

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR

Petition No. 1904 of 2020.

In the matter of:

Petition under Section 61 (h) read with Section 86 of the Electricity Act, 2003 seeking amendments in the Tariff framework for procurement of power by distribution licensees and others from Solar Energy Projects and other commercial issues for the State of Gujarat notified by the Commission vide Order No. 03 of 2020 dated 08.05.2020 and in the relevant provisions of GERC (Net-Metering Rooftop Solar PV Grid Interactive Systems) Regulations, 2016.

Petitioner : Gujarat Urja Vikas Nigam Limited
Sardar Patel Vidyut Bhavan, Race Course Circle,
Vadodara 390 007.

Represented by : Shri K.P.Jangid, Shri A.N. Khambhata, Shri V.T.
Patel and Shri Hetal Patel

V/s.

Respondent No. 1 : Gujarat Energy Transmission Corp. Limited
Represented By : Nobody was present.

Respondent No. 2 : Uttar Gujarat Vij Company Limited
Represented By : Shri K.D. Barot

Respondent No. 3 : Dakshin Gujarat Vij Company Limited
Represented By : Shri P.M. Patel

Respondent No. 4 : Paschim Gujarat Vij Company Limited
Represented By : Shri J. J. Gandhi

Respondent No. 5 : Madhya Gujarat Vij Company Limited
Represented By : Nobody was present.

Respondent No. 6 : Torrent Power Limited, Ahmedabad
Represented By : Shri Chetan Bundela, Shri Jignesh Langalia and
Ms. Luna Pal

Respondent No. 7	:	Torrent Power Limited, Surat
Represented By	:	Shri Chetan Bundela, Shri Jignesh Langalia and Ms. Luna Pal
 Respondent No. 8	 :	 Torrent Power Limited, Dahej
Represented By	:	Shri Chetan Bundela, Shri Jignesh Langalia and Ms. Luna Pal
 Respondent No. 9	 :	 Deendayal Port Trust
Represented By	:	Nobody was present.
 Respondent No. 10	 :	 MPSEZ Utilities Limited
Represented By	:	Nobody was present.
 Respondent No. 11	 :	 Jubilant Infrastructure Limited
Represented By	:	Shri Pranay Shah and Shri Mahesh Mandwarya
 Respondent No. 12	 :	 Aspen Park Infra Vadodara Pvt. Limited
Represented By	:	Nobody was present.
 Respondent No. 13	 :	 GIFT Power Company Limited
Represented By	:	Shri Rakesh Inala
 Respondent No. 14	 :	 State Load Dispatch Centre- Gujarat
Represented By	:	Shri K.J. Bhuvra and Shri N.N. Shaikh
 Respondent No. 15	 :	 Gujarat Energy Development Agency (GEDA)
Represented By	:	Shri S.B. Patil.
 Objector No. 1	 :	 Federation of Renewable and Consumers of Energy
Represented By	:	Shri Kirtikumar Shah
 Objector No. 2	 :	 Nice and New Abrasive Industry
Represented By	:	Nobody was present.
 Objector No. 3	 :	 Narmada Steel
Represented By	:	Nobody was present.
 Objector No. 4	 :	 Narmada Techno Cast
Represented By	:	Nobody was present.
 Objector No. 5	 :	 M/s Viramgam Wires
Represented By	:	Nobody was present.

Objector No. 6 : Madhu Silica Pvt. Limited
Represented By : Learned Advocate Shri Param Shah and Shri
Vikram Shah

Objector No. 7 : Renesys Power Systems Pvt. Limited
Represented By : Nobody was present.

Objector No. 8 : Kanoda Energy Systems Pvt. Limited
Represented By : Nobody was present.

Objector No. 9 : Utility Users Welfare Association
Represented By : Shri Bharat Gohil

CORAM:

Mehul M. Gandhi, Member

S.R. Pandey, Member

Date: 11.06.2021

ORDER

1. The present petition has been filed by the Petitioner originally on 08.10.2020. Later on, the Petitioner has filed an IA No. 05 of 2021 on 22.02.2021 and requested for allowing the amendment in the present petition by way of addition/amendment of some facts and the prayers i.e. after 28.12.2020 when the Solar Power Policy 2015 and period of G.R. dated 01.09.2020 was completed. The aforesaid IA No. 05 of 2021 was allowed by the Commission vide its Daily Order dated 30.03.2021. The original and amended prayers are stated as under:

Original Prayer:

- (1) To issue appropriate amendments in tariff framework notified vide Order No. 03 Of 2020 dated 05.08.2020 and Order No. 06 of 2020 dated 08.05.2020 to enable the Respondents DISCOMs to implement the amendments made vide G.R. dated 01.09.2020 in Gujarat Solar Power Policy, 2015;

Prayers added by allowing in IA No. 05 of 2021:

- (2) To initiate proceedings for appropriate amendments in the GERC (Net-Metering Rooftop Solar PV Grid Interactive Systems) Regulations, 2016 to implement the amendments issued by State Government vide GR dated 01.09.2020 in Gujarat Solar Policy 2015;
2. The facts mentioned in the petition, in brief, are as under:
- 2.1. Government of Gujarat has notified Gujarat Solar Power Policy, 2015 vide G.R. No. SLR/11/2015/2442/B dated 13.8.2015.
- 2.2. The Commission vide Order No. 03 of 2020 dated 08.05.2020 decided the tariff for procurement of power by Distribution Licensees and others from Solar Power Projects and other commercial issues for the State of Gujarat. The aforesaid Order was issued under Gujarat Solar Power Policy, 2015 and amendments made therein from time to time.
- 2.3. The Commission in the aforesaid Order specified certain relaxation and provisions in respect of Solar Projects set up by Micro, Small and Medium Manufacturing Enterprises (MSME) in accordance with the provisions of the Gujarat Solar Power Policy, 2015 and amendments made in it vide G.R. No. SLR/11/2015/2442/B1 dated 26.09.2019. The Commission also passed Suo-Motu Order No. 06 of 2020 dated 05.08.2020 to remove the difficulties for implementation of Order No. 03 of 2020 dated 08.05.2020 wherein certain provisions with regard to solar projects set up by MSME (Manufacturing Enterprises) were also amended.
- 2.4. Thereafter, the State Government issued G.R. No. SLR/11/2015/2442/B1 dated 01.09.2020 and amended Gujarat Solar Power Policy, 2015 after considering various representations of MSME consumers. The amendment made in G.R. dated 26.9.2019 is with regard to energy accounting of wheeled solar power energy by MSME (Manufacturing Enterprises) and rate of purchase of surplus solar power by the Distribution Licensees.

- 2.5. As per the aforesaid G.R. dated 01.09.2020, the amendment shall be applicable for all cases registered after the date of publication of the G.R. Further, it has been provided in the said G.R. that the cases which are registered prior to issuance of the G.R, the provisions of the aforesaid G.R shall be applicable to them if they desire to take benefit of the said G.R.
- 2.6. The Petitioner has requested that appropriate amendment in Order No. 03 of 2020 dated 08.05.2020 and Order No. 06 of 2020 dated 05.08.2020 need to be issued by the Commission.
- 2.7. The Petitioner has requested that the Commission may amend/modify Order No. 03 of 2020 dated 08.05.2020 and Order No. 06 of 2020 dated 05.08.2020 with regard to relaxation granted to Solar Projects set up by MSME (Manufacturing Enterprises) concerning energy accounting and purchase of surplus power, if any, available by the Distribution Licensees.
- 2.8. The Petitioner has submitted that in order to implement the amendments in the Gujarat Solar Policy 2015 notified vide GR dated 01.09.2020, it is necessary to make appropriate amendments in the GERC (Net-Metering Rooftop Solar PV Grid Interactive Systems) Regulations, 2016 notified by the Commission. Accordingly, the Petitioner has requested the Commission to initiate the appropriate proceedings for amendment in the said Regulations.
- 2.9. Based on the aforesaid submissions, the Petitioner has requested the Commission to issue appropriate Order in this regard.
3. The Commission heard the matter and vide Daily Order dated 03.02.2021 has given following directives:

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- 4.1. *As the Petitioner has sought amendment in the tariff Order No. 3 of 2020 dated 08.05.2020 and Order No. 6 of 2020 dated 05.08.2020 pertaining to procurement of power by distribution licensees and others from Solar Energy Projects for the State of Gujarat passed by the Commission, which are applicable to all the licensees within the State, hence, any amendment*

thereto will also be applicable to all the licensees in the State and also affect to the consumers of the State. Therefore, it is necessary to hear them prior to any amendment. Accordingly, the other licensees are also necessary to be joined in the matter as party Respondent to the Petition.

4.2. *We also note that during the hearing, it was also submitted by the Petitioner that appropriate amendments in the relevant clauses of the Net Metering Regulations notified by the Commission also needs to be carried out corresponding to the provisions of amended GR dated 01.09.2020 issued by Government of Gujarat. However, in the Petition filed by the Petitioner neither any pleadings nor any prayer clause is with regards to amendments in the Net Metering Regulations made by the Petitioner. The Petitioner has only during the hearing made submission with respect to amendments of relevant clauses of GERC (Net Metering Rooftop Solar PV Grid Interactive Systems) Regulations, 2016 and amendments thereto. The said submissions and prayers of the Petitioner are beyond the scope of the present Petition wherein the Petitioner has only sought amendments in Solar Tariff Order No. 3 of 2020 dated 08.05.2020 read with Order No. 6 of 2020 dated 05.08.2020 and not in the Net Metering Regulations. Moreover, for any amendments in the Net Metering Regulations the provisions under Section 182 (3) of the Electricity Act, 2003 and Rules framed thereunder and the Commission's Order No. 1 of 2005 with regards to previous publication needs to be followed. It is, therefore, not permissible to make any amendment in the GERC (Net Metering) Regulations, without following of the said legal provisions. Hence, the submissions of the Petitioner on the above aspect of amending the Net Metering Regulations is rejected. However, the Petitioner is at liberty to file a separate Petition or amend the cause title, prayer etc. of the present Petition, if so desired. Thereafter, separate proceedings, as may deemed necessary in accordance with law may be carried out by the Commission with regard to amendment of the aforesaid Net Metering Regulations.*

4.3. *As the subject matter of the petition is pertaining to the amendment in the Tariff Orders No. 03 of 2020 dated 08.05.2020 and Order No. 6 of 2020 dated 05.08.2020 relating to energy accounting and set of energy generated from Solar Power Plant set up by MSME affecting all such entities in the State in different licensees' area and entities associated with energy accounting. We decide that it is necessary to hear the distribution licensees, STU, SLDC, GEDA in the present matter. We, therefore, decide and direct the Petitioner to amend the cause title of the Petition and also needs to implead State Transmission Utility, namely, Gujarat Energy Transmission Corporation Limited; Distribution Licensees, namely, Uttar Gujrat Vij Company Limited, Dakshin Gujarat Vij Company Limited,*

Paschim Gujarat Vij Company Limited, Madhya Gujarat Vij Company Limited, Torrent Power Limited- Ahmedabad, Surat and Dahej, MPSEZ Utilities Private Limited, Kandla Port Trust, Jubilant Infrastructure Limited, Aspen Infrastructure Private Limited, GIFT Power Company Limited; State Load Despatch Centre and GEDA in the present matter by arraying them as Respondents in amended memo of parties and thereafter, file the same with the Commission and also serve the copy of the amended Petition to the aforesaid Respondents and thereafter, file an affidavit of service to the Commission.

- 4.4. We also direct such impleaded Respondents to file their reply, if any, to the present Petition within 2 weeks after receipt of copy of the Petition.*
- 4.5. During the proceedings, Shri Chetan Bundela on behalf of TPL, requested that TPL be impleaded as a party Respondent in the matter as the decision in the present Petition also affects them, which seems to be valid. Hence, we have accordingly decided above to join Torrent Power Limited (Ahmedabad, Surat and Dahej) as a party Respondent in the present petition.*
- 4.6. We further note that the Commission passed aforesaid Solar Tariff Order No. 3 of 2020 dated 08.05.2020 and Suo Motu Order No. 6 of 2020 dated 05.08.2020 after following due process of law by way of inviting comments/suggestions/objections on the subject matter as public participation is necessarily required. Therefore, in the present matter also, prior to any amendment or modifications in Order No. 3 of 2020 dated 08.05.2020 and Suo Motu Order No. 6 of 2020 dated 05.08.2020 desired by the Petitioner under Section 61(h) read with Section 86 of the Electricity Act, 2003, we are of the view that it is required for the Petitioner to issue a public notice and invite suggestions/objections from all the stakeholders on the amended Petition to be filed by the Petitioner as directed above clearly stating therein that the suggestions/objections be filed on duly notarized affidavit in five copies before the Commission with copy to the Petitioner.*
- 4.7. We therefore decide that the necessary consultative process needs to be followed prior to amending the aforesaid Solar Tariff Orders and Net Metering Regulations notified by the Commission. We, therefore, decide and direct the Petitioner that after the necessary amendments in the Petition as per directive stated supra is filed before the Commission, the Petitioner to issue a public notice in two daily Gujarati Newspapers and one English Newspaper having wide circulation in the State/National level stating that they have filed Petition No. 1904 of 2020 before the*

Commission seeking the amendment in the tariff framework for procurement of power by distribution licensees and others from Solar Energy Projects for the State of Gujarat notified by the Commission vide Order No. 3 of 2020 dated 08.05.2020 & Suo Motu Order No. 6 of 2020 dated 05.08.2020 as per the Government of Gujarat GR No. SLR-11/2015/2442/B1 dated 01.09.2020. The Petitioner is also directed to upload the present petition as may be amended with all the documents on its website and invite comments, objections, views and suggestions from the stakeholders on affidavit within 21 days from the date of issuance of public notice. The Petitioner shall also state in the public notice that the stakeholders/objectors shall file their objections/suggestions on the Petition to the Secretary of the Commission in five copies alongwith affidavit in support of their submissions and provide a copy of the same to the Petitioner. Further, it should also be stated in the Public Notice that the public hearing in the present matter is scheduled by the Commission on 06.03.2021. The staff of the Commission is also directed to upload the aforesaid Public Notice and the present Petition along with all the relevant documents on the Commission's website after the public notice is issued and a copy thereof along with the petition is provided to this Office by the Petitioner.

- 4.8. *The staff of the Commission is directed to inform / issue hearing notice for the aforesaid hearing on 06.03.2021 specifically to stakeholders who file their submissions / objections / comments before the Commission. Further, the hearing link for virtual hearing be also provided to such stakeholders including those seeking participation in the aforesaid public hearing.*

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4. In compliance to the Commission's directives, the Petitioner vide its letter No. GUVNL/COM/GM (IPP)/SOLAR/277 dated 24.02.2021 informed the Commission that the Petitioner has issued public notice dated 23.02.2021 in two Gujarati daily newspapers, viz, Sandesh and Divya Bhaskar and in English daily newspaper, viz, Indian Express, with regard to Petition No. 1904 of 2020 filed by the Petitioner and also uploaded the same along with all Annexures on its website inviting comments and suggestions thereon, within 21 days, from the stakeholders and it is also stated in the public notices that the stakeholders shall file their objections/suggestions, if any, to the Secretary, GERC, with a copy to the Petitioner. The Petitioner has also amended cause title by joining STU,

distribution licensees and GEDA as party Respondents. Thus, the Petitioner has complied with the directions given by the Commission.

5. In response to the public notices dated 23.02.2021 given by GUVNL and petition uploaded on website of the Commission, the Office of Commission has received objections/submissions from the following stakeholders as below:

- (1) Federation of Renewable & Consumers of Energy (Force);
- (2) Nice and New Abrasive Industry
- (3) Narmada Steel
- (4) Narmada Techno Cast
- (5) M/s Viramgam Wires
- (6) Madhu Silica Pvt. Limited
- (7) Torrent Power Limited

The objections/suggestions are summarised as under:

- 5.1. It is submitted that the Commission shall follow the process of inviting comments and suggestions on the proposed amendment by the Petitioner by issuance of Discussion Paper etc. and after hearing the stakeholders thereon, the Commission may decide about the amendment in Order No. 03 of 2020 dated 08.05.2020 and Suo-Motu Order No. 06 of 2020 dated 05.08.2020.
- 5.2. With regard to amendment in GERC Net-Metering Regulations, 2016, it is necessary to follow the process of pre-publication as specified in Sections 178 and 181(3) of the Act read with Electricity Rules, 2005 with regards to previous publication. It is also necessary to consider Section 23 of (Provisions applicable to making Rules and By-laws after previous publication) of The General Clauses Act, 1897, which also provides for previous publication prior to make Rules, and by laws by the authority concerned.
- 5.3. The G.R dated 1.9.2020 was issued on 1.9.2020 and remained in force up to 28.12.2020. Only the projects which were set up during the policy period are eligible to get the benefit of the said G.R. The said G.R. also provides that if any

person desires to take benefit of the said G.R, prior to issuance of the aforesaid G.R., the same is not valid and not permissible.

- 5.4. The Central Government, Ministry of Power, has issued the Electricity (Rights of Consumers) Rules, 2020 under Section 176 read with Section 179 of the Act. According to the aforesaid Rules, the net-metering is permissible to load up to 10 KW and above 10 KW load, the rooftop projects under gross metering are permissible.
- 5.5. Similarly, in case of amendment in Net-Metering Regulations, the Commission may issue Draft Regulations inviting comments and suggestions, from the stakeholders and thereafter, decide the matter after hearing the parties since as per the Electricity Rules, 2005, it is necessary to carry out pre-publication prior to making any amendment in the Regulations.
- 5.6. Some of the objectors have submitted that they are having HTP connection and operating under the HTP-IV category i.e. consumption of energy between 10.00 PM and 6.00 AM so that energy consumption takes place during the night. They have planned to set up Solar Projects up to 50% of the contract demand with the licensee. However, Solar Policy has been changed by the Government and it is provided that the energy generated from the Solar Project be consumed during 7 hours to 18 hours and banking facilities and set-off be given during the aforesaid time period. So, it is not possible to get any benefit of installation of Solar Power Project in such situation. Hence, the Commission may not allow the proposed amendment demanded by the Petitioner. The aforesaid policy is restrictive to the consumers who are governed by HTP-IV tariff and against the provision of the Electricity Act, 2003.
- 5.7. The definition of Micro, Small and Medium Manufacturing Enterprises provided in the G.R No. SLR-11/2015/2442/B1 dated 26.09.2019 need to be amended in line with the definition of MSME notified vide Notification No. S.O. 1702 (E) dated 01.06.2020 by the Ministry of Micro, Small and Medium Enterprises, Government of India.

- 5.8. The G.R. dated 26.09.2019 issued by the Government of Gujarat provides that whenever MSME purchases solar power for consumption from third party, the electricity duty at applicable rate is payable. The Electricity Duty is recovered by the distribution licensee from the consumers. Thus, the distribution licensee receives the Electricity Duty towards cross subsidization. Further, the licensees also recover cross subsidy surcharge and additional surcharge as applicable to the normal open access consumers in case of third party sale. Therefore, if MSME purchases power from third party, the distribution licensee will get dual benefit of cross subsidy i.e., one through electricity duty and secondly as cross subsidy directly. Hence, the Commission may rationalise the cross subsidy to be paid to the distribution licensee in case of MSME purchasing power from third party sale.
- 5.9. It is contended that the Petitioner has not specified as to which provisions of GERC (Net-Metering Rooftop Solar PV Interactive System) Regulations, 2016 need to be amended. Similarly, the Petitioner has also not mentioned as to which provisions of the Orders are proposed to be amended.
- 5.10. The Petitioner has not processed the applications filed by MSME units to achieve the benefit of the Solar Power Policy 2015 on the count of that the New Gujarat Solar Power Policy, 2021 pronounced on 29.12.2020 by the State Government which has come into force from 29.12.2020. The Petitioner has not allowed to process of application nor allowed installation of the Solar Power Projects. The Commission may direct the Petitioner to process the same and allow installation of such projects.
- 5.11. The MSME units who are availing LTMD night category connection and who desire to install captive solar power plants at their premises are not able to install the same due to the cap/restriction provided in the tariff schedule as under:
- (i) 15% of the contracted demand can be availed beyond the night hours.
 - (ii) 10% of total units consumed during the billing period can be availed beyond the night hours.

The objectors have submitted that the aforesaid tariff schedule may be modified for LTMD night category who desire to install captive solar power plants by modifying the tariff schedule so that the aforesaid category of consumers may utilise the energy generated from solar projects for their consumption.

- 5.12. The amendment, if any, is carried out in the Net Metering Regulations notified by the Commission, it should be only after following pre-publication process.

Prior to making any amendment in the Order No. 03 of 2020 dated 08.05.2020 or Suo-Motu Order No. 06 of 2020 dated 05.08.2020 and Net Metering Regulations, it is necessary to issue draft Suo-Motu proceedings for amendment in the Orders and Draft Regulations and invite comments and suggestions thereon. Thereafter, after hearing the parties and considering the objections/suggestions etc., the Commission may pass appropriate Orders/Regulations with prospective effect.

Some of the objectors have contended that they have initiated installation of solar power projects under the Gujarat Solar Power Policy, 2015, which provides for energy accounting on billing cycle basis which is not available in the new Policy. Further, they are not eligible to set up solar power projects as they are governed by HTP-IV tariff where the energy is required to be consumed during 10.00 pm to 6.00 am. The electricity generated from solar power system need to be consumed within 7 hours to 18 hours of the same day while the consumption of such consumers at their places during night is not feasible to carryout. Hence, the amendment in the policy are restrictive to such consumers and they are deprived from their rights to set up Solar Power Projects. Hence, the amendment sought by the Petitioner may not be granted.

- 5.13. The present petition is not maintainable and admissible on the ground that the period of the aforesaid G.R. dated 01.09.2020 and the reliefs sought by the Petitioner for the period from 01.09.2020 to 28.12.2020 has already been expired. Therefore, the present petition become infructuous and the same is required to be rejected.

Submission of Torrent Power Ltd. (TPL)- Respondents No.6, 7 & 8:

- 5.14. TPL has objected that the Government of Gujarat has pronounced Solar Power Policy on 13.8.2015 and subsequently the said Policy was amended vide G.R. No. SLR-11/2015/2442/B1 dated 01.09.2020 wherein the amendments in Solar Power Project Policy, 2015 in respect of MSME (Manufacturing Enterprises) has been made. The Petitioner has filed Petition No. 1825/2019 and requested to approve the charges and terms and conditions as per the amendment made in Solar Power Policy, 2015 for MSME (Manufacturing).
- 5.15. The Commission, thereafter, has made amendment in GERC (Net-Metering Regulations), 2016 after following due process of law. The Commission has also made amendment in Regulations No. 9.2 and 9.3 which has come into force from 23.01.2020.
- 5.16. The Commission vide Order No. 03 of 2020 dated 08.05.2020 has issued Tariff Framework for Procurement of Power by the Distribution Licensees and Others from Solar Energy Projects and other commercial issues. Clause 3.8(i) of the said Order provides that Solar Power Projects not registered under REC mechanism and the consumers who do not take benefit of Renewable Attribute and an excess electricity generated from such solar plants shall be compensated by the licensee @ Rs. 1.75 per unit or at the rate, specified by the Commission from time to time be provided for whole life of the solar Power Projects. It is also provided that the banking facility be allowed on one billing cycle. It is also provided that for Solar Power Projects set up by MSME (Manufacturing Enterprises) above 50% of their contracted demand, energy accounting shall be carried out in 15 minutes time block.
- 5.17. The Commission has passed Suo-Motu Order No. 06 of 2020 dated 05.08.2020 wherein it is provided that the Solar Power Projects commissioned under PPA and signed under the control period will be eligible to sell power to the licensee at the tariff approved by the Commission in the aforesaid Order.

- 5.18. G.R. No. SLR-11/2015/2442/B1 dated 01.09.2020 pronounced by the State Government was applicable to MSME (Manufacturing) applying to the units set up during the period of the said Policy i.e. from 01.09.2020 to 28.12.2020. The new Gujarat Solar Power Policy, 2021 has come into force on 29.12.2020. Therefore, the Commission may not consider to carry out any change/amendment in the GERC Net-Metering Regulations or Tariff Orders as it is having applicability for the period from 01.09.2020 to 28.12.2020.
- 5.19. Further, if any amendment is made in the GERC Net-Metering Regulations, the same shall be made applicable only prospective and not retrospective as per law.
- 5.20. The Central Government has notified Electricity (Rights of Consumers) Regulations, 2020 under Section 176(2)(z) of the Act. The said Rules has come into force from the date of Notification i.e. 31.12.2020. As per the said Rules, the net-metering facility be permitted to load up to 10 KW and above 10 KW, it is mandated to install the rooftop projects under Gross Metering facility. The Rules made by the Central Government are required to be followed by the Commission while amending the Order No. 03 of 2020 dated 08.05.2020 and GERC (Net-Metering) Regulations, 2016.
- 5.21. The Government of Gujarat has notified the Solar Power Policy, 2021 which has come into force from 29.12.2020 providing different and distinct benefits for the projects to be installed and commissioned during the operative period of the said Policy i.e. 29.12.2020 to 31.03.2025. The Petitioner has filed Petition No. 1936 of 2021 for amendment in the Solar Orders and Net-Metering Regulations, 2016 based on the aforesaid Policy.
- 5.22. Clause 5.2 of the Solar Policy, 2015 provides that Solar Power Generators installed and commissioned during the operative period of the said Policy are eligible for the benefits and the incentives declared under the said Policy for a period of 25 years from the date of commissioning of the project or life span of the solar project whichever is earlier. Therefore, the Solar Power Projects which

are commissioned under G.R. dated 01.09.2020 shall be applicable only for the projects which have been installed and commissioned by MSME (Manufacturing) during the operative period of the Solar Power Policy, 2015 which policy has ended on 28.12.2020.

- 5.23. The Petitioner has proposed the amendment in the provision of energy accounting and rate of surplus energy available after set-off. As per the proposed amendment, the energy accounting be carried out on 7 hours to 18 hours basis instead of 15 minutes time block basis. The Petitioner should clarify as to how the additional cost for providing banking facility from 7 hours to 18 hours instead of 15 minutes time block will be recovered. The unrecovered cost will be by way of subsidy under Section 65 of the Act or the same be borne by the other consumers is required to be clarified by the Petitioner. If the cost is to be borne by other small retail consumers of the distribution licensee it will give rise to a new level of cross subsidy which is against the provisions of the Electricity Act, 2003.
- 5.24. Since the Intra-State ABT and DSM Mechanism have been adopted in the State along with Section tightening of the deviation norms, banking of energy even for a limited period because of financial implication on distribution licensee in terms of the retail consumers.
- 5.25. Based on the above, TPL has submitted that the Commission may not allow any banking facility and consider settlement in 15 minute time block basis at par with other open access consumers so that the burden may not pass on other consumers and such mechanism is in accordance with the provisions of the Act.
- 5.26. The Petitioner has proposed the procurement of surplus power @ Rs. 2.25 per unit instead of Rs. 1.75 per unit. The solar projects set up under third party sale or captive use by the project developer is a commercial decision of the consumer/generator. The risk and return arising from such projects are to be borne by the consumers/generator and the same cannot be passed on to other consumers.

- 5.27. Solar projects are cheaper option than the conventional power projects. Therefore, the consumers opt to source power from such Solar Power Projects, and the distribution licensee is mandated to procure renewable energy for fulfilment of its RPO. Hence, any mismatch between infirm RE generation and captive consumption/third party sale is always a burden on the Distribution licensee and its consumers. Therefore, the commercial decision of the consumers/generators to set up under captive or third party sale shall not be passed on to other consumers.
- 5.28. Any surplus energy injected into grid by the Solar Power Project developer is to be considered as infirm power without any compensation. Alternatively, the distribution licensee should be provided discretion to purchase such surplus power from the Renewable Energy Power Project under captive/ third party sale.
6. In response to the aforesaid submissions, the Petitioner, GUVNL, has made their submissions as under:
- 6.1. The issue raised by the objectors with regard to the proposed amendment in Order No. 03 of 2020 dated 08.05.2020 and Order No. 06 of 2020 dated 05.08.2020 and Net-Metering Regulations be carried out after following due process of pre-publication etc. are concerned, the Petitioner has no objection to the same. The Commission may decide as per the procedure required to be followed as per law.
- 6.2. The issue raised by the objectors with regard to definition of 'Micro Small and Medium Enterprises' changed by the Government of India vide Notification dated 01.06.2020 to give effect in the G.R is concerned, the Commission may decide in line with the applicable G.R of Government of Gujarat and as per the procedure required to be followed as per law.
- 6.3. The Petitioner has submitted that the objectors have raised the issue with regard to the electricity duty and cross subsidy surcharge provided in the Policy dated

26.09.2019 which provides dual benefits to the licensee - (i) with regard to electricity duty, and (ii) cross subsidy surcharge is concerned, the electricity duty is recovered by the Distribution Licensee on behalf of the State Government whereas cross subsidy surcharge is levied on the open access consumers as part of cross subsidisation among the consumer tariff categories, BPL, AG etc. by other consumers as per the provisions of the Electricity Act, 2003. Therefore, it is incorrect to say that the distribution licensees are availing dual benefits of cross subsidy and electricity duty from the consumers.

- 6.4. The objection raised by the objectors that the Petitioner has not specified as to which Regulations and Clauses are to be amended with regard to the GERC (Net-Metering) Regulations is concerned, the Petitioner has submitted that the present petition is for amendment in the provision of energy accounting as well as rate of surplus energy procured by the licensee. It is further submitted that the amendments required in the Regulations may include amendments at Clause 9.3 pertaining to energy accounting settlement for MSME (Manufacturing) Enterprise of the Principal Regulation as per the Second Amendment dated 23.01.2020 and Clause 12 pertaining to addition of new clause 7(B)(a)(iii) after Clause 7(B)(a)(ii) of Annexure - IV to the Principal Regulations pertaining to Interconnection Agreement between Distribution Licensee and Rooftop PV Project Owner as per Second Amendment, Notification No. 02 of 2020 of GERC (Net-Metering Rooftop Solar PV Grid Interactive System) Regulations, 2016.
- 6.5. The objection with regard to Solar Power Projects for captive use or any other purpose halted under the disguise of pending petition before the Commission is concerned, the Commission may direct the Petitioner to complete all procedure for Solar Projects which are registered before declaration of Gujarat Solar Power Policy, 2021 i.e. 29.12.2020, which includes giving required permission, execution of PPA, testing and installation of meter and final connectivity with distribution system. It is submitted that the present petition is pertaining to the period from 01.09.2020 to 28.12.2020 and the projects which have been installed and commissioned by MSME during this period are eligible apart from those which are already commissioned prior to 01.09.2020 and such projects commissioned prior to 01.09.2020 is having an option to avail the benefit as per

G.R dated 01.09.2020. The Commission may issue appropriate Draft Amendment considering the present petition in respect of G.R dated 01.09.2020.

- 6.6. The contention of the objectors that applicability of G.R dated 01.09.2020 is limited to the period from 01.09.2020 to 28.12.2020 and in such circumstances the Commission may not carry out any change in the Net-Metering Regulations and tariff framework is concerned, the Petitioner has submitted that the Commission may give effect to the State Government G.R dated 01.09.2020 and address the issue arising out of the same with consideration of necessary amendments in Tariff Order and Net Metering Regulations.
- 6.7. The Petitioner has submitted that as far as the objection raised by the objectors that Ministry of Power, Government of India has notified Electricity (Right of Consumers) Rules, 2020 which come into force from the date of the Notification i.e. 31.12.2020 has contained provision for Net-Metering facility up to 10 KW load and mandates gross-metering facility for sanction load above 10 KW is concerned, the amendment sought by the Petitioner is to be given prospective effect and accordingly, the same need to be given due consideration while carrying out amendment in Order No. 03 of 2020 dated 08.05.2020 and GERC (Net-Metering Rooftop Solar PV Grid Interactive System) Regulations, 2016. The benefits provided in Solar Power Policy 2021 are different and distinct set of benefits to the projects installed and commissioned during the operative period of the Policy i.e. from the date of the Notification up to 31.12.2025. In this regard, the Petitioner submitted that the present petition is limited to applicable amendment in the Solar Power Policy, 2015 which ended on 28.12.2020 and from 29.12.2020 the new Policy notified by the Government has come into force. Thus, the said Electricity Rules, 2020 shall not be applicable for the operative period stated in the present petition i.e. from 01.09.2020 to 28.12.2020 for the projects installed and commissioned by the MSME during the said period. Therefore, the contention of the objectors with regard to applicability of the aforesaid Electricity (Right of Consumers) Rules, 2020 is not applicable in the present Petition.

- 6.8. In response to the objections of the objectors regarding seeking clarification from the Petitioner in respect of the energy accounting proposed to be carried out between 7 hours to 18 hours instead of 15 minutes time block and the additional cost of providing Banking facility be compensated by way of subsidy under Section 65 of the Act or the same is to be borne by other consumers is concerned, it is submitted that if the cost is borne by the small retail consumers of the distribution licensee, it will give rise to new level of cross subsidy which is against the provisions of the Electricity Act, 2003. Since Intra-State ABT and DSM Mechanism have been adopted in the State along with significant tightening of deviation norms, banking of energy even for a limited period have impact on the retail consumers of the licensee. Therefore, the Commission shall not allow banking facility and consider settlement in 15 minutes time block basis at par with other open access consumers so as not to burden other consumers in accordance with the provisions of the Act. The Commission has passed Order No. 03 of 2020 dated 08.05.2020 wherein the Commission has considered various provisions of Solar Power Policy, 2015 and amendments dated 26.09.2019 issued by the Government in the Policy pertaining to relaxation granted to MSME. The State Government has issued G.R. dated 01.09.2020 based on the representations from various MSME consumers for further amendment in the Policy. Accordingly, the present petition is filed for aligning tariff framework of the Commission with State Government's Policy.
- 6.9. The Objectors have contended that the Petitioner has submitted that the surplus Power is purchased @ Rs. 2.25 per unit instead of Rs. 1.75 per unit. Further, it is submitted that the power available from Solar Projects is cheaper than the conventional projects. The distribution licensees are mandated to procure RE power for fulfilment of RPO. Any mismatch between infirm RE generation and captive consumption/third party sale is an additional burden on the Distribution licensee and the consumers. The Commission shall consider any injection into the grid by the captive/third Party solar project developer as infirm power and no compensation be provided or alternatively, the distribution licensee should be provided discretion to purchase such power from Renewable Energy Projects set up under Captive/Third party. In response to the aforesaid submission, the

Petitioner clarified that the solar tariff framework notified by the Commission vide Order dated 08.05.2020 provides that the Commission has considered various provisions of Solar Policy, 2015 and the amendments dated 26.09.2019 issued by the State Government in the Policy pertaining to relaxation granted to MSME. The Government has after receipt of various Representations from MSME consumers/group of consumers, has issued G.R. dated 01.09.2020 for further amendment in the Policy and based on it, the present petition is filed by the Petitioner to align with tariff framework by the Commission with State Government Policy.

- 6.10. The Commission raised the query as to how many beneficiaries want to avail the benefits under the Policy dated 01.09.2020. In response, the Petitioner submitted that the data received from GEDA indicates that the projects registered under the said Policy are stated as under:

Gujarat Energy Development Agency						
Details of Solar Projects under MSME Mfg. Category Registered						
	Prior to 01.09.2020		From 01.09.2020 to 31.12.2020		Total	
	Nos.	MW	Nos.	MW	Nos.	MW
Total	71	58.55	443	106.57	514	165.12

7. GUVNL has filed submissions vide its affidavit dated 04.06.2021 in the present matter. Gist of the same is reproduced as under:
- 7.1. The Order dated 08.05.2020 and its amendments dated 05.08.2020 were issued by the Commission under Gujarat Solar Policy 2015 published by Government of Gujarat vide G.R. No: SLR/11/2015/2442/B dated 13.08.2015. In the aforesaid order, the Commission had specified certain relaxations and provisions in respect of solar projects set up by MSME (Manufacturing) Enterprises in accordance with the provisions of Gujarat Solar Policy 2015 as amended vide G.R. No. SLR/11/2015/2442/B1 dated 26.09.2019 and also made further amendments vide G.R. No: SLR/11/2015/2442/B1 dated 01.09.2020 pursuant to representations from various MSME consumers on the aspects of Energy Accounting and Surplus Injection Compensation.

- 7.2. The Commission has sought details regarding number of beneficiaries who are entitled to avail the benefits of GR dated 01.09.2020. In this regard, it is submitted that as per State Government's GR dated 01.09.2020, the same is applicable to the Solar projects by MSME (Manufacturing) which have been registered after issuance of the GR. Further, it is provided in the GR that in respect of cases which have already been registered prior to issuance of GR, the provision of the GR shall be applicable to them if they desire to avail the benefits of this GR. Since the State Government vide GR dated 26.09.2019 provided special dispensation in Gujarat Solar Policy 2015 to MSME (Manufacturing) enterprises, the registration of Solar Projects by GEDA under MSME (Manufacturing) category commenced after the issuance of GR dated 26.09.2019.
- 7.3. It is submitted that the aforesaid GRs have been issued for carrying out amendments in Gujarat Solar Policy- 2015 and the benefits of the Policy and amendments issued under the Policy are applicable in respect of solar projects which are commissioned within the control period of the policy which has expired on 31.12.2020.
- 7.4. It is submitted that the Petitioner vide affidavit dated 12.04.2021 has already submitted the details received from GEDA regarding Solar Projects registered by GEDA under MSME (Manufacturing) Category. Moreover, in respect to details of projects commissioned prior to 31.12.2020, it is to mention that the tentative details received from State DISCOMs pertaining to MSME (Manufacturing) Projects commissioned prior to 31.12.2020 under the Solar Policy 2015 are stated as below:

	Nos.	MW
PGVCL	16	2.51
UGVCL	14	1.65
MGVCL	0	0.00
DGVCL	11	0.95
Total	41	5.11

- 7.5. It is requested that the Commission may take the above information on record and accordingly grant relief sought by Petitioner in the petition.
8. During the hearing the Petitioner reiterated the facts stated in the paras herein above. Further, the Petitioner has made submissions on the objections received by them vide affidavit dated 12.04.2021.
9. We have considered the submissions made by the parties. We note that the present petition has been filed by the Petitioner on 08.10.2020 based on the State Government G.R No. SLR-11/2015/2442/B1 dated 01.09.2020. The Petitioner submitted that the Government has amended Gujarat Solar Power Policy, 2015 based on the representations made by MSME consumers with regard to Clauses 5 and 6 of the G.R dated 26.09.2019. The amendment made by the Government of Gujarat in its Policy dated 01.09.2020 with regard to energy accounting and purchase of surplus power of MSME consumers provided in the Policy dated 26.09.2019.
- 9.1. We note that the Commission has passed the Order No. 03 of 2020 dated 08.05.2020 wherein the provisions of Gujarat Solar Power Policy, 2015 were considered by the Commission. We further note that the Commission has passed Suo-Motu Order No. 06 of 2020 dated 05.08.2020 for amendment in Order No. 03 of 2020 dated 08.05.2020 with consideration of letter dated 25.06.2020 of the Petitioner GUVNL, with regard to implementation of Commission's Order No. 03 of 2020 dated 08.05.2020 and kept it in line with the Government of Gujarat. Solar Power Policy for development of Small Scale Distributed Solar Projects, 2019 dated 06.03.2019. The Commission passed the aforesaid Order and made certain amendments in its Order dated 08.05.2020 vide Suo-Motu Order No. 06 of 2020 dated 05.08.2020. We note that the Commission has notified GERC (Net Metering) Regulations, 2016 and amendments were made therein from time to time. The Commission noted that in the Order No. 03 of 2020 dated 08.05.2020 the Commission has decided the Control period of the Order from the date of the Order i.e. from 08.05.2020 and the same will remain in force till 31.03.2023. We also note that the aforesaid Order is passed by the Commission under Sections

61, 62, 86(1)(a) of the Electricity Act, National Electricity Policy, Tariff Policy and Gujarat Solar Power Policy 2015 and Policy for development of Small Scale Distributed Solar PV Power Projects, 2019 and the amendments made in the Gujarat Solar Power Policy in MSME (Manufacturing Enterprises), Surya Rooftop Yojana etc. Prior to issuance of the aforesaid Orders, the Commission has issued Discussion Paper dated 04.02.2020 and Draft Suo-Motu Order dated 30.06.2020. In both the cases, the Commission invited comments/suggestions from the stakeholders and after public hearing, the Commission has passed appropriate orders.

- 9.2. With regard to the existing Net Metering Regulations and the amendments thereto are concerned, the Commission had earlier issued Draft Regulations and invited comments and suggestions and after hearing the views of the Stakeholders, the Commission has notified the Regulations which has come into force from the date of their publication in the official Gazette.

Prior to notifying the aforesaid Regulations, the Commission has issued the Draft Regulations, invited comments/suggestions thereon and thereafter, considering the same, the Commission has notified the Regulations.

- 9.3. In the present Petition also, the Commission has directed the Petitioner to issue public notice inviting comments and suggestions from the stakeholders and thereafter public hearing has been held on 06.03.2021, 18.03.2021 and 15.04.2021. Thus, opportunity of hearing has been given to the public to make their submissions and the procedures specified under the Act with regard to determination of tariff and passing the Tariff Orders have been followed. The present petition and amendment therein filed by the Petitioner is based on the Government of Gujarat G.R dated 01.09.2020 requesting that the Commission may amend Order No. 03 of 2020 dated 08.05.2020 based on the aforesaid Policy. Similarly, the Net Metering Regulations also be amended with consideration of the aforesaid GR dated 01.09.2020.

- 9.4. Now we deal with the issue raised by the objectors stating that the amendment sought by the Petitioner in the Order No. 03 of 2020 dated 8.05.2020 and Suo-

Motu Order No. 06 of 2020 dated 05.08.2020 and GERC Net Metering Regulations are not permissible to amend by way of present petition is concerned, we note that the Commission has passed Order dated 8.5.2020 under Sections 3(1) 61(h), 62 (1)(a) and 86 (1)(b) and (e) of the Act read with National Electricity Policy, 2005, Tariff Policy, 2016 and Gujarat Solar Power Policy 2015 and amendments made therein. The said order was passed by the Commission after publishing Discussion Paper and inviting comments and suggestions from the stakeholders and considering the objections and suggestions of the stakeholders.

9.5. The Commission has also passed Suo-Motu Order No. 06 of 2020 dated 05.08.2020 after the Order No. 03 of 2020 dated 08.05.2020.

9.6. The Commission has also notified GERC (Net Metering Rooftop Solar PV Interactive Systems) Regulations, 2016 under Sections 61, 66, 86(1)(e) and 181 of the Electricity Act, 2003 and amendment thereto from time to time after following due process of law i.e. pre-publication, inviting comments and suggestions from the stakeholders/objectors, public hearings etc.

It is necessary to refer Section 86 of the Act. The relevant portion of Section 86 is reproduced below:

“Section 86. (Functions of State Commission): --- (1) The State Commission shall discharge the following functions, namely: -

- (a) determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State:
Provided that where open access has been permitted to a category of consumers under section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers;*
- (b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from*

other sources through agreements for purchase of power for distribution and supply within the State;

(c) facilitate intra-State transmission and wheeling of electricity;

(e) promote co-generation 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;"

- 9.7. Section 86 states functions of the State Commission. Section 86(1)(a) provides for determination of tariff of generation, transmission, supply and wheeling of electricity and also for the whole sale, bulk or retail tariff by the Commission. The proviso of said section provides that the Commission shall determine the wheeling charges and surcharges payable by the consumers in case of procurement of power under open access under Section 42 of the Act.
- 9.8. Section 86(1)(b) states regarding regulation of power procurement of the distribution licensee consisting of quantum of power, its price and agreement, by the Commission.
- 9.9. Section 86(1)(c) states that the Commission shall provide facilitation of intra-state transmission and wheeling of electricity on transmission/distribution network through open access.
- 9.10. Section 86(1)(e) states about the promotion of co-generation and generation of electricity from renewable energy sources by way of providing connectivity with grid, sale of electricity to any person and specify the procurement of RE as a part of total consumption by the consumer situated in the distribution licensee area.
- 9.11. We note that in the Electricity Act 2003 provides two routes for tariff determination, viz, (i) under Sections 61, 62 and 64 of the Act wherein the Commission determines the tariff of generating company, distribution licensee, transmission company and whole sale and retail tariff; and (ii) under Section 63

of the Act wherein the tariff discovered under the Competitive Bidding Process carried out by distribution licensee under the competitive bidding guidelines issued by the Central Government are adopted by the Commission. Thus, the aforesaid provisions empowers the Commission to determine the tariff under the Act.

9.12. We note that the Commission has issued Order dated 08.05.2020 for tariff framework for procurement of power by the Distribution Licensees and others from Solar Energy Projects and other commercial issues, which is a Tariff Order passed under the provisions of the Electricity Act, 2003. Further Order No. 6 of 2020 dated 05.08.2020 was also passed by the Commission with certain amendments in Order No. 03 of 2020 dated 08.05.2020. The said tariff order consists of other commercial terms and conditions like transmission, wheeling of energy, its charges and losses, Cross Subsidy Surcharge, Additional Surcharge, security mechanism, energy accounting, project set up under REC, non-REC mode etc. which have implication on tariff. These are not the orders passed by the Commission in adjudication of disputes between parties which are final and binding upon the parties and can be modified only in Appeal or Review.

9.13. Further, we note that the amendment of Tariff Order is recognized in Section 62 (4) and 64 (6) of the Act. Therefore, the same are necessary to be referred and are reproduced below and dealt by the Commission:

“.....

Section 62. (Determination of tariff): ---

(4) No tariff or part of any tariff may ordinarily be amended, more frequently than once in any financial year, except in respect of any changes expressly permitted under the terms of any fuel surcharge formula as may be specified.

.....”

In the aforesaid provision, it is provided that the tariff or its part may not ordinarily be amended more frequently than once in any financial year except in respect of fuel surcharge as per the formula specified by the Commission.

“

64.(Procedure for tariff order):

(6) A tariff order shall, unless amended or revoked, continue to be in force for such period as may be specified in the tariff order.

.....”

This section provides that the tariff order shall remain in force till the period specified in it, until such order is amended or revoked.

- 9.14. We further note that the Hon’ble Supreme Court in UP Power Corporation Limited v. National Thermal Power Corporation Limited (2009) 6 SCC 235 upheld as under:

“21. Power and/or jurisdiction of the Central Commission to frame tariff and/or carry out revision thereof is not in dispute. It is in fact well settled that the Central Commission has the exclusive jurisdiction to frame not only tariff but also any amendment, alterations and additions in regard thereto.

.....

35. Revision of a tariff must be distinguished from review of a tariff order. Whereas Regulation 92 of the 1999 Regulations provides for revision of tariff, Regulations 110 to 117 also provide for extensive power to be exercised by the Central Commission in regard to the proceedings before it.

.....

40. Regulations 92 and 94, in our opinion, do not restrict the power of the Central Commission to make additions or alterations in the tariff. Making of a tariff is a continuous process. It can be amended or altered by the Central Commission, if any occasion arises therefor. The said power can be exercised not only on an application filed by the generating companies but by the Commission also on its own motion.

.....

46. The concept of regulatory jurisdiction provides for revisit of the tariff. It is now a well-settled principle of law that a subordinate legislation validly made becomes a part of the Act and should be read as such.”

In the aforesaid decision Hon'ble Supreme Court held that the Commission has power to amend the tariff order as the tariff determination is a continuous exercise.

- 9.15. We note that the Hon'ble Supreme Court in Gujarat Urja Vikas Nigam Limited v. Tarini Infrastructure Limited and others (2016) 8 SCC 743 has considering Section 86(1)(b) and Section 64 recognised that there must be flexibility and there may be a review of tariff. The Hon'ble Supreme Court in Gujarat Urja Vikas Nigam Limited v. Solar Semiconductor Power Company (India) Private Limited and Another (2017) 16 SCC 498 relying on the above held that the Commission has power under Section 62 (4) and Section 64 (6) of the Act to amend the tariff order. The relevant para of the said order is reproduced below:

"31. Having referred to the above decisions, we shall now make an independent endeavour to analyse the present case in the context of factual matrix and the relevant statutory provisions. An amendment to tariff by the Regulatory Commission is permitted under Section 62(4) read with Section 64(6) of the Act. Section 86(1)(a) clothes the Commission with the power to determine the tariff and under Section 86(1)(b), it is for the Commission to regulate the price at which electricity is to be procured from the generating companies. Section 86(1)(e) deals with promoting co-generation and generation of electricity from renewable energy. Therefore, there cannot be any quarrel with regard to the power conferred on the Commission with regard to fixation of tariff for the electricity procured from the generating companies or amendment thereof in the given circumstances."

(c) the factors which would encourage competition, efficiency, economical use of the resources, good performance and optimum investments;

(d) safeguarding of consumers' interest and at the same time, recovery of the cost of electricity in a reasonable manner;

(e) the principles rewarding efficiency in performance;

(f) multi-year tariff principles;

[(g) that the tariff progressively reflects the cost of supply of electricity and also, reduces cross-subsidies in the manner specified by the Appropriate Commission;]

(h) the promotion of co-generation and generation of electricity from renewable sources of energy;

(i) the National Electricity Policy and tariff policy:

Provided that the terms and conditions for determination of tariff under the Electricity (Supply) Act, 1948, the Electricity Regulatory Commission Act, 1998 and the enactments specified in the Schedule as they stood immediately before the appointed date, shall continue to apply for a period of one year or until the terms and conditions for tariff are specified under this section, whichever is earlier.

.....”

- 9.16. We further note that Hon'ble APTEL in case of Balasore Alloys Ltd. v. Odisha Electricity Regulatory Commission, 2014 SCC Online APTEL 180, has upheld that the Commission has power to amend the tariff under Section 62(4) of the Act. The relevant portion of the said order is reproduced below:

“27. Section 62(4) of the Electricity Act, 2003 provides that no tariff or part of any tariff may ordinarily be amended, more frequently than once in any financial year, except in respect of any changes expressly permitted under the terms of any fuel surcharge formula as may be specified. In the present case, the State Commission has amended the tariff once during the FY 2012-13 by the impugned order dated 23.8.2012. The State Commission has also given reasons for the amendment.

28. This Tribunal in O.P. No. 1 of 2011 dated 11.11.2011 has also held that the State Commission has power to initiate tariff proceeding Suo-motu.

29. We feel that the impugned order is not a review order but an order to amend the tariff during the course of the FY 2012-13. The State Commission has not amended the tariff from the effective date of the original order dated 23.3.2012 i.e. 1.4.2012 but has made the amended tariff applicable

subsequently w.e.f. 1.7.2012. Thus, as per the impugned order, the 'Take or Pay' Tariff as decided by the original order dated 23.3.2012 would remain in vogue from 1.4.2012 to 30.6.2012.

30. In view of above, we hold that the State Commission exercising its power to amend a part of tariff in a Suo motu proceeding in the present case is perfectly legal."

- 9.17. We also note that the procedure needs to be followed for notification of tariff order. The Commission has already directed the Petitioner to issue public notice for the proposed amendments and invited objections/comments thereon and public hearing was also held and Petitioner, Respondents and Objectors were heard by the Commission. Thus, the Commission has followed the same procedure and therefore, the Commission can pass Order for the amendments in Order No. 03 of 2020 dated 08.05.2020.
- 9.18. We also note that the Order dated 08.05.2020 had been passed after consideration of Gujarat Solar Power Policy 2015 as well as amendments notified by the Government of Gujarat as noted in Para 1.1 of the Order No. 03 of 2020. In the said Order, the Commission had further considered the specific amendments for Small Scale Distributed Solar PV Power Projects, MSME Manufacturing Enterprises and SURYA Yogna Scheme Gujarat. The Commission had considered various provisions of Solar Power Policy while determining the terms and conditions for the Solar Power Projects. The Government of Gujarat notification No. SLR/11/2015/2444/B1 dated 01.09.2020 is an amendment towards G.R. dated 26.09.2019 with regards to energy accounting of wheeld solar power energy by MSME (manufacturing enterprises) and rate of purchase of surplus of solar power by the distribution licensee.
- 9.19. We also note that when the Order dated 08.05.2020 has been passed considering the Solar Power Policy issued by Government of Gujarat and when there is an amendment to the Policy, there is no bar for the Commission to consider the amendments and to incorporate the same in the Tariff Order.

- 9.20. The jurisdiction or power of the Government to issue Policy or amendment in it, the Commission to issue orders cannot be barred. Therefore, the issuance or amendment of Policy by Government or issuance of Orders by Regulatory Commission on Tariff framework and commercial terms cannot be barred.
- 9.21. We note that the Petition has been filed under Section 86 which includes Section 86(1)(a) and 86(1)(b) related to tariff, 86(1)(e) related to promotion of renewable energy.
- 9.22. It is also necessary to refer the other provisions of the Electricity Act, 2003 which empowers the Commission to frame the regulations which are subordinate legislation. Electricity Rules 2005 notified under the Act provides that prior to notifying the Regulations, Rules etc. it is necessary to carryout pre-publication. Section 181 of the Act provides power to the Commission to frame the Regulations. Further, Section 182 provides that the Regulations notified by the Commission are required to be laid down before the State legislation for approval. Once the legislation approves Regulations and they are notified, the Regulations come into force as subordinate legislation and become applicable. The relevant portion of the aforesaid Sections are reproduced below:

“Section 181. (Powers of State Commissions to make regulations): ---

(1) The State Commissions may, by notification, make regulations consistent with this Act and the rules generally to carry out the provisions of this Act.

.....

(3) All regulations made by the State Commission under this Act shall be subject to the condition of previous publication.

Section 182. (Rules and regulations to be laid before State Legislature):

Every rule made by the State Government and every regulation made by the State Commission shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.”

- 9.23. The power to make the Regulations provided to the Commission also consists of power to amend, alter or modify the Regulations by following process specified in the Act read with Rules made under therein.
- 9.24. The objectors have contended that there is no mention as to which provision of the Order No. 03 of 2020 dated 08.05.2020 and Suo-Motu Order No. 06 of 2020 dated 05.08.2020 and Solar Power Policy 2021 need to be amended and there is no justification given by the Petitioner. We note that the Petitioner in its Petition specifically mentioned about amendment in (i) energy accounting and (ii) surplus injection of power compensation rates for MSME (Manufacturing Enterprise) provisions of the policy, are to be incorporated as part of amendment in Order No. 03 of 2020 dated 08.05.2020 and Suo-Motu Order No. 06 of 2020 dated 05.08.2020 and GERC Net Metering Regulations.
- 9.25. Considering the above, we are of view that the Commission has power to amend the tariff order under section 62(4) and 64 (6) of the Act, and the Regulations notified by it after following the due process of law. The present petition filed by the Petitioner for amendment in the Tariff Order No. 3 of 2020 dated 8.05.2020 and GERC Net Metering Regulations, 2016 is permissible under the provisions of Electricity Act, 2003 after due consideration on the merit of the issues and after following due process of law.
- 9.26. In the present case, the process of issuance of the public notice and inviting comments and suggestions and hearing of the objectors/ stakeholders is already completed. Therefore, the process of amendment of tariff is already completed by the Commission. We also note that for Amendment in Regulations, separate process of pre-publication & others will have to be followed. Hence, the contention of the objectors & Respondents that the petition is not maintainable is not accepted.
10. So far as amendment in the GERC Net Metering Regulations is concerned, we note that the amendment in the Regulations sought by the Petitioner on the

ground that the Government of Gujarat has issued G.R. dated 01.09.2020 and amended the provisions of energy accounting and rate for surplus energy available for MSME (Manufacturing Enterprises) Solar projects. The applicability of the said G.R. is from 01.09.2020 to 28.12.2020 is also an admitted fact. Further, the Petitioner has filed IA No. 05/2021 (for amendment in Petition) on 22.02.2021 seeking the amendment in the GERC, i.e. after the completion of period from 01.09.2020 to 28.12.2020 when new Gujarat Solar Power Policy, 2021 has come into force. Further, any amendment in the GERC Net Metering Regulation be made prospectively and not retrospectively for the period from 01.09.2020 to 28.12.2020. Hence, the prayer and contentions of the Petitioner for amendment in GERC Net Metering Regulations is not permissible in this petition and the same is rejected.

11. Now we deal with the issue with regard to allowing the solar power rooftop projects set up by the solar generator which are not allowed by the licensee on the ground that Ministry of Power, GoI has notified the Electricity (Rights of Consumers) Rules, 2020 wherein the Rooftop Solar Projects are permitted to set up under Net Metering limited to 10 kW and above 10 kW, the same is permitted under gross metering provisions. The objectors have contended that the distribution licensees are not allowing to install the rooftop projects on the aforesaid grounds. The distribution licensee shall be directed to allow installation of the rooftop projects under the GERC Net Metering Regulations 2016 notified by the Commission as the projects are registered with GEDA and CEI prior to notify the Electricity Rules, 2005. The aforesaid issue is beyond the scope of the present petition. Moreover, the prayer of the Petitioner is to amend the Order No. 03 of 2020 dated 08.05.2020 and Suo-Motu Order No. 06 of 2020 dated 05.08.2020 based on the notification dated 01.09.2020 of Govt. of Gujarat. The amendment sought in the aforesaid Order by the Petitioner is with regards to energy accounting of wheeled solar energy by MSME (Manufacturing Enterprise) and rate of purchase of surplus power by the distribution licensee. Thus, the issue raised by the objector is beyond the scope of the present petition. Moreover, the amendment sought by the Petitioner is based on G.R. dated 01.09.2020 under Solar Power Policy 2015 which was ended on 28.12.2020. The

notification or Electricity Rules, 2020 is of 31.12.2020 i.e., from that day the said Rules has come into force. On that ground also, the aforesaid contention of the objector is rejected.

12. Now we deal with the issue raised by the Objector that the licensees are recovering cross subsidy dual time by way of electricity duty and cross subsidy surcharge determined by the Commission is concerned, we note that the aforesaid contentions are not acceptable and valid on the ground that the Electricity Duty recovered by the distribution licensee on behalf of the State Government is at the rate specified in the Electricity Duty Act notified by the State Government. Further, the recovered amount of electricity duty need to be deposited by the distribution licensee with the State Government. The Cross Subsidy Surcharge is determined by the Commission as per the formula given in the tariff policy read with the Regulations notified by the Commission. The same is recovered by the licensee as determined and decided by the Commission. Thus, the Electricity Duty and Cross Subsidy Surcharge are different and distinct and have no relation with each other. Further, the aforesaid issue is beyond the scope of the present petition. Hence, the same is not accepted and rejected.
13. Now we deal with the issue raised by the Objectors that the amendment proposed in the Petition is restrictive for HTP-IV consumers (the consumer who utilise the electricity supply majorly during the night) and the issue on amendment in the tariff schedule of aforesaid category of consumers is concerned, we note that an amendment is prayed for in Order No. 03 of 2020 dated 08.05.2020 and Suo-Motu Order No. 06 of 2020 dated 05.08.2020 and GERC Net Metering Regulations by the Petitioner with regard to energy accounting of wheeled solar energy by MSME (Manufacturing Enterprise) and rate of purchase of surplus power by the distribution licensee. It is contended that the aforesaid amendment leads to condition that the set off of energy generated from solar power projects be given effect during 7:00 hours to 18:00 hours, while the Objectors are utilising major part of the energy during night hours i.e. from 10 PM to 6 AM, when there is no energy generation from solar power projects. Further, such consumers are eligible to utilise very less energy during day time in comparison to their contract demand and energy

consumption and it is not possible for them to consume the solar energy at their premises/work place during the night hours as per change of energy accounting mechanism provided in the policy and proposed to be incorporated in Order No. 03 of 2020 and Suo-Motu Order No. 06 of 2020. We note that the contentions of Objector for amendment, if any, made in tariff schedule are beyond the scope of the present petition. Hence, the objections of the Objectors are rejected.

14. Now we deal with the issue raised by the objectors with regard to amendment of the Order dated 08.05.2020 with the date of policy i.e. 01.09.2020. They have contended that the amendment be made, if any, from the date of Policy.
- 14.1. Some of the objectors have contended that the Order No. 03 of 2020 dated 08.05.2020 and Suo-Motu Order No. 06 of 2020 dated 05.08.2020 and Net Metering Regulations amendment are not permissible as per law. It is also contended that any amendments in the aforesaid orders, if made, is against the provision of the Act and Law, it will lead to multiplicity of the proceedings.
- 14.2. Per contra, the Petitioner has submitted that the Order No. 03 of 2020 dated 08.05.2020 had been passed by the Commission with consideration of earlier Gujarat Solar Power Policy 2015 and amendments made therein and other policies notified by the Government from time to time to give effect to them. Further, the provisions of G.R. dated 01.09.2020 for amendment in Energy Accounting and purchase of surplus energy by the licensees are optional to MSME (Manufacturing Enterprises). The Commission has power to amend its own order as stated in earlier para.
- 14.3. We have considered the submissions made by the parties. We note that the Commission has power to amend its tariff order as decided in earlier para. It is also upheld by the Apex court as stated in earlier para of the Order. Therefore, the contention of the objectors that prior to 31.03.2023, the Order No. 03 of 2020 dated 08.05.2020 passed by the Commission in the present case is not amended and made effective prior to 31.03.2023 is not acceptable and the same is rejected.

14.4. We also note that the Government of Gujarat has made amendment in Gujarat Solar Power Policy, 2015 (for MSME Manufacturing Enterprises) vide G.R. No. SLR-11/2015/2442/B-1 dated 01.09.2020. The said G.R. specifies that the Government of Gujarat has amended Clauses 5 and 6 of G.R. dated 26.09.2019 for solar power projects set up by MSME (Manufacturing). It is further provided that those cases which are registered prior to issuance of the G.R. are also eligible if they desire to avail the benefit of the G.R. dated 01.09.2020. The amendment made in Clauses 05 of G.R. dated 26.09.2019 is pertaining to energy accounting whereas Clause 06 of the said G.R. is pertaining to purchase of surplus power, if any, available after consumption at consumer place by the licensee. We note that the aforesaid two provisions are part of the Order No. 03 of 2020 dated 08.05.2020 and amendment made vide Suo-Motu Order No. 06 of 2020 dated 05.08.2020. Thus, the provisions of the order, which consist of energy accounting and purchase of surplus power by the distribution licensee, the amendment sought by the Petitioner are permissible as recorded in earlier para and it is necessary to decide the aforesaid issue with consideration of the Policy and the Law in this regard.

14.5. We note that present petition has been filed by the petitioner on 08.10.2020. There was no coram up to 01.12.2020 and therefore, the matter was not heard for want of coram. The matter was heard on 28.01.2021 and finally on 15.04.2021. We note that the Petitioner has submitted tentative details vide affidavit dated 04.06.2021 as stated below:

“

10. *With regard to details of projects commissioned prior to 31.12.2020, it is to mention that the tentative details received from State DISCOMs pertaining to MSME (Manufacturing) Projects commissioned prior to 31.12.2020 under the Solar Policy 2015 are as under:*

	<i>Nos.</i>	<i>MW</i>
<i>PGVCL</i>	<i>16</i>	<i>2.51</i>
<i>UGVCL</i>	<i>14</i>	<i>1.65</i>

<i>MGVCL</i>	<i>0</i>	<i>0.00</i>
<i>DGVCL</i>	<i>11</i>	<i>0.95</i>
<i>Total</i>	<i>41</i>	<i>5.11</i>

We note the submissions of the Petitioner that there are 41 Nos. of projects having 5.11 MW capacity which were commissioned prior to 31.12.2021 under the G.R. dated 01.09.2020. We also note that only those consumers are eligible for the benefits under the G.R. whose projects gets commissioned up to 28.12.2020 as per provisions of G.R. of the State Government dated 01.09.2020. It is admitted fact by the Petitioner that the Gujarat Solar Power Policy 2015 and G.R. dated 01.09.2020 passed by the Government of Gujarat having effect up to 28.12.2020. Thereafter, Gujarat Solar Power Policy 2021 has come into force.

14.6. We also note that the Petitioner has in main Petition dated 08.10.2020 neither prayed for amendment in the GERC (Net-Metering) Regulations, 2016 nor stated any facts in this regard. Therefore, the Commission in its Daily Order dated 03.02.2021 recorded and decided that the amendment in the Net-Metering Regulations sought by the Petitioner is not permissible. The Petitioner has thereafter, on 22.02.2021 has filed an I.A No. 05 of 2021 in main Petition, which has been allowed by the Commission in its Daily Order dated 30.03.2021. Thus, the prayer for the amendment in petition filed by the Petitioner has been made first time for amendment in the Net-Metering Regulations, 2016 after 28.12.2020 i.e. after the expiry period of the Policy from 01.09.2020 to 28.12.2020 provided in the G.R. dated 01.09.2020. As any amendment in the Regulations is permissible prospectively, the amendment in the Net-Metering Regulations, 2016 sought by the Petitioner is not permissible as the period for which amendment made applicable has already been over.

14.7. So far as amendment in Order No. 03 of 2020 dated 08.05.2020 and Suo-Motu Order No. 06 of 2020 dated 05.08.2020 are concerned, the same are with regard to (i) amendment in the energy accounting and (ii) purchase of surplus energy, if any, available from MSME (Manufacturing) Solar Power Projects based on G.R. dated 26.09.2019 incorporated in Order No. 03 of 2020 dated 08.05.2020 and

Suo-Motu Order No. 06 of 2020 dated 05.08.2020. The aforesaid Orders are based on the Solar Power Policy, 2015. We also note that the G.R. dated 01.09.2020 issued by the Government of Gujarat amending G.R. dated 26.09.2019 wherein the provisions for MSME (Manufacturing Enterprises) Solar Power Projects were incorporated. Now, as the Government has amended the provisions of energy accounting and rate of surplus energy, if any, available after set-off be purchased by the Distribution Licensee from Solar Projects set up by MSME, part of the Order No. 03 of 2020 dated 08.05.2020 and the Suo-Motu Order No. 06 of 2020 dated 05.08.2020 needs to consider by considering the amendments provided in the G.R. dated 01.09.2020. We note that in the facts and circumstances of the case wherein the policy period was completed and a petition for giving effect to the provisions of policy is pending before the Commission and some of the project developers may have executed the projects under said provision of G.R. as per submission of the Petitioner and therefore in the interest of justice, we decide this issue on merits.

- 14.8. We note that the provisions of energy accounting of the Solar Power Projects set up by the MSME (Manufacturing Enterprises) need to be carried on 7 hours to 18 hours basis on the same day instead of 15 minute time block basis. Thus, the amendment sought is regard to energy accounting from 15 minutes time block basis to 7 hours to 18 hours basis on the same day which provides consumption and set-off of energy between 7 hours to 18 hours instead of 15 minutes time block which will provide more time for MSME (Manufacturing Units) to consume the energy generated by the Solar Power Projects. It is helpful to MSME units to maximise the consumption of solar energy generated from their plant and distribution licensees to reduce the surplus energy available after set-off. Similarly, the surplus energy, if any, available be purchased by the Distribution Licensee @ Rs. 2.25 per unit instead of Rs. 1.75 per unit. As there is change in energy accounting from 15 minutes time block basis to 7 hours to 18 hours the consumption of energy and generation of energy from Solar Power Projects the surplus energy available after set-off may be reduced. Further, purchase of surplus energy @ Rs. 2.25 per unit instead of Rs. 1.75 per unit proposed by the Petitioner at consumption's place based on the G.R. dated 01.09.2020 is also

beneficial to the Licensee in comparison to the cost of energy supplied to the consumer place. Hence, we decide to amend the provisions of Energy Accounting and rate for surplus energy purchase in the Order No. 03 of 2020 dated 08.0.2020, which are reproduced as under:

“

3.8. Energy Accounting and RPO

i. Solar Power Projects not registered under REC Mechanism and the consumer does not take benefit of the renewable attribute

.....

.....

.....

In the event of any surplus Solar energy not consumed as per energy accounting, such excess electricity shall be compensated by the concerned Distribution Licensee at the rate Rs. 1.75 per unit or the rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time for whole life of the Solar Power Projects.

For the Solar Power Projects set up by MSME (Manufacturing) Enterprise above 50% of its contracted demand, energy account settlement shall be carried out on 15 minute time block basis.

.....”

The relevant para of Suo-Motu Order No. 06 of 2020 dated 05.08.2020 is reproduced as under:

“

13. Clarification of Clause 3.8(i)

Suggestions from Stakeholders:

One stakeholder requested for modification in Clause 3.8(i) to provide more clarity with respect to applicability of banking of energy in case of captive consumption (Generation and consumption are at same location or at different locations) as under;

i. Solar projects not registered under REC Mechanism and the consumer does not take benefit of the renewable attribute

For such projects, the adjustment of the Solar energy generation shall be allowed within the consumer's billing cycle. The entire Solar energy generation of such consumer shall be utilized for meeting the RPO of that Distribution Licensee.

Banking of energy shall be allowed to consumer having distance or co-located solar power plant, within one billing cycle of the consumer, wherein set off may be given against energy consumed at any time of the billing cycle. However, peak charges shall be applicable for consumption during peak hours.

.....
.....
Commission's Ruling:

The suggested modification create more confusion and implementation issues. It will restrict facility of banking of energy limited to those consumer having distance or co-located solar power plant only.

Hence, Commission decides there is no need of further clarification.

14. *Clarification of applicability of Surplus Injection Compensation as provided in Clause 3.8(ii) and 3.8(iii).*

Suggestions from Stakeholders:

PGVCL submitted that, as per the Clause No: 3.8 (ii), the consumer who takes benefit of RE attributes for its own RPO, the applicable Surplus Injection Compensation (SIC) rate is Rs. 1.75/Unit. Whereas as per clause- 3.8(iii), if the benefits of RE attribute is not given to Distribution Licensee (means consumer takes benefit of RE attributes for its own RPO), the applicable Surplus Injection Compensation (SIC) rate is Rs. 1.50/Unit. Thus, there is infirmity in applicability of Surplus Injection Compensation rate for consumer who do not give RE attribute to DISCOM but takes benefit of RE attributes for its own RPO.

In view of above, it is required to be clarified in the order for applicability of SIC for consumers who do not give benefits of RE attributes to DISCOMs but utilize the same for their own RPO requirement

Commission's Ruling:

Clause 3.8(ii) and 3.8(iii) are reproduced as under;

"ii. Solar Power Projects not registered under REC Mechanism and the consumer takes the benefit of the renewable attribute to meet their own RPO.

.....
In the event of any surplus solar energy not consumed as per energy accounting based on 15-minute time block, such excess electricity shall be compensated by the concerned Distribution Licensee at the rate Rs.1.75 per unit or the rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time for whole life of the Solar power projects.

Such surplus energy compensated by the Distribution Licensee shall be utilized for meeting the RPO of that Distribution Licensee.

iii. Solar Power Projects registered under REC Mechanism and the Solar Power Projects not registered under REC Mechanism but benefit of the renewable attribute is not given to distribution licensee.

.....
In the event of any surplus Solar energy not consumed as per energy accounting based on 15-minute time block, such excess electricity shall be compensated by the concerned Distribution Licensee at the rate Rs.1.50 per unit or the rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time for whole life of the Solar Power Projects.”

In para 3 of Clause 3.8(ii) it is mentioned that “Such surplus energy compensated by the Distribution Licensee shall be utilized for meeting the RPO of that Distribution Licensee.”, whereas such provision is not available in Clause 3.8(iii). Hence, it is very much clear that whenever distribution licensees purchase such surplus energy and utilize it toward fulfilment of their RPO obligations, such excess electricity shall be compensated by the concerned Distribution Licensee at the rate Rs.1.75 per unit.

Hence, Commission decides there is no need of further clarification.

.....”

From the above, it transpires that the contentions of the objectors to amend the provisions of Order No. 3 of 2020 dated 08.05.2020 with respect to para 3.8 (i) of MSME (Manufacturing Enterprises) was not accepted and the same is rejected.

Considering the Commission's decision in earlier para, the clause 3.8 (i) of Order No. 3 of 2020 dated 08.05.2020 shall be amended and read as under:

“

3.8. Energy Accounting and RPO

i. Solar Power Projects not registered under REC Mechanism and the consumer does not take benefit of the renewable attribute

.....

.....

.....

For the Solar Power Projects commissioned during the time period specified in G.R. No. SLR-11/2015/2442/B1 dated 01.09.2020, i.e., between 01.09.2020 to 28.12.2020 by MSME (Manufacturing) Enterprise above 50% of its contracted demand, the energy accounting shall be carried out on 07:00 hours to 18:00 hours basis of the same day. That means, the generated solar energy can be consumed during 07:00 hours to 18:00 hours on the same day.

Further, any surplus solar energy not consumed by consumer as per Energy Accounting (during 07:00 hours to 18:00 hours) shall be purchased by DISCOMs at Rs. 2.25/unit.

.....”

14.9. Considering the above, we decide to allow this Petition in view of the facts and circumstances of the case and pass Order as under:

ORDER

- (i) We allow this Petition partly and decide to amend the Order No. 03 of 2020 dated 08.05.2020 and Suo-Motu Order No. 06 of 2020 dated 05.08.2020 according to above discussion.
- (ii) We also decide to amend para 3.8 (i) of Order No. 03 of 2020 dated 05.08.2020 and Suo-Motu Order No. 06 of 2020 dated 05.08.2020 with regard to Energy Accounting and rate of Surplus Energy receivable by MSME (Manufacturing Enterprises) for the projects commissioned during 01.09.2020 to 28.12.2020.

(iii) Further, MSME (Manufacturing) projects commissioned under the Policy dated 26.09.2019 shall have an option to switch over in the mechanism stated in the G.R. dated 01.09.2020.

(iv) The prayer regarding amendment sought in the GERC (Net Metering) Regulations as sought for in the Petition is rejected.

15. By this Order, this Petition stands disposed of accordingly.

Sd/-
[S. R. PANDEY]
Member

Sd/-
[Mehul M. GANDHI]
Member

Place: Gandhinagar.

Date: 11.06.2021.