

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1953 of 2021.

In the matter of:

Petition under GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 & its (First Amendment) Regulations, 2014 for revision in Renewable Power Purchase Obligation, for FY 2019-20

Petitioner : M/s Aspen Infrastructure Limited

Represented by : Shri M.B. Kaka

CORAM:

Mehul M. Gandhi, Member

S. R. Pandey, Member

Date: 05.07.2021

DAILY ORDER

1. The present matter was listed for hearing on 29.06.2021 through virtual hearing by Video Conferencing on account of prevailing COVID 19 pandemic.
2. Heard Shri M.B. Kaka for the Petitioner. He submitted that the Petitioner has filed the present Petition seeking revision in RPO compliance for FY 2019-20 alongwith other prayers. He further submitted that the Petitioner is purchasing/procuring power from MGVL as its consumer. He submitted that even though the Petitioner is a distribution licensee, but during FY 2019-20, the Petitioner has procured its entire power requirements from MGVL and accordingly, the energy consumption of the Petitioner is included in the RPO obligation of MGVL. Considering the same,

he requested that the Commission to exempt the Petitioner from the RPO obligation for FY 2019-20.

3. We have considered the submissions of the Petitioner. We note that it is submitted by the Petitioner that despite being a distribution licensee, the Petitioner has procured its entire power requirements during FY 2019-20 from MGVL and accordingly, the energy consumption of the Petitioner is included in the RPO obligation of MGVL. Accordingly, the present Petition is filed for RPO compliance for FY 2019-20 under the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and its subsequent Amendments thereto. The RPO compliance is associated with the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 as amended from time to time and accordingly, the Commission has the jurisdiction to decide the present Petition. We, therefore, decide to admit the Petition.
- 3.1. We note that the Hon'ble APTEL in its judgement dated 25.04.2014 in Appeal No. 24 of 2013 and IA No. 39 of 2013 directed the State Commission that after completion of the financial year, the State Commission has to review the actual performance in respect of RPO and pass necessary directions as per the Regulations either Suo-motu or on a petition filed by an obligated entity. Such review should be subject to public notice to invite suggestions and objections from all the stakeholders. Thus, for annual review of RPO or otherwise by the State Commission either Suo-motu or on application from an obligated entity, the suggestions and objections of the public are required to be invited.
- 3.2. According to above directions of Hon'ble APTEL, it is necessary to issue a public notice and invite suggestions/objections from all the stakeholders in the matter pertaining to compliance of RPO by the obligated entities. We note that the Petitioner has filed the present Petition for the RPO compliance for FY 2019-20 under the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and its subsequent Amendments thereto. We, therefore, decide that it is necessary to conduct a public hearing to take into consideration the views of the stakeholders before deciding the matter. The Petitioner is, therefore, directed to issue a public notice in two daily Gujarati Newspapers and one English Newspaper

having wide circulation in the State and invite comments/suggestions from the stakeholders stating that they have filed Petition No. 1953 of 2021 before the Commission alongwith its subject matter and relief sought therein. The Petitioner is also directed to upload the present Petition with all the relevant documents on its website and invite comments and suggestions from the stakeholders on the Petition on affidavit within 21 days from the date of issue of public notice. The Petitioner shall also state in the public notice that the stakeholders/objectors shall file their objections/suggestions in the Petition to the Secretary, Gujarat Electricity Regulatory Commission, 6th Floor, GIFT ONE, Road 5C, Zone 5, GIFT City, Gandhinagar - 382355 in five copies along with affidavit in support of their submissions with a copy to the Petitioner. The staff of the Commission is also directed to upload the Petition along with all the relevant documents on the website of the Commission after the public notice is issued and a copy thereof provided to this office by the Petitioner for inviting comments/suggestions from the stakeholders.

4. The next date of hearing will be intimated separately.
5. We order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 05/07/2021.