

No.N/76/2020

BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION,
No. 16 C-1, Miller Tank Bed Area, Vasantha Nagar, Bengaluru- 560 052.

Dated:19.10.2022

Present

| | |
|-----------------------------|--------------------|
| Shri P. Ravi Kumar | .. Chairman |
| Shri H.M. Manjunatha | .. Member |
| Shri M.D. Ravi | .. Member |

OP No.32/2020

BETWEEN:

Dalmia Cement (Bharat) Limited
R.S.No.394, Yadwad Village,
Gokak Taluk,
Belgaum District-591136
Karnataka
Represented by its Authorised Signatory
(Represented by Sri Manu Sheshadri,
Ms. Manasa, Ms. Palak Devpura,
Advocates for Pragathi Law Chambers)

... PETITIONER

AND:

1. Karnataka Power Transmission Corporation Limited
1st Floor, Kaveri Bhavan,
Kempegowda Road, Nehru Nagar,
Gandhi Nagar,
Bengaluru – 560009.
2. Hubli Electricity Supply Company
Navanagar, P.B. Road,
Hubli-580025.

3. Karnataka State Load Despatch Centre
Karnataka Power Transmission Corporation Limited
No.27/1, Race Course Road, Madhava Nagar,
Gandhi Nagar,
Bengaluru – 560001.

... **RESPONDENTS**

(Represented by its Managing Directors)

(Represented by Sri Shahbaaz Husain,
Ms. Stephania Pinto, Advocates
for Precinct Legal)

ORDERS

1. The Petition is filed under section 86(1)(e) of the Electricity Act, 2003 read with, clause 12 of the KERC (Procurement of energy from renewable sources) Regulations, 2011 and clause 11 of the KERC (General and Conduct of proceedings) Regulations, 2000 praying for the following reliefs (as per the revised application filed on 29.08.2022):
 - (a) Hold and declare that the RPO targets notified by this Commission for Captive Power Plants for FY 2015-16 (Non-Solar at 5% and Solar at 0%) would be applicable to the Petitioner for all subsequent years till FY2020-21; and
 - (b) Pass such other further order(s) as the Commission may deem just and proper in the facts and circumstances of the case and thus render justice.
2. The facts of the case as submitted by the Petitioner are as follows: -
 - a. The Petitioner is a company incorporated under the Companies Act, 1956 and is inter-alia in the business of manufacturing of cement as well as in the business of generation of power.
 - b. The Petitioner has set up a thermal based power plant at Belgaum (27 MW) in FY 2015-16 in Karnataka on captive basis and is wheeling the

power from the said plants to its cement factory in Belgaum, Karnataka as well as its cement factory in Kadappa District, Andhra Pradesh.

- c. The Respondent No.1 is the State Transmission utility under Section 2 (67) of the Electricity Act, 2003 and discharges the functions of SLDC also under Section 31 of the Act. The Respondent-1 has been appointed by the Commission as the State agency for the purposes of accrediting and recommending renewable energy projects for REC and undertake functions under the Regulations. The Respondent No 2 is the distribution licensee for the Belgaum district in the State of Karnataka.
- d. The Commission has framed the KERC Regulations, 2011 ("2011 Regulations") prescribing obligations for the purchase of Renewable power and its compliance thereof by purchase of Renewable Energy or Renewable Energy Certificates and as obligated entities including a captive power plant, to purchase from renewable energy sources at the generic tariff determined by the Commission for electricity generated from different types of renewable energy sources and specified a quantum of not less than 5% of its consumption of energy during the respective control periods i.e., 1st April to 31st March from 2011-12 to 2015-16. The Petitioner has complied with the terms of the above Regulations for the period from 2011-12 to 2015-16.

e. The KERC (Procurement of Energy from Renewable Sources) (Third Amendment) Regulations, 2015 notified on 16.11.2015 and has hiked the RPO percentage from the year 2016-17 onwards as follows:

| Source | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 |
|---------------|----------------|----------------|----------------|----------------|----------------|
| Non-Solar | 5% | 5.5% | 6% | 7% | 8% |
| Solar | 0% | 0.75% | 1.25% | 1.75% | 2.50% |

f. Similarly, the KERC (Procurement of Energy from Renewable Sources) (Fifth Amendment) Regulations, 2017 (2017 Regulations) hiked the RPO percentage from the year 2017-18 onwards and the percentage of non-solar and solar power which were to be purchased as part of the trajectory are as under –

| Source | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 2019-20 |
|---------------|----------------|----------------|----------------|----------------|------------------|
| Non-Solar | 5% | 5.5% | 6% | 7% | To be determined |
| Solar | 0% | 0.75% | 2.75% | 6% | |

g. In 2018, the KERC (Procurement of Energy from Renewable Sources) (Sixth Amendment) Regulations, 2018 (2018 Regulations) provided the RPO percentages for the years starting from 2019-20 to 2021-2022. The percentage of non-solar and solar which were to be purchased as part of the trajectory are as under-

| Source | 2019-20 | 2020-21 | 2021-2022 | 2022-23 |
|---------------|----------------|----------------|------------------|------------------|
| Non-Solar | 10.25 | 10.25 | 10.50 | To be determined |
| Solar | 7.25 | 8.50 | 10.50 | |

h. Further, the 2017 and 2018 Regulations were notified by the Commission pursuant to the National Tariff Policy framed under the provisions of Section 3 of the Electricity Act, 2003, by the Ministry of

Power, Government of India on 28/01/2016, and in particular the provisions of paragraph 6.4 (1) (i) which provided for a long term RPO growth trajectory instead of notifying such targets on a year-to-year basis, with an intent to encourage consumption of electricity through renewable sources on a long-term basis. The percentage of non-solar and solar power (vide the Ministry of Power order dated 22.07.2016) which were to be purchased as part of the trajectory are as under'

| Long Term Trajectory | 2016-17 | 2017-18 | 2018-2019 |
|-----------------------------|----------------|----------------|------------------|
| Non-Solar | 8.75% | 9.50% | 10.25% |
| Solar | 2.75% | 4.75% | 6.75% |
| Total | 11.50% | 14.25% | 17.00% |

- i. Considering the above, the Commission substantially enhanced the RPO compliance to be met by the distribution licensees, open access consumers as well as captive generating plants and the RPO trajectory for captive generating plants was specified as stated Supra.
- j. It is submitted that for the years 2019-20 to 2021-22, the long-term trajectory of RPO (vide Ministry of Power Order 14.06.2018) was notified as follows-

| Long term Trajectory | 2019-20 | 2020-21 | 2021-22 |
|-----------------------------|----------------|----------------|----------------|
| Non-Solar | 10.25% | 10.25% | 10.50% |
| Solar | 7.25% | 8.75% | 10.50% |
| Total | 17.50% | 19.00% | 21.00% |

- k. The Petitioner was required to comply with the RPO notified by this Commission, as the threshold capacity to comply with RPO as specified for more than 1-MW. However, since there is a substantial

increase in the RPO targets and such costs cannot be factored into by CPPs unlike the other obligated entities such as the distribution licensees and open access consumers, the notification of high RPO trajectory was causing severe hardship to such CPPs. Upon detailed representation being made to the Ministry of Power, the Ministry issued a clarification on 01/02/2019 vide letter number 30/04/2018-R & R, clarifying that insofar as RPO of CPPs are concerned, it should be pegged at the level applicable in the year in which the CPP was commissioned and in case capacity is added by the CPPs, an additional RPO in the year in which such capacity was added should be prescribed. A copy of the letter dated 01/02/2019 issued by the Ministry of Power along with Annexures is marked as Annexure-F (colly).

- I. The clarification settles the position, namely that the RPO trajectory being notified either by this Commission or any other Commission in terms of the National Tariff Policy issued by the Ministry of Power, would not be applicable to CPPs and would apply in the limited sense of only for such CPPs which go for capacity addition.

- m. As per the Provisions of Section 3 of the Electricity Act as well as judgment of the Hon'ble Supreme Court, the clarification letter issued by the Ministry of Power is a statutory document and is applicable in the present circumstances and ought to be implemented by this Commission. The high RPO trajectory is expected to apply only to other obligated entities such as distribution licensees and open

access consumers and is not the Petitioner in question. Taking cognizance of the letter dated 01/02/2019 of the Ministry of Power, several Electricity Regulatory Commissions have made necessary amendments to the respective RPO Regulations. In this regard, reference had been made to the amendments made by UPERC, HERC and OERC.

- n. On a conjoint reading of the above, the target specified by this Commission for FY2015-16, ought to be continued and would continue to apply, as the Petitioner's plant achieved CoD in the year 2016-17. Thus, the RPO target of 5% specified for FY2016 should continue for all the years, as there is no capacity addition made after FY2015-16.
- o. Upon concerns raised by various stakeholders and after due consultation with MNRE, CEA and CERC, Ministry of Power further clarified in respect to MoP letter dated 01/02/2019 vide letter no. 30/04/2018-R&R dated 01.10.2019, that for CPPs commissioned before 01/04/2016, RPO should be at the level as mandated by the appropriated Commission for FY 2015-16 whereas, for CPPs commissioned from 01/04/2016 onwards, the RPO level as mandated by the appropriate Commission or Ministry of Power, which is higher, for the year of commissioning of the CPP shall be applicable. A copy of the letter dated 01/10/2019 issued by the Ministry of Power along with annexures is marked as Annexure-I (colly).

- p. Taking cognizance of the letter dated 01/10/2019 of the Ministry of Power, several Electricity Regulatory Commissions have issued notifications in reference to compliance of RPO Regulations by CPPs.
- q. The Petitioner stated that it has informed this Commission of the above changes to be made in its regulations vide its letters dated 21/03/2019, 19/11/2019 and 14/01/2020 requesting to take into consideration the letter(s) dated 01/02/2019 and 01/10/2019 issued by the Government of India, Ministry of Power and the Petitioner has not received any response.
- r. The present Petition is being filed praying for capping of the RPO targets applicable to the CPP of the Petitioner at 5%, i.e., the RPO which was applicable to the Petitioner in FY 2015-16 in terms of the 2011 Regulations notified by this Commission. This would be in consonance with the intention of the Ministry of power. This position has also been accepted by several Regulatory Commissions.
- s. The Petitioner is praying the Commission to exercise its inherent powers to remove difficulties in terms of Section 12 of the 2011 Regulations, as the present facts and circumstances warrants the exercise of such powers by this Commission. Further, under KERC (General and Conduct of Proceedings) Regulations, 2000, the Commission has powers to relax, in the forgoing facts and circumstances. In this regard, reference had been made to APTEL's Order in the case of "NTPC Limited Vs. Madhya Pradesh State Electricity Board 2007 ELR APTEL 7"

and Ratnagiri Gas and Power Private Limited Vs. CERC and Anr., 2011 ELR (APTEL) 532.

- t. The Petitioner has mainly relied upon the letters dated 01.02.2019 and 01.10.2019, issued by the Ministry of Power, Government of India and the amendments made by several SERCs taking cognizance of the above letters.
3. This Commission has issued notice to the respondents. Consequently, the respondents have appeared before this Commission through an advocate and filed the statement of objection. (Subsequently, the petitioner has impleaded R3 as a necessary party and filed amended petition). Respondent No.1 filed its objection on 25.02.2021 and Respondent No.2 filed its objection on 14.06.2021. Respondent advocate on 13.06.2022 undertook to file memo for adopting objections of R1 for R3, as recorded in the daily order dated 13.06.2022 and accordingly has filed the undertaking on 13.06.2022. Respondent R-1, KPTCL, R-2 HESCOM and R-3 SLDC, have filed similar common statement of objections to the Petition as follows:
- i. The Petitioner is a cement factory and is procuring power from the thermal based captive power plant with a capacity of 27MW situated at Belgaum. The Petitioner falls under the ambit of the KERC (Procurement of Energy from Renewable Sources) Regulations, 2017, which mandates obligated entities to purchase minimum

- quantity of electricity from renewable sources of energy, on a yearly basis.
- ii. The Petitioner's RPO obligation increases on a year-to-year basis as per the Regulations. The Petitioner seeks to surpass such yearly increase through the instant Petition on the basis of two letters of the Ministry of Power dated 01.02.2019 and 01.10.2019. The Ministry of Power issued the said letters on account of alleged financial burden upon the CPPs in complying with the existing RPO obligation and the RPO target for CPPs may be pegged at the RPO target applicable in the year in which the CPP was commissioned. Additionally, such RPO target will increase in case of capacity addition to the CPP.
 - iii. It is submitted that in the interest of the Electricity Act, 2003, the Tariff Policy of 2006, National Electricity Policy of 2005, and National Action Plan on Climatic Change of 2008, there has been a conscious effort to increase the generation and consumption of renewable energy. As such this Commission has increased the RPO compliance not just for the CPPs, but also for the distribution licensees.
 - iv. Section 86(1)(e) of the Electricity Act 2003, mandates the State Commissions to promote renewable sources of energy by mandating a minimum quantum of purchase from such sources. The National Electricity Policy (2005), envisages increase in share of electricity from non-conventional sources. The Tariff Plan, 2006

stipulates that SERCs shall fix a minimum percentage of energy from RE sources taking into account the availability of the sources and tariff impact on consumers. The NAPCC at Para 4.2.2. titled, "Grid Connected Systems", states that initially, the RPO could be pegged at 5% and it may be increased by 1% every year for the next 10 Years. The NAPCC also states that the State Electricity Regulatory Commissions may set higher percentages than the aforementioned minimum. It is evident that this Commission is increasing the said RPO in view of the various regulations that state that renewable sources must be preferred to the conventional sources of power.

- v. The contention that the letters of the Ministry of Power is binding is false. The letters issued by the Ministry of Power are only in the nature of suggestion/opinion and is advisory in nature (in the letters word "may" is used and not "should / must") and is not binding on this Commission, as it is exclusive prerogative of this Commission to decide on the issues pertaining to renewable energy. If the RPO is set at a bare minimum for the CPPs, the objective of the Electricity Act, 2003 stands defeated.
- vi. The Respondents objects to the contention of the Petitioner that RPO compliance as per the Regulations imposes a massive financial burden upon the Petitioner. Such purported financial burden does not take precedence over the provisions of the Electricity Act, the Tariff Policy and other relevant Regulations/policies.

- vii. The Petitioner has averred that the RPO compliance is a liability as it results in an additional financial burden on the CPPs. It is relevant to note that such burden is also imposed on the state utilities. In order to achieve the national RPO as set out in the NAPCC, every State has to achieve its own RPO target. Wherefore, when the RPO target is reduced for CPP's, there is a direct bearing on achieving the National / State target. Such burden is shifted upon the State utilities and ultimately such burden is passed on to the consumers of the State utility. If the State utilities implement the RPO Regulations, the CPP's are under an obligation to do the same.
- viii. Prayer of the Petitioner is in stark contradiction with the KERC Regulations. The Petitioner has not prayed for amendment of the said Regulations in its prayer; wherefore, if the RPO targets are pegged as requested by the Petitioner and not as per the Regulations, such act would be directly contrary to the Regulations. Referring to the Supreme Court's Order in Fertilizer Corporation of India Limited Vs. Sarat Chandra and Others (1996 10 SCC 331), it is submitted that the Petitioner cannot seek relief based on the impugned letters of the Ministry of Power, in the absence of any enabling provision in the Regulations

In light of the above facts and submissions, respondents have prayed that this Commission may dismiss the Petition in its entirety, in the interest of justice and equity.

4. The Petitioner filed its rejoinder to the statement of objections of Respondent-1 on 17.03.2021 and for Respondent-2 on 25.06.2021. In the rejoinder the Petitioner has reiterated the issues raised in the original petition and stated that:

- i. The statement that Respondent Nos. 1 & 2 are formal parties is denied.
- ii. The RPO targets set by the Commission is substantial, resulting in additional financial burden on CPPs, which cannot be factored by CPPs unlike other obligated entities. As admitted by the Respondents, the notification issued by Ministry of Power is on account of financial hardship to such CPPs. Therefore, CPPs cannot be treated at par with other obligated entities. Captive users are class by themselves and should be treated as a different category, as held by Hon'ble ATE in Chhattigarh State Power Distribution Co. Ltd, Vs. J.P. Saboo, (2011) APTEL. 22.
- iii. The clarification issued by the Ministry vide notifications dated 01.02.2019 and 01.10.2019 are the clarification issued on orders dated 22.07.2016 and 14.06.2018, which orders were issued under Para 6.4 (1) of the Tariff Policy dated 28.01.2016. As such SERCs while notifying RPO targets shall be guided by the MoP orders, as well as the clarifications issued thereon. The Commission is guided by the Tariff Policy notified under the provisions of the Act and the Petitioner is seeking the Commission to exercise its discretionary

powers to relax the RPO for CPPs. The Petitioner has only sought for capping of its RPO targets on account of increased financial burden and has not implied that it cannot be obligated to purchase renewable energy.

iv. The Petitioner has sought for relaxation under Clause-12 of 2011 Regulations and has not prayed for amendment to the said Regulations.

5. On consideration of pleadings and documents produced by the parties, the following issue arise for our consideration:

Issue No.1: Whether the RPO target set by this Commission for the year 2015-16 is to be made applicable for subsequent years also till 2020-21, in terms of the clarifications issued by the Ministry of Power dated 01.02.2019 and 01.10.2019? If not,

Issue No.2: What Order?

The decision of the Commission on the above issues are discussed in the following paragraphs:

Issue No.1: Whether the RPO target set by this Commission for the year 2015-16 is to be made applicable for subsequent years also till 2020-21, in terms of the clarification issued by the Ministry of Power dated 01.02.2019 and 01.10.2019?

a) This Commission has issued the KERC (Procurement of Energy from Renewable Sources) Regulations, 2011, which is amended from time to time. The above Regulations, among other things specify the RPO for

the obligated entities namely, the distribution licensees, captive power plants and the open access consumers. Under the provisions of the above Regulations the petitioner is an obligated entity and is mandated to comply with the RPO as per the Regulations. However, the petitioner based on the clarification issued by the Ministry of Power, has prayed this Commission to declare that the RPO targets notified by the Commission for captive power plants for FY2015-16 would be applicable to the petitioner for all the subsequent years till FY2020-21. With respect to the above prayer, the petitioner in his submissions has mainly relied upon the clarifications issued by Ministry of Power in the matter and the amendments made to the Regulations by some of the SERCs, consequent to the above clarifications. The Ministry of Power vide its Orders dated 22.07.2016 and 14.06.2018 has specified the long term trajectory of Renewable Purchase Obligation (RPO) for the period FY17 to FY19 and FY20 to FY22, respectively under the provisions [Para 6.4(1)] of the Tariff Policy, 2016.

b) The Ministry of Power issued a clarification on 01.02.2019 on the above orders as follows:

“2. The request of various stakeholders regarding capping of RPO for Captive Power Plants (CPP) has been examined in consultation with Ministry of New and Renewable Energy and it is clarified that RPO of the CPP may be pegged at the RPO level applicable in the year in which the CPP was commissioned. As and when the company adds to the capacity of the CPP, it will have to provide for additional RPO as

obligated in the year in which new capacity is commissioned. There should not be an increase in RPO of CPP without any additional fossil fuel capacity being added."

c) Further, the Ministry of Power on 01.10.2019 issued one more clarification as follows:

"3. Based on the concern raised by various stakeholders and after due consultation with MNRE, CEA and CERC it is further clarified that:

- i) For CPPs commissioned before 01.04.2016, RPO should be at the level as mandated by the appropriate Commission for the year 2015-16. For CPPs commissioned from 01.04.2016 onwards, the RPO level as mandated by the appropriate Commission or Ministry of Power, whichever is higher, for the year of commissioning of the CPP shall be applicable.
- ii) In case of any augmentation in the capacity, the RPO for augmented capacity shall be the RPO applicable for the year in which the CPP has been augmented.
- iii) In case, for meeting the RPO obligation, CPP has surplus power than its consumption requirement, such a CPP may sell its surplus power to the DISCOMs under the prevailing arrangements or in the power exchange."

d) In the above background, this Commission now has to decide as to whether the clarification issued by the Ministry of Power is binding on this Commission or not. This Commission is of the view that, the above

clarification is not binding and can only be in the form of an advice for the following reasons:

i) Section 86 of the Electricity Act, 2003, specify the functions of the State Electricity Regulatory Commissions which is binding on this Commission also.

ii) One of the functions specified under Section 86(1)(e) is promotion of Renewable Energy Sources which Section is reproduced below:

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

iii) Thus, the Electricity Act specify that the State Commissions shall notify the RPO of the obligated entities. The Act does not empower the Ministry of Power, Government of India to specify the RPO, as it is a function assigned exclusively to the State Commissions. Therefore, any order or clarification issued by the Ministry of Power, Gol, in this regard is only an advisory in nature and cannot bind this Commission. In view of the above, the MoP's clarifications are not binding and the reference made by the petitioner to the amendments made by other SERCs based

on MoP's clarifications, does not hold water, as such SERCs may have used their discretion.

- iv) Also, the Ministry of Power itself vide Communication No. 30/04/2018-R&R/RCM dated 27.07.2022 addressed to the Principal Secretary (Energy) of all States, has clarified that with the commencement of the rules, the distinction between captive power plants and distribution licensees with respect to RPO has been annulled and therefore, the CPPs will have the same RPO as the distribution Company. It is also stated that the rules supersede the earlier orders of ministry of power in the matter.
- v) The Commission also notes that, when it comes to protection of the environment, Article 51-A(g) of the Indian Constitution clearly imposes duty on every citizen to protect and improve the natural environment. Healthy environment is a prerequisite to the welfare of the State. The public health cannot be assured without the protection and improvement of environment as enshrined under Article 47. Under Article 48 -A of the constitution, the State is mandated to protect and improve the environment. Article 21 guarantees fundamental right to life. Article 21 has received liberal interpretation from time to time after the decision of the Supreme Court in Maneka Gandhi vs. Union of India, (AIR 1978 SC 597) case. The right to live in a healthy environment as part of Article 21 of the Constitution was first

recognized in the case of Rural Litigation and Entitlement Kendra vs. State, AIR 1988 SC 2187, wherein the court addressed the issue of whether the social safety and for creating a hazardless environment for the people to live in, mining in the area should be permitted or stopped and has observed that, once the importance of forests is realised and as a matter of national policy and in the interests of the community, preservation of forests is accepted as the goal, nothing which would detract from that end should be permitted and in such circumstances it is concluded that mining in the area has to be totally stopped. Also, the Hon'ble Supreme Court has treated the right to live in pollution free environment as a part of fundamental right to life under Article 21 of the Constitution (M.C. Mehta vs. Union of India, AIR 1987 SC 1086). Further, subject to reasonable restrictions, Article 19 (1) (g) of the Indian constitution confers fundamental right on every citizen to practice any profession or to carry on any occupation, trade or business. In Cooverjee B. Bharucha Vs Excise Commissioner, Ajmer (1954, SC 220) case, the Supreme Court, while deciding the matter has observed that, the right of every citizen to pursue any lawful trade or business is obviously subject to such reasonable conditions as may be deemed by the governing authority of the country essential to the safety, health, peace, order and morals of the community. Thus, if there is clash between environmental protection and

right to freedom of trade and occupation, the courts have to balance environmental interests with the fundamental rights to carry on any occupations.

- e) The above decisions clearly show that the constitution of India lays emphasis on protection and preservation of nature without which life cannot be sustained on mother earth. It is the need of the hour to bring greater public participation, environmental awareness, environmental education and sensitize the people to preserve ecology and environment.
- f) In view of the above Articles of the Constitution and various decisions of the Court, every citizen has to equally share the responsibility of protecting the environment. RPO being one such measures envisaged in the Electricity Act 2003, to protect the environment, the CPPs cannot be treated separately when it comes to meeting the RPO. As such the petitioner is bound by the Regulations issued by this Commission and has to meet the RPO as specified in the Regulations.
- g) The Commission likes to place on record that this Commission on 29.05.2020 addressing a letter to M/s Chettinad Cement Corporation Pvt. Ltd., a copy of which was marked to the petitioner, has issued its clarification on the MoP letters dated 01.02.2019, stating that, the Regulations of the Commission are binding on the obligated entities including CPPs. Thus the petitioner's contention that, the Commission has not responded in the matter, is not correct.

The Issue No.1 is answered accordingly.

Issue No.2: What Order?

Hence, the following Order:

ORDER

The Petition is disposed of as follows:

1. The petitioner has to comply with the RPO as specified by this Commission in the KERC (Procurement of Energy from Renewable Sources) Regulations, 2011, as amended from time to time.
2. The notification dated 01.02.2019 and 01.10.2019 issued by the Ministry of Power, Gol, is only advisory in nature and not binding on this Commission for the reasons stated supra.

Sd/-
(P. RAVI KUMAR)
Chairman

Sd/-
(H.M. MANJUNATHA)
Member

Sd/-
(M.D. RAVI)
Member