

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

Draft Order

In the matter of:

Petition filed by M/s Him Urja Pvt Ltd. under UERC (Compliance of Renewable Purchase Obligation) Regulation, 2010 seeking accreditation and issuance of Renewable Energy Certificates for Rajwakti Generating Station.

In the matter of:

M/s Him Urja Pvt. Ltd.

...Petitioner

AND

In the matter of:

1. Uttarakhand Electricity Regulatory Commission
2. Uttarakhand Renewable Energy Development Agency
3. Uttarakhand Power Corporation Ltd.

... Respondents

AND

In the matter of:

Appeal No. 193 of 2014

CORAM

Shri Subhash Kumar Chairman

Shri C.S. Sharma Member

Date of Order: December 18, 2015

The Order relates to the suo-moto Petition filed by the Commission for compliance of the directions of the Hon'ble ATE vide its Judgment dated 20.11.2015 to grant accreditation and consequent registration to M/s Him Urja Pvt. Ltd. (M/s HUPL) for Renewable Energy Certificates (RECs) under UERC (Compliance of Renewable Purchase Obligation) Regulation, 2010 in respect of its Rajwakti SHP (4.4 MW) and to all the Respondents to ensure compliance of the same.

1. Background

M/s HUPL established its Rajwakti SHP having capacity of 4.4 MW on river Nandakini in the year 2002 which is connected to 66 kV Srinagar-Joshimath transmission line at Mangrauli sub-station.

The Petitioner had applied for accreditation under REC mechanism to Uttarakhand Renewable Energy Agency (hereinafter referred to as "UREDA" or "State Agency" or "Respondent-1") on 22.06.2012 as the selling price of power from its Rajwakti SHP was lower than the Average Pooled Cost of Power Purchase (APPC) determined by the Commission. UREDA rejected its request for accreditation of Rajwakti HEP for Renewable Energy Certificates as according to them the RE Project was not eligible under REC mechanism as UPCL was also considering power purchased from Rajwakti HEP towards compliance of its RPO.

The Petitioner then filed a Petition on 19.11.2012 before the Commission seeking relief against UREDA's rejection for REC accreditation. The Commission vide its Order dated 28.05.2014 upheld the contentions advanced by both the UREDA and UPCL that Rajwakti SHP of the Petitioner did not meet the eligibility criteria for accreditation under REC mechanism and, hence, was not entitled for RECs.

The Petitioner went in Appeal in Hon'ble ATE against the Order of the Commission for not allowing accreditation to it for Renewable Energy Certificates. Hon'ble ATE vide its Judgment dated 20.11.2015 allowing the Appeal set aside the Order of the Commission and has directed the Commission to grant accreditation and consequent registration for issuance of REC to the Petitioner.

2. Commission's views and decision

The Commission in its earlier Order issued on May 28, 2014 observed that the Petitioner/Appellant was not entitled to REC accreditation. However, Hon'ble APTEL has set-aside the Order of the Commission. Further, Hon'ble ATE after having heard all the parties and going through their contentions has decided that the Petitioner/Appellant is entitled to REC accreditation in accordance with the provisions of the Regulations.

The directions given by Hon'ble ATE in the Order are reproduced hereunder:

"...9.11 In view of the above discussions, we find and clearly hold that all the conditions in

order to become eligible to apply for accreditation as per Regulation 8 of the State RPO Regulations, 2010 are fully satisfied/fulfilled by the Appellant/petitioner and the Appellant/petitioner is fully entitled for accreditation and subsequent registration and issuance of RECs under REC mechanism. Consequently, the issue is decided in favour of the Appellant and the application seeking accreditation filed by the Appellant/petitioner before the State Commission is liable to be allowed.

ORDER

The present Appeal, being Appeal No. 193 of 2014, is hereby allowed and the impugned order, dated 28.5.2014, passed by the Uttarakhand Electricity Regulatory Commission, is hereby set-aside along with the findings recorded therein. Since, we have, in our abovementioned conclusion, held that the Appellant/petitioner is fully eligible for accreditation as per Regulation 8 of the State RPO Regulations, 2010 since all the conditions provided in the said Regulations are fully satisfied/fulfilled by the Appellant/petitioner, the Appellant/petitioner is fully entitled for accreditation and consequent registration and issuance of the Renewable Energy Certificates under REC mechanism, the Respondent No.1/State Commission is directed to grant accreditation to the Appellant/petitioner for Renewable Energy Certificates within two months from today and all the respondents are, further, directed to ensure the compliance of the directions given in this judgment without fail. There shall be no order as to costs."

Therefore, the Commission in compliance of the Order issued by Hon'ble ATE directs Respondent No. 2 to grant accreditation to the Appellant/Petitioner for Renewable Energy Certificates in accordance with the provisions of the UERC (Compliance of Renewable Purchase Obligation) Regulation, 2010.

Ordered accordingly.

(C.S. Sharma)
Member

(Subhash Kumar)
Chairman