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PART I—Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury, etc.

**WEST BENGAL ELECTRICITY REGULATORY COMMISSION**

**NOTIFICATION**

No. 51/WBERC

Kolkata, the 2nd April, 2013.

In exercise of the powers conferred by sub-sections (1) of section 181 and section 66 read with clause (zp) of sub-section (2) of Section 181 clause (h) of Section 61 and clause (e) of Section 86 of the Electricity Act, 2003 and all other powers enabling it in this behalf, and after previous publication, the West Bengal Electricity Regulatory Commission (WBERC) hereby makes the following regulations for the development of market in power from Non Conventional Energy Sources by issuance of transferable and saleable credit certificates:

**1. Short title, commencement and extent of application:**

- (1) These regulations may be called the West Bengal Electricity Regulatory Commission (Procedure for Accreditation of a Renewable Generation Project for REC Mechanism) Regulations, 2013.
- (2) These regulations shall come into force from the date of their notification in the Official Gazette.
- (3) These regulations shall extend to the whole of State of West Bengal.

**2. Definitions and Interpretation :**

- (1) In these regulations, unless the context otherwise requires,
  - a) 'Act' means the Electricity Act, 2003 (36 of 2003);
  - b) 'Central Agency' means the agency as may be designated by the Central Electricity Regulatory Commission under CERC REC Regulations;
  - c) 'CERC REC Regulations' means Central Electricity Regulatory Commission (Terms and conditions for recognition and issuance of Renewable Energy Certificate) Regulations, 2010, or any subsequent regulations;

- d) 'Certificate' means the Renewable Energy Certificate issued by the Central Agency in accordance with the procedures laid down by it and under the provisions specified in these regulations;
  - e) 'Commission' means the West Bengal Electricity Regulatory Commission referred to in sub-section (1) of section 82 of the Act;
  - f) 'Central Commission' means Central Electricity Regulatory Commissions referred to in sub-section (1) of section 76 of the Act;
  - g) 'Eligible Entity' means the generating plants which fulfill all requirement of accreditation and obtain certificate of accreditation as elaborated in regulations no. 4 and 5 of these regulations;
  - h) 'floor price' means the minimum price as determined by the Central Commission at and above which the Certificate can be dealt in the power exchange;
  - i) 'forbearance price' means the ceiling price as determined by the Central Commission within which only the Certificate can be dealt in the power exchange;
  - j) 'MNRE' means the Ministry of New and Renewable Energy of the Government of India;
  - k) 'obligated entity' means the Distribution licensee(s) within the State of West Bengal and also apply to other users and consumers as per notification of the Commission as and when issued time to time mentioning name of the users and consumers;
  - l) 'Power Exchange' means that power exchange which operates with the approval of the Central Commission;
  - m) 'preferential tariff' means 95% of the capping price of the sellers' price as determined by the Commission, from a generating station of renewable energy and / or cogeneration sources, to a distribution licensee as mentioned in Renewable & Cogeneration Regulations;
  - n) 'Renewable & Cogeneration Regulations', or 'R&C' Regulations means the West Bengal Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy) Regulations, 2013 or any subsequent replacement of it;
  - o) 'Renewable Purchase Obligation', or 'RPO' means the requirement specified by the Commission in R&C Regulations;
  - p) 'REC' means Renewable Energy Certificate which represents one Megawatt hour of electricity generated from renewable energy source and injected into the grid;
  - q) 'State Agency' means the agency in the state of West Bengal as may be designated by the Commission to act as the agency for accreditation and recommending the renewable energy projects for registration and to undertake such functions as may be specified by the Commission;
  - r) 'Year' means a financial year.
- (2) Words and expressions used in these regulations and not defined herein but defined in the Act or any other regulations issued by the Commission, shall have the same meaning assigned to them respectively in the Act, or such other regulations issued by the Commission.

### **3. State Agency and its functions:**

3.1 The Commission designates SLDC as the State Agency.

3.2 The functions of the State Agency will be:

- i) To adopt the procedure contained herein for accreditation of the Renewable Energy (RE) Generating Company.
- ii) To comply with the directions issued by the Commission from time to time and shall act in consistent with the following (a) procedures, rules laid by Central Agency for discharge of different functions as per CERC REC Regulations to the extent it is consistent with these and other Regulations of the Commission including the R&C Regulations and (b) different regulations of the Commission or any subsequent replacement of those regulations in future.
- iii) To scrutinize and verify the documents and all other steps as may be necessary prior to the accreditation of RE generation project. Prior to accreditation, the activities to be undertaken by State Agency shall include but not limited to the followings:
  - a) Verification of application.
  - b) Review of information submitted in the application by the generating company for its completeness and accuracy.
  - c) Independent verification of the information submitted by the RE generators.
  - d) Review of information available with regard to similar renewable energy projects registered with the Central Agency, if necessary.
- iv) To submit recommendation for registration or reasons of rejection.
- v) To extend validity of existing accreditation following due process.
- vi) To revoke accreditation, following due process for revocation.
- vii) To intimate accreditation of generating company to the followings:
  - a) The concerned generating company
  - b) West Bengal Electricity Regulatory Commission
  - c) Central Agency
  - d) State Load Despatch Centre
  - e) The distribution company(s) in whose area the proposed RE generation project would be located.
- viii) The State Agency shall devise appropriate protocol for collection of information from various sources such as renewable energy generating companies, obligated entities, SLDC etc., on regular basis and compile such information to compute the compliance of RPO target by such obligated entities.
- ix) The State Agency shall submit quarterly status to the Commission in respect of compliance of renewable purchase obligation by the obligated entities and may suggest appropriate action to the Commission if required for compliance of the Renewable Purchase Obligation.
- x) The Commission may from time to time fix the remuneration and charges payable to the State Agency for discharge of its functions under these regulations.
- xi) If the Commission is satisfied that the State Agency is not able to discharge its function satisfactorily, it may by general or special order, and recording reasons in writing, designate any other agency to function as State Agency as it considers appropriate.

#### **4. Procedure for accreditation of Renewable Energy Generation Project:**

For the purpose of accreditation of its RE generation project, the generating company shall furnish information to the State Agency the owner details, operator details, Generating Station details, Connectivity details with STU / DISCOM, metering details, Statutory Clearances and other details

with details of fee and charges in the format as elaborated in Form-1.1 to 1.4. The declaration is to be signed by Managing Director or Chief Executive Officer or Company Secretary or authorized signatory as per format given in Form-1.4. In addition to these information State Agency may ask some other information which it feels necessary.

#### **5. Accreditation Certificate:**

The State Agency shall grant 'Certificate of Accreditation' to the applicant fulfilling all requirements of accreditation to the satisfaction of the State Agency in the Form-2.

#### **6. Timelines:**

- 6.1 The State Agency shall grant/ undertake accreditation of those eligible entities which are proposed to be commissioned within period not exceeding 6 months from the date of application for accreditation made by the RE generator.
- 6.2 Once received, the State Agency shall inform the RE generator with regard to the incompleteness of the application, if any, within 5 working days.
- 6.3 The RE generator shall furnish the details as requested by the State Agency within 10 working days from the date of request so as to enable State Agency to undertake the accreditation of the generating facility.
- 6.4 In case the applicant fails to furnish the information requested by the State Agency within the stipulated time frame, the State Agency shall abandon the accreditation and retain the processing fees.
- 6.5 The State Agency may extend the time to furnish the details if prayed for if it is found reasonable.
- 6.6 The process of accreditation by the State Agency shall normally be completed within 30 working days from the date of receipt of complete information by State Agency.
- 6.7 The Eligible Entity shall apply for revalidation or extension of validity of existing accreditation at least three months prior to expiry of existing accreditation.
- 6.8 Whenever there is change in the legal status of the Eligible Entity (e.g. change from partnership to company) the Eligible Entity shall immediately intimate the concerned State Agency and Central Agency of the same. In all other cases involving a change in the name of the Eligible Entity, only the name of the Eligible Entity shall be updated with the records of the State Agency and the Central Agency based on intimation (supported by relevant documents) given by the Eligible Entity.

#### **7. Fees and Charges:**

The fees and charges towards processing of application and undertaking accreditation shall be as mentioned below:

- 7.1 One time application processing fees: Rs. 1000/- per application shall be payable at the time of submitting application for accreditation to State Agency.
- 7.2 One time accreditation charges: Rs. 5000/- per application shall be payable to the State Agency upon grant of accreditation.
- 7.3 Annual charges for accreditation: Rs. 1000/- per annum per application shall be payable by April 10, for each fiscal year (or each anniversary date from the date of initial accreditation).
- 7.4 Accreditation charges for revalidation/ extension of validity: Rs. 5000/- per application shall be payable at the time of revalidation/ extension of validity of existing accreditation at the end of five years.
- 7.5 Taxes and duties on fee and charges shall be applicable as per prevailing norms.

All fees and charges shall be payable by way of Demand Draft or through Electronic Clearing System drawn in favour of ..... (Name of State Agency) payable at ..... (location).

**8. Event of default and consequences thereof:****Event of default**

Following events shall constitute event of default by Eligible Entity and shall lead to revocation of accreditation granted by State Agency:

- 8.1 Non-payment or delay in payment of annual accreditation charges by Eligible Entity beyond 15 days from due date of payment of such annual accreditation charges.
- 8.2 Non-compliance of any of the terms/ conditions/ rules outlined under this procedure by Eligible Entity.
- 8.3 Non-compliance of any of the directives issued by State Agency, so long as such directives are not inconsistent with any of the provisions of CERC REC Regulations and different Regulations of this Commission and are in accordance with the functions and within the powers outlined for State Agency. In case such direction is inconsistent to any Regulations of the Commission, then the Regulations of the Commission will prevail unless any specific dispensation is provided by the order of the Commission under these regulations.

**Consequences for event of default**

- 8.4 Occurrence of any of the event of default by Eligible Entity shall result into revocation of accreditation granted to such Eligible Entity for that RE generation project.
- 8.5 However, the State Agency shall provide adequate notice and chance to Eligible Entity to present its case before serving the notice for termination of accreditation, which shall not be for period lower than 14 days.
- 8.6 In case Eligible Entity fails to address/ rectify the default expressed by the State Agency in the notice within stipulated time period of 14 days, the State Agency shall proceed with revocation of accreditation granted to such Eligible Entity.
- 8.7 Upon revocation of accreditation, the State Agency shall inform the same to the Commission, Central Agency, State Load Despatch Centre and concerned distribution licensee, within period of 7 days from the date of such revocation.

**9. Power to Amend:**

- 9.1 The Commission may from time to time add, vary, alter, modify or amend any provisions of these regulations.

**10. General Power:**

- 10.1 If any difficulty arises in giving effect to any of the provisions of these regulations, the Commission may, for reasons to be recorded in writing, direct the company generating energy from renewable sources or any person concerned by general or special order, for taking suitable action not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty.
- 10.2 Nothing in these regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for meeting the ends of justice, or to prevent the abuse of the process of the Commission.

**F O R M - 1.1****APPLICATION FOR REGISTRATION OF RE GENERATING COMPANY  
AS 'ELIGIBLE ENTITY'****OWNER DETAILS**

1. Name of the Company :
  
2. Type of the Company :  
(Individual/ HUF/ Partnership/ Ltd. Co./  
Pvt. Ltd. Co./ Public Ltd. Co.
  
3. Name of the Owner/ Owners of the Company :

Address of the owner

Phone No.

Fax

Mobile

E.mail Address

4. Postal Address of the Company :

Town/ Suburb

State

Postal Code

5. Name of Authorized Signatory :

Position

Phone

Fax

Mobile

E-mail Address

(This is generated automatically by the Online Application System)

**F O R M - 1.2****RE GENERATING STATION DETAILS**

1. Proposed Name of  
Power Station (Unique Number)
  
2. Location of Power Station
  
3. Physical Address of the  
RE Generating Station  
  
Town / Suburb  
  
State  
  
Postal Code
  
4. Capacity of RE Generating Station  
(in kW/MW)
  
5. Configuration & number of units :
  
6. Which Renewable Energy Resources(s) is/are  
Utilized by the RE Generating Station :
  
7. Planned usage of Fossil Fuel  
(Provide Detail Description of type and amount  
of fossil fuel usage planned)
  
8. Details of Statutory Clearance enclosed :
  
9. Date of commissioning (expected)  
(DD-MM-YYYY)
  
10. Connectivity details with STU/ DISCOM
  
11. Metering details

(This is generated automatically by the Online Application System)

\* Demonstrate Compliance with the Eligibility Conditions as prescribed by MNRE/ Competent Authority

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**FORM - 1.3****DETAILS OF FEE & CHARGES**

Name of the Bank :

Bank Draft Number / ECS Reference Number :

Date of Transaction :

Details of Amount Paid (Processing Fees) :

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**F O R M - 1.4****DECLARATION**

I/We certify that all information furnished here is/are true to the best of my/ our knowledge and belief.

I/We shall abide by such terms and conditions that the Central Electricity Regulatory Commission and West Bengal Electricity Regulatory Commission may impose to participate in the Renewable Energy Certificate Mechanism from time to time.

I/We hereby confirm the availability/ possession of land as per the details mentioned below :

- 1) Project Site (Physical Address of the Site)
- 2) Location (Town/ suburb)
- 3) Category of Land (Govt Land/ Private Land)
- 4) Land Lease (Leased/ Owned)

I/We hereby also confirm that 'no' Power Purchase Agreement has been or shall be signed to sell electricity generated from the proposed renewable energy generating station at preferential tariff determined by the West Bengal Electricity Regulatory Commission for ..... MW of the capacity and for the period ..... during which participation in REC scheme will be availed. I/We hereby also confirm that the electricity generated from the proposed renewable energy generating station shall be sold to the distribution licensee/s of West Bengal at a price not exceeding the pooled cost of power purchase of such distribution licensee/s . In case distribution licensee/s of the State is not willing to purchase this power then the same shall be sold to any other trading licensee or to an open access consumer at a mutually agreed price, or through power exchange.

Signature of the applicant

(Seal of the Company)

Date :

Place :

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[Declaration to be Signed by the M.D./ CEO/ Authorized Signatory of the Applicant]

**FORM - 2****CERTIFICATE OF ACCREDITATION**

This is to certify that ..... (Name of the Applicant) having / proposing to install its RE generating station at ..... (Proposed Location, Physical Address/ Unique Number) with Capacity ..... KW/ MW, utilizing ..... (Name of the RE Resource) has been granted Accreditation for its said RE Generating Station with effect from .....

This accreditation is granted subject to fulfilling the Rules, Regulations and Procedures specified by the West Bengal Electricity Regulatory Commission from time to time. The validity of this certificate is mandated through ongoing surveillance.

Issue Date

Expiration Date

Certificate Number

Authorized Signatory of the Accreditation Agency

(Name and Address of the State Agency)

By Order of the Commission

Place : Kolkata

Date : \_\_\_\_\_

(K. P. BHAR)

Secretary of the Commission

By Order of the Commission

Place: Kolkata  
Date: 02.04.2013K. P. BHAR,  
*Secretary of the Commission.*