

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

**Present: Shri U. N. Behera, Chairperson
 Shri A. K. Das, Member
 Shri S. K. Parhi, Member**

Case No. 58/2017

M/s OCL India Limited Petitioner
Vrs.
Odisha Renewable Energy Development Agency (OREDA) Respondents

In the matter of: An application under Section 86(1)(e) of the Electricity Act, 2003 read with Regulation 4.1 of the OERC (Procurement of Energy from Renewable sources and its compliance) Regulation 2015.

For Petitioner: Shri P. P. Mohanaty, Advocate
 Ahmer Ali Khan, Manager (Elect.),
 Shri Prasanta Kumar Pradhan
For Respondents: Shri Ashok Kumar Choudhury, Dy. Director (OREDA)
 Santosh Kumar Das, SLDC

ORDER

Date of Hearing: 27 .11.2018

Date of Order: 09.04.2019

The petitioner M/s. OCL India Limited has filed this petition to direct OREDA to consider the generation of its 5 MW captive solar PV power plant situated at Godapiasala, West Medinipur in West Bengal for meeting the Renewable Purchase Obligation (RPO) of its Cement Plant situated at Rajgangpur, Sundergarh, Odisha which draws power from its another fossil fuel based captive power plant at Rajgangpur, as per the provisions of Reg. 4(1) of OERC (Procurement of Energy from Renewable sources and its compliance) Regulation 2015.

2. The Petitioner has submitted that it is a Public Limited Company having three cement plants in India. Two Cement units are in Odisha, one at Rajgangpur and another at Tangi, Cuttack. The third one is at Godapiasala, West Medinipur in the state of West Bengal. The plant at Rajgangpur has a contract demand of 12 MVA connected to 132 KV Grid at Rajgangpur availing power supply from WESCO Utility as well as from its two nos. of Captive Power units at Rajgangpur, one of 2x27 MW (Thermal/Coal based) and another having capacity of 9.5 MW with Waste Heat Recovery Boiler. The cement plant at Tangi has a contract demand of 10 MVA availing power supply from CESU at 132 KV and from its Solar PV Captive Power Plant of 2.5 MW capacity at Tangi. The petitioner avails solar REC under REC Mechanism for the generation from

this 2.5 MW solar plant situated at Tangi, Cuttack. The cement plant at Medinipur, West Bengal has a contract demand of 11.5 MVA and availing power supply from WBSEDCL at 132 KV and the petitioner has set up a 5 MW Solar PV captive power generating plant at Medinipur, where the total energy is consumed by the cement plant there.

3. The Petitioner has submitted that the 5 MW solar PV plants at Medinipur is connected with the 11 KV Bus Bar of the power plant, which in turn is connected with 132 KV system through 11/132 KV transformer of the sub-station. The Petitioner submitted that the total generation of this solar plant is exclusively used for the in-house consumption at the OCL Medinipur, West Bengal plant and apart from this the plant draws 90% of its consumption from WBSEDCL. The Commission in its interim order had directed the petitioner to furnish the certificate from WBSEDCL that they have not considered the solar generation at Captive Power Plant of M/s. OCL Medinipur, West Bengal towards the RPO of WBSEDCL. The OCL has submitted a letter dated 05.10.2018 issued by WBSEDCL wherein it is indicated that as per the existing West Bengal Electricity Regulatory Commission (Co-generation & generation of Electricity from Renewable Sources of Energy), Regulation 2013, solar power used for captive purpose cannot be considered for meeting up of RPO of WBSEDCL. Thus, the petitioner argued that WBSEDCL cannot utilize the solar power generation of 5 MW from captive solar power plant of the petitioner at Medinipur for offsetting the RPO of WBSEDCL.
4. The Petitioner has submitted that the plant of OCL at Rajgangpur has a Coal based captive generating plant of 2X27 MW and another waste heat recovery boiler plant of 9.5 MW for which it has to fulfill the RPO (both solar and non-solar). Since all the three cement plants are under one company, the petitioner has prayed the Commission to allow the solar power generation at OCL West Bengal plant for consideration towards meeting the RPO for consumption of the coal based captive generation by OCL plant at Rajgangpur, Odisha.
5. SLDC, the Respondent No. 2 has submitted that keeping records of consumption of power by the petitioner from RE sources at its West Bengal Plant is beyond the scope of SLDC. The petitioner's plant at Rajgangpur in Odisha has not physically consumed the renewable power generated from its solar plant located in West Bengal. The OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2015 is applicable for the entities in the state of Odisha only. But in the present case

the RE sources of the petitioner is beyond the state controlled area from which the petitioner has not physically drawn power. Hence consideration of such renewable power generated and consumed at West Bengal for meeting RPO for the Petitioner's plant at Rajgangpur in Odisha is beyond the scope of the above said Regulations.

6. OREDA, the Respondent No. 1 has submitted that as per the clause 6.3 of OERC RPO Regulations, 2015 the OREDA is to collect information on power consumption from RE sources from agencies such as Renewable Generating Companies, Obligated Entities and SLDC etc., for the purpose of computation of RPO compliance. In the present case since the petitioner's 5 MW solar plant in West Bengal has not been registered under REC mechanism, there is no scope for OREDA to know the status of self retention of RECs by OCL for the purpose of fulfillment of RPO. Further, OREDA has no scope to verify the same without the assistance of the local DISCOM at Medinipur district in West Bengal, which may not be possible due to jurisdictional limitations.
7. The OREDA has further submitted that the OCL India Ltd has shared the domain address, login Id and password of the Remote Data Acquisition System installed by them in the 5 MW Solar Power plant set up in its cement plant of Medinipur district in West Bengal which provides only daily data on power generation at 15 minutes intervals. The entire solar generation shown in the Remote Data Acquisition System can be considered as the consumption since they do not have any captive power generating unit other than solar power plant in question at its Medinipur plant. Therefore, OREDA has submitted that the Commission may consider to allow self declaration of the RE generator to be verified with the data on Remote Data Acquisition System for RPO computation which can be eventually checked by the compliance auditor appointed by the Commission. In view of the above, OREDA has sought certain directions on appropriate modalities from the Commission.
8. We heard the parties. We find that since the Cement plant at Rajgangpur of OCL is having conventional CGP of 1 MW and above it is a obligated entity under Regulation 3.1 (b) of OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2015. Under the aforesaid Regulations, 2015 every "obligated entity" shall meet its RPO target from its own renewable sources or procurement of power from other developers of renewable energy sources or from licensee or by way of purchasing REC. So location of renewable sources has not been limited by the regulation. The 5 MW solar power plant at Medinipur is owned by the

same company called M/s. OCL which owns Cement plant at Rajgangpur. Therefore, it can be very well called the captive power plant of Rajgangpur Cement plant. Therefore, the Rajgangpur Cement plant of M/s. OCL can utilize the solar generation at its Medinipur Solar plant for fulfilling its renewable purchase obligation. It is clear from the submission of the petitioner that the solar generation at Medinipur solar power plant is not utilized by incumbent DISCOM i.e. WBSEDCL there. Since, the Medinipur Cement plant is a consumer of the DISCOM at West Bengal they cannot also utilize renewable attribute of solar generation at Medinipur for their own sake. Therefore, renewable attributes of generation can be utilized elsewhere. At present the company which owns both Medinipur and Rajgangpur Cement plant wants to utilize the solar attributes of Medinipur generation at Rajgangpur Cement plant. Under the RPO Regulations, 2015 this can be very well allowed.

9. The only question remains to be answered is who is to certify the solar generation at Medinipur to be utilized towards RPO of Rajgangpur Cement plant of M/s. OCL. The state agency under RPO Regulations, 2015 M/s. OREDA has submitted that they can cross check the solar generation at Medinipur through Web portal of the solar power plant after it is self certified by M/s. OCL, Rajgangpur. Remote data acquisition is order of the day to overcome the hassles of manual recording of meter readings. Therefore, there is no problem in cross checking self certified data through web portal and our Regulation does not prohibit it.
10. In view of the above discussion, we direct as follows:-
 - a. The solar generation at Medinipur of M/s. OCL can be utilized to discharge RPO of Rajgangpur Cement plant of the same company.
 - b. The Solar generation at Medinipur shall be self certified by Cement plant at Rajgangpur for meeting its Renewable Purchase Obligation and shall be submitted to M/s. OREDA.
 - c. The State agency shall cross check it through web portal of the solar generator at Medinipur before forwarding it to OERC. For this purpose M/s. OCL shall provide domain name, login ID and password to M/s. OREDA.
 - d. At the end of each year M/s. OCL shall provide meter testing report of solar generation in standard government laboratory to M/s. OREDA.
 - e. Once in a year M/s. OREDA or compliance auditor appointed by OERC under RPO Regulations, 2015 along with representative of M/s. WESCO Utility shall

visit the solar plant at Medinipur to ensure that the meter seals are intact. The cost of visit of M/s. OREDA representative or compliance auditor along with representative of M/s. WESCO Utility shall be borne by M/s. OCL, Rajgangpur.

11. With the above directions, the case is disposed off.

Sd/-
(S. K. Parhi)
Member

Sd/-
(A. K. Das)
Member

Sd/-
(U. N. Behera)
Chairperson