



नईदिल्ली
NEW DELHI

याचिकासंख्या./ Petition No. 234/MP/2021

कोरम/ Coram:

श्री आई. एस. झा, सदस्य/ Shri I. S. Jha, Member
श्री अरुण गोयल, सदस्य/ Shri Arun Goyal, Member
श्री पी. के. सिंह, सदस्य / Shri P. K. Singh, Member

आदेशदिनांक/ Date of Order: 05th of April, 2022

IN THE MATTER OF:

Petition under Section 79(1)(k) of Electricity Act, 2003 and Regulation 2(1)(d) read with Regulation 27 and 111 of Central Electricity Regulatory Commission (Conduct of Business Regulations), 1999 and Regulations 3,7,14 and 15 of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificates for Renewable Energy Generation), Regulations, 2010 seeking condonation of delay in sending hard copy of the Energy Injection Report data for the months of April and May, 2020 and consequently delay in complying with the procedure for issuance of Renewable Energy Certificates and to further direct the Respondent to issue the Certificates due to the Petitioner.

AND

IN THE MATTER OF:

ROQUETTE INDIA PVT. LTD.

(Formally known as ROQUETTE RIDDHI SIDDHI PVT. LTD.).

UNIT: Plot No. 12, Sector-9, IIE,

SIDCUL Pant Nagar, Rudrapur,

Udhamsingh Nagar, Uttarakhand- 244716

...Petitioner

Versus

NATIONAL LOAD DISPATCH CENTRE

1st Floor, NLDC Office,
B-9, Qutab Institutional Area,
Katwaria Sarai, New Delhi-110016

...Respondent

Parties Present: Shri Pawan Upadhyay, Advocate, RIPL
Ms. Tanzeela Mubashsharah, Advocate, RIPL
Shri Alok Gupta, RIPL
Shri Ashok Tiwari, RIPL
Shri Ravindra Rawat, RIPL
Shri Gajendra SinhVasava, NLDC

आदेश/ ORDER

The Petitioner, Roquette India Pvt. Ltd, is a biomass based cogeneration project having installed capacity of 10000 KW located at Pant Nagar, Rudrapur, District Udhamsingh Nagar in the State of Uttarakhand. Through the instant petition, the Petitioner has invoked Section 79(1)(k) of Electricity Act, 2003 and Regulation 2(1)(d) read with Regulations 27 and 111 of Central Electricity Regulatory Commission (Conduct of Business Regulations), 1999 and Regulations 3,7,14 and 15 of Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation), Regulations, 2010 (in short "REC Regulations"). The Petitioner is seeking condonation of delay in sending hard copy of the Energy Injection Report (EIR) data for the months of April and May, 2020 and consequently delay in complying with the procedure for issuance of Renewable Energy Certificates (RECs) and to further direct National Load Dispatch Centre to issue RECs due to the Petitioner.

2. The Respondent, National Load Despatch Centre (NLDC) nominated as the Central Agency under Regulation 3 of the REC Regulations, is entrusted with the functions inter alia of granting registration and issuance of RECs as per the said REC Regulations.
3. The Petitioner has made the following prayers:
 - a. *Condone the delay in submission of hard copy of application for issuance of RECs for the months of April and May 2020;*
 - b. *Direct the Respondent to issue the RECs due to the Petitioner for the months of April and May 2020;*
 - c. *Pass any such further order(s) or directions as this Hon'ble Commission may deem fit and proper in the facts and circumstances of the present matter to meet the ends of justice.*

Submissions of the Petitioner:

4. The Petitioner has submitted as under:
 - a) The project has installed capacity of 10000 KW Biomass based cogeneration project in its manufacturing unit located at Pant Nagar, Rudrapur, District Udham Singh Nagar in the State of Uttarakhand. The total connected load of the plant is 24476 KW. The project is accredited by Uttarakhand Renewable Energy Development Agency (UREDA) under REC mechanism.
 - b) On 04.05.2020, a Joint Meter Reading (JMR) was prepared jointly by the officials of Uttarakhand State Load Dispatch Centre (UKSLDC) and the Petitioner for the month of April, 2020.
 - c) On 04.06.2020, JMR was prepared jointly by the officials of UKSLDC and the Petitioner for the month of May, 2020.
 - d) On 19.09.2020, on the basis of the JMR, the Petitioner prepared the Joint Meter Reading Report for the months of April 2020 and May 2020 giving details of power eligible for

issuance of RECs to the Uttarakhand Power Corporation Limited (UPCL) for their verification, checking and counter signatures and onward submission to UKSLDC.

- e) On 29.10.2020, the Petitioner received EIR approved by UKSLDC for the months of April, 2020.
- f) On 18.11.2020, the Petitioner received EIR approved by UKSLDC for the months of May, 2020.
- g) As per the applicable procedure, the figures of EIR approved by UKSLDC can be uploaded on NLDC's website only thrice a month i.e. on 10th, 20th and the last day of Month. The EIR along with JMR for the month of April, 2020 was verified and forwarded to the Petitioner only on 29.10.2020 just one day before the last date of the month of October, 2020, whereas for the month of May, 2020, it was forwarded to the Petitioner on 28.11.2020. The Petitioner uploaded the data on the website of NLDC on 31.10.2020 for the month of April, 2020 and on 20.11.2020 for the month of May, 2020.
- h) Though the approved reports were uploaded within the time prescribed, the hard copies thereof could not be forwarded to the Respondent due to late receipt of the approved report and also on account of restricted physical movement owing to Covid-19 protocols and self-restraint followed by the Petitioner to protect the interests of the concerned people.
- i) The Petitioner sent the hard copies for the month of April, 2020 and May, 2020, on 16.11.2020 and 15.12.2020 respectively.
- j) On 09.12.2020, NLDC rejected the request of the Petitioner stating that the hard copy of the application for the issuance of RECs of April, 2020 has been received on 16.11.2020 which is beyond the timeline of six months.

- k) On 28.12.2020, NLDC again rejected the request of the Petitioner stating that the hard copy of the application for the issuance of RECs of May, 2020 has been received on 15.12.2020 which is beyond the timeline of six months.
- l) There was no delay in submission of soft copies of the reports to NLDC and the delay was only in supplying the hard copies. NLDC has failed to appreciate that due to Covid restrictions there was delay in complying with this requirement as the work had not resumed completely at all places.
- m) The Petitioner has completed every step prescribed in the CERC REC Procedures within due time except for submission of hard copy to the Central Nodal agency.
- n) It should be noted that the said delay was furthered/caused owing to the limitations that were induced due to Covid-19 pandemic as it is well known that since March 2020 the Covid-19 pandemic has wreaked havoc all across the globe and as a result of which nation wide as well as State level lockdowns were put in place for certain intervals and the Petitioners were equally affected by the Covid-19 induced lockdown. The delay was neither intentional nor deliberate and is owing to the circumstances beyond the control of the Petitioner.

Analysis and Decision:

- 5. We have heard the Petitioner and the Respondent and have carefully perused the records.
- 6. The brief facts of the case are that the Petitioner has installed Biomass based cogeneration project of a capacity of 10000 KW in the State of Uttarakhand. The project is accredited by UREDA. There was a delay in sending hard copy of EIR for the months of April, 2020 and May, 2020 for issuance of RECs and, therefore, NLDC refused to process the application of the Petitioner and did not issue RECs due to this delay.

7. The petition came up for online hearing on 15.02.2022. During the hearing, the Representative of NLDC submitted that NLDC does not have any objection towards the Petition filed by the Petitioner and that the Commission may pass an appropriate Order in the matter and that NLDC did not wish to file any reply in the matter.
8. The only issue involved for adjudication is *whether the delay by the Petitioner in sending hard copy of EIR for issuance of RECs for the month of April, 2020 and May, 2020 may be condoned and accordingly NLDC may be directed to issue equivalent RECs for the energy injected?*
9. The relevant provisions of *Procedure for Issuance of Renewable Energy Certificates to the Eligible Entity by Central Agency* (REC Issuance Procedures) stipulates as under:

“3. STEP-WISE DESCRIPTION OF THE PROCEDURE

3.1. Step - 1: An application for issuance of Renewable Energy Certificate shall be made by the Eligible Entity to the Central Agency. The eligible entity shall apply for Issuance of REC on the Web Based Application as per the details given in the Energy Injection Report (EIR issued by the SLDC / Recommendation of SERC for issuance of RECs) and shall also submit the same information in physical form with the Central Agency. The online application shall be acceptable by the Central Agency only if complete in all respect. The physical application for issuance of certificate shall include (i) Energy Injection Report (EIR) for RE projects /Recommendation of SERC for issuance of RECs for distribution licensee, and shall be made in the specified format (FORMAT-3.1: “Application for Issuance of Renewable Energy Certificates to the Eligible Entities”/FORMAT-3.1.1 for distribution licensee) (ii) Print out of online application duly signed and stamped by Authorized Signatory (iii) Commissioning Certificate for RE Generator, only for issuance for the first month after registration. The application shall be accompanied with the details of payment of the applicable fee & charges towards issuance of certificates as determined by CERC from time to time. While making application for issuance of RECs, the Applicant (Eligible Entity) shall quote the unique Registration Number assigned to it by Central Agency at the time of registration.

3.2. Step - 2: After receipt of physical application for issuance of renewable energy certificates from the Eligible Entity, the Central Agency shall undertake a preliminary scrutiny within 6 working days to ensure that the Application Form is complete in all respect along with necessary documents and applicable fees and charges. As part of preliminary scrutiny, the Central Agency shall satisfy that the following conditions are fulfilled by the RE generators or distribution licensee, as the case may be: a) The application is made in the format specified by the Central Agency from time to time. b) The status of Accreditation of the Eligible Entity with the State Agency has not expired. The status of Registration of the Eligible Entity with the Central Agency has not expired. c) The duly certified EIR/ Recommendation of SERC for issuance of RECs is attached for the same period for which

application is made towards issuance of Renewable Energy Certificate by the Eligible Entity. d) The application is accompanied with fees & charges.

3.3. Step - 3: After conducting the preliminary scrutiny, the Central Agency shall intimate in writing to the Applicant for submission of any further information or clarification, if necessary, to further consider the application for issuance of Renewable Energy Certificates or reject the application.

3.4. Step - 4: While considering any application for issuance of Renewable Energy Certificate, the Central Agency shall verify and ascertain availability of following information: a) Verification of the time period for which the Central Agency may have already issued Renewable Energy Certificates to the concerned Eligible Entity. b) Verification of Renewable Energy Certificates claimed by the Eligible Entity from the duly certified Energy Injection Reports by the concerned State Load Despatch Centre in respect of concerned Eligible Entity. c) Details of fee & charges made for issuance of certificates. d) Confirmation of Compliance Auditor report, if any.

3.5. Step - 5: The Central Agency shall issue Renewable Energy Certificates to the Eligible Entity only after confirming, the claims made by the Eligible Entity, with the duly certified EIR forwarded by the SLDC/ Recommendation of SERC for issuance of RECs . In case of any discrepancy, in the EIR enclosed by the Eligible Entity along with Application and regular EIR received by Central Agency from concerned State Load Despatch Centre, the information contained in regular EIR furnished by concerned State Load Despatch Centre shall be considered as final and binding for the purpose of issuance of Renewable Energy Certificates.

.....”

10. Further, Regulation 7(2) of the REC Regulations provides as under:

“7. Denomination and issuance of Certificates

(1) The eligible entity other than distribution licensee shall apply to the Central Agency for certificates within six months from the corresponding generation from eligible renewable energy projects:

Provided that the application for issuance of certificates may be made on 10th, 20th and last day of the month

(1A) The eligible distribution licensees shall apply to the Central Agency for Certificates within three months from the date of obtaining the certification, as provided in clause (1A) of the Regulation 5, from the concerned Appropriate Commission

(2) The Certificates shall be issued to the eligible entity after the Central Agency duly satisfies itself that all the conditions for issuance of Certificate, as may be stipulated in the detailed procedure, are complied with by the eligible entity:

(3) The Certificates shall be issued by the Central Agency within fifteen days from the date of application by the eligible entities.

(4) The Certificates shall be issued to the eligible entity on the basis of the units of electricity generated from renewable energy sources and injected into the Grid [or deemed to be injected in case of self-consumption by eligible captive generating plant and duly accounted in the Energy Accounting System as per the Indian Electricity Grid Code or the State Grid Code as the case may be, and the directions of the authorities constituted under the Act to oversee scheduling and dispatch and energy accounting, or based on written communication of distribution licensee to the concerned State Load Dispatch Centre with regard to the energy input by renewable energy generators which are not covered under the existing scheduling and dispatch procedures.]”

11. From the above, the Commission observes that as per mandate of the REC Regulations and the REC Issuance Procedures, the eligible entity has to make web based application for issuance of REC as per the details given in the Energy Injection Report and has to also submit the same information in physical form to the Central Agency (NLDC) within six months. NLDC has to verify the application in terms of the Energy Injection Reports issued by the concerned State Load Despatch Centre.
12. The Commission observes that the Petitioner has accepted the delay in sending the hard copy of EIRs for issuance of RECs for the months of April, 2020 and May, 2020 which was due to restricted physical movement owing to Covid-19 protocols and self-restraint followed by the Petitioner to protect the interests of the concerned people. The Petitioner has prayed for condoning the delay and for directing NDLC to issue RECs for the month of April, 2020 and May, 2020. The Respondent, NLDC has stated that it does not have any objection towards the petition filed by the Petitioner and that the Commission may pass an appropriate Order in the matter.
13. The Commission notes that the Petitioner uploaded the data on the website of NLDC in time - on 31.10.2020 for the month of April, 2020 and 20.11.2020 for the month of May, 2020. The delay was only in respect of submitting the hard copies of EIRs. In our view, the delay in sending hard copy of the EIRs is procedural in nature and causes no harm to any of the stakeholders, including the Respondent. Accordingly, we hereby condone the delay in sending the hard copies EIRs for

issuance of RECs and direct the Respondent NLDC to process the case of the Petitioner for grant of RECs for the months of April and May, 2020 after due verification.

14. The Petition No. 234/MP/2021 is disposed in terms of the above.

Sd/-
(पी. के. सिंह)
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Sd/-
(आई. एस. झा)
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