

**ODISHA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
PLOT NO.-4, CHUNUKOLI, SHAILASHREE VIHAR
BHUBANESWAR - 751 021**

Present: Shri U. N. Behera, Chairperson
Shri S. K. Parhi, Member
Shri G. Mohapatra, Member

Case No. 10/2020

M/s. ACC Ltd.	Petitioner
Vrs.		
M/s. OREDA	Respondent

In the matter of: Application under Section 86(1)(e) & 86(4) of the Electricity act, 2003 read with Clauses 12.6 to 12.7 of the OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2015 read with Clause 4.1 & 4.2 of the said Regulation along with Clause 3 of the OERC Notification dated 31.12.2019 seeking permission to carry forward the excess REC purchased in order to comply with its future obligation under OERC RPO Obligation during FY 2015-19.

For Petitioner: Shri Hemant Singh, Advocate and Shri Debapratim Bhadra

For Respondent: Shri A.K. Choudhury, Joint Director (Technical Division-II)

ORDER

Date of hearing: 28.07.2020

Date of order: 10.09.2020

The present petitioner M/s. ACC Ltd. is a manufacturer of cement having its plant located at Bargarh, Odisha. It has a conventional CGP of 30 MW capacity, having two generating units of 15 MW each commissioned on 22.01.2010 and 17.02.2010 respectively.

2. The petitioner has submitted that it had procured Solar and Non-solar Renewable Energy Certificates to meet its Renewable Purchase Obligation for different financial years till 2018-19 as per the OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2015. The Renewable Purchase Obligation was varying from 3% to 11% of the total consumption during that period under that Regulation.

3. Subsequently, the Commission in its notification No.OERC/RA/RE-5/2013 dt.31.12.2019 exercising powers under OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2015 had directed as follows:

(i) *The CGPs which are commissioned before 01.04.2016, the RPO for them shall be pegged as prescribed in the above Regulation for FY 2015-16 and shall be as follows:*

<i>Solar sources (%)</i>	<i>Non-solar sources (%)</i>	<i>Total (%)</i>
<i>0.50</i>	<i>2.50</i>	<i>3.00</i>

(ii) *For CGPs commissioned from 01.04.2016 onwards, the RPO shall be pegged at the level of the year of commissioning as mandated by the OERC under OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2015.*

4. Considering the above orders of the Commission, the petitioner has submitted that they have procured excess RECs (5996 nos. Solar and 1167 nos Non-solar) during different financial years from FY 2015-16 to FY 2018-19 basing on Clause 4.2 of the OERC RPO Regulations, 2015. Therefore, the petitioner prays that OREDA be directed to carry forward the excess REC procured by the petitioner for the period from FY 2015-16 to FY 2018-19 towards Renewable Purchase Obligation (RPO) to the period FY 2019-20 onwards.
5. In its reply, the State Agency, OREDA has stated that if the Commission's notification dt.31.12.2019 in relation to amendment of the RPO Regulation for CGPs is considered, the REC requirement of the petitioner is to the tune of 14359.86 nos. for the period from 2015-16 to 2019-20 but 22218 nos. of RECs are available with the petitioner. Hence, the petitioner has claimed to have excess RECs with them for the past periods and seek permission to adjust /carry forward the same against their current /future requirements. OREDA has submitted that they will abide by the order of the Commission with regard to carry forward of excess RECs procured by the petitioner during FY 2015-16 to FY 2019-20 for adjustment against subsequent years. OREDA has further submitted that in case the Commission allows carry forward of the excess RECs, the petitioner may be directed to furnish the adjustment plan to OREDA for each financial year.
6. Heard the parties at length. The Commission observed that for RPO compliance, consumption data of the obligated entities is required for verification by the State Agency, OREDA. Therefore, the EIC (Electricity), Government of Odisha is directed

to provide source-wise and year-wise consumption data of the petitioner since FY 2015-16 to OREDA. SLDC is also directed to furnish Open Access consumption data of the petitioner to OREDA. For convenience we are reproducing our order in Case No.89/2017:

"18. In summarising the above the Commission gives the following directions:

(a) The quantum of RPO compliance for the CGPs shall be aggregate or gross generation from the CGP less auxiliary consumption and export through open access together. Power availed through open access by the industry shall be accounted towards consumption for determination of renewable purchase obligation. Normative auxiliary consumption shall be as per the OERC 8 generation tariff Regulations, 2014 of the Commission for similar kind of generating stations. This shall be determined by M/s. OREDA and intimated to obligated entities. Obligated entities shall also comply the RPO provisions by self assessment and reconcile the same with M/s. OREDA within the allowed time period.

(b) EIC (Elect.)-cum-PCEI, Odisha shall furnish all information on generation of CGPs and on auxiliary consumption, if available, to M/s. OREDA."

After obtaining the information regarding consumption, OREDA shall compute afresh the excess REC available with the petitioner. The petitioner is allowed to carry forward the excess REC so computed to FY 2019-20 onwards under regulation 12.6 of OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulation, 2015. The petitioner is directed to provide the REC adjustment plan to OREDA within 15 days of this order.

7. With this direction, the case is disposed of.

Sd/-
(G.Mohapatra)
Member

Sd/-
(S. K. Parhi)
Member

Sd/-
(U. N. Behera)
Chairperson