



नई दिल्ली
NEW DELHI

याचिका संख्या./ Petition No. 354/MP/2023

कोरम/ Coram:

श्री जिष्णु बरुआ, अध्यक्ष/Shri Jishnu Barua, Chairperson
श्री अरुण गोयल, सदस्य/ Shri Arun Goyal, Member
श्री पी. के. सिंह, सदस्य / Shri P. K. Singh, Member

आदेश दिनांक/ Date of Order: 19th May, 2024

IN THE MATTER OF:

Petition under Regulations 10 and 18 of the CERC (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulation 2022 for grant of Renewable Energy Certificate.

AND IN THE MATTER OF:

Power Company of Karnataka Limited (PCKL),
Room No. 503, 5th Floor
KPTCL Building, Kaveri Bhavan
Bangaluru – 560009.

...Petitioner

Versus

National Load Despatch Centre (NLDC),
C/o. Grid Controller of India (GCIL)
(Formerly Power System Operation Corporation Ltd.)
B-9 (1st Floor), Qutab Institutional Area,
Katwaria Sarai, New Delhi -110016.

...Respondent

Parties Present: Shri S. Vallinayagam, Advocate, PCKL
Shri Kailash Chand Saini, GCIL
Shri Alok Kumar Mishra, GCIL
Shri Gajendra Sinh, GCIL
Shri Abhishek Jain, GCIL

आदेश/ ORDER

The Petitioner, Power Company of Karnataka Limited (PCKL) is a Government Company under the Companies Act, 1956 and represents the distribution companies of Karnataka (ESCOMs) viz. Bangalore Electricity Supply Company Ltd (BESCOM), Mangalore Electricity Supply Company Ltd (MESCOM), Hubli Electricity Supply Company Ltd (HESCOM), Gulbarga Electricity Supply Company Ltd (GESCOM), Chamundeshwari Electricity Supply Company Ltd (CESC) regarding power purchase activities. The Petitioner filed the present petition under Regulations 10 and 18 of the CERC (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulation 2022 (REC Regulations, 2022) for grant of Renewable Energy Certificate (REC), praying for issuance of RECs in respect of the generation during FY 2019-20 for CESC, FY 2020-21 for CESC and MESCOM, and FY 2021-22 and FY 2022-23 for ESCOMs.

2. The Respondent, National Load Dispatch Centre (NLDC), is designated as the Central Agency under Regulation 3 of the Central Electricity Regulatory Commission (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations 2022 (REC Regulations, 2022) and is entrusted with the functions of granting registration and issuance of RECs as per the said REC Regulations.
3. The Petitioner has made the following prayers:
 - i) *Extend the time for applying for RE Certificates by Distribution Licensees within 3 months from date of Tariff order by the Hon'ble KERC under its power to relax provided under Regulation 18.*
 - ii) *Direct the Central Agency to issue REC for the FY 2021-22 relating to all ESCOMs under its power to relax provided under Regulation 18;*
 - iii) *Direct the Central Agency to issue REC for the FY 2020-2021 relating to MESCOM under its power to relax provided under Regulation 18;*
 - iv) *Direct the Central Agency to issue REC for the FY 2019-20 & 2021-22 relating to CESC under its power to relax provided under Regulation 18;*

- v) *Direct the Central Agency to condone the delay in applying for issue REC for the FY 2021-2022 and FY 2022-2023 to all the ESCOMS of Karnataka under its power to relax provided under Regulation 18;*
- vi) *Pass any other order or orders as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the case.*

Submission by the Petitioner

4. The REC Regulations, 2022 state that a distribution licensee has to apply for issuance of RECs to the Central Agency, NLDC, within three months from the end of a financial year, along with a copy of certification from the concerned State Commission about purchase of electricity from the renewable energy sources in excess of the renewable purchase obligations (RPO) as determined by the concerned State Commission and in case, the application is made beyond the period of three months from the end of the financial year, no Certificate will be issued. As per the submission of the Petitioner, the ESCOMs were unable to keep up to the above-mentioned timeline of three months to file application to the Central Agency for grant of RECs as envisaged in Regulation 10 (3) of REC Regulations, 2022.
5. The Petitioner submitted that it is not possible for them to get the energy accounting done within three months from 31st March of each year due to the following stated reasons. Firstly, the details of energy supplied by the generator including RE generator for the month of March of every year is received by ESCOMs till the end of April and the ESCOMs initially estimate RE energy from RE generators based on scheduled energy, but adjustments are made based on actual energy injected into the grid, with revised energy bills received in May each year. Secondly, in Karnataka, the energy exchange between ESCOMs occurs via 11 KV lines and, in some cases, at 430 Volts, which also takes time for necessitating reconciliation of accounts to determine the actual power purchased by each ESCOM from RE generators. The final reconciliation of interface energy among the ESCOMs and Karnataka Power Transmission Corporation Limited is done in the month of April every year. Thirdly, reconciliation of the actual energy consumed considering energy exchanged between the ESCOMs, purchased from the banked energy, is calculated at the end of June every year. Fourthly, the reconciliation among the ESCOMs and with the nodal agency is finalized for energy accounting by each ESCOM and take at least four to five months. Thereafter, SLDC computes the RPO quantum and any surplus for the year which is subsequently incorporated

into the accounts of each ESCOM and subjected to audit verification and approval, involve multiple agencies and thus require considerable time.

6. The Petitioner submitted the following facts relating to REC applications for different distribution companies of Karnataka:

(i) Facts relating to REC Application of ESCOMs for FY 2021-22 and FY 2022-23

- (a) HECOM in the letter dated 08.06.2022, MESCOM in the letter dated 23.01.2023, GESCOM in the letter dated 02.02.2023 and BESCOM in the letter dated 08.02.2023 requested KERC to issue certification in Format 1.4 for FY 2021-22 for the RE procured beyond the RPO target. Meanwhile NLDC vide email dated 14.02.2023 to MESCOM stated that the application made by the MESCOM was beyond three months from the end of financial year.
- (b) In response to letters of ESCOMs for recommendation by the State Commission for the issuance of REC for FY 2021-22, KERC in the letter dated 09.03.2023 stated that the AG audit of the accounts of the ESCOMs gets finalized by December each year and therefore, it would be difficult to issue Format 1.4 within 3 months from the end of financial year. Accordingly, it was suggested that ESCOMs may file a petition before CERC requesting for extension of timeline specified under Regulation 10 (3) in the REC Regulations, 2022.
- (c) On 28.03.2023, MESCOM requested Additional Director, PCKL to file a petition before the Commission to seek relaxation / extension of time from three months to six months under Regulation 18 of CERC REC Regulations 2022.
- (d) BESCOM in the letter dated 04.05.2023 requested the same to the Commission.
- (e) Karnataka Electricity Regulatory Commission (KERC) issued a tariff order on 12.05.2023 and recommended excess solar and non-solar energy beyond RPO target in the letter dated 01.06.2023.
- (f) BESCOM in the letter dated 05.06.2023 requested NLDC to issue REC for FY 2021-22 for 69982 MWh of non-solar REC of 1803220 MWh of solar REC.
- (g) NLDC email dated 09.06.2023 requested the BESCOM to provide Tariff Order for FY 2021-22. BESCOM in the letter dated 31.07.2023 furnished all the details sought by NLDC and requested to issue REC for FY 2021-22. However, NLDC did not issue REC certificate to ESCOMs of Karnataka quoting the clause 10 (3) of REC Regulation, 2022.
- (h) For 2022-23, KERC could not issue or recommend excess solar and non-solar energy in view of the finalization of the audit and account of ESCOMs.

(i) It is requested that the Commission to exercise its power to relax and allow ESCOMs of Karnataka to obtain RE certificate after recommendation of the KERC and direct NLDC to consider RE certificate for the FY 2021-22 based on the KERC recommendation and for the FY 2022-23 based on the recommendation by SLDC.

(ii) Facts relating to RE Certificate Application of MESCOM for the FY 2020-21

- (a) MESCOM received an email from NLDC on 09.01.2023 that it had verified the REC provided by KERC, intimating verification of REC and therefore, MESCOM forwarded the EIR to NLDC for FY 2019-2020 and FY 2020-2021.
- (b) NLDC vide email dated 10.01.2023 to MESCOM stated that the application for REC relating to FY 2020-21 was received by the Central Agency on 26.12.2022 and that the application was punched after implementation of REC Regulations, 2022 on 05.12.2022.
- (c) MESCOM vide email dated 13.12.2023 to NLDC informed that during the submission of EIR for FY 2019-20 & FY 2020-21 on 30.11.2022, the website did not accept the data for FY 2020-21.
- (d) NLDC vide email dated 18.01.2023 replied that for the energy punched for the FY 2019-20 intimation was sent to the Central Agency on 01.12.2022 through mail. However, regarding energy for the FY 2020-21 it was punched on 30.12.2022 and no intimation regarding any difficulty encountered in the web portal was made to the Central Agency. As the REC Regulations, 2022 came into effect from 05.12.2022, the Central Agency can issue certificates only in line with the said regulations.
- (e) MESCOM vide letter dated 08.02.2023 to NLDC intimated the Format 1.4 issued by KERC in response to FY 2019-20 & FY 2020-21 and stated that on 14.11.2022 MESCOM received the Certificate of Registration. REC for FY 2019-20 was entered in the portal on 30.11.2022 but energy details for FY 2020-21 were not allowed to be saved in the portal. The REC for FY 2020-21 was entered into the portal on 20.12.2022 and MESCOM received instruction for payment for the REC on 09.01.2023. But on 10.01.2023 NLDC informed MESCOM that the information for REC was punched after coming into effect of the REC Regulations 2022 and as such no Certificate would be issued on application made after three months from the end of financial year.
- (f) MESCOM stated that the NLDC website did not allow for saving of energy data punched on 30.11.2022.
- (g) MESCOM vide letter dated 31.03.2023 to the NLDC requested to issue REC for the FY 2020-2021 to avoid financial loss to the distribution licensee.

- (h) There is no lapse on the part of MESCOM to obtain the RE certificate for the FY 2020-21 as the entire process took time and correspondence between NLDC and the MESCOM. Although the MESCOM punched the RE certificate for the FY 2019-20 & 2020-21, MESCOM got REC for FY 2019-20 and not for FY 2020-21.
- (i) MESCOM has requested to relax the time for filing application and issue a direction to NLDC to consider the application and issue RE certificate for the FY 20-21.

Facts relating to REC Application of CESC For FY 2019-20 and FY 2020-21

- (a) After obtaining certificate of accreditation from SLDC, Karnataka, CESC filed online application for issuance of REC for the FY 2019-20 with the letter dated 03.09.2022.
- (b) CESC in its letter dated 29.10.2022 furnished all documents/ clarifications as required by NLDC vide email dated 20.09.2022 for issuance of REC for the FY 2019-20. CESC vide email dated 28.11.2022 furnished the details sought by NLDC and provided the detailed breakup of actual energy procured in FY 2016-17, FY 2017-18, FY 2018-19 & FY 2019-20 validated by Karnataka SLDC with Tariff order.
- (c) NLDC vide email dated 21.12.2022 forwarded their observation to CESC in which NLDC highlighted certain discrepancies in the percentage obligations for solar energy compliance, which were lower than stated in the RPO compliance sheet for both FY-2018 and FY-2019. CESC in the email dated 26.12.2022 furnished the reply to the above observation made by NLDC. NLDC vide email dated 25.01.2023 again raised observation on the energy consumption. CESC in the email dated 27.01.2023 has given compliance to the observation made by NLDC.
- (d) CESC vide letter dated 01.02.2023 requested NLDC to issue of REC to CESC for FY 2019-20 and vide email dated 14.02.2023 gave energy injection report of CESC for FY 2019-20 to NLDC.
- (e) NLDC vide email dated 15.02.2023 informed that in respect of energy injection report of CESC for FY 2019-20, as per the REC Regulation 2022, certificate will not be issued for the said period as per the timeline specified in the said regulations.
- (f) CESC vide letter dated 20.03.2023 to NLDC requested to consider the submission in view of the financial loss and issue RE certificate for the FY 2019-20 & FY 2020-21.
- (g) Until and unless the data of FY2019-2020 is verified by NLDC, the Petitioner cannot give the declaration, which is mandatory for applying for REC of FY 2020-21. It is submitted that the delay is not intentional.

Hearing held on 19.01.2024:

7. During the course of hearing, the learned counsel for the Petitioner submitted that the present Petition was filed for seeking an extension of time specified in Regulation 10 (3) of the REC Regulation 2022 by exercising the power to relax as provided under Regulation 18 of the REC Regulations. After hearing the learned counsel for the Petitioner, the Commission admitted the Petition and directed the parties to file the reply, if any.

Reply by the Respondent, Grid Controller of India Ltd. on date 07.02.2024

8. The Respondent submitted its reply as under:
- (a) BESCO was granted registration under the REC Mechanism on 20.05.2022. Subsequently, the Central Agency, NLDC issued Non-Solar REC on 11.07.2022 and Solar REC on 12.07.2022 for FY 2020-21.
 - (b) HESCO was granted registration under REC Mechanism on 15.07.2022. For the FY 2020-21, the Central Agency issued Non-Solar REC on 21.09.2022 and Solar REC on 22.09.2022.
 - (c) For FY 2021-22, BESCO applied for issuance of REC vide mail dated 07.06.2023 and HESCO on 05.06.2023, thereafter the Central Agency vide mail dated 09.06.2023 and 08.06.2023 informed BESCO and HESCO respectively, that REC Regulations 2022 were effective from 05.12.2022 and as per these Regulations, a distribution licensee must apply for issuance of RECs to Central Agency within three months from the end of a financial year.
 - (d) GESCO was granted registration on 05.09.2022. For the FY 2020-21, the Central Agency issued Non-Solar REC on 30.01.2023 and Solar REC on 20.01.2023.
 - (e) MESCOM was granted registration under REC Mechanism on 14.11.2022. For the FY 2019-20, Central Agency issued Solar and Non-Solar REC on 11.01.2022. For the FY 2020-21, MESCOM punched energy injection data on the REC portal on 30.12.2022. The Central Agency vide mail dated 10.01.2023, 18.01.2023, 14.02.2023, 13.04.2023 informed MESCOM that the REC Regulations 2022 were effective from 05.12.2022 and as per these Regulations, a distribution licensee need to apply for issuance of RECs to Central Agency within three months from the end of a financial year. For the FY 2021-22, MESCOM vide letter dated 07.06.2023 received at Central

Agency on 14.06.2023 and vide mail dated 15.06.2023 requested for issuance of RECs. MESCOM did not apply for the issuance of the RECs through the REC web portal as prescribed in the REC procedure 2022. The Central Agency vide mail dated 15.06.2023 informed MESCOM that REC Regulations 2022 were effective from 05.12.2022 and as per these Regulations, a distribution licensee has to apply for issuance of RECs to Central Agency within three months from the end of a financial year.

- (f) CESC applied on the REC web portal for registration on 14.09.2022. The Central agency informed CESC to submit signed copy of online application, detailed breakup of energy, tariff order and other documents on 20.09.2022, 17.10.2022, 26.10.2022, as per the CERC approved REC procedure effective at that time and APTEL order dated 20.08.2020 in the matter of Appeal No. 99 of 2020. The Central Agency received signed copy of online application and detailed breakup of energy on 31.10.2022. Further, the Central Agency requested CESC to submit breakup of actual energy procured during 2016-17, 2017-18, 2018-19 & 2019-20 validated by Karnataka SLDC with Tariff order on 17.11.2022. Thereafter, the Central Agency registered it under REC mechanism on 14.02.2023. For FY 2019-20, CESC punched energy injection data on the REC portal on 14.02.2023. The Central Agency vide mail dated 15.02.2023 and 02.03.2023 informed CESC that the REC Regulations 2022 were effective from 05.12.2022 and as per these Regulations, a distribution licensee need to apply for issuance of RECs to the Central Agency within three months from the end of a financial year.
- (g) For the FY 2022-23, BESCO, HESCO, MESCOM, GESCOM and CESC punched energy injection data on the REC portal on 30.06.2023. However, they did not submit the Certification from SERC regarding purchase of electricity from RE sources in excess of the RPO (Format 3.5) and details regarding purchase of electricity issued by State Agency / SLDC (Format 3.6). The REC Regulations 2022 mandate submission of Format 3.5 and the REC Procedure 2022 additionally mandate submission of Format 3.6 for the issuance of REC.

Hearing on date 20.03.2024

9. During the course of hearing, the learned counsel for Petitioner requested the Commission to allow it to submit an additional affidavit to bring on record the necessary documents for the

adjudication of the matter. Considering the request, the Commission permitted the Petitioner for the same.

Submission by the Petitioner on date 04.04.2024

10. The Petitioner submitted an additional affidavit given by ESCOMs for adjudication of the issue relating to the issuance of REC for the FY 2022-23 to the ESCOMs. Included in the submission were the KERC Combined Tariff Order 2024 outlining RPO compliance for ESCOMs in FY 22-23, punched applications made by MESCOM, HESCOM, GESCOM, and CESC to NLDC on June 30, 2023, requesting REC issuance, and request letters from MESCOM, HESCOM, and GESCOM to KERC for Format 1.4 issuance for FY 2022-23. Additionally, a letter from KERC dated December 22, 2023, addressed to GESCOM clarified that recommendations for RE procurement beyond RPO targets would be issued only after the Annual Performance Review based on audited accounts, as directed by APTEL. Therefore, the Petitioner couldn't file the required documents within three months as stipulated in the REC Regulations, 2022 due to the review process based on audited accounts, causing delays in REC issuance.

Hearing on date 01.05.2024

11. During the course of hearing, no one was present on behalf of the Petitioner. The representative of Respondent, GCIL submitted that it has already filed its reply in the matter. Considering the above, the Commission reserved the matter for order.

Analysis and Decision

12. We have heard the learned counsels for the Petitioner and the Respondents and have carefully perused the records.
13. The brief facts of the case: The Petitioner, Power Company of Karnataka Limited (PCKL) represents the distribution companies of Karnataka regarding power purchase activities. The Petitioner submitted that the DISCOMs in the State of Karnataka were unable to adhere to the timeline of 3 months to file an application for grant of RECs as envisaged in Regulation 10 (3) of the REC Regulations, 2022 due to practical difficulties. It was argued that the entire process and activities involved in energy accounting and reconciliation of RE generations while incorporating actual consumption, drawal/under drawal, and banked energy take a minimum of six months post the financial year-end. The Karnataka Electricity Regulatory

Commission (KEREC), when approached by the distribution companies of Karnataka, responded that the accounts of the ESCOMs are finalized by December, making it difficult to issue the recommendations within the three-month timeframe. It was rather suggested to file a petition before this Commission requesting it for extension of timeline specified in Regulations 10(3). The REC Regulations, 2022 came into effect from 05.12.2022 by repealing the earlier REC Regulations, 2010. The ESCOMs applying for issuance of RECs after implementation of the REC Regulations, 2022 were denied issuance of RECs in view of the changes in the application process/ timeline for issuance of RECs to DISCOMs.

14. For issuance of RECs corresponding to FY 2022-23, KEREC couldn't make recommendations for excess procurement of solar and non-solar energy without finalization of the audit and account of ESCOMs. In absence of the certification from the KEREC regarding excess procurement above RPO, the RECs were denied by the Central Agency i.e. NLDC to ESCOMs for FY 2022-23. For FY 2021-22, the recommendations from the KEREC were provided after implementation of the REC Regulations, 2022, and the NLDC declined to issue RECs citing non-adherence to timeline as stipulated in Regulation 10 (3) of the REC Regulations, 2022.
15. MESCOM was also denied RECs for the FY 2020-21 as the required information was punched after the REC Regulations 2022 came into effect. Similarly, CESC for the FY2019-20, punched energy injection data on the REC portal on 14.02.2023. However, NLDC, citing the REC Regulations, 2022, informed CESC on 15.02.2023, that REC cannot be issued as per the REC Regulation 2022.
16. Therefore, the Petitioner filed the present Petition and prayed for issuance of RECs in respect of the generation during FY 2019-20 for CESC, during FY 2020-21 for CESC and MESCOM, and during FY 2021-22 and FY 2022-23 for ESCOMs.
17. From the above, the Commission observes that the REC Regulations 2022 came into force w.e.f. 05.12.2022. The new regulations have brought changes in the process of issuance of RECs for DISCOMs. Prior to this, the REC mechanism was governed by the CERC REC Regulations 2010, which have been repealed now. As per the repealed CERC REC Regulations 2010, a distribution licensee had to apply for issuance of REC to the Central Agency within three months from the date of obtaining the certification from the appropriate

commission. However, as per provisions of CERC REC Regulations 2022, a distribution licensee has to apply for issuance of REC to the Central Agency within three months from the end of a financial year, along with a copy of certification from the concerned State Commission about purchase of electricity from renewable energy sources in excess of the renewable purchase obligations as determined by the concerned State Commission. In case, the application is made beyond the period of three months from the end of the financial year, no Certificate shall be issued. The relevant extract of Clause 10 (3) of CERC REC Regulation 2022 is quoted below:

“10. Issuance of Certificates

.....

(3) Application for issuance of Certificates shall be made by an eligible entity being a distribution licensee or an open access consumer within three months from the end of a financial year, along with a copy of certification from the concerned State Commission about purchase of electricity from renewable energy sources in excess of the renewable purchase obligations as determined by the concerned State Commission:

Provided that no Certificate shall be issued in case the application is made beyond the period of three months from the end of the financial year.

.....”

18. It is observed that the ESCOMs were registered in the REC Mechanism after required verifications by the Central Agency during FY 2022-23. After registration, the ESCOMs were also issued RECs before implementation of the REC Regulations 2022 w.e.f. 05.12.2022. However, information with regards to excess procurement above RPO for FY 2019-20 by CESC and for FY 2020-21 by MESCOM were punched after the implementation of REC Regulations, 2022. Similarly, information for excess procurement of RE in FY 2021-22 by ESCOMs were received after implementation of REC Regulations, 2022. In all the above cases, the Petitioner had initiated the action for issuance of the certificates before the REC Regulations, 2022 came into effect but could not complete the process of application before implementation of the REC Regulations, 2022.
19. For FY 2022-23, the Petitioner was required to approach the respondent within three months from the end of the financial year, along with the certification from the Karnataka Electricity Regulatory Commission (KEREC). We observe that the in absence of audited account of the

ESCOMs, the KERC could not recommend excess solar and non-solar energy for FY 2022-23. It was rather suggested that the Petitioner may approach this commission for extension of timeline specified in Regulations 10(3) of REC Regulations, 2022. We also take note of the additional submission by the Petitioner wherein the excess RE purchased over and above RPO target was estimated by the KERC as part of Annual Performance Review (APR) of FY 2022-23 for BESCOM in the Tariff Order dated 28.02.204. We observe that the primary cause of this delay is the time to obtain recommendations for excess procurement of RE power by the Petitioner which is beyond the control of the Petitioner. The Commission observes that the certification from SERC regarding purchase of electricity from renewable energy sources in excess of the RPO needs to be submitted by the ESCOMs to the Central agency.

20. We also observe that the relevant provisions of the REC Regulations, 2010 stipulate as under:

***“14. Power to give directions:** The Commission may from time to time issue such directions and orders as considered appropriate for the implementation of these regulations and for the development of market in power for Renewable Energy Sources.*

***15. Power to Relax:** The Commission may by general or special order, for reasons to be recorded in writing, and after giving an opportunity of hearing to the parties likely to be affected may relax any of the provisions of these regulations on its own motion or on an application made before it by an interested person.”*

21. The relevant provisions of REC Regulations, 2022 stipulate as under:

“17. Power to give directions

The Commission may, from time to time, issue such practice directions and orders as considered appropriate for the implementation of these regulations

18. Power to Relax

The Commission may by general or special order, for reasons to be recorded in writing, and after giving an opportunity of hearing to the parties likely to be affected, may relax any of the provisions of these regulations on its own motion or on an application made before it by interested person(s).”

22. From the above, we note that the REC Regulations 2010 have been repealed by the REC Regulations 2022. By virtue of the saving clause, in terms of Regulation 19 (2) of the REC

Regulations 2022, anything done or any action taken under the repealed REC Regulations 2010 shall be deemed to have been done or taken under the REC Regulations 2022. It is also pertinent to note that both the REC Regulations, 2010 and the REC Regulations, 2022 have provisions for the power to relax and the Power to give directions.

23. As per the principle laid down for the grant of RECs, the Petitioner is an eligible entity being a distribution licensee, and it shall be entitled to RECs subject to fulfilment of the criteria for the issuance of RECs to such entities. The main objective of the REC framework is to promote the generation of renewable energy. Therefore, we are inclined to exercise the “Power to relax” under Regulation 18 of REC Regulations, 2022, in order to achieve the object of the regulations.
24. In our view, the delay in the application for issuance of REC is procedural in nature due to the reasons stated by the Petitioner and is not likely to prejudice any of the stakeholders, including the Respondent. Accordingly, the timelines stipulated under Regulation 10(3) of the REC Regulations 2022 are relaxed and the Petitioner is permitted to file its application for the issuance of RECs before the Central Agency for FY 2019-20 and FY 2020-21 in respect of CESC, for FY 2020-21 in respect of MESCOM and for FY 2021-22 in respect of all the ESCOMs Further, for FY 2022-23, the Commission directs the Petitioner to get the Certification from SERC regarding purchase of electricity from renewable energy sources in excess of the RPO and then approach the Central Agency, NLDC for issuance of RECs. Further, NLDC is directed to issue RECs for FY 2019-20 to FY 2021-22 for the respective ESCOMs after due verification and satisfying itself that the Petitioner meets all conditions and has submitted all the required documents for the issuance of RECs.
25. The Petition No. 354/MP/2023 is disposed of in terms of the above.

Sd/-

पी. के. सिंह
सदस्य

Sd/-

अरुण गोयल
सदस्य

Sd/-

जिष्णु बरुआ
अध्यक्ष