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**JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION AT
RANCHI**

NOTIFICATION
31st December, 2020

**JSERC(Renewable Energy Purchase Obligation and its compliance)
(First Amendment) Regulations, 2021**



Jharkhand State Electricity Regulatory Commission

No.83--In exercise of powers conferred by Sections 61, 66, 86(1)(e) and Section 181 of the Electricity Act 2003 and its amendments thereof and all other powers enabling it in this behalf, the Jharkhand State Electricity Regulatory Commission hereby makes the following Regulations to amend the Jharkhand State Electricity Regulatory Commission (Renewable Energy Purchase Obligation and its compliance) Regulations, 2016 which was further vide Suo-moto Order dated April 24, 2020 extended till March 2021. The amendment is hereby issued to promote renewable energy sources and to fix a minimum percentage of total consumption of the electricity of the Obligated Entities for purchase of energy from Renewable Energy Sources and to achieve long term growth trajectory of Renewable Purchase Obligation (RPO) from Solar as well as Non-Solar Energy:

1. Section A1 of the principal regulations shall be substituted as under:

SHORT TITLE AND COMMENCEMENT

- 1.1 **These Regulations may be called the “Jharkhand State Electricity Regulatory Commission (Renewable Energy Purchase Obligation and its compliance) (First Amendment) Regulations, 2021”.**
- 1.2 **These Regulations shall extend to the whole of the State of Jharkhand.**
- 1.3 **These Regulations shall come into force from April 01, 2021 after its publication in the Official Gazette of the Government of Jharkhand and unless reviewed earlier or extended by the Commission, shall remain in force.**
2. A new sub-clause, namely, sub-clause (b.1) shall be inserted after sub-clause (b) of Regulation 2.1 of the Principal Regulations as under:

“b.1 “Bundled Power” means the power sold to the Distribution Companies, primarily from Non-Renewable energy sources which has a minor component of power from Renewable Energy Sources.”
3. In sub-clause (i) of Regulation 2.1 of the Principal Regulations, the words “2016” shall be substituted by the words “**2021**”.
4. In sub-clause (m) of Regulation 2.1 of the Principal Regulations, the words “2016” shall be substituted by the words “**2021**”.
5. A new sub-clause, namely, sub-clause (p.1) shall be inserted after sub-clause (p) of Regulation 2.1 of the Principal Regulations as under:

“ p.1. “Prosumer” is a consumer who simultaneously produces RE Power.”
6. The sub-clause (q) of Regulation 2.1 of the Principal Regulations shall be deleted.
7. A new sub-clause, namely, sub-clause (r.1) shall be inserted after sub-clause (r) of Regulation 2.1 of the Principal Regulations as under:

“ r.1. “Renewable Energy Tariff” means the tariff fixed by the Commission for sale of energy from a generating station based on renewable energy sources to a distribution licensee;

8. In Regulation 4.1 of the Principal Regulations, the words “March 31, 2020” shall be substituted by the words **“reviewed by the Commission”**.
9. Two new provisos, namely, first and second proviso shall be added under sub-clause (a) of Regulation 5.1 of the Principal Regulations as under:

“Provided that such co-generation based captive consumption shall qualify for exemption only if such generation do not result in carbon emission of any kind.”

“Provided further that in case of co-generation based captive power plants, the onus to substantiate co-generation based consumption to the satisfaction of State Agency and Commission shall be to the account of such Captive Consumers.”

10. Regulation 5.2 of the Principal Regulations shall be substituted as under:

“5.2 Every Obligated Entity shall purchase electricity (in kWh) from renewable energy sources, at a defined minimum percentage of its total consumption as an Obligated Entity during a Year shown as under:

Year	Minimum Quantum of purchase in (%) from renewable energy sources (in terms of energy in kWh)		
	Solar	Non-Solar	Total
2021-22	10.50%	10.50%	21.00%
2022-23	11.50%	11.50%	23.00%
2023-24	12.50%	12.50%	25.00%

Explanation:

- i. CPP’s which are commissioned before 01.04.2016, RPO shall be pegged at the level as mandated by the Commission for the FY 2015-16. For CPP’s commissioned on or after 01.04.2016 onwards, the RPO target shall be as approved by the Commission for the year in which such CPP has been commissioned.
- ii. In case of any augmentation in the capacity, the RPO for augmented capacity shall be the RPO applicable for the year in which the CPP has been augmented.
- iii. Such Obligation to purchase renewable energy shall be inclusive of the purchases, if any, from renewable energy sources already being made by concerned Obligated Entity.
- iv. The RPO specified for FY 2023-24 shall continue till the applicability of these Regulations until any such revision is effected by the Commission in this regard.
- v. The power purchases under the power purchase agreements for the purchase of renewable energy sources already entered into by the Distribution Licensees and consented to by the Commission shall continue to be made till their present validity, even if the total purchases under such agreements exceed the percentage as specified hereinabove.

- vi. **RPO shall be calculated on the power consumption subtracted by the Hydro Power Consumption for that year as per the provisions of the National Tariff Policy, 2016.**
- vii. **Renewable Energy purchased through bundled power shall qualify for Renewable Purchase Obligation compliance to the extent of Renewable Energy content in the bundled power.”**

11. Regulation (5.2.a) shall be inserted after Regulation 5.2 of the Principal Regulations as under:

“5.2.a On achievement of Solar RPO Compliance to the extent of 80% and above, remaining shortfall if any, can be met by excess Non-Solar energy purchased beyond specified Non-Solar RPO for that particular year.”

12. Regulation (5.2.b) shall be inserted after of Regulation 5.2 of the Principal Regulations as under

“5.2.b On achievement of Non-Solar RPO Compliance to the extent of 80% and above, remaining shortfall if any, can be met by excess Solar energy purchased beyond specified Solar RPO for that particular year.”

13. Regulation (5.2.c) shall be inserted after of Regulation 5.2 of the Principal Regulations as under

“5.2.c The Distribution Licensees shall compulsorily procure 100% power generated from the Waste-to-Energy plants in their License Area at the tariff approved by the Commission.”

14. Regulation (5.2.d) shall be inserted after of Regulation 5.2 of the Principal Regulations as under:

“5.2.d For a Distribution Licensee own consumption shall mean gross energy consumed or purchased by the obligated entity from all sources for its own use or for the purpose of supply to its consumers within its area of supply, excluding any bilateral sale of electricity among the Licensees of the State.

Provided that the above exemption on bilateral sale shall be allowed only in such case where the other Licensee procures the power as a Licensee and not as a consumer.

Provided further that Distribution Licensee shall be eligible to utilise the gross solar energy generated from Prosumers supplying power to such Licensee under the Gross and Net Metering Scheme as RPO compliance.”

15. In Regulation 5.3 of the Principal Regulations, the words “Error! Reference source not found” shall be substituted by the words “5.2”.

16. In the proviso of Regulation 6.1 of the Principal Regulations, the words **“subject to the swapping allowed under Regulation 5.2.a and Regulation 5.2.b of these Regulations,”** shall be inserted in the second line after the words “purchase of Certificates” and before the words “the obligation to”.
17. In Regulation 7.3 of the Principal Regulations, the words **“within 15th of the ensuing month after completion of a Financial Quarter”** shall be inserted in first line after the words “quarterly status” and before the words “to the Commission”.
18. In Regulation 7.3 of the Principal Regulations, the words **“as annexed as Annexure-I to these Regulations”** shall be inserted in third line after the words “by the Commission” and before the words “and may suggest”.
19. In Regulation 8.5 of the Principal Regulations, the words “pay compensation” and “Error! Reference source not found” shall be substituted by the words **“regulatory charges”** and **“10.4 and 10.6”** respectively.
20. In Regulation 9.1 of the Principal Regulations, the words **“Consumers including co-generation based Captive Consumers”** shall be inserted in the first line after the words “Every Captive” and before the words “and Open access consumer(s)/user(s)”.
21. In Regulation 9.1 of the Principal Regulations, the words **“captive generation and”** shall be inserted in the second line after the words “necessary details regarding” and before the words “total consumption of electricity”.
22. In Regulation 9.2 of the Principal Regulations, the words “Error! Reference source not found” shall be substituted by the words **“10.4”**
23. Regulation 10.1 of the Principal Regulations shall be substituted as under:

“10.1 The Obligated Entity(ies) shall submit the details of their compliance of RPO to the State Agency on a quarterly basis. The final accounts shall be submitted by 31st July of the Assessment Year along with the detailed statement of energy procurement from renewable energy sources and RECs purchases (if any), duly certified by the auditors. In case of delay by any Obligated Entity(ies), the State Agency may issue notice to such Obligated Entity(ies) to submit the same at the latest by 31st of August of the Assessment Year”
24. In Regulation 10.2 of the Principal Regulations, the words **“along with the RPO charge as per Regulation 10.4 and submit the Annual Compliance Report to the Commission by 30th September of the Assessment Year. In case of default by any of the obligated entities, the Commission may suo-moto initiate proceedings against the Obligated Entity(ies) in default under Section 142 of the Act”** shall be inserted in third line after the words “relevant Financial Year”;
25. In Regulation 10.3 of the Principal Regulations, the words “State Agency” in the first line and the words “30th September” in the second line shall be substituted by the word **“Commission”** and **“30th October”** respectively.
26. In Regulation 10.4 of the Principal Regulations, the words “State Agency, which would deposit the amount into a separate fund” in the fourth line shall be substituted by the word **“fund created”**.

27. In first proviso of Regulation 10.4 of the Principal Regulations, the words “for purchase of the Certificates” in the second line shall be substituted by the word **“from time to time”**.
28. The second proviso of Regulation 10.4 of the Principal Regulations shall be deleted.
29. A new proviso, namely, second proviso shall be added under Regulation 10.4 of the Principal Regulations as under:
“Provided that the details of such fund created and the compliance using the same shall be submitted by the Obligated Entity(ies) which are Licensees in the Tariff Orders of the respective year.”
30. Regulation 10.5 of the Principal Regulations shall be substituted as under:
“10.5 An obligated entity shall be allowed to comply with the RPO targets through procurement of certificates by 1st quarter of the year following the Assessment Year.”
31. In Regulation 10.6 of the Principal Regulations, the words “entity” in the first line and the words “it” in the third line shall be substituted by the words **“Entity(ies) still”** and **“by 1st quarter of the year following the Assessment Year, they”** respectively.
32. In first proviso of Regulation 10.6 of the Principal Regulations, the words “carrying forward of compliance requirement to the next year” in the third line shall be substituted by the words **“appropriate relief”**.
33. In second proviso of Regulation 10.6 of the Principal Regulations, the words “has consented”, “carry forward the compliance requirement, the provision”, “Error! Reference source not found” and “provision of” shall be substituted by the words **“provides relief”, “Obligated Entity in terms”, “10.6”** and **“penal action under”** respectively.
34. In second proviso of the Regulation 10.6 of the Principal Regulations, the words **“for that specific year”** shall be included in the end of the proviso.
35. In first proviso of Regulation 12.1 of the Principal Regulations, the words “preferential tariff” in the first line shall be substituted by the words **“technology specific tariff as approved by the Commission”**.
36. A new proviso, namely, first proviso shall be added under Regulation 12.2 of the Principal Regulations as under:
“Provided that the electricity component for consumers under net and gross metering shall be notified separately by the Commission from time to time in terms of JSERC (Rooftop Solar PV Grid Interactive Systems and Net/Gross Metering) Regulations, 2015 as amended from time to time.”
37. A new Regulation (A15.2) shall be inserted after Regulation A15.1 of the Principal Regulations as under:

“A15.2 REPEAL

15.2.1 With these regulations coming into effect, the JSERC (Renewable Energy Purchase Obligation and its compliance) Regulations, 2010 shall stand repealed.

15.2.2 Notwithstanding such repeal, anything done or any action taken or purported to have been taken including any notification, order or notice made or issued or exemption granted or any direction given under the repealed regulations shall be valid for the relevant period of the repealed regulations and be deemed to have been done or taken validity.”

38. A new Annexure (Annexure-I) shall be inserted after Regulation A16 of the Principal Regulations as under:

Annexure-I

Quarterly Formats to be submitted by State Agency to the Commission:

Name of the Obligated Entity	UoM	Value
Total Power Purchased	MU	
Hydro Power Purchased	MU	
Co-generation Power Purchased	MU	
Solar RPO Target	%	
Non Solar RPO Target	%	
Solar RPO Carried Forward	MU	
Non Solar RPO Carried Forward	MU	
Solar RPO Target	MU	
Non Solar RPO Target	MU	
Solar Purchase	MU	
Non-Solar Purchase	MU	
Solar REC Purchased	Nos.	
Non Solar REC Purchased	Nos.	
Equivalent Solar RPO	MU	
Equivalent Non Solar RPO	MU	
Total Solar RPO Complied	MU	
Total Non-Solar RPO Complied	MU	
Non Compliance (Solar)	MU	
Non Compliance (Non Solar)	MU	
Solar REC (Forbearance)	Rs./kWh	
Non Solar REC (Forbearance)	Rs./kWh	
Compensation	Rs. Crore	

(By Order of the Commission)

Rajendra Prasad Nayak,

Secretary

JharkhandState Electricity Regulatory Commission
