

v) A distribution licensee has proposed to meet a part or full RPO by purchase of REC but REC could not be purchased, despite efforts made by the licensee, due to non-availability of REC."

2.12 It is to further submit that Hon'ble Commission in their various Orders have acknowledged the fact that purchase of RECs by Distribution Licensees / Obligated Entities needs to be considered keeping in view various factors and its impact on the consumer tariff. Hon'ble Commission has rightly acknowledged that unnecessary purchase of RECs results in increase in the cost of power purchase of the Obligated Entities without any increase in the physical component of electricity purchased and leads to financial burden on the end consumers of the State. It is furthermore submitted that Hon'ble APTEL has also held that the State Commission is empowered to revise the RPO Targets specified under Regulations due to inadequate Renewable Capacity Addition in the State and reasons beyond control of Distribution Licensee irrespective of the fact that whether Renewable Energy Certificate (RECs) are available or not. The relevant extracts from APTEL's Judgments dated 25.04.2014 in Appeal No. 24 of 2013 and Judgment dated 16.04.2015 in Appeals No. 258 of 2013 and 21 of 2014 & IA-28 of 2014 are reproduced herein below:-

"51. We want to add that non-availability of REC may not always be a pre-condition for exercise of power to revise under Regulation 4.2. For Example, if the distribution licensees had tied up adequate capacity at preferential tariff but due to actual generation being lower than the normative generation due to reasons beyond the control of the distribution licensee or there is natural calamity in the State and energy consumption in the State has gone down or renewable energy generation in the State has been affected due to natural calamity then shortage of REC may not be a pre-condition to revise RPO targets set up under Regulation 4.1. Further, if in a resource rich State the State Commission has set up RPO targets keeping in view anticipation of capacity addition in the State, the State Commission may also revise the targets due to inadequate capacity addition in the State due to reasons beyond the control of the distribution licensee."



**2.13** In view of above and as submitted in the foregoing paras, considering the genuine difficulty arising on account of constraints in availability of renewable energy / inadequate capacity addition despite tie-up, delay in project commissioning due to unforeseen outbreak of COVID pandemic, steep increase in energy consumption, factors beyond control of GUVNL, etc. Hon'ble Commission is humbly requested to kindly exercise their power under Regulation 4.2 and revise the RPO targets for FY 2021-22 as per actual RPO compliance of GUVNL / DISCOMs.

**2.14** It is to further submit that as per Regulation 7.2, the Regulation 9 "Consequences of Default" can be invoked in case a Distribution Licensee fails to meet the RPO, despite availability of renewable energy sources. Thus, Regulation 7.2 which is the pre-condition for invocation of Regulation 9 is not applicable in the present case, in light of the constraints / non-availability of renewable energy as enumerated in foregoing para(s) hereinabove.

**2.15** Furthermore, it is to humbly submit that invocation of Regulation 9 and levy of regulatory charge shall put unwarranted burden on GUVNL / DISCOMs and eventually on the end-consumers of State.

**2.16** It is pertinent to mention that the preamble of EA 2003, NEP 2005 and Tariff Policy 2006 & Amendments thereto lay emphasis on both promotion of renewable energy as well as safeguarding the interest of the consumers. It is also to highlight that Section 61 (d) of the EA 2003 read with objectives of the EA 2003 and para 4 of the Tariff Policy mandates the Hon'ble Commission to safeguard consumers' interest. The para 6.4 (1) of the Tariff Policy expressly provides that RPO targets shall be fixed by an Appropriate Commissions *inter alia* considering its impact on retail tariff. Accordingly, it is imperative that RE cannot be promoted in disregard to the consumers' interests. It is a settled principle of law that while discharging its functions, the Hon'ble Commission is required to balance the interests of all stakeholders.

**2.17** In the above background, Hon'ble Commission is humbly requested not to invoke Regulation 9 and exempt GUVNL / DISCOMs from consequences thereof by waiving off the shortfall in RPO Compliance of GUVNL / DISCOMs for FY 2021-22 and exercise their powers vested under



Regulation 4.2 by revising the RPO Targets as per Actual RPO achieved by GUVNL / DISCOMs for FY 2021-22.

### 3.0 PRAYER:

The Petitioner hereby most respectfully submits and prays as under:-

- i. Hon'ble Commission may kindly exercise their inherent power and give relaxation from the consequences of Regulation 9 by waiving-off the shortfall in RPO Compliance of GUVNL / DISCOMs for FY 2021-22, the same being due to genuine difficulty arising on account of non-availability of renewable energy, inadequate capacity addition, under-operationalization of RE Plants, delay in project commissioning due to unforeseen outbreak of COVID pandemic, steep increase in energy consumption and factors not attributable to GUVNL / Distribution Companies.
- ii. Hon'ble Commission may kindly exercise their powers under Regulation 4.2 and revise the RPO percentage targets as per Actuals, in light of the constraints in renewable energy and other factors beyond control of GUVNL / Distribution Companies.
- iii. Pass any other order which Hon'ble Commission may deem fit.

*JUL  
17-2-2023*

GUJARAT URJA VIKAS NIGAM LIMITED  
- PETITIONER

DATE : 17.02.2023

PLACE: VADODARA



## **DECLARATION**

Declaration that the subject matter of present Petition has not been raised by the Petitioner before any other competent forum and that no other competent forum is currently seized of the matter or has passed any order in relation thereto.



*Zul*  
17.02.2023

**GUJARAT URJA VIKAS NIGAM LIMITED  
PETITIONER**

**DATE : 17.02.2023**

**PLACE: VADODARA**



**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
AT GANDHINAGAR**

**PETITION NO:**

**IN THE MATTER OF:**

Petition under GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and amendments thereto for revision in Renewable Power Purchase Obligation (RPO) in case of four subsidiary Distribution Companies of GUVNL for FY 2021-22.

**AFFIDAVIT**

Regd. No.: 3670  
Date : 17/02/2023

I, Kishor Lakhani, aged about 34 years, resident of Vadodara, do hereby solemnly affirm and state as under:

1. I say that I am Junior Engineer in GUVNL and am competent to swear the present affidavit.
2. I say that I have read the contents of the above Petition and I have understood the contents of the same.
3. I say that the above contents of Petition are based on the information available with the Petitioner Company in the normal course of business and believed by me to be true.

**DEPONENT**

**VERIFICATION**

I, the deponent above-named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Vadodara on this 17<sup>th</sup> day of February, 2023

**DEPONENT**

Solemnly Affirmed/Declared  
Sworn Before me by Kishor Lakhani  
H. J. ZALA  
NOTARY (Govt. of India)



**ANNEXURE A**

**Details of tenders undertaken by GUVNL for procurement of power from wind and solar projects depicting efforts made by GUVNL**

Sr. No.	Tender Advertised			e-RA date	Tied-up Capacity (MW)	Details
	Particulars	Date of Tender	Tender Capacity			
1	Solar (Phase I)	15.06.2017	500 MW	19.09.2017	500	PPAs signed for 500 MW at Rs. 2.65 - 2.67 per unit
2	Wind (Phase I)	15.06.2017	500 MW	20.12.2017	500	PPAs signed for 500 MW at Rs. 2.43 - 2.45 per unit; 470 Commissioned; 30 MW Terminated
3	Solar (Phase II)	08.02.2018	500 + 500 G.S.	28.03.2018	-	Tariffs in the range of Rs. 2.98 - 3.06 per unit; Scrapped & retendered in wake of high tariffs
4	Wind (Phase II)	23.02.2018	500 + 500 G.S.			Scrapped and re-tendered after incorporating modifications
5	Solar (Phase II-R)	28.06.2018	500 MW	17.09.2018	500	PPAs signed for 500 MW at Rs. 2.44 per unit
6	Solar (Phase III) Raghunesda	28.09.2018	700 MW	21.12.2018	-	Tariffs in the range of Rs. 2.84 - 2.89 per unit; Scrapped & retendered
7	Solar (Phase IV)	29.12.2018	500 MW	14.02.2019	500	PPAs signed for 500 MW at Rs. 2.55 - 2.68 per unit
8	Solar (Phase III-R) Raghunesda	06.03.2019	700 MW	13.05.2019	500	PPAs signed for 500 MW at Rs. 2.65 - 2.70 per unit; retendered for 200 MW
9	Solar (Phase V) Dholera	16.01.2019	1000 MW	13.05.2019	250	PPAs signed for 250 MW at Rs. 2.75 per unit; retendered for 750 MW
10	Wind (Phase II-R)	01.03.2019	1000 MW	13.05.2019	202.6	PPAs signed for 202.6 MW (190.6 MW at Rs. 2.80 per unit; and 12 MW CPSU at Rs. 2.43 per unit)
11	Solar (Phase VI) Raghunesda	24.06.2019	200 MW	16.08.2019	100	PPA signed for 100 MW at Rs. 2.65 per unit
12	Solar (Phase VII) Dholera	24.06.2019	750 MW	16.08.2019	50	PPAs signed for 50 MW at Rs. 2.75 per unit
13	Solar (Phase VIII)	07.02.2020	500 MW	18.03.2020	350	PPAs signed for 350 MW at Rs. 2.61 - 2.64 per unit
14	Solar (Phase IX) Dholera	18.03.2020	700 MW	13.08.2020	-	Tariffs in the range of Rs. 2.78 - 2.81 per unit; Retendered in wake of high tariffs (compared to Rs. 1.99)
15	Solar (Phase X) Raghunesda	15.07.2020	100 MW	24.08.2020	-	Single Bid received; Scrapped & retendered (higher tariff compared to Rs. 1.99)
16	Solar (Phase XI)	28.09.2020	500 MW	19.12.2020	500	PPAs signed at Rs. 1.99 per unit
17	Solar (Phase XII)	23.01.2021	500 MW	22.03.2021	500	PPAs signed at Rs. 2.20 - 2.21 per unit
18	Solar (Phase X-R) Raghunesda	15.03.2021	100 MW	07.05.2021	100	LOA issued at Rs. 2.64 per unit
19	Solar (Phase IX-R) Dholera	15.03.2021	700 MW			Challenged before APTEL by some of the Solar Project Developers; Status-Quo Order by APTEL
20	Solar (Phase XIII)	03.01.2022	500 MW	16.03.2022	500	PPAs signed at Rs. 2.29 per unit
21	Solar (Phase XIV)	16.04.2022	1000 MW	10.06.2022	1000	PPAs signed at Rs. 2.30-2.31 per unit
22	Wind (Phase III)	09.05.2022	1000 MW	15.07.2022	1000	LOI (440 MW) / PPAs (560 MW) at Rs. 2.84 - 2.90 per unit
23	RE with ESS (Phase XV)	14.06.2022	500 MW			Bid-submission deadline - 01.03.2023
24	Solar (Phase XVI)	12.07.2022	1500 MW	19.09.2022	520	PPAs signed at Rs. 2.49 per unit
25	BESS (Phase I)	10.08.2022	500 MW / 1000 MWh			Bid-submission deadline - 01.03.2023
26	Solar (Phase XVII) - Khavda Stage-I	29.09.2022	1200 MW			Bid-submission deadline - 01.03.2023
27	Wind (Phase IV)	18.10.2022	600 MW	30.01.2023		LOA issuance under consideration
28	Solar (Phase XVIII)	21.10.2022	1000 MW	31.01.2023		LOA issuance under consideration
29	Solar (Phase XIX)	04.02.2023	1000 MW			Bid-submission deadline - 13.03.2023
				Total	7572.6	

*Objt*

*2023*

**BEFORE THE HONORABLE GUJARAT ELECTRICITY REGULATORY COMMISSION  
AT GANDHINAGAR**

Case No. Petition No. 2196/2023.

Filing No.

IN THE MATTER OF Petition under GERC (Procurement of Energy-from Renewable Sources) Regulations, 2010 and amendments thereto for revision in Renewable Power Purchase Obligation (RPO) in case of four subsidiary Distribution Companies of GUVNL for FY 2021-22.

**PETITIONER** Gujarat Urja Vikas Nigam Limited  
Sardar Patel Vidyut Bhavan  
Race Course  
Vadodara – 390007.

AND

**CO-PETITIONER** 1. Madhya Gujarat Vij Company Ltd (MGVCL) Vadodara  
2. Uttar Gujarat Vij Company Ltd (UGVCL) Mehsana  
3. Paschim Gujarat Vij Company Ltd (PGVCL) Rajkot  
4. Dakshin Gujarat Vij Company Ltd (DGVCL) Surat

Submission in Compliance of Hon'ble Commission's directives vide Oral Order

Dated 26.06.2023:

- 1) In pursuance with Hon'ble Commission's directives vide Oral Order dated 26.06.2023, the Petitioner has issued Public Notices in two daily Gujarati Newspapers and one English Newspaper having wide circulation in the State stating that GUVNL has filed Petition No. 2196/2023 before GERC for revision in Renewable Power Purchase Obligation (RPO) in case of four subsidiary Distribution Companies of GUVNL for FY 2021-22 and that stakeholders are required to file their comments / suggestions in-the Petition to the Secretary of the Commission in five copies along with affidavit in support of their submissions within 30 days from the date of issuance of the Public Notice.
- 2) A copy of Public Notice(s) published in two daily Gujarati Newspapers viz. Divya Bhaskar and Sandesh, one English Newspaper viz. Indian Express on 02.07.2023 is annexed herewith as Annexure A.
- 3) Further, the Petitioner has also uploaded the present Petition in the-Notice Section of its website [www.guvnl.com](http://www.guvnl.com) to enable the interested Stakeholders to download it and file their comments / suggestions to the Petition, if any.

*Present*

GUJARAT URJA VIKAS NIGAM LIMITED  
PETITIONER

DATE: 07.07.2023

PLACE: VADODARA

*RECEIVED - 31 JULY 2023*

*PLX*

Date : 10 JUL 2023



23



BEFORE THE HONORABLE GUJARAT ELECTRICITY REGULATORY COMMISSION

AT GANDHINAGAR

PETITION No. 2196/2023



IN THE MATTER OF

Petition under GERC (Procurement of Energy-from Renewable Sources) Regulations, 2010 and amendments thereto for revision in Renewable Power Purchase Obligation (RPO) in case of four subsidiary Distribution Companies of GUVNL for FY 2021-22.

AFFIDAVIT

Regd. No.: 15208  
Date : 07/07/2023

I, Rahul S. Pareek, aged about 31 years, resident of Vadodara, do hereby solemnly affirm and state as under:

1. I say that I am Deputy Engineer in GUVNL and am competent to swear the present affidavit.
2. I say that I have read the contents of the above compliances and I have understood the contents of the same.
3. I say that the above contents of compliance are based on the available with the Company of Respondent in the normal course of business and believed by me to be true.

*Rahul S. Pareek*  
DEPONENT

VERIFICATION

I, the deponent above-named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Vadodara on this DATE 07.07.2023.

*Rahul S. Pareek*  
DEPONENT



Solemnly Affirmed/Declared  
Sworn Before me by ..... R.S. Pareek  
*H. J. Zala*  
M. J. ZALA  
NOTARY (Govt. of India)







