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**JOINT ELECTRICITY REGULATORY COMMISSION  
FOR THE STATE OF GOA AND UNION TERRITORIES  
GURGAON**

Quorum

Shri S.K.Chaturvedi, Chairperson

Smt. Neerja Mathur, Member

**Petition No. 175/2015**

**Date of Order: 27.05.2016**

**In the matter of**

Petition under Regulation 1 of Joint Electricity Regulatory Commission for the State of Goa & Union Territories (Procurement of Renewable Energy) Regulations, 2010 for non compliance of quantum of Renewable Purchase Obligation (RPO) by Obligated Entities for FY 2010-11 and FY 2014-15 and for action under Sections 142 and 146 of the Electricity Act 2003 and Regulation 4 of the JERC (Procurement of Renewable Energy) Regulations, 2010 and subsequent amendment called JERC for Goa and Union Territories (Procurement of Renewable Energy) (First Amendment) Regulations, 2014.

**And**

Non Compliance of Order dated 05.05.2014 in Suo-moto Petition no. 61/2012 by Utility of Dadra & Nagar Haveli.

**And in the matter of**

Green Energy Association, Sargam, 143, Taqdir Terrace, Near Shirodkar High School, Dr. E. Borjes Road, Parel (E), Mumbai – 400 012. ....Petitioner

**And in the matter of**

1. Secretary (Power), State of Goa .....Respondent (1)
2. Secretary (Power), UT of Andaman & Nicobar .....Respondent (2)
3. Secretary (Power), UT of Chandigarh .....Respondent (3)
4. Secretary (Power), UT of Dadra & Nagar Haveli .....Respondent (4)
5. Secretary (Power), UT of Daman & Diu .....Respondent (5)
6. Secretary (Power), UT of Lakshadweep .....Respondent (6)
7. Secretary (power), UT of Puducherry .....Respondent (7)

**(Designated State Nodal Agencies)**

8. Puducherry: Managing Director, REAP, Renewable Energy Agency, Bunglow No. 2, A.F.T Premises, Cuddalore Main Road, Mudaliarpet, Pin 605004, Puducherry – 605011 .....Respondent (8)
9. Goa: Member Secretary, Goa Energy, Energy Development Agency DST&E Building, 1st Floor, Saligo Plateau Opp. Seminary, Saligao, Bardez Goa – 403511 .....Respondent (9)
10. Andaman & Nicobar Islands: Executive Engineer (NRSE), Electricity Department, Office of the Executive Engineer, NRSE Division, Prothrapur, Port Blair – 744 105 .....Respondent (10)
11. Chandigarh: Director (Science & Technology), Chandigarh Administration Additional Town Hall Building, 2<sup>nd</sup> Floor, Sector – 17 C, Chandigarh .....Respondent (11)
12. Dadra & Nagar Haveli: Development & Planning Officer, Administration of Dadra & Nagar Haveli, Silvassa .....Respondent (12)

13. Lakshadweep: Executive Engineer, Electricity Department Lakshadweep, Administration Kavaratti – 682555 .....Respondent (13)

14. Daman & Diu: Principal Scientific Officer, Department of Science and Technology, Daman. ....Respondent (14)

**Present**

**For Petitioner**

Shri Parinay Shah, Advocate, Green Energy Association  
Ms. Mandakini Ghosh, Advocate, Green Energy Association

**For Respondent**

Shri Anand Ganeshan, Advocate, Electricity Department, Dadra & Nagar Haveli & Daman & Diu  
Shri Sandeep, Advocate, Electricity Department, Dadra & Nagar Haveli & Daman & Diu  
Shri Arun Patel, Jr. Engineer, Electricity Department, Dadra & Nagar Haveli  
Shri M.R. Ingle, Executive Engineer, Electricity Department, Daman & Diu

**ORDER**

Shri Parinay Shah, Ld. Counsel for the Green Energy Association (Petitioner) advanced his arguments before the Commission. Shri Shah mainly contended that the Electricity Department, Dadra & Nagar Haveli (Respondent No. 4) has not complied with the Commission's Order dated 05.05.2014 and dated 12.11.2014 respectively. The Commission in its Tariff Order dated 05.05.2014 observed that the Respondent No. 4 did not comply with the Order dated 27.12.2013 and has failed to meet its RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 for backlog for FY 2010-11 to FY 2013-14. The Commission took a serious view of the non-compliance of its above mentioned Orders by the Respondent and directed the Respondent to deposit Rs 110 crore (provisional amount) with the designated State Agency i.e. Development and Planning Authority, Dadra and Nagar Haveli by 30<sup>th</sup> September, 2014. The Commission also mentioned that it would consider the remaining amount to be deposited with the State Agency, if any, at the true-up stage.

The Commission further directed the Respondent to submit a detailed report of action taken to meet RPOs backlog for FY 2010-11 to FY 2013-14 and the proposed plan for meeting the RPO target for the current FY 2014-15 as per Tariff Order for FY 2014-15 by 21<sup>st</sup> July, 2014. If the licensee failed to meet the

RPO backlog for FY 2010-11 to FY 2013-14 the licensee would have to deposit the amount as per the said Tariff Order.

Ld. Counsel further contended that the Commission again in its Order dated 12.11.2014 observed that the Respondent has submitted incomplete report to meet RPO as per JERC (Procurement of Renewable Energy) Regulations, 2010 in respect of back log and current FY 2014-15 and did not comply with the Orders dated 05.05.2014 and 30.07.2014 in totality. The Commission also found that the Respondent has failed to meet RPOs as per JERC (Procurement of Renewable Energy) Regulations in respect of back log and current FY 2014-15. The Commission has taken a serious view of the non-compliance of its Orders by the Respondent. Therefore, the Commission directed the Respondent to submit an action plan by 09.02.2015 and to meet RPO as per Tariff Order for FY 2014-15 and JERC (Procurement of Renewable Energy) Regulations in respect of back log and current FY 2014-15. In default, the Commission shall be constrained to proceed under Regulation 4 of JERC (Procurement of Renewable Energy) Regulations against the Respondent.

Shri Anand Ganeshan, Ld. Counsel for Respondent No. 4 submitted that they have fulfilled RPOs for FY 2014-15 and FY 2015-16 to the extent of 90% and 84% in the non- Solar category and 97% and 96% in the Solar category respectively. The RPO is mostly met through purchase of non-solar power and RECs. The Respondent has also installed various rooftop and ground mounted solar plants and also intends to procure power under case – I bidding.

Ld. Counsel further submitted that the total amount spent for solar category including purchase of RECs as on 25<sup>th</sup> May, 2016 is Rs 48.598 crore and the total amount spent for non-solar category including purchase of RECs is Rs 101.93 crore.

Ld. Counsel further submitted that for fulfillment of RPOs as notified in the Tariff Policy, 2016 the Respondent is proposing purchase of power through competitive bidding route. The Respondent has

already conveyed its intent for procurement of 100 MW power through competitive bidding to Ministry of New & Renewable Energy, New Delhi.

In response to the specific query of the Commission for purchase of Solar energy/RECs to clear back log for FY 2010-11 to FY 2013-14 Ld. Counsel, Shri Ganeshan submitted that inspite of their repeated efforts to obtain Solar power for FY 2010-11 to FY 2014-15 they were unsuccessful, as there were no willing developers and no bids were received for the tenders floated by Dadra and Nagar Haveli. At the same time Solar Renewable Energy Certificates were also not available for purchase. Ld. Counsel for the Petitioner refuted Shri Ganeshan and submitted that Solar Energy Renewable Energy Certificates were available but comparatively at a higher price.

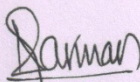
In light of the above rival contentions urged on behalf of both the parties, the Commission feels that additional information regarding efforts made by Dadra and Nagar Haveli to procure Solar Power or RECs to meet the RPOs for FY 2010-11 to FY 2013-14 and the details and the price of RECs during the above mentioned period may be submitted for its consideration. The Commission therefore directs Respondent No. 4 to submit the details with regard to efforts made by them to procure solar Power or RECs to meet the RPOs for FY 2010-11 to FY 2013-14 and directs the Petitioner to provide the details including the price of the RECs available during the above mentioned period within ten days for its consideration.

Ordered accordingly.

Sd/-  
(NEERJA MATHUR)  
MEMBER

Sd/-  
(S.K.CHATURVEDI)  
CHAIRPERSON

Certified Copy

  
Secretary