

WEST BENGAL ELECTRICITY REGULATORY COMMISSION

WEST BENGAL

Petition No. OA-351/20-21

Date of hearing: 31<sup>st</sup> March, 2021

Time of hearing: 14.30 hours

Coram:

Shri Sutirtha Bhattacharya, Chairperson

Shri Durgadas Goswami, Member

Shri Pulak Kumar Tewari, Member

In the matter of

Petition for net metering for Roof Top Grid Connected Solar Plant under RESCO Model, adjudication or resolution of dispute regarding regulation of purchase and procurement process of electricity.

And

In the matter of

Rule (3) of the Electricity Rules, 2005 read with section 2(8) of the Electricity Act, 2003

And

In the matter of

Braithwaite & Co Limited,  
(A Govt. of India Undertaking)  
Under Ministry of Railways  
5, Hide Road, Calcutta 700 043

..... Petitioner

And

CESC Limited,  
CESC House, Chowringhee square, Kolkata-700001

..... Respondent

Representatives attended:

Braithwaite & Co Limited [Petitioner]

1. Mr. Partha Pratim Dutta, Deputy General Manager (Project)
2. Mr. Debasish Ghosh, Senior Manager (Project)

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**CESC Limited [Respondent]**

1. Mr. Avijeet Lala, Advocate
2. Ms. Gargi Chatterjea, Executive Director, CESC Limited

**CASE IN BRIEF**

1. The petitioner, Braithwaite & Co Limited (in short 'BCL'), has three manufacturing units located at different places within the licensed area of CESC Limited, viz. Clive Works, Victoria Works and Angus Works. The petitioner contemplated to install roof top grid connected solar power system at their three units to a summated load of 3.7 MW (Clive work – 0.9 MW, Victoria works – 0.3 MW and Angus Works – 2.5 MW) under RESCO model in line with the extant guidelines of the Government of India related to installation capacities, due to lack of funding capacity for investing in capex model. Accordingly, Braithwaite & Co Limited approached Solar Energy Corporation of India (SECI), nodal agency of GOI for promoting, coordinating, guiding and realizing the solar energy projects all over India, who in turn included their requirement in their collective national tender for identification of a suitable vendor who would supply the solar units.
2. The petitioner submitted that as per SECI guidelines, a PPA with a vendor, identified through SECI tender for installation of the solar units at their cost, for a period of 25 years has to be executed for purchase of the entire power generated by them at a rate finalized by SECI and the power in excess of instantaneous consumption shall be fed to the grid through a net metering system for which the Government pay back for the excess power exported.
3. It is further submitted that BCL met the CESC Limited in 2019 and informed them their plans to team up with SECI for the said installation when BCL was assured that once installation starts, net metering systems will be sanctioned by CESC Limited on receipt of intimation from BCL.
4. The petitioner also submitted that SECI has already identified the prospective vendors for the solar plants in their 3 units and BCL is in the process of finalizing PPAs with suitable parties. Accordingly, BCL intimated CESC Limited vide their letter dated 12<sup>th</sup> August, 2020 the status of their solar project and requested CESC Limited to initiate adequate measures for approval and installation of net metering systems in all the three units of BCL. But, CESC Limited vide their letter dated 29<sup>th</sup> August, 2020 (received by hand on 26<sup>th</sup> September, 2020) stated their inability to extend net metering arrangements for the





reasons that the units are to be set up and owned by separate entities as per RESCO Model and therefore will not qualify as captive generating plant within the meaning of the Electricity Act, 2003.

5. In view of above, BCL prayed before the Commission to declare their RESCO units at three different places within the licensed area of CESC Limited as captive generating unit for implementation of net metering by CESC Limited.
6. The Commission vide letter dated 29<sup>th</sup> January, 2021 directed BCL to buttress their case in terms of sub rule 3 of the Electricity Rules, 2005, read with section 2(8) of the Electricity Act, 2003. In reply, BCL vide their letter dated 22<sup>nd</sup> February, 2021 buttressed their case stating that they are owning more than 26% of equity of the projects and that the BCL's annual consumption of the electricity to be generated will be more than 50%.
7. Commission decided to hear the parties on 31<sup>ST</sup> March, 2021 at 14:30 hrs. through video conference.

#### **SUBMISSION DURING HEARING**

8. At the beginning of the hearing, Shri Pulak Kumar Tewari, Member of the Commission enquired as to whether BCL has served the copy of their petition on the respondent CESC Limited. BCL replied that no copy their petition, in question, was served on CESC Limited.
9. The Commission observed that since CESC Limited has not been served with the petition submitted by BCL, it may not be possible for CESC Limited to make any comment on the same instantly.

#### **INTERIM ORDER**

10. The Commission with the above observation, issues interim order as below:
  - (i) BCL shall serve a copy of their petition on CESC Limited within 7 days from the date of receipt of this order;
  - (ii) CESC shall submit their reply to the petition to be served upon them by BCL to the Commission within 14 days from the date of receipt of the petition, with a copy to BCL;



(iii) Next date of hearing is 11<sup>th</sup> May, 2021.

11. A copy of this order be served to the petitioner and the respondent.

Sd/-  
PULAK KUMAR TEWARI  
MEMBER

Sd/-  
(DURGADAS GOSWAMI)  
MEMBER

Sd/-  
(SUTIRTHA BHATTACHARYA)  
CHAIRPERSON

Dated: 07.04.2021

  
(Mausumi Guha Roy)  
Secretary



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