

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 148/MP/2022

Subject : Petition under Section 66 and Section 79 of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 as amended read with Regulations 5 & 14 of the Central Electricity Regulatory Commission (Terms and Conditions for Recognition and Issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 for issuing directions to the Respondent No.1 to permit trading in Renewable Energy Certificate (RECs) and issuance of RECs and other appropriate directions.

Date of Hearing : 22.8.2022

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : SEI Sriram Power Private Ltd. (SSPPL)

Respondents : National Load Despatch Centre (NLDC) and Anr.

Parties Present : Shri Angad Mehta, Advocate, SSPPL
Shri Aarant Sarangi, Advocate, SSPPL
Shri Gajendra Singh Vasava, NLDC
Shri Kailash Chand Saini, NLDC

Record of Proceedings

Case was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the present Petition has been filed, *inter alia*, seeking direction to the Respondent No.1, NLDC to allow the Petitioner to trade in Renewable Energy Certificates (RECs) & issue pending RECs immediately and to declare that the Petitioner is not availing any concessional/ promotional Banking Facility in terms of the Central Electricity Regulatory Commission (Terms and Conditions for Recognition and Issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 ('REC Regulations'). Learned counsel further submitted as under:

(a) The Petitioner's 10 MW Solar PV Project was granted Accreditation under REC mechanism w.e.f. 29.11.2013 for the period of five years, which has been further extended for the period of five years i.e. till 9.10.2023.

(b) Similarly, the Registration Certificate was granted to the Petitioner's aforesaid Project w.e.f 13.12.2013 for the period of five years, which has been further extended for the period of five years i.e. till 12.11.2023.

(c) The Respondent No.1, NLDC, however, vide its e-mail dated 9.11.2021 by relying on the Respondent No.2, AP-SLDC's e-mail dated 8.11.2021, has

noted the list of RE Projects registered under REC mechanism and availing the banking facilities as per APERC Regulations including the Petitioner's Project, NLDC has further observed that as per Regulation 5(1)(c) of the REC Regulations, the RE project availing banking facility benefit is not eligible under REC mechanism.

(d) However, NLDC has failed to take into the account the explanation on banking as provided in the REC Regulations which categorically states that for the purpose of the said Regulation, the "banking facility benefit" shall mean only such banking facility whereby any RE generator gets the benefit of utilizing banked energy at any time (including peak hours) even when it has injected in to grid during off-peak hours.

(e) Regulation 5(1)(c) of the REC Regulations does not apply in the case of the Petitioner as it is not availing the "banking facility benefit" as defined in the REC Regulations.

3. After hearing the learned counsel for the Petitioner, the Commission ordered as under:

(a) Admit. Issue notice to the Respondents.

(b) The Petitioner to serve copy of the Petition on the Respondents and the Respondents to file their reply to the Petition, if any, within two weeks after serving copy of the same to the Petitioner, who may file its rejoinder within two week thereafter.

(c) Parties to comply with the above directions within specified timeline and no extension of time shall be granted.

4. The Petition shall be listed for hearing on 20.10.2022.

By order of the Commission
Sd/-

(T.D. Pant)
Joint Chief (Law)