

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 345/MP/2018

Subject : Petition for treatment of power drawn by CTU connected 750 MW Rewa Solar Project during non-generation night hours and during shutdown periods and determination of tariff thereof.

Date of Hearing : 13.1.2022

Coram : Shri P. K. Pujari, Chairperson
Shri I. S. Jha, Member
Shri P.K. Singh, Member

Petitioner : MP Power Management Co. Ltd. (MPPMCL)

Respondents : ACME Jaipur Solar Power Private Limited and Ors.

Parties present : Shri G. Umapathy, Sr. Advocate, MPPMCL
Ms. Pavitra Balakrishnan Advocate, MPPCL
Shri Shreshth Sharma, Advocate, MRPL
Ms. Molshree Bhatnagar, Advocate, MRPL
Shri Nishant Talwar, Advocate, MRPL
Shri V. Bharadwaj, MPPMCL
Shri Aditya Das, WRLDC
Shri Alok Kumar Mishra, WRLDC
Ms.S. Usha, WRLDC
Shri Rajnish Kumar Reja, MPPMCL

Record of Proceedings

The matter was called out for virtual hearing.

2. Learned counsel for the Petitioner submitted that the instant Petition has been filed inter-alia seeking direction for providing appropriate treatment to power drawn by CTU connected Solar Power Projects during non-generation night hours and during shutdown periods. The gist of submissions made by the Petitioner, referring to its petition, rejoinder and written submissions are as follows:

- a. The Government of Madhya Pradesh (MP) has set up Rewa Ultra Mega Solar Pvt. Ltd. (RUMSL) project of 750 MW as part of solar park scheme of Government of India (GoI) in Rewa District in Madhya Pradesh.
- b. ACME Jaipur Solar Power Pvt. Ltd., Mahindra Renewables Pvt. Ltd., and Arisun Clean energy Pvt. Ltd. were awarded projects of 250 MW each through



competitive bidding. The energy generated from the three projects (250 MW each) is scheduled to be supplied to MPPMCL and DMRC. Accordingly, three Power Purchase Agreements (PPAs) dated 17.4.2017 were executed.

- c. Once all the projects start and become fully operational, it would collectively require about 160 MU of electricity from grid for consumption during non-generation night hours regularly. Further, the electricity would be drawn by these projects during shut down for maintenance and other purposes. However, there are no regulations of the Commission to deal with such drawl of power by the SPDs (solar power developers) post commissioning of projects.
 - d. Such withdrawal without proper accounting and regulations would cause hardship to the Petitioner. Therefore, there is a need for a mechanism for treatment of such power consumption by SPDs across various States which fall under the jurisdiction of various RLDCs.
 - e. The Petitioner has written letters dated 18.7.2018 and 5.9.2018 to WRLDC raising concerns regarding billing of power drawn from the grid for its own use by the three SPDs. WRLDC vide its letter dated 6.8.2018 has submitted that any drawl from ISTS by the three SPDs have already been accounted and billed. It was further stated that these SPDs would be governed by Regulations of the Commission and no additional charges would be applicable as far as drawl of power is concerned. Hence, the instant petition has been filed by the Petitioner.
 - f. The schedule submitted to WRLDC clearly establishes that there was drawl of power from the grid by the SPDs during the night hours.
 - g. The 2010 Grid Code and the 2014 Deviation Settlement Mechanism Regulations (2014 DSM Regulations) do not deal with drawl of electricity by SPDs during non-generation hours.
 - h. The submissions of SPDs that the instant petition is not maintainable and is liable to be dismissed in the light of Regulation 6.4.2(b) of the 2010 Grid Code read with 2014 DSM Regulations is misplaced.
 - i. The provisions of Madhya Pradesh Electricity Regulatory Commission (Cogeneration and Generation of Electricity From Renewable Sources Of Energy) (Revision-I) Regulations, 2010 ("2010 MP Regulations") and MPERC's order dated 6.12.2018 in case of Renew Solar Energy (TN) Pvt. Ltd supports its contentions.
3. Learned counsel appearing on behalf of SPDs submitted that the Petitioner has not addressed the preliminary issue of maintainability of the petition and submitted that provisions of Section 79 of the Electricity Act, 2003 do not entitle the Petitioner to seek reliefs as sought in the petition. She submitted that the Commission does not have jurisdiction to determine tariff for a State distribution company. The instant case is covered by APTEL's judgement dated 9.5.2018 in Appeal No. 233 of 2013, filed by CSPDCL, and the applicability of the findings of APTEL in the instant case has not
-



been refuted by the Petitioner. She submitted that the 2010 MP Regulations are not applicable to SPDs as they are connected to CTU and are governed by WRLDC. The 2014 DSM Regulations provides for mechanism to take care of drawl of the electricity by solar generators during non-generating hours. The three SPDs are connected to CTU and are supplying power to MPPMCL and also have PPAs with DMRC and are connected to central grid. As regards billing and accounting mechanism, she submitted that as per Regulation 6.4.2(b) of the 2010 Grid Code, any ultra-mega power project having capacity of 500 MW and above will be considered as a regional entity and its billing, accounting and scheduling will be undertaken by Regional Load Dispatch Centre and in the present case it is WRLDC. She also referred to Regulation 5 of the 2014 DSM regulations in support of its case. She submitted that the working sheet produced by WRLDC for the period 18.10.2021 to 24.10.2021 shows that the drawl of power has been accounted and billed by WRLDC and the Respondents have already paid to WRLDC under the 2014 DSM Regulations. She submitted that the reliance placed by the Petitioner on MPERC order dated 6.12.2018 is misplaced.

4. The representative of WRLDC submitted that the drawl of power by the Respondents are being metered, accounted and billed to the Respondents. She submitted that the accounts and bills produced and referred to in the instant proceedings are of Western Region Power Committee as they are responsible for billing and accounting and not WRLDC. She submitted that since the existing regulations does not specify the methodology to bill auxiliary consumption by RE, thermal, nuclear or hydro generators, the Western Region Power Committee is applying the DSM rate considering it as zero schedule. She submitted that the SPDs are billed at the rate of Rs.3.029 per kWh for their drawl from the grid during the non-solar hours. The drawl by the thermal generators during shut down is billed at DSM rate and all the additional charges, zero crossing violation, etc. are made applicable.

5. Learned senior counsel for the Petitioner concluded that as there are no regulations of the Commission to deal with regular drawl of power during non-generation night hours post commissioning of projects by the SPDs (solar power developers) and without proper accounting such drawl of power would cause hardship to entities like the Petitioner, there is a need for a mechanism for treatment of such power consumption and requested the Commission to put in place such a mechanism.

6. After hearing the parties, the commission reserved the order in the matter.

By order of the Commission

sd/-

(V. Sreenivas)
Joint Chief (Law)

