

Present : **Shri S. P. Nanda, Chairperson**
 Shri S. P. Swain, Member
 Shri A. K. Das, Member

M/s. OREDA. & Others Respondents

In the matter of: **An application under Section S .94 (1) (f) of the Electricity Act, 2003 read with Regulation 70 (1) of the OERC (Conduct of Business) Regulations, 2004 along with O-47 R (1) (c) of the CPC for review of Order dated 07.08.2015 passed in Case No. 59 of 2014.**

For Petitioner: Shri R.P.Mohapatra, the authorized representative of M/s. OCL India Ltd.

For Respondents: Shri U.N.Mishra, CGM (PP), GRIDCO Ltd. Nobody is present on behalf of M/s. OREDA and WESCO Utility.

ORDER

Hearing Date: 31.05.2016

Date of Order:19.07.2016

The Petitioner M/s. OCL India Ltd (M/s. OCL) has filed this review petition against the Commissions' order dated 07.08.2015 passed in Case No. 59/2014. The petitioner submitted that they have purchased 2083 nos. of non-solar RECs in the month of November, 2011 for meeting the anticipated renewable purchase obligation for FY 2011-12. But the actual requirements of non-solar RECs for FY 2011-12 worked out to only 882 nos. M/s. OCL had filed a petition before this Commission to allow it to carry forward the balance 1201 RECs to meet the non-solar RPO for FY 2012-13, which was registered as Case No. 31/2012. The Commission vide its interim order dated 03.06.2015 passed in Case No. 31/2012 had observed that the case will be disposed of along with the Case No. 59/2014.

2. The petitioner submitted that both in Case No. 31/2012 & 59/2014, they had made submissions to allow the petitioner to carry forward of surplus non-solar RECs, purchased during FY 2011-12 to the next and the subsequent years. But the Commission while passing the order in Case No. 59/2014 has not passed any orders on this issue, which is an error apparent on the face of the record.
3. Therefore, the petitioner has prayed the Commission to permit it to carry over the excess non-solar RECs purchased during the FY 2011-12 to meet its non-solar obligation during the FY 2012-13 in view of the Regulations 10 (power to relax) & 12 (power to remove difficulties) of OERC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulations, 2010.
4. Heard the parties. It is observed that after hearing the parties (including M/s. OCL) and taking into all the factors into accounts, the Commission vide Para-22 of the impugned order dated 07.08.2015 passed in Case No. 59/2014 have directed the following:-

“a. The reasons advanced by parties for non-fulfilment of RPO obligation are unjustified and Commission is not inclined to grant any exception on this matter.

b. The obligated entities are allowed to carry over their renewable and co-generation purchase obligation upto 31.03.2015 till 31.08.2016. If they do not purchase the obligated quantity of power they can purchase REC at least 5% per month of the obligation upto 31.03.2015 from August, 2015 onwards and must comply the arrear obligation in full by 31.08.2016. No further extension of time shall be granted to carry forward the renewable purchase obligation in any circumstance.

x x x x x x x x x x”

5. Further, the Commission at Para-3 of its order dated 21.11.2013 passed in Case No. 21/2013 has observed as follows:-

“Accordingly, we direct NALCO to purchase REC to fulfil its Solar Purchase Obligation (RPO) if solar power is not available to them for fulfilling the obligation under the Regulation. The petitioner is not allowed to carry forward the surplus non-solar REC purchased by them in view of our Clause 7 (2) of the RCPO Regulation which clearly states that in case of genuine difficulty in complying with the RPO

because of non-availability of certificates, the obligated entity can approach the Commission for carry forward of compliance requirement to the next year. Therefore, compliance requirement can be carried forward in case of non-availability of REC but not in case of surplus purchase of the same.”

6. From the above, it is clear that the obligated entities are obliged to purchase the required quantum of renewable power and in case they failed to purchase the required quantum of renewable energy they have to purchase RECs to compensate the shortfall in purchase of renewable power. Further, the RPO Regulations, 2010 of the Commission provides that in case of genuine difficulty in complying with the RPO because of non-availability of certificates, the obligated entity can approach the Commission for carry forward of compliance requirement to the next year.
7. Therefore, the Commission in its order dated 21.11.2013 passed in Case No. 21/2013 had rightly observed that the compliance requirement can be carried forward in case of non-availability of REC but not in case of surplus purchase of the same.
8. Hence, there is no error apparent on the face of the record as submitted by the petitioner M/s. OCL. Therefore, the Commission found no ground for review of its impugned order dated 07.08.2015 passed in Case No. 59/2015. Hence, the review petition is rejected.
9. Accordingly, the case is disposed of.

Sd/-
(A. K. Das)
Member

Sd/-
(S. P. Swain)
Member

Sd/-
(S. P. Nanda)
Chairperson