

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY

(Appellate Jurisdiction)

APPEAL NO. 68 OF 2017,

APPEAL NO. 69 OF 2017

&

APPEAL NO. 78 OF 2017

Dated: 29.01.2025

**Present: Hon'ble Mr. Sandesh Kumar Sharma, Technical Member
Hon'ble Mr. Virender Bhat, Judicial Member**

APPEAL NO. 68 OF 2017

IN THE MATTER OF:

Indian Wind Power Association.

A-509 -511, Atma House,

Opp. La-Gajjar Chamber,

Ashram Road, Ahmedabad. 380 009

... APPELLANT

Versus

1. Gujarat Electricity Regulatory Commission
6th Floor, GIFT ONE,
Road 5C, Zone 5, GIFT City,
Gandhinagar - 382355,
Gujarat, India
2. Torrent Power Limited.
Torrent House, Off. Ashram Road,
Ahmedabad. 380 009.

3. Kandla Port Trust
Business Development Cell
P.O. Box No. 50, Administrative Cell
Gandhidham , Kutch – 370201
(Through its Managing Director)
4. MPSEZ Utilities Pvt. Ltd.
Adani House, Near Mithakali Circle,
Navrangpura, Ahmedabad- 380009
(Through its Managing Director)
5. Jubilant Infrastructure Pvt. Ltd.
Plot No. 5, Vilayat GIDC,
Vagra, Bharuch – 390012
(Through its Managing Director)
6. Aspen Infrastructure Ltd.
Survey No. 26, Village Pipaliya,
Taluka Waghodia, Dist. Vadodara
Pin No. 391760
(Through its Managing Director)
7. GIFT Power Company Ltd.
GIFT PCL, Zonal Facility Centre,
Block 12, Road 1-D, Zone-1,
Gift City, Gandhinagar,
Gujarat- 382355
(Through its Managing Director)
8. Gujarat Energy Development Agency.
4th Floor, Block No. 11 & 12,
Udyogbhavan, Sector 11,
Gandhinagar 382 017.

... RESPONDENTS

Counsel for the Appellant(s) : Mr. Vishal Gupta
Mr. Kumar Mihir
Mr. Sumeet Sharma

Counsel for the Respondent(s) : Mr. Suparna Srivastava for R-1

Mr. Anand K. Ganesan
Ms. Swapna Seshadri for R-2

APPEAL NO. 69 OF 2017

IN THE MATTER OF:

Indian Wind Power Association.

A-509 -511, Atma House,
Opp. La-Gajjar Chamber,
Ashram Road, Ahmedabad. 380 009

... APPELLANT

Versus

1. Gujarat Electricity Regulatory Commission
6th Floor, GIFT ONE,
Road 5C, Zone 5, GIFT City,
Gandhinagar - 382355,
Gujarat, India.
2. Gujarat UrjaVikas Nigam Ltd (GUNVL)
Sardar Patel Vidyut Bhavan,
Race Course, Vadodara 390 007.
3. Madhya Gujarat Vij Company Limited (MGVCL)
Sardar Patel Vidyut Bhavan,
Race Course Circle, Vadodara 390 007
4. Dakshin Gujarat Vij Company Limited (DGVCL)
Kapodara Char Rasta,
Surat 395 006
5. Uttar Gujarat Vij Company Limited (UGVCL)
Corporate Office, Mehsana-Visnagar Highway,
Mehsana 384 001.

6. Paschim Gujarat Vij Company Limited (PGVCL)
Nanamava Road,
Laxminagar,
Rajkot 360004

... RESPONDENTS

Counsel for the Appellant(s) : Mr. Vishal Gupta
Mr. Kumar Mihir
Mr. Sumeet Sharma

Counsel for the Respondent(s) : Mr. Suparna Srivastava for R-1

Mr. Anand K. Ganesan
Ms. Swapna Seshadri
Mr. Harsha Manav
Ms. Srishti Khindaria for R-2

APPEAL NO. 78 OF 2017

IN THE MATTER OF:

Indian Wind Energy Association.
2nd Floor, All India Federation of the Deaf (AIFD), Building,,
12-13, Special Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi 110067

... APPELLANT

Versus

1. Gujarat Electricity Regulatory Commission
6th Floor, GIFT ONE,
Road 5C, Zone 5, GIFT City,
Gandhinagar - 382355,
Gujarat, India.

2. Gujarat Urja Vikas Nigam Ltd (GUNVL)
Sardar Patel Vidyut Bhavan,
Race Course, Vadodara 390 007.

3. Madhya Gujarat Vij Company Limited (MGVCL)
Sardar Patel Vidyut Bhavan,
Race Course Circle, Vadodara 390 007.

4. Dakshin Gujarat Vij Company Limited (DGVCL)
Kapodara Char Rasta,
Surat 395 006.

5. Uttar Gujarat Vij Company Limited (UGVCL)
Corporate Office, Mehsana-Visnagar Highway,
Mehsana 384 001.

6. Paschim Gujarat Vij Company Limited (PGVCL)
Nanamava Road, Laxminagar,
Rajkot 360004..

... RESPONDENTS

Counsel for the Appellant(s) : Mr. Vishal Gupta
Mr. Kumar Mihir

Counsel for the Respondent(s) : Mr. Suparna Srivastava for R-1

Mr. Anand K. Ganesan
Ms. Swapna Seshadri
Ms. Ranjitha Ramachandran
Ms. Kriti Soni
Ms. Srishti Khindaria for R-2

ORDER

PER HON'BLE MR. SANDESH KUMAR SHARMA, TECHNICAL MEMBER

1. These appeals have been filed by M/s. Indian Wind Power Association challenging the Gujarat Electricity Regulatory Commission passed Order dated

31.12.2016 in Petition No. 1542/2015, Order dated 31.12.2016 in Petition No. 1518/2015.

2. The Appellant is aggrieved by the aforesaid Impugned Orders dated 31.12.2016 passed by the State Commission revising the RPO of FY 2014-15 being contrary to the entire scheme, import, and purport of the Electricity Act of 2003, policies framed there under and the Regulations framed by the Central Commission and the State Commission.

3. After hearing the Appellant and the Respondents, we found it appropriate to direct the respondents to file the compliance report before deciding the matter.

4. The compliance report filed by the Respondents through an affidavit was examined, the relevant extract of the report is as under:

*“2. I say that GUVNL has filed a detailed reply on 25.09.2019 in the present Appeal filed by Indian Wind Power Association (**hereinafter referred to as “Appellant”**). The present Affidavit is being filed pursuant to the directions dated 04.10.2024 passed by this Hon’ble Tribunal and is in addition to the said reply filed and without prejudice to any of the contentions and averments raised by GUVNL in the reply filed.*

3. I say and submit that the captioned matter was last listed on 04.10.2024, wherein this Hon’ble Tribunal, during the course of the

hearing directed GUVNL to file the compliance details of RPO for the State of Gujarat stating as under:

“ORDER

Learned Counsel for GUVNL undertakes to file an Affidavit as directed by this court within three weeks for the State of Gujarat.

*Post the batch of appeals for further hearing on **07.11.2024**”*

4. *I say that pursuant to the aforesaid directions, GUVNL is filing the RPO compliance details from the Year 2015-16 till FY 24-25(Q-1) and details of the same are attached and marked as **Annexure A1**.*
 5. *I say that in view of the table in Annexure A1, it is submitted that for FY 2015-16 to FY 2024-25 (Q1), GUVNL has made sincere efforts to comply with the RPO targets on an annual basis in the State of Gujarat considering the situation prevalent for availability of energy from renewable sources. In fact, for FY 2022-23 and FY 24-25(Q-1)(Provisional), GUVNL has duly achieved RPO compliance, and no relaxation has been sought for the said period.”*
5. The details as provided vide the affidavit are reproduced as below:

“

Annexure A

Year	RPO Target Including Solar/Non-Solar	RPO achieved with Solar/Non-Solar	Extent of Relaxation Sought	Whether Relaxation or Carry Forward was granted. If, so reference of the GERC order.
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2015-16	9% (7170.57) MUs	7.01% (5587) MUs	Yes	Petition No. 1604 of 2016, Order Dated 26.12.2019 Revised RPO Target 7.01%
2016-17	10% (9134.59) MUs	7.86% (7192.43) MUs	Yes	Petition No.1688 of 2017, Order Dated 06.05.2020 Revised RPO Target 7.85%
2017-18	10% (8467.9) MUs	9.72% (8491) MUs	Yes	Suo Motu Petition No. 1872/2020, Order Dated 09.10.2020 Revised RPO Target 9.54%
2018-19	12.70% (12448.66) MUs	10.82% (10607.18) MUs	Yes	Petition No. 1808 of 2019, Order Dated 21.04.2022 Revised RPO Target 10.7%
2019-20	14.30% (13045.41) MUs	12.98% (11841.67) MUs	Yes	Petition No. 1922 of 2021, Order Dated 09.05.2022 Revised RPO Target 11.81%
2020-21	15.65% (14391) MUs	12.73% (11704) MUs	Yes	Petition No. 2042 of 2022. Order Awaited.
2021-22	17.00% (18225)MUs	15.06% (16145)MUs	Yes	Petition No 2196/2023. Order Awaited
2022-23	17.00% (20127)MUs	17.29% (20474)MUs	---	Petition no.2381 of 2024 filed at GERC on 22.07.2024. 1st Hearing /Order Awaited.
2023-24	18.70% (23205) MUs	18.07% (22418) MUs	--	Truing up for FY 2023-24 is under finalization. RPO data are provisional as submitted to GERC
2024-25 (Q1)	20.70% (7265) MUs	20.82% (7309)MUs	--	RPO data for Q1 are provisional as submitted to GERC. Data for Q2 are under compilation.

6. The compliance report was accepted by the Appellant.

7. In the light of achievement of RPO targets in the years 2022-23 to 2024-25 (Quarter 1), the appeal stands disposed of as agreed by the Appellant.

8. We make it clear that we have not passed any observation on the submission made. However, in the light of the provisions of the Electricity Act, 2003 and the relevant regulations of the State Commission, the Respondents shall comply with the RPO obligations. Therefore, for future orders, they should adhere to the regulations as notified from time to time.

9. The captioned appeals and IAs, if any, are disposed of in the above terms.

PRONOUNCED IN THE OPEN COURT ON THIS 29th DAY OF JANUARY, 2025.

(Virender Bhat)
Judicial Member

(Sandesh Kumar Sharma)
Technical Member

REPORTABLE / ~~NON-REPORTABLE~~

pr/mkj

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**APPEAL No. 268 OF 2017
&
Appeal No. 242 of 2017**

Dated: 29.01.2025

**Present: Hon'ble Sandesh Kumar Sharma, Technical Member
Hon'ble Mr. Virender Bhat, Judicial Member**

IN THE MATTER OF:

Indian Wind Power Association (IWPA)
Through its President, 513-514, 5th Floor,
World Trade Centre, Barakhamba Lane,
New Delhi - 110001

...Appellant

Versus

1. Punjab State Electricity Regulatory Commission
Through Its Secretary
SCO No. 220-221, Sector 34-A,
Chandigarh – 160022.
2. Punjab State Power Corporation Limited (PSPCL)
Through Its Chairman–Cum-Managing Director,
PSEB Head Office,
The Mall, Patiala – 147001.
3. Punjab Energy Development Agency
Through Its Director
Solar Passive Complex,
Plot No. 1 & 2, Sector- 33D,
Chandigarh – 160020.

...Respondents

Counsel for the Appellant(s) : Mr. Vishal Gupta
Mr. Kumar Mihir

Counsel for the Respondent(s) : Mr. Sakesh Kumar for R-1

Mr. Anand K. Ganesan
Ms. Swapna Seshadri
Ms. Neha Garg for R-2

Mr. Aditya Grover
Mr. Arjun Grover for R-3

ORDER

PER HON'BLE MR. SANDESH KUMAR SHARMA, TECHNICAL MEMBER

1. The Appellant, Indian Wind Power Association, has filed the captioned appeals, Appeal No. 268 of 2017 and Appeal No. 242 of 2017, challenging the orders dated 21.03.2017 and 22.05.2017 passed by the Punjab State Electricity Regulatory Commission (in short, the "State Commission") in Petition No. 61/2016 and Petition No. 60 of 2015, respectively.

2. The Appellant is aggrieved by the decision of the State Commission whereby the State Commission erroneously allowed carry-forward of the shortfall in RPO Compliance of Respondent No.2 of FY 2015-16 to FY 2016-17 rendering the REC mechanism completely otiose, and its refusal to pass any directions in respect to

RPO Compliance by the Distribution Licensees in view of shortfall for FY 2015-16 being carried forward to FY 2016-17 despite availability of RECs.

3. After hearing the contesting Parties herein, we found it appropriate to direct the 2nd Respondent to submit their compliance report in respect of RPO. The affidavit has since been filed by the 2nd Respondent, furnishing the information as sought for, the relevant extract of the Affidavit is quoted as under:

*"3. I say that the present appeal has been filed by Indian Wind Power Association – IWPA against order dated 22.05.2017 passed by Punjab State Electricity Regulatory Commission ("**State Commission**") in Petition No. 60 of 2015. By way of the impugned Order, the State Commission carried forward the shortfall in RPO for FY 2015-16 to FY 2016-17. Since the present appeal concerns the RPO for only FY 2015-16, it is infructuous as explained hereinbelow.*

4. I say that the State Commission had not exempted PSPCL from complying with the RPO compliance for FY 2015-16, but had merely permitted PSPCL to carry forward the shortfall in RPO compliance to the subsequent years.

5. I say that the deficiency in RPO compliance which was allowed to be carried forward was not complied by PSPCL. Therefore, the State Commission vide order dated 21.12.2018 in Petition No. 34 of 2018

imposed a penalty of Rs. 1,00,000/- on PSPCL and directed to comply with the RPO for FY 2018-19 along with shortfall of previous years (@Pg. No. 76 of PSPCL' written submissions dated 21.08.2024).

6. I say that since there was still a deficit in complying with the carry forwarded RPO, the State Commission vide tariff order dated 27.05.2019 for FY 2019-20 imposed an additional penalty of Rs. 10,00,000/-. (@Pg. No. 83 of PSPCL' written submissions dated 21.08.2024).

7. I say that PSPCL has deposited the total amount of Rs. 11,00,000/- with the State Commission in terms of the penalty imposed. I say that PSPCL has also purchased RECs to comply with its RPO obligations. Resultantly, PSPCL has fully complied with its RPO obligation for FY 2015-16.

8. I say that compliance of RPO by PSPCL have been pointed out in detail in the written submissions filed on 21.08.2024. I also say that I have read the contents of the written submissions as filed on 21.08.2024 and that the same are true to the best of my knowledge and no part of it is false."

4. The above affidavit was discussed during the final hearing and the Appellant accepted the said submission made by the 2nd Respondent.

5. It is seen from the affidavit, that Respondent No. 2 has complied with the RPO targets for 2015-16 by purchasing the RECs later, however, paid the penalty also for the delay in the purchase.
6. Accordingly, the Appeal stands disposed of in terms of the compliance report filed by the 2nd Respondent.
7. We make it clear that we have not passed any observation on the submission made. However, in the light of the provisions of the Electricity Act, 2003 and the relevant regulations of the State Commission, the 2nd Respondent is duty bound to comply with the RPO obligations. Therefore, for future orders, they should adhere to the regulations within the timelines specified.
8. The Appeal and IAs, if any, are disposed of in the above terms.

PRONOUNCED IN THE OPEN COURT ON THIS 29th DAY OF JANUARY, 2025.

(Virender Bhat)
Judicial Member

(Sandesh Kumar Sharma)
Technical Member

REPORTABLE / NON-REPORTABLE

pr/mkj

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

APPEAL No. 85 of 2018

Dated: 29.01.2025

**Present: Hon'ble Mr. Sandesh Kumar Sharma, Technical Member
Hon'ble Mr. Virender Bhat, Judicial Member**

IN THE MATTER OF:

Indian Wind Power Association (IWPA)
Through its Vice President
513-514, 5th Floor, World Trade Centre,
Barakhamba Road, New Delhi – 110001.

.....Appellant

Vs.

1. Rajasthan Electricity Regulatory Commission,
Vidhyut Viniyamak Bhawan, Shahakar Marg,
Near State Motor Garage, Jaipur,
Through its Secretary.
2. Jaipur Vidyut Vitran Nigam Ltd.
Through its Managing Director,
Vidyut Bhawan, Janpath,
Jaipur – 302 005.
3. Ajmer Vidyut Vitran Nigam Ltd.
Through its Managing Director
Vidyut Bhawan, Panchsheel Nagar,
Makarwali Road, Ajmer – 305004.
4. Jodhpur Vidyut Vitran Nigam Ltd.
Through its Managing Director,
Near Power House, Industrial Area,
Jodhpur – 342003.

5. Rajasthan Renewable Energy Corporation Ltd.
Through its Chairman,
E-166, Yudhisthir Marg,
C-Scheme, Jaipur – 302005. ...Respondent(s)

Counsel for the Appellant(s) : Mr. Vishal Gupta
Mr. Kumar Mihir

Counsel for the Respondent(s) : Mr. Raj Kumar Mehta for R-1

Ms. Ranjitha Ramachandran
Ms. Poorva Saigal
Ms. Anushree Bardhan
Mr. Shubham Arya
Mr. Arvind Kumar Dubey for R-2,3&4

ORDER

PER HON'BLE MR. SANDESH KUMAR SHARMA, TECHNICAL MEMBER

1. M/s. Indian Wind Power Association has filed the captioned appeal challenging the Order dated 14.11.2017 in Petition No. RERC- 867 /2016 passed by the Rajasthan Electricity Regulatory Commission whereby the State Commission has effectively waived the shortfall in the Renewable Purchase Obligation (RPO) of the distribution licensees of the State of Rajasthan *inter-alia* allowed the Distribution Licensees in the State to make up the shortfall in RPO in the Next five years.

2. During the hearing, the 2nd Respondent was directed to submit their compliance report in respect of the compliance of RPO. The relevant extract of the affidavit is reproduced as under:

**“ ADDITIONAL AFFIDAVIT ON BEHALF OF THE RAJASTHAN DISCOMS -
RESPONDENT NO. 2, 3 AND 4 IN COMPLIANCE OF ORDER DATED 04.09.2024
PASSED BY THIS HON’BLE TRIBUNAL**

I say that I Alok Kumar Pareek, Son of Late Sh. Shankar Lal Pareek aged 50 years, working as Executive Engineer (RA-I), in Rajasthan Urja Vikas and IT Services Limited, having its registered office at 132 KV GIS, Calgeri Road, Malviya Nagar, Jaipur, do hereby solemnly affirm and state as under:

1. I say that I am the Officer in Charge, of Respondent No. 2, 3 and 4 in the above matter and am duly authorized to make this affidavit.
2. I say that in terms of the Order dated 04.09.2024 passed by this Hon’ble Tribunal, the data in relation to the Renewable Purchase Obligations (**‘RPO’**) compliance is as under:-

YEAR	Total Energy(MU) excluding Hydel Energy from 2017-18	Total					
		Target		Achievement		Diff	Achievement Against target
		MU	%	MU	%	MU	%

2010-11 (From Jan-March)	13783.45	1171.59	8.50	393.43	2.85	778.16	33.58
2011-12	50076.74	3004.60	6.00	2583.67	5.16	420.93	85.99
2012-13	55311.48	3927.11	7.10	3487.67	6.31	439.45	88.81
2013-14	59092.86	4845.61	8.20	4259.74	7.21	585.88	87.91
2014-15	67423.22	6068.09	9.00	4524.82	6.71	1543.27	74.56
2015-16	69395.20	7078.31	10.20	5262.59	7.58	1815.72	74.34
2016-17	69221.16	7891.21	11.40	6227.59	9.00	1663.62	78.91
2017-18	67915.42	9677.95	14.25	7252.46	10.68	2425.49	74.93
2018-19	74422.91	9935.46	13.35	9217.92	12.39	717.54	92.77
2019-20	73497.98	11024.7	15	10928.71	14.87	95.99	99.13
2020-21	78762.46	13114	16.65	11021.76	13.99	2092.19	84.05
2021-22	84518.05	15618.9	18.48	13402.78	15.86	2216.16	85.81

3. I say that Rajasthan Electricity Regulatory Commission (the '**State Commission**') *vide* Order dated 14.11.2017 passed in Petition No. RERC/867/16 directed the Respondent No. 2, 3 and 4 ('**Rajasthan Discoms**') to make up the shortfall in the next five years by procuring renewable energy. The operative part of the Order dated 14.11.2017, *inter-alia*, read as under:

"15. Considering the submissions of Discoms that they have made every effort to comply with RPO and have signed several PPAS under which requisite quantity of electricity could have been obtained for compliance of RPO. Commission overall find that there is compliance of RPO. Accordingly. Commission hold that there is no case made out to initiate action or impose penalty under Section 142 of the Act on the Discoms.

*16. Commission has observed that even though adequate quantum of PPAS were signed by Discoms in the past, the generation in terms of energy was not to the expected level and consequently there is shortage in RPO in terms of energy. Therefore, Commission advise the Respondent Discoms to assess the energy requirement for compliance of RPO more realistically in advance and sign the PPA accordingly in future and comply with RPO Regulations without fail. So far as past shortfall is concerned, **Commission directs Discoms to make up the shortfall in the next five years by buying renewable energy which is now available in plenty through reverse bidding as being done now.**"*

[Emphasis Supplied]

4. I say that, in compliance to the Order dated 14.11.2017, the Rajasthan Discoms have under taken extensive efforts to meet the RPO shortfall. However, due to impact of global COVID-19 pandemic in FY 2020-21 and 2021-22, extensions in Scheduled Commercial Operation Date ('**SCOD**'s) by Ministry of New and Renewable Energy, supply chain shortages etc., some of the wind/solar projects got delayed leading to shortfall in the RPO. In this regard, the Rajasthan Discoms would crave leave to place on record the following salient aspects:

- i. The project wise capacity and SCOD scheduled by the Rajasthan Discoms vis-à-vis the actual delayed commissioning date of the wind projects is as under:-

Sr. No.	Name of the Generating Company (Capacity)	Date of entering into the PSA	SCOD	Actual Commissioning Date
1.	Adani Renewable Energy Holding Fifteen Limited (300)	PSA with SECI dated 26.08.2021	10.03.2023	Under cancellation.
2	Evergreen Power Mauritius Private Limited (150)			Jan-2025
3	JSW Future Energy Limited (150)			137.7 MW commissioned by 15-09-2024. 12.3 MW Out of 150 MW is expected to commission by 01-03-2025.
4	JSW Future Energy Limited (300)			15-09-2024

5	Ayana Renewable Power Six Private Limited(300)			20-02-2024
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- ii. The existing biomass power plants did not operate at 80% normative Plant Load Factor ('**PLF**'). Apart from the same, the three biomass projects with a cumulative capacity of 32.45 MW (227.40 MUs annually) have not been generating since 2018-19 on account of (no response has been received from generators in this respect.);
- iii. There was a delay in the setting up of 18 MW Waste to Energy plant by M/s. Jindal Urban Waste Management (Jaipur & Jodhpur) Ltd. since April 2019 due to the delay in signing of land lease agreement between power producer and respective Nagar Nigam. This capacity (126.144 MUs annually), which was originally scheduled to be commissioned in FY 2021, has now been postponed to July 2025; and
- iv. On 05.03.2019, the State Commission notified the "Rajasthan Electricity Regulatory Commission (Renewable Energy Certificate and Renewable Purchase Obligation Compliance Framework) (Third Amendment) Regulations, 2019 and capped the price of electricity component purchased under REC mechanism. Accordingly, the REC mechanism generators (total - 109 Nos solar and wind) approached the Hon'ble High Court of Rajasthan challenging the Third Amendment by way of Civil Writ Petition No 15139 of 2019 and Batch.. It was only on 31.05.2023 that the Hon'ble High Court issued an interim order permitting generators (who were so inclined) to withdraw their Petition and sign supplementary PPA with the Rajasthan Discoms for solar and wind energy. Pursuant thereto, the Rajasthan Discoms have signed Power Purchase

Agreements with 77 Solar generators and 16 Wind generators (against which 73 solar generators and 15 wind generators had furnished bills so far) but certain generators have not furnished their bills and the energy corresponding to these generators is approx. 23.87 MUs, which has yet to be accounted towards RPO compliance. In addition thereto, approx. 321.10 MW capacity of PPA are still under litigation before Hon'ble High Court and the energy generated from these generators has not been accounted from 01.04.2019 till date. A copy of the Interim order dated 31.05.2023 passed by the Hon'ble High Court is attached hereto and marked as **Annexure A**.

5. I say that had the events delineated at Para 4 above been adhered to, the Rajasthan Discoms would have met the RPO targets. The table illustrating the same is as under:

YEAR	Total Energy (MU) excluding Hydel Energy from 2017-18	Actual			In case capacity would have been commissioned as per envisaged planning.	
		Target	Achievement	Diff	Achievement	Diff
		MU	MU	MU	MU	MU
2020-21	78762.46	13114	11021.76	-2092.19	12180.25	-933.702
2021-22	84518.05	15618.9	13402.78	-2216.16	18075.94	2496.996

6. I say that the Rajasthan Discoms have undertaken extensive efforts for capacity addition of renewable power plants. A tabular statement of the capacity addition 2017 onwards is as under:-

YEAR WISE CAPACITY (in MW)				
F.Y.	Solar	Wind	Biomass	Total
Mar-17	1193.6	4121.16	101.95	5416.71
Mar-18	1661.6	4137.16	101.95	5900.71
Mar-19	2411.6	4139.16	101.95	6652.71
Mar-20	2178	3734.06	101.95	6014.01
Mar-21	2288	3734.06	101.95	6124.01
Mar-22	3057.5	3734.06	101.95	6893.51
Mar-23	3362	3730.31	109.95	7202.26
Mar-24	4010.5	4359.63	109.95	8480.08

7. I say that the above information may be taken on record and considered by this Hon'ble Tribunal."

3. From the above, it can be seen that the Rajasthan Discoms are achieving around 85% of the target and are making additional efforts to accomplish the goal in the coming years. The State Commission has also directed the Discoms to make up the shortfall in the coming years.

4. In the light of the above affidavit, the Appellant accepted the said submission made by the Respondents.

5. Accordingly, the Appeal stands disposed of in terms of the compliance report filed by the 2nd Respondent, however, the Discoms shall make up the shortfall as directed by the State Commission.

6. We make it clear that we have not passed any observation on the submission made. However, in the light of the provisions of the Electricity Act, 2003, and the relevant regulations of the State Commission, the Respondent Discoms are duty-bound to comply with the RPO obligations. Therefore, for future orders, they should adhere to the regulations specified.

7. The Appeal and IAs, if any, are disposed of in the above terms.

PRONOUNCED IN THE OPEN COURT ON THIS 29th DAY OF JANUARY, 2025.

(Virender Bhat)
Judicial Member

(Sandesh Kumar Sharma)
Technical Member

REPORTABLE / ~~NON-REPORTABLE~~

pr/mkj