

generation of 114 MUs and helped in RPO Compliance of GUVNL / DISCOMs.

- GUVNL was constrained to terminate a 30 MW Wind Project executed through Competitive Bidding (Phase-I) on account of default on part of the Wind Developer viz. M/s Evergreen Mahuva Windfarms Pvt Ltd, which could have otherwise added generation of 65 MUs (@ normative CUF of 24.5%).
- M/s Anisha Power Projects Pvt. Ltd's 40 MW Wind Project got (Competitive Bidding (Phase-II) delayed inordinately (even beyond Revised SCOD of 05.10.2021) and resultantly GUVNL was constrained to issue a Default Notice to them. The aforesaid Project could have otherwise added generation of 68 MUs (@ normative CUF of 40% as contracted under the PPA) from their Revised SCOD.
- There were also instances of delayed commissioning (even after giving 5 to 7.5 months' extension on account of Force Majeure of COVID). Had the same been commissioned as per their revised SCODs i.e. not been delayed by the Generators, GUVNL could have availed generation benefit from the same.
- It is to submit that GUVNL could have at least availed generation benefit aggregating to 382.64 MUs (considering normative generation @ 65% PLF from the Waste to Energy Projects tied-up by GUVNL which were scheduled to be commissioned before FY 2021-22. Against this, only 1 WTE Project has been commissioned so far and generated meagerly 1.13 MUs in FY 2021-22. Thus, GUVNL was deprived of aggregate generation of approx. 380 MUs which could have otherwise contributed in the RPO Compliance of GUVNL / DISCOMs.
- M/s Vena Energy Shivalik Wind Power Pvt Ltd's 17.6 MW capacity (out of the total 96.8 MW project capacity) was commissioned late depriving GUVNL from the benefit of higher generation during the windy season. Similarly, M/s Avaada Sunrise Energy Pvt Ltd's 225 MW capacity (out of the total 300 MW project capacity) was delayed on account of the Generator. Considering



the generation @ contracted CUF as committed by them in the PPA, it can be perceived that there was generation loss of around 75 MUs solely on account of their delay.

→ The 500 MW Solar Projects set up at Raghnesda Solar Park and 300 MW Dholera Solar Park were scheduled to be commissioned in April-2021 and Sept/Dec-2021 respectively. These Solar Projects were ready for charging of Plant & associated equipments but could not get commissioned on account of Force Majeure conditions of non-availability of evacuation infrastructure until August-2021 and March-2022 respectively. Had the same been commissioned on time, GUVNL could have availed generation benefit of around 830 MUs from the same.

c) Apart from above, it is to humbly submit that the State DISCOMs - MGVCL, UGVCL, PGVCL & DGVCL had executed PPAs aggregating to 2497 MW capacity under the Govt. of Gujarat's "Policy for Development of Small Scale Distributed Solar Projects 2019", out of which SCODs for 320 MW capacity was within FY 2021-22. Against this, around only 45 MW capacity got commissioned during FY 2021-22. Had these Projects been commissioned on time, the DISCOMs could have availed generation benefit of around 45 MUs from the same. Besides, subsequently, various Solar Project Developers aggregating had exercised the "Exit Option" and presently the State DISCOMs are having PPAs of only 359 MW capacity.

d) To sum up, it can be deduced that GUVNL has remained deprived from the generation benefit equivalent to more than 2000 MUs from the abovementioned Projects on account of inadequate capacity addition / supply constraints in availability of RE sources and delayed commissioning. The above generation could have otherwise helped mitigate RPO Compliance of GUVNL / DISCOMs.

B. Force Majeure on account of unforeseen outbreak of COVID pandemic

a) It is to highlight that MNRE vide its Office Memorandum had decided that a blanket extension of 5 months' time may be granted to all the RE Projects under implementation, on account of Force Majeure due



to disruption in supply-chains and nationwide lockdown because of outbreak of COVID-19 pandemic. MNRE vide its subsequent Office Memorandum had decided that a blanket extension of 2.5 months' time may be granted to all the RE Projects on account of resurgence of COVID pandemic.

- b) In light of the same, GUVNL had granted a time-extension to several RE Projects under implementation viz. 15 no. of Solar Power Projects aggregating to 1900 MW capacity, 2 no. of Wind Projects aggregating to 140 MW capacity and 5 no. of MSW based Projects aggregating to 67.2 MW Projects.
- c) Resultantly, substantial capacity has been deferred. It is to highlight that the abovementioned Projects could have entailed generation benefit of approx. 666 MUs (considering their contracted CUF% or normative CUF% as the case may be) during FY 2021-22, which GUVNL was deprived of, in wake of the time-extension relief granted to abovementioned Projects on account of Force Majeure event of COVID pandemic.
- d) Thus from the above, it is evident that there was significant non-availability of RE sources on account of Force Majeure event of unforeseen outbreak of COVID pandemic and incidental time-extension granted to RE Developers.

C. Actual RE generation below normative generation

- a) It is to submit that the 3 Biomass Projects (aggregating to 30 MW capacity) have completely stopped generation since Aug-2020, in wake of dispute with regard to non-operation of Projects as per Grid Code. It is to further submit that generation from these Projects during FY 2021-22 was 'nil' against the normative PLF of 80% which could have entailed generation of 210.24 MUs.
- b) It is to mention that M/s Vena Energy Shivalik Pvt Ltd had generated 20 MUs lower as compared to their minimum contracted CUF during FY 2021-22.
- c) Similarly, M/s Paryapt Solar Energy Pvt Ltd, M/s GSECL, M/s Juniper Green Three Pvt Ltd & M/s Tata Power Renewable Energy Ltd had



also generated lower as compared to their contracted CUF and resultantly there was shortfall to the tune of around 72 MUs during FY 2021-22.

- d) It is to further submit that the overall wind generation during FY 2021-22 was reasonably low, impacting the overall / yearly RPO Compliance. It is to point out that, the average CUF% attained during FY 2021-22 by the Wind Projects was 20.73%.

It is to highlight that there is substantial difference between the actual CUF% and normative CUF% of 24.5% (as recognized by Hon'ble Commission in their Tariff Order), which has led to an overall deficit of wind generation of 1412 MUs during the year FY 2021-22.

- e) From the above, it is clearly evident that there was substantial shortfall of more than 1700 MUs on account of under-operationalization of RE Projects.

D. Increase in energy consumption by DISCOMs and energy requirement compared to the previous year

- a) There has been steep rise in energy consumption by DISCOMs during FY 2021-22 as compared to previous year, even inspite of Force Majeure on account of outbreak of COVID pandemic.
- b) The details of energy sales and energy requirement during FY 2020-21 (Approved Trued-up) and FY 2021-22 (as per Truing-up Petitions filed by DISCOMs) are tabulated below:-

Particulars	FY 2020-21 (As per GERC's Order dated 31.03.2022)	FY 2021-22 (As per DISCOMs' Petition for True-Up)
Energy Sales	78260	92993
Energy Requirement	93161	108289

- c) Resultantly, the requirement of RE purchase (MUs) to meet the RPO Compliance by GUVNL / DISCOMs during FY 2021-22 was significantly higher making it difficult to achieve. Hon'ble Commission is humbly requested to give due consideration to the incremental consumption



which is beyond control of the Petitioner, towards shortfall in RPO compliance.

E. Efforts made by GUVNL towards RPO Compliance

- a) GUVNL has been proactively promoting RE Sources since inception of the first Solar Power Policy notified by Govt. of Gujarat in 2009 when the concept of solar energy and solar technology was at nascent stage of development in India as a whole and was not considered to be a proven technology for power generation in comparison to other RE sources like Wind, Small Hydel, Biomass, etc. Since then, GUVNL has been making all-out efforts towards using non-conventional energy sources for surmounting the issues of carbon emissions and its related impacts on climatic change.
- b) Pursuant to the GoG Solar Power Policy 2009, GUVNL had tied up 886 MW capacity (out of which 861 MW capacity has been available since FY 2011-12, while commissioning schedule of 25 MW capacity of M/s Cargo has been delayed inordinately).
- c) Taking into consideration the increasing trend of Solar RPO during ensuing years, GUVNL tied up 250 MW capacity in 2017 under SECI's Competitive Bidding under Phase -II, Batch- IV of Jawaharlal Nehru National Solar Mission (JNNSM) of Government of India.
- d) Thereafter, since FY 2017-18, GUVNL has been persistently undertaking tendering processes and aggressively tying up RE Power to meet the increasing RPO targets. GUVNL tied up 7572 MW RE power - comprising of 700 MW Wind power and 5870 MW Solar Power through Competitive Bidding.
- e) Further, DISCOMs have recently tied-up about 359 MW capacity under the GoG's Policy for development of Small Scale Distributed Solar Projects, generation benefit of which would be available in phased manner during FY 2022-23.



- f) Moreover, GUVNL envisages procurement of solar power from GSECL under GoG's policy for allocation of revenue wasteland on token rate in the vicinity of existing GETCO sub-stations.
- g) GUVNL through Govt. of Gujarat has requested Govt. of India for allocation of power from upcoming Hydro Projects of M/s NHPC Ltd to the tune of 1838 MW capacity.
- h) Govt. of Gujarat has given in-principle approval to Govt. of India for procurement of power from Offshore Wind Projects of 2000 MW capacity.
- i) Furthermore, GUVNL envisages buying power from Solar / Wind / Hybrid Projects to be developed at the Khavda RE Park.
- j) The present RE Capacity tied up by GUVNL is as under:-

Source	Capacity (MW) tied up as on 31.12.2022
Wind# (incl. REC PPAs)	5315.3
Solar*	7002.2
Biomass	30
Bagasse	10
Small Hydel	20.6
Municipal Solid Waste	67.2
Total	12445.3



Includes 440 MW capacity for which LOI has been issued; PPA yet to be signed

*Additionally, 1537 MW solar capacity (off-grid pumps, off-grid solar-lights, rooftop - SURYA Scheme, SKY Scheme, etc.);

* Additionally, 359 MW tied-up by DISCOMs under SSDSP Policy (184 commissioned)

- k) It is to highlight that during the current year, GUVNL has undertaken below mentioned RE tenders / tie-up initiatives to meet the increasing RPO requirement.

Sr.	Tenders Concluded - RE Tied-up Capacity	Capacity
1	Solar PPAs @ Rs. 2.29 / unit	500 MW
2	Solar PPAs @ Rs. 2.30 - 2.31 / unit	1000 MW
3	Offshore Wind - In-principle Approval @ Rs. 4 / unit	2000 MW
4	Hydro - In-principle Approval	1838 MW
5	Wind @ Rs. 2.84 - 2.90 / unit (560 MW PPA; 440 MW LOI)	1000 MW
6	Solar PPAs @ Rs. 2.49 / unit	520 MW
		6858 MW

Sr.	On-going Tenders	Capacity
1	Wind Tender (300 + 300 Green-shoe)	600 MW
2	RE + Storage (500)	500 MW
3	Standalone Battery Energy Storage	500 MW / 1000 MWh
4	Solar Tender (500 + 500 Green-shoe)	1000 MW
5	Khavda Solar (GSECL Phase I) (600 + 600 Green-shoe)	1200 MW
		3800 MW

1) From all the above, it is evident that GUVNL / DISCOMs have been adding significant RE Capacity. Hon'ble Commission is therefore humbly requested to recognize that GUVNL / DISCOMs have been making all possible efforts exercising commercial prudence towards promotion of renewable energy and compliance of RPO Obligation of GUVNL / DISCOMs.

2.9 As enumerated hereinabove, it is to humbly submit that the cumulative effect of the following factors have severely affected the RPO Compliance of GUVNL / DISCOMs.

- Supply constraints due to delay in project commissioning on account of Force Majeure (COVID Pandemic)
- Constraints in RE availability / Inadequate capacity addition on account of factors attributable to RE Generators
- Under-Operationalization of RE Plants / Actual RE generation below normative generation
- Steep increase in energy consumption of State DISCOMs

It is to humbly submit that the above factors were beyond the control of GUVNL / Distribution Companies and there has been no willful default or failure on the part of GUVNL / Distribution Companies for shortfall in compliance of RPO for FY 2021-22.

2.10 It is also to humbly submit that the Regulation 4.2 of RPO Regulations empower Hon'ble Commission for revising the RPO targets in case of supply constraints or factors beyond control of the concerned distribution licensee. Under the RPO Regulations, Hon'ble Commission has the inherent power to give relaxation as may be deemed necessary in the scenario of non-availability of RE Sources and/or RECs or non-compliance.



of RPO due to genuine difficulty and factors not attributable to the distribution licensee.

2.11 It is also to humbly submit that Hon'ble APTEL has made explicitly clear that State Commission can revise the RPO before or during a year or after passing of year under Regulation 4.2 of RPO Regulations ensuring that such revision does not defeat the object of the EA 2003 and the Regulations. 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:-

"49. The State Commission may also revise the targets after the completion of financial year under Regulation 4.2 due to supply constraints or factors beyond the control of the licensee which may be due to reasons such as:

- i) Actual renewable energy generation is below normative generation from tied up renewable energy sources due to reasons beyond the control of the distribution licensee.*
- ii) Force majeure such as natural calamity resulting in supply constraints.*
- iii) Inadequate capacity addition in the State and RECs could not be purchased due to non-availability of REC despite efforts made by the distribution licensee. In a resource rich State where the State Commission had set up RPO targets keeping in view the anticipated capacity addition in the State, the State Commission may also revise the targets due to inadequate renewable capacity addition in the State.*
- iv) Minimum energy purchase obligation for renewable sources of energy was fixed on estimated energy consumption of the licensee in the ARR based on estimated growth but the actual consumption has been much lower due to slow growth or negative growth or due to forced majeure. Thus, percentage RPO on actual energy consumption was met but minimum energy purchase target fixed in the ARR based on anticipated energy consumption could not be met.*

