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**ଓଡ଼ିଶା ବିଦ୍ୟୁତ୍ ନିୟାମକ ଆୟୋଗ**  
**ODISHA ELECTRICITY REGULATORY COMMISSION**  
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**Present:** Shri P. K. Jena, Chairperson  
Shri G. Mohapatra, Member  
Shri S. K. Ray Mohapatra, Member

**Case No. 108/2024**

M/s. Jindal Steel & Power Ltd.

.....Petitioner

Vrs.

GRIDCO Ltd.

.....Respondent

**In the matter of:** Application under Regulations 10.2, 15.1 & 17.1 of the OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2021 read with Regulations 4.1 & 4.2 of the said Regulation and Section 86 (1) (e) of the Electricity Act, 2003, seeking direction to carry forward the RPO for the past years and to allow fungibility provision of CERC enabling the Petitioner to purchase REC to meet various kinds of RPO compliance.

**For Petitioner:** Shri Bibhu Charan Swain, the Authorized Representative.

**For Respondent:** Ms. Shaswati Mohapatra, AGM (RE), GRIDCO Ltd.

**ORDER**

**Date of Hearing: 29.04.2025**

**Date of Order: 08.05.2025**

The Petitioner-M/s. Jindal Steel & Power Ltd. (M/s. JSPL) has filed the present Application under Regulations 10.2, 15.1 & 17.1 of the OERC (Procurement of Energy from Renewable Sources and its compliance) Regulations, 2021 read with Regulations 4.1 & 4.2 of the said Regulations and Section 86(1)(e) of the Electricity Act, 2003, seeking direction to carry forward its RPO for the past years and to allow fungibility provision of the CERC enabling the Petitioner to purchase REC to meet various kinds of RPO. The Petitioner has prayed the Commission to: (a) allow to carry forward its RPO compliance requirement from FY 2011-12 to 2023-24 to the next financial year i.e. FY 2024-25; and (b) allow the Petitioner to purchase REC to comply with various form of RPO like Solar, Non-Solar, Wind, HPO, ESO and Co-generation Obligation.

2. The Petitioner-M/s. JSPL has submitted the followings:

- a) The Petitioner is a consumer of TPCODL and connected with the Meramundali GSS of OPTCL through 400 kV D/C line. It is having a 810 MW Thermal Captive Generating

Plant at Angul, Odisha and procuring power through Open Access. Thus, the Petitioner is an obligated entity to meet the RPO as per the OERC (Procurement of Energy from Renewable Sources and its compliance) Regulations, 2021.

- b) The Petitioner used to procure Renewable Energy based on market conditions i.e. availability of RE and its ability to import power considering generation from its CGP, in order to comply with the RPO Regulations. The Petitioner requires about 692239 nos. of RECs to meet its RPO till the FY 2023-24, out of which, it has already procured 193500 nos. of RECs and it requires around 498739 nos. of RECs to be purchased from the market to meet various types of RPO. Since there is limited availability of Non-Solar Energy, Co-generation and Hydro Power in Odisha, the Petitioner wants to meet the corresponding RPO through purchase of RECs from Power Exchanges.
  - c) The Hon'ble APTEL, vide its order dated 24.07.2020 passed in Appeal No.113 of 2020, has postponed trading of RECs till 09.11.2021. Subsequently, the CERC issued REC Regulations, 2022, which was effective from 05.12.2022. Thereafter, IEX filed Petition No.375/MP/2022 before the CERC for approval to align its REC contract with the said REC Regulations, 2022.
  - d) In the meantime, the CERC, vide its order dated 09.12.2022 in Case No.15/SM/2022, has allowed fungibility of RECs across any RE technologies (i.e. Wind/ HPO/ Solar/ DRE/ ESO/ Non-Solar etc.) to meet the requirements of RPO, with a direction to the obligated entities to seek approval of respective SERCs in this regard. In view of the same, the Petitioner has filed the present application before the Commission to allow M/s. JSPL for meeting its past and current RPO compliances of various kinds of RE technologies by purchasing REC. Therefore, the Petitioner has prayed before the Commission, (i) to allow carry forward the RPO of past years to next financial year, and (ii) allow the Petitioner to purchase REC to meet RPO of any kind in line with the fungibility provision of the CERC.
3. The Respondent-M/s. GRIDCO Ltd. has submitted the followings:
- a) In its Application, the Petitioner has neither provided any information on its RPO compliance status of the past years nor mentioned about any genuine difficulty faced by it to comply with its RPO for the respective years. The Commission may direct the Petitioner to provide information/data on its RPO compliance status for the past years along with any genuine difficulty faced by it to comply with the same.
  - b) The Ministry of Power, Government of India, vide Notification dated 20.10.2023, has specified the minimum share of consumption of non-fossil sources by designated consumers as energy or feed stuck and different share of consumption for different types of non-fossil sources for different designated consumers in respect of electricity

Distribution Licensee and other designated consumers, who are OA consumers/captive users to the extent of consumption of electricity from sources other than distribution licensee w.e.f. 01.04.2024. This Notification also mandates that, specified renewable energy consumption targets shall be met either directly or through Certificate in accordance with the CERC (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2022, dated 24.05.2022. The Designated Consumers who are OA/Captive Consumers shall fulfil their obligation as per the specified total RE target irrespective of the non-fossil fuel source. According to the Nodal Agency-GRIDCO Ltd., in line with the above mandate, the Petitioner is eligible for purchase of REC of any kind for compliance of its RPO target w.e.f. 01.04.2024. However, the compliance of RPO for previous years through purchase of REC can be dealt in line with the OERC RPO Regulations for the respective years.

4. Heard the Petitioner and the Respondent through hybrid mode and their written submissions are considered. We observe that the Petitioner has prayed before the Commission for the followings:
  - (a) To allow to carry forward its RPO compliance requirement from FY 2011-12 to FY 2023-24 to the next financial year i.e. FY 2024-25.
  - (b) To allow the Petitioner to purchase REC to comply with various form of RPO like Solar, Non-Solar, Wind, HPO, ESO and Co-generation Obligation.
5. Now, we shall discuss the issues with reference to the above prayers of the Petitioner.
  - (a) **Carrying forward RPO compliance requirement of previous years to next financial year:**

The Petitioner is an obligated entity for RPO compliance as per the OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations as notified by the Commission from time to time. We observe that the Commission has notified the OERC (Renewable and Co-generation Purchase Obligation and its Compliance) Regulations, 2010, the OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2015 and the OERC (Procurement of Energy from Renewable Sources and its Compliance) Regulations, 2021. As per the first proviso of the Regulation 7.2 of the aforesaid RPO Regulations, 2010, the first proviso of the Regulation 9.2 of the aforesaid RPO Regulations, 2015 and second proviso of the Regulation 10.2 of RPO Regulations, 2021, the obligated entity can approach the Commission to carry forward the compliance requirements to the next year, in case of genuine difficulty in complying with the RPO because of non-availability of the certificates. Now, the Petitioner has prayed for carrying forward its RPO compliance requirement for the period from FY 2011-12 to FY 2023-24 to the next financial year

i.e. FY 2024-25, expressing its difficulties in procuring renewable energy from outside the State due to non-availability of the same within the State. Further, the Petitioner has stated that it could not be able to purchase the required quantum of RECs due to non-availability of the same in the market. Further, it has stated the Hon'ble APTEL, vide their order in Appeal No. 113 of 2020, had postponed the trading of RECs till 09.11.2021. Due to the aforesaid reasons, the Petitioner could not comply with its RPO in accordance with the RPO Regulations notified by the Commission.

In absence of required information/data regarding year-wise RPO compliance status for the period from FY 2011-12 to FY 2023-24, it is difficult to ascertain year-wise surplus/deficit of renewable energy requirement from various RE technologies and availability of RECs in the market to meet the RPO by the Petitioner. However, considering the difficulties raised by the Petitioner-M/s. JSPL, we allow the prayer of the Petitioner to carry forward of its RPO compliance requirement from FY 2011-12 to FY 2023-24 to the next financial year i.e. FY 2024-25. But, any surplus renewable energy in a particular year, available after meeting the RPO requirements in that year, cannot be carried forward to the subsequent years for adjustment against RPO requirements of the subsequent years.

**(b) Purchase of REC to comply with various form of RPO like Solar, Non-Solar, Wind, HPO, ESO and Co-generation Obligation:**

The Petitioner-M/s JSL has submitted that the CERC, vide its order dated 09.12.2022 in Case No.15/SM/2022, has allowed fungibility of RECs across any RE technologies (i.e. Wind/ Hydro/ Solar/ DRE/ ES/ Non-Solar etc.) to meet the requirements of RPO, with a direction to the obligated entities to seek approval of respective SERCs in this regard. Accordingly, the Petitioner-M/s. JSPL has prayed before the Commission to allow purchase of REC of various kinds of RE technologies for meeting its past and current RPO compliances.

GRIDCO Ltd.-the Nodal Agency has submitted that the Ministry of Power, Government of India, vide Notification dated 20.10.2023, has specified the minimum share of consumption of non-fossil sources by designated consumers as energy or feed stuck and different share of consumption for different types of non-fossil sources for different designated consumers in respect of electricity Distribution Licensee and other designated consumers who are OA consumers/captive users to the extent of consumption of electricity from sources other than distribution licensee w.e.f. 01.04.2024. This Notification also mandates that, specified Renewable Energy consumption targets shall be met either directly or through Certificate in accordance with the CERC (Terms and Conditions for Renewable Energy Certificates for

Renewable Energy Generation) Regulations, 2022, dated 24.05.2022. The Designated Consumers who are OA/Captive Consumers shall fulfil their obligation as per the specified total RE target irrespective of the non-fossil fuel source. According to the Nodal Agency-GRIDCO Ltd., in line with the above mandate, the Petitioner is eligible for purchase of REC of any kind for compliance of its RPO target w.e.f. 01.04.2024.

We observe that as per the Notification dated 20.10.2023 of the Ministry of Power, Government of India, the provision of fungibility of RE sources for RPO compliance is applicable w.e.f. 01.04.2024. Accordingly, the prayer of the Petitioner regarding fungibility of purchase of RECs across any RE technologies (i.e. Wind/ Hydro/ Solar/ DRE/ ES/ Non-Solar etc.) to meet the requirements of RPO, is allowed w.e.f. from 01.04.2024.

6. In the matter of RPO compliance requirement from FY 2011-12 to FY 2023-24 and purchase of RECs, the Petitioner-M/s. JSPL is directed to provide all information/ data relating to year-wise RPO compliance status of the past years to the Nodal Agency (presently GRIDCO) along with numbers of RECs purchased in each year and genuine difficulties faced to purchase required quantum of renewable energy/numbers of RECs, for verification by the Nodal Agencies and submitting report to this Commission as per the OERC (Procurement of Energy from Renewable Sources and its compliance) Regulation 2021. If required, GRIDCO may obtain necessary data from the Office of the EIC-cum-PCEI, Government of Odisha for verifying the information/ data submitted by the Petitioner-M/s. JSPL. GRIDCO may accordingly update its database of RPO compliance to give effect to the carry forward of RPO allowed to M/s JSPL in this Order.
7. With above observations and direction, the case is disposed of.

Sd/-  
**(S. K. Ray Mohapatra)**  
Member

Sd/-  
**(G. Mohapatra)**  
Member

Sd/-  
**(P.K. Jena)**  
Chairperson