

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Suo Motu Petition No. 1847 of 2019.

In the Matter of:

Monitoring of compliance of Renewable Purchase Obligation by distribution licensee for the FY 2018- 19 under the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and subsequent amendments made thereto.

Respondent No. 1	:	MPSEZ Utilities Pvt. Limited
Represented by	:	Mr. Nirav Shah and Mr. Anil Rabadia.
Respondent No. 2	:	M/s. Aspen Park Infra Vadodara Private Limited
Represented by	:	Nobody was present.
Respondent No. 3	:	Jubilant Infrastructure Limited
Represented by	:	Mr. Mahesh K. Mandwarya, Mr. Pranay Shah and Mr. C. B. Bhardwaj.
Respondent No. 4	:	GIFT Power Company Limited
Represented by	:	Mr. Rakesh Inala
Respondent No. 5	:	Deendayal Port Trust
Represented by	:	Nobody was present.
Respondent No. 6	:	Gujarat Energy Development Agency
Represented by	:	Mr. Darshak Vatsraj and Ms. Namrata Bhuptani.

CORAM:

Mehul M. Gandhi, Member

S. R. Pandey, Member

Date: 04/05/2022.

ORDER

1. The Commission has notified the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010, the GERC (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014 and the GERC (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018 which, inter-alia, stipulate the Renewable Purchase Obligation (RPO) to be fulfilled by the Distribution Licensees in the State of Gujarat during the period from FY 2010-11 to FY 2021-22.

1.1. Regulation 4 of the Principal Regulations viz. the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and the GERC (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014 and the GERC (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018, reads as under:

GERC (Procurement of Energy from Renewable Sources) Regulations, 2010

“4. Quantum of Renewable Purchase Obligation (RPO)

- a. *Each distribution licensee shall purchase electricity (in kWh) from renewable energy sources, at a defined minimum percentage of the total consumption of its consumers including T&D losses during a year. Similarly, Captive and Open Access user(s) / consumer(s) shall purchase electricity (in kWh) from renewable energy sources, at a defined minimum percentage of his/her total consumption during a year.*

The defined minimum percentages are given below:

Table 1

Year (1)	Minimum Quantum of purchase (in %) from renewable energy sources (in terms of energy in kWh)			
	Total (2)	Wind (3)	Solar (4)	Biomass, bagasse and others (5)
2010-11	5%	4.5%	0.25%	0.25%
2011-12	6%	5.0%	0.50%	0.50%
2012-13	7%	5.5%	1.00%	0.50%

If the above mentioned minimum quantum of power purchase from solar and other renewable energy sources is not available in a particular year, then in such cases, additional wind or other energy, over and above that shown in column 3 and 5, shall be utilized for fulfilment of the RPO in accordance with column 2.

Provided further that such obligation to purchase renewable energy shall be inclusive of the purchases, if any, from renewable energy sources already being made by the obligated entity concerned.

Provided also that the power purchases under the power purchase agreements for the purchase of renewable energy sources already entered into by the distribution licensees shall continue to be made till their present validity, even if the total purchases under such agreements exceed the percentage as specified hereinabove.”

GERC (Procurement of Energy from Renewable Sources) (First Amendment), Regulations, 2014

4) Substitution of Table 1 of Regulation 4.1

The table 1 provided in Principal Regulation 4.1 shall be substituted by following table 1:

Year	Minimum Quantum of purchase (in %) from renewable energy sources (in terms of energy in kWh)			
	TOTAL	Wind	Solar	Others (Biomass, Bagasse, MSW, etc.)
2010-11	5.0	4.5	0.25	0.25
2011-12	6.0	5.0	0.5	0.5
2012-13	7.0	5.5	1.0	0.5
2013-14	7.0	5.5	1.0	0.5
2014-15	8.0	6.25	1.25	0.5
2015-16	9.0	7.0	1.5	0.5
2016-17	10.0	7.75	1.75	0.5

GERC (Procurement of Energy from Renewable Sources) (Second Amendment), Regulations, 2018

3) Substitution of Table I of Regulation 4.1:

Table I provided in the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014 is substituted by following Table - I and II:

TABLE - I

<i>Minimum Quantum of purchase (in %) from renewable energy sources (in terms of energy in kWh)</i>				
<i>Year</i>	<i>Wind</i>	<i>Solar</i>	<i>Others (Biomass, Bagasse, MSW, etc.)</i>	<i>Total</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
2010-11	4.5	0.25	0.25	5.0
2011-12	5.0	0.5	0.5	6.0
2012-13	5.5	1.0	0.5	7.0
2013-14	5.5	1.0	0.5	7.0
2014-15	6.25	1.25	0.5	8.0
2015-16	7.0	1.5	0.5	9.0
2016-17	7.75	1.75	0.5	10.0

TABLE - II

<i>Minimum Quantum of purchase (in %) from renewable energy sources (in terms of energy in kWh)</i>				
<i>Year</i>	<i>Wind</i>	<i>Solar</i>	<i>Others (Biomass, Bagasse, MSW, etc.)</i>	<i>Total</i>
<i>(1)</i>	<i>(2)</i>	<i>(3)</i>	<i>(4)</i>	<i>(5)</i>
2017-18	7.75	1.75	0.50	10.00
2018-19	7.95	4.25	0.50	12.70
2019-20	8.05	5.50	0.75	14.30
2020-21	8.15	6.75	0.75	15.65
2021-22	8.25	8.00	0.75	17.00

4) Substitution of para 2 of the Principal Regulation 4.1:

If the above mentioned minimum quantum of power purchase either from Solar or Wind or Others (including Biomass, Bagasse, Hydro and MSW) is not available in a particular year of FY 2017-18 to 2021-22, then in such cases, additional renewable energy available either from Solar or Wind or Others shall be utilised for fulfilment of RPO in accordance with Column 5.

As provided in the above table II, the RPO for 2018-19 has been fixed at 12.70% consisting of 7.95% from Wind, 4.25% from Solar and 0.50% from 'Others' category of Renewable Sources of energy.

1.2. The Commission in exercise of the powers conferred under Sections 61, 86(1)(e) and 181 of the Electricity Act, 2003 read with sub-regulation (iv) of Regulation 1 and Regulation 8 of the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) Regulations, 2010 (Notification No.3 of 2010) (Principal Regulations) and Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014 (Notification No. 2 of 2014), and all other powers enabling it in this behalf has notified Notification No. 2 of 2015 dated 1st July, 2015, whereby 1st July, 2015 is notified as the date on which the sub-regulation (iv) of Regulation 1 and Regulation 8 of Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) Regulations, 2010 (Notification No.3 of 2010) shall come into force and the Renewable Purchase Obligation shall become applicable to Captive and Open Access User(s)/Consumer(s). Subsequently, as noted above, the Commission notified the GERC (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018 stipulating the trajectory of Renewable Purchase Obligation (RPO) for the period from FY 2017-18 to FY 2021-22.

1.3. Regulation 5 of the Principal Regulations provides an alternate mechanism for fulfilment of RPO which reads as under:

“5. Certificates under the Regulations of the Central Commission

5.1 Subject to the terms and conditions contained in these Regulations, the Certificates issued under the Central Electricity Regulatory Commission’s (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 shall be the valid instruments for the discharge of the mandatory obligations set out in these Regulations for the obligated entities to purchase electricity from renewable energy sources.

.....”

1.4. Further, the Commission has notified GEDA (Respondent No. 5) as the State Agency to monitor the compliance of the RPO vide Notification No. 3 of 2010. Thus, it is the duty of GEDA to monitor the fulfilment of the RPO by the obligated entities and in case of non-fulfilment of RPO by the obligated entity (ies), should inform the same to the Commission, to enable the Commission to take appropriate decision regarding non-compliance of RPO by the entity concerned as provided in the

Regulations. Further, apart from the Distribution Licensees, Captive and Open Access consumers within the State have also been identified as Obligated Entities who should comply with RPO targets stipulated by the Commission in para 1.1 above.

1.5. We note that Torrent Power Limited – (Ahmedabad/Gandhinagar & Surat) has filed Petition No. 1754 of 2018 and MPSEZ Utilities Pvt. Limited has filed Petition No. 1785 of 2019 regarding compliance of Renewable Purchase Obligations for FY 2017-18. Further, M/s Aspen Infrastructure Limited and Jubilant Infrastructure Limited have respectively filed Petitions No. 1723 of 2018 and 1742 of 2018 before the Commission regarding Renewable Purchase Obligations.

1.6. The Commission after noting that GUVNL on behalf of its subsidiary distribution companies viz. MGCVCL, DGVCL, UGVCL and PGVCL has filed Petition No. 1808 of 2019 in its Daily Order dated 23.10.2019 in said Petition has decided as under:

“

2.1. *We note that the Hon'ble APTEL in its judgement dated 25.04.2014 in Appeal No. 24 of 2013 and IA No. 39 of 2013 directed the State Commission that after completion of the financial year, the State Commission has to review the actual performance in respect of RPO and pass necessary directions as per the Regulations either suo-motu or on a petition filed by an obligated entity. Such review should be subjected to public notice to invite suggestions and objections from all the stakeholders. Thus, for annual review of RPO or otherwise by the State Commission either suo-motu or on application from an obligated entity, the suggestions and objections of the public are required to be invited.*

2.2. *According to the Hon'ble APTEL's directions, it is necessary to issue a public notice and invite suggestions/objections from all the stakeholders in the matter pertaining to compliance of RPO by the obligated entities. As the present Petition is filed to verify and decide the compliance of RPO by Gujarat Urja Vikas Nigam Limited on behalf of its four (4) distribution companies namely Madhya Gujarat Vij Company Limited, Uttar Gujarat Vij Company Limited, Paschim Gujarat Vij Company Limited and Dakshin Gujarat Vij Company Limited and to decide whether the revision in RPO target be allowed*

or not, we decide and direct the Petitioner to issue a public notice in two daily Gujarati Newspapers and one English Newspaper having wide circulation in the State/National level stating that they have filed Petition No. 1808 of 2019 before the Commission for revision of RPO target and compliance of RPO target for FY 2018-19 under the provisions of the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and (Second Amendment) Regulations, 2018. The Petitioner is also directed to upload the present petition with all the documents on its website and invite comments and suggestions from the stakeholders on affidavit within 30 days from the date of issuance of public notice. The Petitioner shall also state in the public notice that the stakeholders/objectors shall file their objections/suggestions on the petition to the Secretary of the Commission in five copies alongwith affidavit in support of their submissions. The staff of the Commission is directed to upload the petition along with all relevant documents on the website of the Commission after the public notice is issued and a copy thereof is provided to this Office by the Petitioner.

- 2.3. Moreover, the Commission observed that all the obligated entities in the State are required to comply the Renewable Purchase Obligation (RPO) during the year and the Commission has to verify such compliance of Renewable Purchase Obligation by the obligated entities on completion of the year. The Distribution Licensees which are the obligated entities have to file a petition before the Commission for compliance of the RPO on annual basis or the Commission has to initiate Suo-Motu proceedings for the same. We note that on completion of FY 2018-19, GUVNL and its subsidiary companies have filed present Petition No. 1808 of 2019. We also note that the other Distribution Licensees viz. Torrent Power Limited (Ahmedabad/Gandhinagar/Surat and Dahej), MPSEZ Utilities Private Limited, Deendayal Port Trust, Aspen Infrastructure Private Limited, Jubilant Infrastructure Limited and GIFT Power Company Limited have not filed any petition before the Commission for compliance of RPO for FY 2018-19.

2.4. *We , therefore, decide to initiate the process of Suo-motu proceedings for verifying the compliance of RPO by Torrent Power Limited (Ahmedabad/Gandhinagar/Surat and Dahej), MPSEZ Utilities Private Limited, Deendayal Port Trust, Aspen Infrastructure Private Limited, Jubilant Infrastructure Limited and GIFT Power Company Limited for FY 2018-19. The office of the Commission is directed to initiate necessary actions in this regard.*
.....”

1.7. In the meantime it was noted that, Torrent Power Limited filed two separate Petitions on 01.11.2019 regarding RPO compliance of FY 2018-19 for its Ahmedabad/Gandhinagar/Surat and Dahej license areas which were registered as Petition Nos. 1830 of 2019 and 1831 of 2019 respectively. Therefore, the Commission decided to initiate the present Suo-motu proceedings for verifying the compliance of RPO for FY 2018-19 of MPSEZ Utilities Private Limited, Aspen Park Infra Vadodara Private Limited, Jubilant Infrastructure Limited, GIFT Power Company Limited and Deendayal Port Trust only and GEDA being the State nodal agency for monitoring of the RPO compliance to be also arrayed as Respondent.

1.8. Considering the above facts, and the Commission’s decision to initiate Suo Motu proceedings in order to verify the compliance of the RPO by the Distribution Licensees of the State for FY 2018-19 and in case of any default by the distribution licensee, to decide the appropriate actions that may be required to be initiated against the defaulting Distribution Licensee concerned, in accordance with the provisions of the Electricity Act, 2003 read with the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 read with amendments made thereto, the present Suo Motu proceedings were initiated by the Commission for the following licensees and GEDA being notified as the State Nodal Agency for monitoring of the RPO compliance, hence, GEDA is also made a party to the present Suo Motu proceedings to assist the Commission in hearings.:

- (i). MPSEZ Utilities Private Limited
- (ii). Aspen Park Infra Vadodara Private Limited
- (iii). Jubilant Infrastructure Limited
- (iv). GIFT Power Company Limited (GIFT)
- (v). Deendayal Port Trust (DPT)

(vi). Gujarat Energy Development Agency (GEDA)

- 1.9. Also, the details submitted by GEDA regarding status of RPO compliance for the FY 2018-19 based on the data furnished by different distribution licensees to GEDA was annexed to this Suo-motu Petition while directing the aforesaid Respondent Distribution Licensees to file their submissions, alongwith necessary supporting documents, if any, before the Commission and submit the reasons for partial/non-compliance of RPO, if any, as well as actions taken for fulfilment of their obligations in support thereof.
- 1.10. GEDA was also directed to make its submissions regarding compliance of RPO by different licensees for FY 2018-19 by submitting relevant data in support thereof and also submit any other facts considered appropriate for consideration of the Commission.
- 1.11. Moreover, the Commission also directed the Staff of Commission to host the present Suo Motu Petition on the website of the Commission and issue public notice in two daily Gujarati Newspapers and one English Newspaper having wide circulation in the State/National level to invite comments/suggestions from the stakeholders.
- 1.12. Accordingly, the Commission issued a public notice dated 06.12.2019 in two Gujarati daily newspapers and one English newspaper having wide circulation and said public notice was published on 10.12.2019 in Sandesh, Gujarat Samachar & Business Standard newspaper. Moreover, the present Petition was also uploaded on GERC website to invite objections/suggestions from the stakeholders. In the said public notice the Commission decided that the persons/stakeholders who are interested in filing their objections/suggestions in the present Petition No. 1847 of 2019 may file the same on or before 10.01.2020 and further decided to hold public hearing on 16.01.2020. Further, the Office of the Commission vide letter No. GERC/Legal/2019/2090 dated 13.12.2019 forwarded the copy of the present Suo Motu Petition to the above mentioned Respondents and also intimated the date of hearing in the present matter.
2. Respondent No. 1, MPSEZ Utilities Private Limited filed its reply vide affidavit dated 06.01.2019 in the present matter stating that the Commission in exercise of its powers conferred under Section 61, 66, 86 (1) (e) and 181 of the Electricity Act 2003

(36 of 2003) has notified the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 for promoting the sale of power from renewable energy sources and for procurement of energy from renewable sources by distribution licensees within the State of Gujarat vide its Notification No. 3 of 2010 dated 17.04.2010. In the said RPO Regulations, the Commission has specified the minimum percentage for procurement of power from Wind, Solar and Other Sources. Subsequently, the Commission has issued the GERC (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014 vide Notification no. 02 of 2014 dated 04.03.2014, wherein; RPO targets for the period from FY 2010-11 to FY 2016-17 has been fixed for the obligated entities.

- 2.1. Subsequently, the Commission has notified the GERC (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018 vide Notification No. 1 of 2018 dated 17.04.2010. As per the said Regulations, the Renewable Power Purchase obligations of the obligated entities for FY 2018-19 are prescribed as under:

Year	Minimum Quantum of purchase (in%) from renewable energy sources (in terms of energy in kWh)			
	Total	Wind	Solar	Others (Biomass, Bagasse, MSW, etc.)
FY 2018-19	12.70%	7.95%	4.25%	0.50%

- 2.2. In compliance to the above, the Respondent No. 1, MPSEZ has taken an approach to use renewable attribute of Solar Projects for captive consumptions of its consumer as per Gujarat Solar Policy- 2015 and purchase Renewable Energy Certificates (RECs) for remaining, in view of Regulations 5.1 of GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 to fulfil its Solar RPO for FY 2018-19 and submitted status of Solar RPO compliance during FY-2018-19 as under:

Period	Energy (MUs)		Renewable Energy Purchased (MUs)				
	RPO (%)		RECs Purchased	RPO through PPA	RPO through Attribute	Total	
	RPO (MUs)					MUs	% age
Q1	MUs	75.50	1.92	0.00	1.19	3.11	4.12%
	%	4.25%					
	MUs	3.21					
	MUs	82.16					

Q2	%	4.25%	2.22	0.00	1.00	3.21	3.91%
	MUs	3.49					
Q3	MUs	74.71	1.70	0.00	1.12	2.81	3.76%
	%	4.25%					
Q4	MUs	77.97	1.95	0.00	1.30	3.25	4.16%
	%	4.25%					
	MUs	3.31					
FY	MUs	310.34	7.78	0.00	4.60	12.38	3.99%
	%	4.25%					
	MUs	13.19					

2.3. It is also stated that many of the bulk consumers of the Respondent No. 1, MPSEZ have opted to install Solar PV panels for their captive consumption and renewable attributes of such projects have been used by the Respondent No. 1 to fulfil its RPO. The installed capacity of such projects as on FY 2018-19 is 3.32 MW and such more projects of 7.13 MW capacity are in pipeline. Accordingly, total annual Solar RPO attribute available to the Respondent No. 1 from Solar projects in pipeline including already commissioned Solar projects would be 16.5 MUs and it has been decided to fulfil shortfall Solar RPO by purchasing RECs in place of renewable power procurement due to following reasons:

- a) The shortfall Renewable Purchase Obligation (RPO) would be very less after more and more installation of Solar plants for captive consumption by its Bulk consumers which is the majority consumer base.
- b) The majority of the customers of the Respondent No. 1 being bulk consumers who can migrate to other power sources through open access.

2.4. In both the above cases, if the Respondent No. 1 will tie-up for Solar energy through competitive bidding for long term, the financial burden on the other consumers will increase. Also, Solar rooftop project of 1.7 MW set-up by one of the bulk consumers for captive consumption was supposed to be commissioned by Q2 of FY 2018-19 but it was delayed and subsequently, commissioned on 01.05.2019. Accordingly, there was a shortfall of 1.25 MUs in Solar RPO attribute available to the Respondent No. 1 during FY 2018-19.

2.5. It is further stated that the Respondent No. 1 had entered in to Power Purchase Agreement (PPA) for 12 MW with WTG on dated 09.02.2017 and subsequently, signed Supplementary PPAs on 24.08.2017, 29.12.2017 and 08.05.2018, which was

signed due to change in location of the project in Mudra SEZ to eliminate transmission losses & charges and revision of feed-in tariff looking to the competitive market scenario in renewable energy sector. The 12 MW WTG project was synchronized with grid through distribution network of the Respondent No. 1 and energy generated from said WTG was used to fulfil Wind RPO. Also, Renewable Energy Certificates (RECs) have been purchased and accordingly, the status of Non-Solar RPO compliance during FY 2018-19 is as under :

Period	Energy (MUs)		Renewable Energy Purchased (MUs)				
	RPO (%)		RECs Purchased	RPO through PPA	RPO through Attribute	Total	
	RPO (MUs)					MUs	% age
Q1	MUs	75.50	6.08	0.00	0.00	6.08	8.05%
	%	8.45%					
	MUs	6.38					
Q2	MUs	82.16	6.89	0.00	0.00	6.89	8.39%
	%	8.45%					
	MUs	6.94					
Q3	MUs	74.71	6.29	0.00	0.00	6.29	8.42%
	%	8.45%					
	MUs	6.31					
Q4	MUs	77.97	4.27	5.75	0.00	10.02	12.85%
	%	8.45%					
	MUs	6.59					
FY	MUs	310.34	25.53	5.75	0.00	29.27	9.43%
	%	8.45%					
	MUs	26.22					

2.6. The Respondent MPSEZ has decided to fulfil Non-Solar RPO for FY 2018-19 by purchasing RECs due to following reasons:

- a) The Respondent No. 1 had already entered into Power Purchase Agreement for 12 MW WTG, which was expected to be commissioned in fourth quarter of FY 2018-19 and therefore, RECs are purchased to fulfil its RPO.
- b) The Renewable Purchase Obligation (RPO) of MUPL in case of 'Other' renewable source is very less due to small consumer base/demand and therefore, no seller has approached for tie-up of 'Other' sources of renewable power for small quantum.

2.7. Accordingly, the Respondent MUPL has achieved Solar RPO of 3.99% against 4.25% and Non-Solar RPO achieved is 9.43% against 8.45% stipulated by the Commission in the GERC (Procurement of Energy from Renewable Energy Source) (Second Amendment) Regulation, 2018 for FY 2018-19. The total RPO achieved is 13.42% against 12.70% and status of which is as under:

Particular	FY 2018-19		Total RPO (MUs)	Renewable Energy Purchased (MUs)			
				RECs Purchased	RPO Attribute	Total	
Energy (MUs)						MUs	% age
Solar RPO	%	4.25%	13.19	7.78	4.60	12.38	3.99%
	MUs	13.19					
Non Solar RPO	%	8.45%	26.22	23.53	5.75	29.27	9.43%
	MUs	26.22					
TOTAL	%	12.70%	39.41	31.31	10.35	41.66	13.42%
	MUs	39.41					

2.8. It is stated that the Respondent No. 1 has deposited RECs purchased during FY 2018-19 to the Commission under intimation to GEDA in view of Regulation 5.3 of GERC (Procurement of Energy from Renewable Sources) Regulations, 2010. Moreover, quarterly RPO Monitoring Status Reports for FY 2018-19 are also submitted to the Commission and GEDA vide different communications which are annexed with said affidavit.

2.9. It is further submitted that the Respondent MUPL has already complied with the directives of the Commission in its Orders dated 02.01.2019 in Petition No. 1442 of 2014 and 08.01.2019 in Petition No. 1437 of 2014 to fulfil shortfall in Renewable Purchase Obligation for FY 2013-14 during FY 2018-19 and submitted compliance report in this regard vide letter no. MUPL/GERC/RPO/Jan'19/01022019 dated 01.02.2019 to the Commission as under and also annexed the same.

Particular	FY 2013-14		Total RPO (MUs)	Renewable Energy Purchased (MUs)			
				RECs Purchased	RPO Attribute	Total	
Energy (MUs)						MUs	% age
Solar RPO	%	5.15%	9.10	9.11	0.00	9.11	5.15%
	MUs	9.10					
Non Solar RPO	%	1.00%	1.77	1.77	0.00	1.77	1.77%
	MUs	1.77					
TOTAL	%	6.15%	10.77	10.88	0.00	10.88	6.15%
	MUs	10.87					

- 2.10. It is stated that based on details submitted, the Respondent No. 1 MUPL has fulfilled its RPO for FY 2018-19 as per directives of the Commission.
3. The Respondent No. 2, M/s Aspen Park Infra Vadodara Private Limited (M/s Aspen) vide affidavit dated 09.01.2020 has stated that sector specific SEZ is developed by M/s Aspen for Hi-tech engineering products and related services is at Village Pipaliya, Taluka Waghodia, District Vadodara in the State of Gujarat, under Section 3 of the SEZ Act, 2005 (28 of 2005) and has been notified as the Developer of the SEZ by the Ministry of Commerce & Industry (Department of Commerce), Government of India, vide Notification No. S.O. 1084(E) dated 03.07.2007.
- 3.1. It is stated that the Respondent No. 2 is a deemed Distribution Licensee in its SEZ in accordance with the Ministry of Commerce & Industry (Department of Commerce) Notification dated 03.03.2010 and under the provisions of the Electricity Act, 2003 and in view of the Order dated 16.12.2009 passed by the Commission in the matter of grant of distribution license. Also, the Commission vide its Order dated 17.08.2015 in Suo-Motu Petition No. 1446 of 2014, has reiterated the status of the Respondent M/s Aspen as a deemed licensee in the SEZ area.
- 3.2. It is submitted that M/s Aspen is purchasing its power requirements from the MGVCL and it is for MGVCL to follow the obligations of RPO. It is further submitted that MGVCL is State undertaking and fulfilling the obligations of RPO, the Commission is requested to grant exemption from complying with RPO on the ground that as deemed distribution licensee, power procurement is from MGVCL who is fulfilling the RPO obligation. Moreover, on said basis this Commission vide its Order dated 16.01.2015 and 31.12.2016 had granted exemption to the Respondent M/s Aspen from obligations to comply with RPO.
4. The Respondent No. 3, M/s Jubilant Infrastructure Limited (JIL) vide affidavit dated 09.01.2020 has submitted that it is getting power supply from Dakshin Gujarat Viji Company Limited (DGVCL) as a consumer from the beginning for its SEZ area and has continued to receive during FY 2018-19 also. Similarly, the units established by Jubilant Life Science Limited in the SEZ also receive the power supply through DGVCL as a consumer for which copy of Electricity Bills as well as communications in this regard to GEDA and GERC at regular intervals are also filed.

- 4.1. It is submitted that the Commission has already considered and accepted said submission regarding supply of power from DGVCL and granted exemption from RPO Compliance for the previous years based upon the drawl of power from DGVCL on basis of request in this regard by the Respondent JIL
- 4.2. Accordingly, it is prayed that this Commission may provide RPO compliance exemptions for FY 2018-19 as well as FY 2019-20 to Jubilant Infrastructure Limited based on drawl of power supply from DGVCL.
5. The Respondent No. 4, M/s GIFT Power Company Limited (GIFTPCL) vide affidavit dated 07.01.2020 has submitted that Commission issued License No 1 of 2013 in FY- 2013-14 and at present the load of the distribution License area is less which is stated as below:

Month	Energy Purchased in KWH (UGVCL)	RPO (kwh)		Energy Purchased in KWH (IEX)	RPO (kwh)	
		Solar	Non-Solar		Solar	Non-Solar
Apr-18	1529100	0	0		0	0
May-18	1737525	0	0		0	0
Jun-18	1789725	0	0	134400	5712	11356
Jul-18	1629150	0	0	26400	1122	2231
Aug-18	1621200	0	0		0	0
Sep-18	1598400	0	0		0	0
Oct-18	1706100	0	0		0	0
Nov-18	1456200	0	0		0	0
Dec-18	1320657	0	0		0	0
Jan-19	1275825	0	0		0	0
Feb-19	1198725	0	0		0	0
Mar-19	1458525	0	0		0	0
Total	18,321,132	0	0	1,60,800	6834	13587

- 5.1. It is stated that as the load is very low, the Respondent GIFTPCL is purchasing power from UGVCL to supply to its consumers having consumer no. 18115 and since 24.05.2013, GIFTPCL is procuring power from UGVCL to serve the consumers for which copy of electricity bills issued by UGVCL are annexed.
- 5.2. It is further stated that as most of the electricity quantum (99.13%) was procured from UGVCL as HT consumer, RPO was not applicable for the quantum procured from UGVCL and RPO is applicable on the quantum of electricity procured from the trader /IEX through Open Access.

5.3. It is submitted that RPO level fixed by GERC for FY 2018-19 is 4.25% for Solar, 7.95% for Wind and 0.50% for 'Others' and Solar as well as Non-Solar power procurement obligation was met by procuring electricity generated from the solar roof top projects installed by GIFTPCL. The details of such solar electricity generated from self-plant during FY-2018-19 is as under:

RPO for FY 2018-19	Electricity Purchased from IEX	Electricity requirement as per RPO	Actual RE purchase/ Generated	RPO Compliance
Solar RPO (4.50%)	0.1608 MUs	7236 kWh	26553 kWh	Generated unit from own solar roof top project
Non-Solar RPO (7.95% for Wind, 0.50% for 'Others')		13588 kWh		
Total		20824 kWh	26553 kWh	Excess purchase of 5729 kWh

5.4. Accordingly, the Respondent GIFTPCL has requested the Commission to allow the Solar energy generated under Net-metering as compliance of RPO requirement for FY 2018-19. Moreover, since GIFTPCL has procured power from UGVCL, which is one of the entity, which is required to comply with RPO Regulation notified by Commission and UGVCL is purchasing and supplying the power to the consumers consisting of conventional and renewable energy component. Therefore, the energy supplied by UGVCL to the Respondent GIFTPCL is also having the renewable component which is supplied by GIFTPCL to its consumers and considering said facts, the Commission may consider that GIFT Power Company Limited has complied with RPO Regulation for FY 2018-19.

6. The Respondent No. 5, Deendayal Port Trust (DPT) vide affidavit dated 09.11.2021 has submitted that the power consumed by DPT is from its own 6 MW Wind power plant and balance power purchase is from PGVCL and have not procured power from any other source(s) during FY 2018-19.

6.1. It is stated that the Commission in its earlier Order has exempted DPT from compliance to RPO on the grounds that DPT is procuring power from PGVCL, which also consists of the renewable energy component and referred to relevant para of the said Order which reads as:

“We also note that Jubilant Infrastructure Limited, GIFT Power Company Limited and Aspen Infrastructure Limited and Kandla Port Trust are procuring the power from the DGCL, UGVCL, MGVCL and PGVCL respectively, which consists of the renewable energy component also. Therefore, we exempt them the renewable purchase obligations specified by the Commission.”

- 6.2. It is further stated that DPT is fulfilling around 80% of its total power requirement from its own 6 MW Wind power project and accordingly requested to exempt DPT for compliance to RPO as DPT is already fulfilling its power requirement from either PGVCL or its own renewable projects.
7. The Respondent No. 6, Gujarat Energy Development Authority vide affidavit dated 03.01.2020 has submitted that being the State Nodal Agency to monitor RPO compliance of various obligated entities and has submitted the compliance report for FY 2018-19.
- 7.1. It is stated that four DISCOMs, namely (i) Gujarat Urja Vikas Nigam Ltd. (GUVNL), (ii) Torrent Power Ltd. (Ahmedabad and Surat) (iii) Torrent Power Ltd. (Surat) and (iv) MPSEZ Utilities Private Ltd. have submitted their RPO Compliance report for FY 2018-19 and MPSEZ Utilities Private Ltd, has fulfilled the RPO beyond the target, while there is short fall for remaining three DISCOMs. Further, out of total 107 no. of CPPs, 15 no. of CPPs have submitted RPO compliance report of which 8 no. of CPPs have fulfilled RPO target and out of total 262 no. of STOAs, 7 no. of STOAs have submitted RPO Compliance report of which 3 no. of STOAs have fulfilled RPO target.
- 7.2. It is also stated that MNRE has developed National RPO Web tool through TERI. There are certain kind of troubles with the operation of the portal and certain kind of features need to be incorporated on the portal like (a) To create login of SLDC and CEI (b) Existing list of CPPs and STOAs should be made available in library so that auto-generated e-mail can be sent to the OEs who are not fulfilling the RPO compliance, etc. GEDA is regularly in touch with the MNRE and TERI and recently MNRE has clarified that they are planning to declare the uniform operational guidelines for all States and also planning to hand over the administrative control to CEA for its operation and maintenance. Meanwhile, GEDA is taking regular follow up with the OEs through mail for fulfilment of RPO compliance and receiving reports and its regular compilation is being done and final report is being submitted to the Commission.

- 7.3. It is stated that SLDC and CEI are to verify the compliance of RPO by Open Access Users and CPP users, respectively, hence GEDA vide its letter dated 16.12.19, conveyed this matter to SLDC and CEI.
- 7.4. Certain entities have submitted RPO compliance report in which instead of purchasing RECs in the same financial year, RECs are purchased in next financial year mentioning the reason of non-availability of sufficient RECs on the Indian Energy Exchange during financial year for which guidance is sought by GEDA as to whether purchase of RECs in next financial year for fulfilment of RPO of the preceding year can be considered or not.
- 7.5. It is further stated that Ministry of Power has issued notifications dated 01.02.2019 and 01.10.2019 regarding applicability of RPO for CPP users. As per the notification dated on 01.10.2019, "For CPPs commissioned before 01.04.2016, RPO should be at the level as mandated by the appropriate Commission for the year 2015-16. For CPPs commissioned from 01.04.2016 onwards, the RPO level as mandated by the appropriate Commission or Ministry of Power, whichever is higher, for the year of commissioning of the CPP shall be applicable" for which guidance is sought as to whether prescribed RPO level is applicable throughout the life of the CPP or it will change from time to time as per the decision of the Commission, while praying that to achieve the ambitious renewable energy target within prescribed time limit it should be mandatory for each Obligated Entities to fulfil the RPOs as prescribed by the Commission time to time.
8. The matter was previously listed before earlier bench of this Commission and lastly this matter was listed for mentioning/directions on 25.10.2021 before this bench of the Commission.
- 8.1. During the hearing, Mr. Nirav Shah on behalf the Respondents No. 1 has submitted that reply is filed on affidavit and public notice for inviting comments/suggestions/objections from the stakeholders is also issued by the Respondent No. 1 on 14.01.2020 in Indian Express (Ahmedabad Edition), Gujarat Samachar (Bhuj Edition) and Kutchmitra (Bhuj Edition) apart from placing the present Petition along with public notice on its website and compliance affidavit

dated 15.01.2020 in this regard is filed before the Commission. It is further submitted that the Petitioner has not received any comments or suggestions or objections from the stakeholders and as such total RPO target on overall basis is met by the Respondent with 0.81 MUs shortfall in Solar RPO with surplus in Non-Solar RPO for which the Commission may consider the adjustment as per the Regulations. In so far as the directive of the Commission for meeting the RPO shortfall of FY 2013-14 during FY 2018-19, it is submitted that the same is fully complied by the Respondent MUPL and accordingly, the Commission may consider the submissions made while deciding the present matter.

8.2. Mr. Mahesh Mandwarya appearing for the Respondents No. 3 has submitted that power is drawn from DGVCL as consumer till date and no power other than from DGVCL is procured. Accordingly, the Commission may exempt the Respondents No. 3 from compliance of RPO for FY 2018-19 as per submissions already filed vide affidavit dated 09.01.2020.

8.3. Mr. Rakesh Inala for Respondent No. 4 submitted that GIFT Power Company Ltd. (GIFTPCL) is drawing majority of its power requirements from UGVCL as consumer and has sourced around 0.16 MUs power through open access by bidding through IEX. It is also submitted that for said 0.16 MUs power sourced through open access, renewable energy requirement as per the GERC RPO Regulations is 20824 units and actual RE generated/purchased by the Respondent GIFTPCL is 26553 from inhouse Solar projects set-up by the GIFTPCL which may be considered by the Commission towards RPO compliance. It is submitted that there is excess purchase of 5729 units in meeting its RPO compliance for FY 2018-19. The aforesaid purchase of 26553 units Solar power is from the 113 kW Solar Rooftop projects installed by the Respondent GIFTPCL. With regard to query from the Commission regarding Wind RPO, it is submitted that purchase of excess Solar power after meeting Solar RPO requirement of 7236 units is considered towards fulfilment of Non-Solar RPO of 13588 units, which may be allowed by the Commission as provided in Second Amendment to GERC RPO Regulations. It is also submitted that apart from the Respondent GIFTPCL, several other Small Scale Distributed Solar Projects are being set up within its licensee area.

9. We have considered the submissions made by the parties regarding RPO compliance for FY 2018-19. We note that the present *Suo Motu* proceedings has been initiated by the Commission for monitoring of RPO compliance wherein submissions have been filed / received from all the Respondents as under:

- (a) MPSEZ Utilities Private Limited vide affidavit dated 06.01.2019;
- (b) AspenPark Infra Vadodara Pvt. Ltd. vide affidavit dated 09.01.2020;
- (c) Jubilant Infrastructure Ltd. vide affidavit dated 09.01.2020
- (d) GIFT Power Company Limited vide affidavit dated 07.01.2020;
- (e) Deendayal Port Trust vide affidavit dated 09.01.2021;
- (f) Gujarat Energy Development Agency vide affidavit dated 03.01.2020.

9.1. We note that the Respondent No. 5, Deendayal Port Trust filed reply as stated above but has neither remained present during the hearings nor made any written communication about inability to remain present despite being served the hearing notice to them in advance.

9.2. We further note that pursuant to public notice dated 06.12.2019 issued by the Commission was published on 10.12.2019 in two Gujarati daily newspapers i.e. Sandesh, Gujarat Samachar and one English newspaper i.e. Business Standard newspaper. Moreover, the present Petition was also uploaded on GERC website to invite objections/suggestions from the stakeholders. However, the Commission has not received any objections/suggestions/comments from the stakeholders.

9.3. We note that as regards the RPO compliance by distribution licensees other than Respondent No.'s 1 to 5, in the State for FY 2018-19 is concerned, Gujarat Urja Vikas Nigam Limited (GUVNL) on behalf of its four subsidiary distribution companies namely Madhya Gujarat Vij Company Limited (MGVCL), Uttar Gujarat Vij Company Limited (UGVCL), Paschim Gujarat Vij Company Limited (PGVCL) and Dakshin Gujarat Vij Company Limited (DGVCL) has filed Petition No. 1808 of 2019 seeking revision of minimum quantum of purchase (in %) from renewable energy sources in view of supply constraints and factors beyond the control of the licensee. Similarly, Torrent Power Limited – (Ahmedabad/Gandhinagar & Surat) has filed Petition No. 1830 of 2019 regarding compliance of Renewable Purchase Obligations for FY 2017-18 considering total energy requirement as 11760.49 MUs and also

seeking revision in RPO percentage targets. Moreover, Torrent Power Limited – (Dahej) has filed Petition No. 1830 of 2019 regarding compliance of Renewable Purchase Obligations for FY 2017-18 considering total energy requirement as 441.09 MUs while seeking revision in RPO percentage targets. In the present matter, M/s MPSEZ Utilities Pvt. Limited have filed their RPO compliance on affidavit submitting that the Respondent No. 1, MUPL has fulfilled its RPO for FY 2018-19 as per directives of the Commission.

9.4. As already noted above, GEDA has submitted the RPO compliance details of GUVNL, Torrent Power Ltd. (Ahmedabad, Gandhinagar & Surat), Torrent Power Ltd. (Dahej) and MUPL.

9.5. We note that the Commission has issued the GERC (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018 vide Notification No. 01 of 2018, wherein; the RPO of the obligated entities for FY 2018-19 is specified as under:

Year	Minimum Quantum of purchase (in%) from renewable energy sources (in terms of energy in kWh)			
	Total	Wind	Solar	Biomass, Bagasse and Others
FY 2018-19	12.70%	7.95%	4.25%	0.50%

9.6. We note that the Commission in its Order dated 21.04.2022 in Petition No. 1808 of 2019 filed by GUVNL praying for revision of minimum quantum of purchase (in %) from renewable energy sources in view of supply constraints and factors beyond the control of the licensee has after referring various provisions of the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and amendments thereto recognized that the Commission is empowered to (i) revise the RPO target, (ii) carry forward the RPO to the next year, (iii) impose penalty on the obligated entities due to non-compliance of the RPO, (iv) grant exemption from payment of regulatory charge for non-compliance of the RPO, and (v) add, amend or alter the RPO Regulations as a part of removal of difficulties by passing an appropriate order.

- 9.7. Moreover, in the aforesaid Order, the Commission has noted that the preamble of the Electricity Act, 2003, Tariff Policy and National Electricity Policy mandate the State Electricity Regulatory Commission to protect the interest of the consumers as specified under Section 61(d) and 94 of the Act and also promote co-generation and generation of electricity from the renewable energy sources as specified under Section 61 (h) and 86 (1) (e) of the Act and that the role of the Commission is to balance the interest of the consumers as well as the promotion of renewable energy.
- 9.8. We also note that in its above stated Order, the Commission while referring judgments dated 25.04.2014 in Appeal No. 24 of 2013 and 16.04.2015 in Appeal No. 258 of 2013 & Appeal No. 21 of 2014 of Hon'ble APTEL and elaborately quoting the relevant paragraphs wherein Hon'ble APTEL recognized that revision of the RPO targets by the Commission before or during a year or after passing of the year is permissible by exercising its power under Regulation 4.2 of the RPO Regulations, 2010 in view of the reasons beyond the control of the distribution licensees or due to inadequate capacity addition in a resource rich State or if the same are found unrealistic considering the availability of renewable energy in the State or due to inadequate Renewable Capacity addition. Moreover, in the event of such revision in the Renewable Purchase Obligation targets set up under Regulation 4.1, there cannot be any further consideration of the availability of Renewable Energy Certificates or non-availability of RECs may not always be a pre-condition for exercise of powers under Regulation 4.2. The Commission may also revise the RPO targets in case of actual generation being lower than the normative generation due to reasons beyond the control of the Distribution Licensee or there is a natural calamity or inadequate capacity addition in the State.
- 9.9. Further, in the above mentioned Order, the Commission after analysing the availability of renewable energy sources, verifying as to whether there was adequate renewable capacity addition in the State or not for fulfillment of RPO targets by the obligated entities and whether the generation from such capacity was available to the obligated entities during the year has also made detailed analysis regarding capacity addition during FY 2018-19. Further, the Commission has decided to consider the actual level of achievement in RPO compliance for the State by adopting the weighted average formula in which the renewable energy available in the State and the energy procured by the distribution licensees is considered

towards the RPO compliance for FY 2018-19 and decide to revise the RPO targets in percentage on basis of the status of RPO compliance by the Petitioner and other obligated entities during F.Y. 2018-19 as under:

Particulars	UOM	FY 2018-19		
		Target RPO	Achieved	Surplus (-) / Shortfall (+)
GUVNL				
Energy Required		98021.01		
Wind	%	7.95%	8.17%	(-) 0.22%
	MUs	7792.670	8010.000	(-) 217.330
Solar	%	4.25%	2.50%	1.75%
	MUs	4165.893	2455.000	1710.893
Others	%	0.50%	0.15%	0.35%
	MUs	490.105	142.188	347.917
Total	%	12.70%	10.82%	1.88%
	MUs	12448.668	10607.188	1841.480
TPL Ahmedabad & Surat				
Energy Required		11760.49		
Wind	%	7.95%	7.95%	0.00%
	MUs	934.959	935.410	(-) 0.451
Solar	%	4.25%	3.57%	0.68%
	MUs	499.821	420.020	79.801
Others	%	0.50%	0.00%	0.50%
	MUs	58.802	0.000	58.802
Total	%	12.70%	11.53%	1.17%
	MUs	1493.582	1355.430	138.152
TPL Dahej				
Energy Required		441.09		
Wind	%	7.95%	6.73%	1.22%
	MUs	35.067	29.690	5.377
Solar	%	4.25%	2.33%	1.92%
	MUs	18.746	10.280	8.466
Others	%	0.50%	0.00%	0.50%
	MUs	2.205	0.000	2.205
Total	%	12.70%	9.06%	3.64%
	MUs	56.018	39.970	16.048
MPSEZ				
Energy Required		310.34		
Wind	%	7.95%	9.43%	(-) 1.48%
	MUs	24.672	29.280	(-) 4.608
Solar	%	4.25%	3.99%	0.26%

	MUs	13.189	12.380	0.809
Others	%	0.50%	0.00%	0.50%
	MUs	1.552	0.000	1.552
Total	%	12.70%	13.42%	(-) 0.72%
	MUs	39.413	41.660	(-) 2.247

Weighted Average RPO on the basis of compliance achieved:

RPO Category		Target RPO	RPO Achieved
Wind	%	7.95%	8.146%
	MUs	8787.368	9004.380
Solar	%	4.25%	2.622%
	MUs	4697.650	2897.680
Others	%	0.50%	0.129%
	MUs	552.665	142.188
Total	%	12.70%	10.90%
	MUs	14037.682	12044.248

- 9.10. In the aforesaid Order, as far as RPO for Wind energy is concerned, it is observed by the Commission that the weighted average RPO on basis of actual RPO achieved works out to 8.146% as against 7.95% specified by the Commission in RPO Regulation, which is higher than RPO target and decided to maintain the Wind RPO at the level of 7.95% as stipulated in the Regulations. However, the weighted average Solar RPO on basis of actual RPO achieved works out to 2.622% as against 4.25% specified by the Commission in RPO Regulation and in case of 'Others' category on basis of actual RPO achieved it works out to 0.129% as against 0.50% specified by the Commission in RPO Regulation. Accordingly, the Commission has decided that Solar RPO needs to be revised to 2.62% and that of 'Others' category needs to be revised to 0.13%. Accordingly, it is decided by the Commission in said Order that Petitioner GUVNL in said Petition and other obligated entities shall be required to fulfil the Wind RPO of 7.95% as per Regulations and revised 'Others' category RPO of 0.13% of their energy requirements and accordingly, revised Non-Solar RPO works out to 8.08% instead of 8.45% specified in the Regulations. Further, it is also decided that the Petitioner GUVNL therein and other obligated entities shall be required to fulfil the Solar RPO @ 2.62% of their energy consumption of FY 2018-19. It is also made clear in that Order that revised Non-Solar and Solar RPO compliance is to be fulfilled after adjustment of carry forward, if any, of previous years.:

RPO Category	RPO as per the Regulations notified by the Commission	Revised RPO Percentage
Others	0.50%	0.13%
Solar	4.25%	2.62%

9.11. Since, as per the above decision of the Commission, the revised RPO percentage for FY 2018-18 of 'Non-Solar' is 8.08% and for Solar category is 2.62% of various Distribution Licensees as per above table, the same needs to be applied to the Respondents herein and thereafter, decide the achievement of RPO targets for the FY 2018-19.

9.12. In respect of Respondent No. 1, MPSEZ Utilities Private Limited, as already noted in earlier paragraphs, status of Solar RPO and Non-Solar RPO is submitted as per RPO targets stipulated for FY 2018-19 in the GERC (Procurement of Energy from Renewable Source) (Second Amendment) Regulations, 2018 considering total energy of 310.34 MUs for FY 2018-19. It is submitted that apart from considering renewable attributes of around 3.32 MW Solar projects set-up by bulk consumers in its license area in order to meet the shortfall in Solar RPO, MUPL has purchased Solar RECs. Accordingly, Solar RPO achieved is 3.99% as against target of 4.25%. Moreover, MUPL has entered into PPAs for Wind power from 12 MW WTGs and also purchased Non-Solar RECs and thereby achieved Non-Solar RPO of 9.43% against the target of 8.45%. Thus, there is excess purchase of Non-Solar energy and after adjustment of surplus Non-Solar energy against shortfall in Solar energy in terms of Regulation 4.2 of GERC RPO Regulations as amended, there is still surplus in renewable energy/RECs procured by the Respondent MUPL. Accordingly, total RPO achieved is 13.42% against 12.70% and thereby RPO for FY 2018-19 is fulfilled. Since, the Respondent MUPL has already achieved RPO targets as stipulated by the Commission for FY 2018-19, it is not necessary to verify the same on basis of revised RPO targets decided by the Commission. It is further submitted that the Respondent MUPL has already complied with the directives of the Commission in its Orders dated 02.01.2019 in Petition No. 1442 of 2014 and 08.01.2019 in Petition No. 1437 of 2014 to fulfil shortfall in Renewable Purchase Obligation for FY 2013-14 during FY 2018-19 and submitted compliance report in this regard. Accordingly, we decide

that Respondent No. 1, MPSEZ Utilities Private Limited has complied with the RPO requirements for FY 2018-19.

9.13. The Respondent No. 2, M/s Aspen Park Infra Vadodara Private Limited (M/s Aspen) has submitted on affidavit that power requirements are procured from the MGVL and it is for MGVL to follow the obligations of RPO. It is further submitted that MGVL is State undertaking and fulfilling the obligations of RPO and accordingly requested to grant exemption from complying with RPO on the ground that as deemed distribution licensee, power procurement is from MGVL who is fulfilling the RPO obligation while relying on previous Order dated 16.01.2015 and 31.12.2016 passed by the Commission wherein exemption has been granted to the Respondent M/s Aspen from obligations to comply with RPO. We note that as the licensee is procuring the power requirements from MGVL, which includes the renewable component also as per above submissions, we decide that Respondent No. 2, M/s Aspen Park Infra Vadodara Private Limited complies with the RPO requirements for FY 2018-19.

9.14. We note that the Respondent No. 3, Jubilant Infrastructure Ltd. has submitted on affidavit that it is getting power supply from Dakshin Gujarat Vij Company Limited (DGVCL) as a consumer from the beginning for its SEZ area and has continued to receive during FY 2018-19 also. Similarly, the units established by Jubilant Life Science Limited in the SEZ also receive the power supply through DGVCL as a consumer. It is submitted that the Commission has already considered and accepted said submission regarding supply of power from DGVCL and granted exemption from RPO compliance for the previous years based upon the drawl of power from DGVCL and accordingly, M/s Jubilant Infrastructure Ltd. is seeking RPO compliance exemption for FY 2018-19 as well as FY 2019-20 based on drawl of power supply from DGVCL. In support of same, the Respondent No. 3 has also filed copies of electricity bills of DGVCL as a consumer during FY 2018-19. We note that as the licensee is procuring the power requirements from DGVCL, which includes the renewable component also as per above submissions, we decide that Respondent No. 3, complies with the RPO requirements for FY 2018-19. With regard to exemption for FY 2019-20 by the Respondent M/s Jubilant Infrastructure Ltd., we note that separate Petition No. 1915 of 2020 is filed and accordingly, will be dealt by the Commission in that matter.

9.15. We note that Respondent No. 4, GIFT Power Company Ltd. has submitted that as a distribution licensee, except 0.1608 MUs procured from IEX, balance power procurement by GIFTPCL is from UGVCL as HT consumer. It is also submitted that the demand in license area is very low and hence GIFTPCL has purchased around 99.13% of its electricity requirement from UGVCL having consumer No. 18115 since 24.05.2013 to supply to its consumers during FY 2018-19. It is further submitted that power procurement from UGVCL, which is one of the State entities is required to comply with the RPO Regulations notified by the Commission. UGVCL is purchasing and supplying power to the consumers which consists of conventional and renewable energy component. Therefore, the energy supplied by UGVCL to GIFT Power Company Limited is also having the renewable energy component. It is submitted that RPO target fixed by the Commission for FY 2018-19 is 4.25% for Solar, 7.95% for Wind and 0.50% for 'Others' and GIFTPCL has met the Solar as well as Non-Solar power procurement obligation by procuring electricity generated from the solar roof top projects installed by GIFTPCL under net-metering, which may be allowed by the Commission as compliance of RPO requirements for FY 2018-19. We note that GIFTPCL has procured 0.1608 MUs from IEX whereas its balance power requirements is procured from UGVCL. It is submitted that RE requirement against said 0.1608 MUs procurement from IEX is 20824 kWh against which actual RE purchase/generation from its own Solar-roof Top Project under Net Metering is 26553 kWh. Thus, Solar energy required to comply with revised Solar target of 2.62% is 4213 kWh and accordingly, after compliance of same, there is excess purchase of 22339 kWh Solar energy. Further, Non-Solar energy required to comply with the revised target of 8.08% is 12993 kWh but there is no purchase of Non-Solar energy or Non-Solar REC procured by GIFTPCL. However, after adjustment of surplus Solar energy of 22339 kWh against said shortfall of 12993 kWh in Non-Solar energy in terms of Regulation 4.2 of GERC RPO Regulations as amended, there is still surplus renewable energy. We also note that as the licensee has procured balance power requirements from UGVCL, which includes the renewable component also, we decide that Respondent No. 4, GIFTPCL has complied with the RPO requirements for FY 2018-19.

9.16. We note that the Respondent No. 5, Deendayal Port Trust (DPT) has submitted that the power consumed by DPT is from its own 6 MW Wind power plant and balance

requirement is met through power purchase from PGVCL and DPT has not procured power from any other source(s) during FY 2018-19. Referring to previous Order of the Commission it is also submitted that power procured from PGVCL during FY 2018-19, which includes the renewable energy component also. Further, DPT is fulfilling around 80% of its total power requirement from its own 6 MW Wind power project and accordingly requested to exempt DPT for compliance to RPO as DPT is already fulfilling its power requirement from either PGVCL or its own renewable projects. they comply with the RPO requirement to the extent of RPO compliance by PGVCL. As the licensee DPT is procuring renewable power from 6 MW WTG and meeting balance requirements from PGVCL, which includes the renewable energy component also. Accordingly, we decide that Respondent No. 5, DPT has complied with the RPO requirements for FY 2018-19.

- 9.17. Before parting, we note that it is incumbent upon the distribution licensees to submit details to the Commission and GEDA regarding quarterly RPO compliance monitoring by the Commission as well as Annual RPO compliance undertaken by the Commission including documents substantiating the purchase of renewable power. Further, in case power supply to consumers' by any licensee is met by procuring such power requirements from other licensee(s), the same needs to be included in such submissions while claiming exemption from RPO for said power despite any dispensation that the Commission may have allowed for past periods. Also, submitting relevant details for Annual RPO compliance undertaken by the Commission may be by filing appropriate Petition before the Commission.
- 9.18. We note that GEDA has also made certain submissions regarding RPO compliance by obligated entities other than distribution licensees like problems faced in operation of portal requiring incorporating few features in National RPO webtool, modalities for verifying the compliance by CPPs and OA users, purchase of RECs by some OEs in subsequent year instead of purchasing in same financial year and seeking guidelines regarding its eligibility, clarifications issued by Ministry of Power regarding applicability of RPO for CPPs and whether RPO prescribed is applicable throughout the life of CPP or will be changed from time to time etc. We note that the present Suo Motu proceedings are pertaining to 'Monitoring of compliance of Renewable Purchase Obligation by distribution licensee for the FY 2018- 19 under the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and

subsequent amendments made thereto and hence the Commission is required to decide on issues relevant & germane to the subject matter in the present Petition. The submissions/representations made by GEDA, which are beyond the scope of present proceedings are not relevant in the present matter and accordingly, it is not appropriate for the Commission to decide any such matters in isolation. Hence, it is not proper to consider such issues in present proceeding and therefore, we decide not to deal with them or express any view or decision on the same in the present matter. However, GEDA is at liberty to seek decision of the Commission in accordance with law by filing appropriate Petition/Application, if so desired.

10. With this Order the present Suo Motu Petition stands disposed of.

11. We order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 04/05/2022.

