

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1922 of 2021.

In the Matter of:

Petition under GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and its (Second Amendment) Regulations, 2018 for revision in Renewable Power Purchase Obligation (RPO) in case of Four Subsidiary Distribution Companies of GUVNL for FY 2019-20.

Petitioner : Gujarat Urja Vikas Nigam Limited
Co- Petitioner No. 1 : Madhya Gujarat Vij Company Limited
Co- Petitioner No. 2 : Paschim Gujarat Vij Company Limited
Co- Petitioner No. 3 : Uttar Gujarat Vij Company Limited
Co- Petitioner No. 4 : Dakshin Gujarat Vij Company Limited
Represented By : Ms. Sailaja Vachhrajani and Ms. Girija Dave

CORAM:

**Mehul M. Gandhi, Member
S. R. Pandey, Member**

Date: 24/11/2021.

DAILY ORDER

1. The matter was listed for hearing on 11.11.2021.
2. Ms. Sailaja Vachhrajani, appearing on behalf of the Petitioners submitted that the present Petition has been filed by the Petitioners seeking relaxation in shortfall towards compliance of RPO for FY 2019-20. It is submitted that actual total consumption of energy within licensee area of subsidiary distribution companies of the Petitioner GUVNL is considered as 92705 MUs. However, the Petitioner has excluded hydro power purchase of 1849 MUs and has considered actual total

energy consumption as 90856 MUs. Thus, RPO compliance is accordingly worked out. It is submitted that the Petitioners have purchased 8325 MUs of Wind energy against requirement of 8325 MUs for meeting Wind RPO. Thus, Wind RPO of 9.16% is achieved against target of 8.05% and there is surplus purchase of 1011 MUs of Wind energy i.e., 1.11% above Wind RPO target. Similarly, 3270 MUs of Solar energy is purchased against requirement of 4997 MUs considering 5.50% Solar RPO specified by the Commission. Moreover, the Petitioner has purchased 343 MUs energy from 'Others' category as against requirement of 681 MUs. Thus, Non-Solar RPO of 9.54% is achieved against target of 8.80% and there is over achievement in compliance of Non-Solar RPO by the Petitioners for FY 2019-20. While in case of Solar RPO there is shortfall of 1727 MUs in compliance of Solar RPO by the Petitioners and after adjusting surplus in Non-Solar RPO against shortfall in Solar RPO there is shortfall of 1054 MUs i.e., 1.16% on overall basis in compliance of total RPO target as per the GERC's Regulations.

- 2.1. It is further submitted that the present Petition was earlier listed on 30.01.2021 for which the Commission passed Daily Order dated 03.04.2021, wherein directions were given to the Petitioner for inviting comments/suggestions/objections from the stakeholders in the present Petition by issuing public notices and accordingly, in compliance thereof, the Petitioner GUVNL has published the same on 11.04.2021 in Indian Express, Gujarat Samachar and Divya Bhaskar newspapers and has also placed the present Petition along with public notice on its website inviting objections and suggestions from the stakeholders in the present Petition. Moreover, the Petitioner has also filed the compliance affidavit dated 03.05.2021 in this regard before the Commission.
- 2.2. While replying to the query about any objection received, it is submitted that the Petitioner has not received comments/objections from any stakeholders in response to public notice issued by GUVNL in the matter. Accordingly, the Commission may decide the matter considering the submissions of the Petitioner and based on record of the present Petition.
- 2.3. In response to further query of the Commission regarding details of renewable power already tied up by the Petitioner and status thereof, it is submitted that the Petitioner has submitted relevant details of capacity tied up as on 31.03.2021 for

different renewable energy sources and has also filed detailed status report of capacity tied-up through Competitive Bidding along with the status regarding their commissioning. It is submitted that the Petitioner is tying up required RE capacity so as to meet the RPO targets specified by the Commission from time to time. However, despite that there is shortfall in complying with RPO targets on account of various factors which are enumerated in the Petition. Also, non-achievement of RPO targets is on account of reasons like delay in project implementation by developers, actual commissioning achieved beyond SCOD, actual generation being less than normative etc. which are beyond control of the Petitioners and hence, the Petitioners have prayed to revise RPO targets for FY 2019-20 in exercise of power under Regulation 4.2 of the GERC RPO Regulations.

- 2.4. It is further submitted that some capacity tied-up by the Petitioner with Wind and Solar project developers is under construction/implementation stage. Similarly, around 900/950 MW capacity is remaining under Small Scale Distributed Solar Projects policy of Government of Gujarat because out of 2500 MW capacity for which PPAs were executed, many developers have exercised/opted for exit option. Thus, out of above 2500 MW, now only around 900/950 MW capacity of Small Scale distributed Solar generation is remained. As per provision of PPA under the above Policy, the Scheduled Commercial Operation Date(s) is 18 months. Accordingly, the Petitioner is expecting commissioning of above capacity in ensuing years.
- 2.5. Further, in order to fulfill the RPO compliance of ensuing years, the Petitioner also envisages to procure power from Gujarat State Electricity Corporation Limited (GSECL) under the GoG's Scheme for allocation of government wasteland in vicinity of existing GETCO sub-stations. It is submitted that GSECL has also issued Letter of Awards aggregating to 575 MW capacity and the Petitioner is in the process of tying-up such power. Moreover, the Petitioner is also anticipating to procure some power from the Projects to be set up in 30 GW Wind / Solar / Wind-Solar Hybrid renewable Park at Kutch District, offshore Wind projects under SECI tender etc. to mitigate RPO compliance of forthcoming years.
3. We have considered the submissions made by the Petitioner. We note that the present Petition has been filed by the Petitioner for seeking relaxation/waiver in the shortfall in Renewable Power Purchase Obligation (RPO) after adjustment of

surplus Non-Solar RPO against shortfall in Solar RPO in case of its four subsidiary distribution companies for FY 2019-20 against the RPO specified by the Commission in the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 as amended vide GERC (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018.

- 3.1. We note that pursuant to directives of the Commission in Daily Order dated 03.04.2021, the Petitioner had published public notices on 11.04.2021 and also placed the copy of Petition along with public notice on its website (www.guvnl.com) inviting comments/objections/suggestions from the stakeholders in the present Petition but the Petitioner has not received any comments/suggestions from the stakeholders. We also note that the Petitioner has filed compliance affidavit dated 03.05.2021 before the Commission on 07.05.2021.
- 3.2. We also note that the staff of the Commission also uploaded the present Petition along with the relevant documents on the Commission's website (www.gercin.org) for inviting comments/suggestions from the stakeholders but the Commission's office has also not received the comments/suggestions from the stakeholders in the present matter.
- 3.3. We note that in the Petition filed by the Petitioner GUVNL actual total consumption is considered as 90856 MUs after excluding hydro power purchase of 1849 MUs and has thereafter worked out the RPO compliance. Moreover, the Petitioner has also considered purchase of 343 MUs energy from 'Others' category and "Table - II' of GERC (Procurement of Energy from Renewable Sources) (Second Amendment), Regulations, 2018 mentions "Others (Biomass, Bagasse, Hydro and MSW)(%)". Further, as per Regulation 2.1. (p) of Principal Regulations, 2010, 'Renewable energy sources' is defined as under:

".....

(p) 'Renewable energy sources' in this context means nonconventional, renewable electricity generating sources such as mini / micro hydel, wind, solar, biomass and bagasse based cogeneration, urban/municipal waste, or such other sources, (which are generally inexhaustible and can be replenished in a short period of time) as approved by the Ministry of New and Renewable Energy, Government of India or by the State of Gujarat;

....."

- 3.4. However, it is not clarified by the Petitioner and has not provided break-up of 343 MUs energy from 'Others' category. Hence, the Petitioner is directed to file on affidavit stating that hydro power purchase of 1849 MUs excluded from 92705 MUs of actual total consumption qualifies as 'Renewable Energy Sources' in terms of the provisions of the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 or not. In case the said purchase qualifies then to specify under which provisions of law. The Petitioner to also provide separate details of purchase of energy from Biomass, Bagasse, Mini/Micro Hydel, MSW etc. under 'Others' category in above affidavit.
4. In view of the above, we decide to conclude the hearing in the present matter. The matter is now reserved for appropriate Order after filing of above affidavit by the Petitioners within period of 2 weeks from date of this Order.
5. We order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 24/11/2021.