

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 204/MP/2020

Subject : Petition invoking Regulation 1.5(i) read with Regulation 5.2(u) and Regulation 6.5(11) of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 for enforcement of 'must run' status granted to solar and wind generators and Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking direction to State Load Dispatch Centre to act in accordance with 'Indian Electricity Grid Code' provisions while issuing backing down instructions to the solar and wind generators.

Date of Hearing : 7.3.2023

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

Petitioner : Southern Regional Load Despatch Centre (SRLDC)

Respondents : Andhra Pradesh State Load Despatch Centre (APLDC) and 2 Ors

Parties Present : Shri Venkateshn. M, SRLDC
Shri Gajendra Singh, SRLDC
Ms. Manya Chandok, Advocate, AP SLDC

Record of Proceedings

The representative of the Petitioner submitted that the present Petition has been filed invoking Regulation 1.5(i) read with Regulation 5.2(u) and Regulation 6.5(11) of the Central Electricity Regulatory Commission (Indian Electricity Grid Code) Regulations, 2010 ('Grid Code') for enforcement of 'must run' station granted to solar and wind generators and seeking direction to AP SLDC to act in accordance with the provisions of the Grid Code while issuing backing down instruction to the solar and wind generators. The representative of the Petitioner further submitted that the instant Petition had been filed owing to the repeated backing down/curtailment instructions being issued by APSLDC from August, 2019 onwards despite the must-run status accorded to the solar and wind generating stations. He submitted that the Petitioner had also carried out the analysis of the wind & solar curtailment by AP SLDC for the months of November, 2019 to January, 2020 based on the data obtained from APTRANSCO and AP SLDC websites. However, they only mentioned the reason for curtailment as "grid security" and not exact reasons/details for curtailment were being made available therein and, in this regard, AP SLDC also failed to implement the directions issued by the Petitioner under Section 29(1) of the Electricity Act, 2003. The representative of the Petitioner added that the Hon'ble Andhra Pradesh High Court, in WP No. 9844 of 2019, has also directed AP SLDC to upload the curtailment data on APT Transco/AP SLDC website. The representative

also added that the backing down/curtailment instructions have been continued on and off during years 2020 and 2021, however, from November, 2022 onwards, there had no curtailment/backing down instruction of solar and wind power by AP SLDC.

2. At the outset, learned counsel for the Respondent, AP SLDC pointed out that in a similar Petition bearing No. 342/MP/2019 (Prayatna Developers Pvt. Ltd. v. AP SLDC and Ors.) invoking the identical regulatory provisions of Grid Code, the proceedings before this Commission has been stayed by the Hon'ble High Court of Andhra Pradesh vide order dated 23.1.2020 in WP No. 1286 of 2020 filed by AP SLDC challenging the jurisdiction of this Commission. Learned counsel, on merits, pointed out that from November, 2022 onwards, there has been no instance of curtailment of solar and wind generation and that in one of the meeting held in September, 2021, SRLDC had itself acknowledged that AP SLDC/AP Transco has been sharing the requisite curtailment data on its website. Learned counsel sought liberty to file the reply on merits bringing on record the above aspects and an opportunity of another oral hearing in the matter.

3. Considering the submissions made by the learned counsel and the representative of the parties, the Commission permitted the Respondents, AP SLDC to file its reply on merits within three weeks with copy to the Petitioner who may file its rejoinder within three weeks thereafter.

4. The Petitioner shall be listed for hearing on 23.5.2023.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**