of a superior court has binding force, not relevant.*

c) *M/s Hindalco Industries Limited vs The Utter Pradesh Electricity – 10 April, 2013.*

*In this cited case reliance was placed on Century Rayon Case, the question was subsequently heard by a larger bench and a different finding is recorded in Lloyed Metal and Energy Ltd vrs Maharashtra State Electricity Distribution Company Ltd in Appeal no 53 of 2012, it was held that the provisions contained in Sec 86(1)(e) are for promoting energy from renewable sources only, thus not relevant.*

d) *Smt. Kaushalya Devi Bogra And ... vs The Land Acquisition Officer – 15 February, 1984 – 1984 AIR 892, 1984 SCR (2) 900*

*In the cited case High Court was found to be exceeding jurisdiction in a Land Acquisition matter.*

*Appeal No. 57 of 2009 - Century Rayon ( A Division of Century Textiles and Industries Ltd.) versus 1. Maharashtra Electricity Regulatory Commission 2. Maharashtra Energy Development Agencyh 3. Maharashtra State Electricity Distribution Co. Ltd. – 26<sup>th</sup> April 2010*

*Not relevant for this instant case as earlier discussed.*

e) *Ispat Industries Ltd. vs. Commissioner of Customs, Mumbai – 29.09.2006 - MANU/SC/4125/2006*

*Case relates to Customs Act and any apparent ratio relevant for this instant case not stated.*

f) *Appeal No. 230 of 2017 – K.S.K. Mahanadi Power Company Limited Versus 1. Andhra Pradesh Electricity Regulatory Commission 2. Eastern Power Distribution Company of Andhra Pradesh Limited 3. Southern Power Distribution Company of Andhra Pradesh Limited – 31<sup>st</sup> October, 2018*

*In the cited case jurisdiction of State Commission was under challenge, not relevant.*

g) *Kunj Behari Lal Butail and Ors. Vs State of H.P. and Ors. – 18.02.2000 - MANU/SC/0111/2000*



*In the cited case Right to Property under Article 19(1)(f) was being considered, not relevant*

*h) 2014 ELR (APTEL) 0170 – Lloyds Metal & Energy Ltd., Mumbai vs Maharashtra Electricity Regulatory Commission, Mumbai and Ors. – Appeal No. 53 of 2012 - 02.12.2013,*

*We have relied upon the judgment, ratio of the case is laid down in para 34 of The Judgment, we have subsequently discussed it.*

*i) Maruti Suzuki India Limited Vs. Haryana Electricity Regulatory Commission and Ors. – 24.03.2015 - MANU/ET/0033/2015*

*In the cited case question of cross-subsidy while determining tariff was being discussed, not relevant.*

*j) Ultratech Cement Ltd. and Ors. Vs. Karnataka Electricity Regulatory Commission – 09.04.2019 – MANU/ET/1147/2019, we have discussed subsequently.*

### **Commission's observation and findings**

34. The Commission heard the submission of the parties and perused the material available on records.

35. The main question to be answered being whether the Electricity produced from captive co-generation be considered at par with renewable power and as such the obligated entity be exempted from Renewable Purchase Obligation or not ? We have also considered whether for additional electricity produced through co-generation by the petitioners, they have to be fastened with Renewable Purchase Obligation?

36. It was submitted by the Learned Counsel for the petitioner that Section 86 (1) (e) of the Electricity Act, 2003 deals with the functions of the State Commission and imposition of Renewable Purchase obligation has been mandated by the Act itself, under Section 86 (1) (e) which provides for promotion & Co-generation of electricity from renewable sources of energy. Section 86 (1) (e) reads as :

*“promote cogeneration and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee;*

37. The Commission in exercise of power conferred upon it by Section 61, 66, 86 (1) (e) and section 181 of the Electricity Act, 2003 and its amendment thereof and all other power enabling it in this behalf, notified Jharkhand State Electricity Regulatory Commission (Renewable Purchase Obligation and its Compliance) Regulations, 2010 and Jharkhand State Electricity Regulatory Commission (Renewable Purchase Obligation and its Compliance) Regulations, 2016. The said Regulations are also consistent with Para 4.2.2 of National Action Plan on Climate change and preamble of the Electricity Act, 2003 which emphasize upon promotion of efficient and environmentally benign policies and encourage generation and consumption of green energy to sub-serve the mandate of Article 21 read with Article 51A(g) of the

Constitution of India. Further, it is framed in the light of the International obligation of India i.e. Kyoto Protocol, to protect environment.

38. We have anxiously examined the Judgement of the Hon'ble Supreme Court of India in Hindustan Zinc Ltd. Vs. Rajasthan Electricity Regulatory Commission, to quote:

*“40. The RERC has enacted 2007 and 2010 Regulations requiring the Captive Power Plants and Open Access Consumers to purchase a minimum quantum of Energy from Renewable Energy Sources, in order to effectuate the provisions of the Constitution of India, Electricity Act, 2003 and the National Electricity Policy, since energy generated from renewable sources is pollution free. The Right to live with healthy life guaranteed under Article 21 of the Constitution of India, it has also been interpreted by this Court. It includes the Right to live in a pollution free environment and laid down the law in a catena of cases including Subhash Kumar v. State of Bihar and Ors. (1991), M.C. Mehta V. Union of India and Ors. (2004) 12 SCC 118 and Municipal Corporation of Greater Mumbai and Ors. V. Kohinoor CTNL Infrastructure Co. (P) Ltd. (2014) 4 SCC 538. The impugned Regulations fall within the four corners of the Act of 2003 as well as Electricity Policy, 2005. The object of imposing RE Obligation is protection of environment and preventing pollution by utilising Renewable Energy Sources as much as possible in larger public interest.”*

In the cited case virus of the RERC (Renewable Energy Obligations) 2007 and RERC (Renewable Energy Certificate and RPO compliance Framework) Regulations 2010 was under challenge. In the cited judgment it has been found to be a valid Law. Needless to say that virus of regulation framed by this commission has never been challenged.

Our Regulation JSERC (Renewable Energy Purchase Obligation and its compliance) Regulations, 2016 defines renewable energy source as:-

*“renewable sources such as small hydro, wind, solar including its integration with combined cycle, biomass including bio-gas, bio fuel cogeneration, urban or municipal solid waste and such other sources as recognized or approved by MNRE;*

Regulation A5 mandates that every obligated entity shall purchase electricity (in kwh) from renewable sources, at a defined minimum percentage of its total consumption as an obligated entity during an year as per the table provided for the relevant year. In the alternate it has to purchase certificates in terms of Regulation A6.

39. The provisions requiring purchase of minimum percentage of energy from Renewable sources of energy have been framed with an object of fulfilling the constitutional mandate with a view to protect environment and

to prevent pollution in the area by utilising renewable energy sources as much as possible in larger public interest.

40. The Coal dominates the Thermal Power Generation which results in Green House Gases resulting in global warming. The purchase of nominal quantum of energy from renewable resources cannot adversely affect the cost effectiveness of the Captive Power Plant. Moreover, the object being reduction of pollution by promoting renewable sources of energy, larger public interest must prevail over the interest of the industry herein which will in any case pass on the extra burden, if any, will be as part of the cost of its products and therefore, the same does not burden the Captive Cogeneration Plants owners.
41. Article 51 A(g) of the Constitution of India cast a fundamental duty on the citizen to protect and improve the natural environment. Considering the global warming, mandate of Article 21 and 51 A (g) of the Constitution, provisions for the Electricity Act, 2003, the National Electricity Policy of 2005 and the Tariff Policy of 2006 is in the larger public interest, Regulations have been framed by this Commission imposing obligations upon captive power plants and open access consumers (obligated entities) to purchase electricity from renewable sources in order to realize the attempt of reducing dependence on fossil fuels.
42. As far as Law point is concerned, we find that there remains no legal controversy with regard to the issue No. 1, in view of the order of the Hon'ble Appellate Tribunal in case of **Llyods Metal**, holding that co-generation in Section 86(1) (e) means co-generation from renewable sources of energy only. The said finding is binding on the Commission and the issue is no longer *res-integra*.
43. After Century Rayon case, the question was referred to Full Bench of Tribunal, the question was framed as **Whether the Distribution Licensees could be fastened with the obligation to purchase a percentage of its consumption from co-generation irrespective of the fuel used under Sec 86(1)(e) of The Act 2003?**
44. Summary of the judgment is recorded in para 36, as concluding para in following manner:- *Upon conjoint reading of the provisions of the Electricity Act, the National Electricity Policy, Tariff Policy and the intent of the legislature while passing the Electricity Act as reflected in the Report of the Standing Committee on Energy presented to Lok Sabha on 19<sup>th</sup> December, 2002, we have come to the conclusion that a distribution company cannot be fastened with the obligation to purchase a percentage of its consumption from fossil fuel based co-generation under Section 86(1)(e) of the Electricity Act, 2003. **Such purchase obligation 86(1)(e) can be fastened only from electricity generated from renewable sources of energy.** (emphasis by us) However, the State Commission can*

*promote fossil fuel based co-generation by other measures such as facilitating sale of surplus electricity available at such co-generation plants in the interest of promoting energy efficiency and grid security, etc.* In subsequent judgments this finding has not been touched.

45. In JSW Steel Ltd case, it is reiterated that a co-generation facility irrespective of the fuel is to be promoted in terms of Sec 86(1)(e) of The Act; an entity which is to be promoted cannot be fastened with RPO obligation. The Ultra Tech Cement case as cited has placed reliance on the JSW Steel Case. Thus the finding recorded in Llyod Metals case as emphasised by us is there to be a settled Law.
46. In view of above, We answer accordingly:- whether the Electricity produced from captive co-generation be considered at par with renewable power and as such the obligated entity be exempted from Renewable Purchase Obligation or not? We answer:- **No!** We have also considered whether for additional electricity produced through co-generation by the petitioners, they have to be fastened with Renewable Purchase Obligation? We answer;- **No!**
47. **To summarize;-** the Electricity produced from captive co-generation cannot be considered at par with renewable power and as such the obligated entity are not exempted from Renewable Purchase Obligation as it is not a substitute of renewable energy as per our regulation. However in order to promote co-generation as mandated by The Legislatures and policy framers, for additional electricity produced through co-generation by the petitioners, they have not to be fastened with Renewable Purchase Obligation? We answer;- **No!**

In the result, it is ordered as,

### **ORDER**

48. The petitions in case no. 21 of 2019, 17 of 2020 , 09 of 2020 and 10 of 2020 are partly allowed to the extent that for additional electricity produced through co-generation by the petitioners, they have not to be fastened with Renewable Purchase Obligation. Prayers of the petitioners that co-generation be considered at par with renewable power and as such the obligated entity be exempted from Renewable Purchase Obligation is not allowed being devoid of merit.

Further, Case no. 23 of 2019 is dismissed as withdrawn.  
No orders on cost.

Sd/-  
(P.K.Singh)  
Member (Legal)

Sd/-  
(R.N. Singh)  
Member (Engg)