

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 64/MP/2014

Subject : Petition under section 142 of the Electricity Act, 2003 with Regulations 3 (4) and 14 of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010

Date of hearing : 13.5.2014

Coram : Shri Gireesh B. Pradhan, Chairperson
Shri M. Deena Dayalan, Member
Shri A.K. Singhal, Member

Petitioner : Shreekanth Mhaskoba Sakhar Kaarkhana Ltd.

Respondent : National Load Despatch Centre, New Delhi

Parties present : Shri Rajiv Yadav, Advocate for the petitioner

Record of Proceedings

Learned counsel for the petitioner submitted as under:

- (a) The petitioner has set up and is operating 4.545 MW co-generation plant in the State of Maharashtra under REC mechanism to meet its power consumption requirement during the sugarcane crushing season.
- (b) The petitioner applied to NLDC for issuance of RECs for the period October, 2012 to March 2013. In response, NLDC vide its letter dated 29.5.2013 informed that the petitioner's applications for RECs cannot be processed as it was availing the benefit of electricity duty exemption in the State of Maharashtra.
- (c) The Commission vide order dated 14.11.2013 in Petition No. 122/MP/2013 has already quashed the similar letters issued by NLDC in the case of sugar cogeneration units in the State of Uttar Pradesh.
- (d) NLDC's decision to reject the petitioner's REC application, apart from being inconsistent with the Commission's directions, is not in consonance with the REC mechanism.

2. With reference to query of the Commission as to how the petition is maintainable under Section 142 of the Electricity Act, 2003, learned counsel for the petitioner submitted that the order dated 14.11.2013 in Petition No. 122/MP/2013 was applicable similarly situated co-generation plants. When pointed out that the order dated 14.11.2013 was applicable to the co-generation plants of UP are not to the co-generation plant of Maharashtra, learned counsel for the petitioner submitted that apart from section 142 of the Act, the order has also been challenged under the Regulations 3 (4) and 14 of the REC Regulations.

3. The Commission directed the petitioner to file revised petition under appropriate provisions of the Act or Regulations by 23.5.2014, with an advance copy to the respondent. The respondent was directed to file its reply by 13.6.2014, with an advance copy to the petitioner, who may its rejoinder, if any 27.6.2014.

4. The petition shall be listed for hearing on 8.7.2014.

By order of the Commission
Sd/-
(T. Rout)
Chief (Law)