

**HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION, SHIMLA
NOTIFICATION**

Shimla, the 23rd November, 2019

No. HPERC/438.- WHEREAS the Himachal Pradesh Electricity Regulatory Commission (hereinafter referred as “the Commission”) notified the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010 (hereinafter referred as “the RPO Compliance Regulations, 2010”), which were published in the Rajpatra, Himachal Pradesh, dated 29th May, 2010;

AND WHEREAS Ministry of Power, GoI has issued a clarification on 01.02.2019 in the matter relating to capping of RPO for Captive Power Plants (CPP) and it is clarified that RPO of the CPP may be pegged at the RPO level applicable in the year in which the CPP was commissioned. As and when the company adds to the capacity of the CPP, it will have to provide for additional RPO as obligated in the year in which new capacity is commissioned. There should not be an increase in RPO of CPP without any additional fossil fuel capacity being added;

AND WHEREAS consequent to the aforesaid clarification dated 1st February, 2019, Ministry of Power, GoI further issued clarification on the said notification relating to its applicability in different time periods;

AND WHEREAS it necessitate the Commission to amend the RPO Compliance Regulations, 2010 to provide more clarity on account of applicability of RPO to the CPP(s) with respect to year of commissioning or augmentation;

NOW, THEREFORE, in exercise of the powers conferred under sub-section (1) of section 62, section 66, clauses (a), (b) and (e) of section 86 and sub-section (1), clause (zi) of sub-section (2) of section 181, of the Electricity Act, 2003 (36 of 2003), read with section 21 of the General Clauses Act, 1897 (10 of 1897), and all other powers enabling it in this behalf, the Commission proposes to amend the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010 and as required by sub-section (3) of section 181 of the said Act and rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, the draft amendment regulations is hereby published for the information of all the persons likely to be affected thereby; and notice is hereby given that the said draft amendment regulations will be taken into consideration after the expiry of twenty one (21) days from the date of notification together with any objections or suggestions which may within the aforesaid period be received in respect thereto.

The text of the aforesaid draft regulations is also available on the website of the Commission i.e. <http://www.hperc.org>.

The objections or suggestions in this behalf should be addressed to the Secretary, Himachal Pradesh Electricity Regulatory Commission, Vidyut Aayog Bhawan, Block-37, SDA Complex, Kasumpti-171009 (HP).

DRAFT REGULATIONS

1. **Short title and commencement.** - (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) (Sixth Amendment) Regulations, 2019.
(2) These regulations shall come into force from 01.04.2020.
2. **Amendment of Regulation 4.- (I)** The sub-regulation (2) of regulation 4 of the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2017 (hereinafter referred as “the RPO Compliance Regulations, 2010”), shall be substituted with the following, namely:-

“Any person/consumer, who consumes power from any source (generation/purchase) interalia including purchase through Open Access, but other than in his capacity as a consumer of distribution licensee or by drawl from a captive generating plant, the RPPOs at the rate(s) mentioned in table in the sub-regulation (1) of this regulation shall be applicable in respect of his consumption from such sources:

Provided that for computing the Renewable Power Purchase Obligation (RPPO) of such obligated entities for a year under this sub-regulation, the following conditions shall also apply, namely:—

 - (i) the total consumption of any such obligated entity shall include the quantum of electricity purchased, including electricity generated, by it from various sources, including the power purchased under REC mechanism for meeting its requirement for consumption of electricity, and shall also include the transmission and distribution losses incurred within the State for meeting such consumption in the following manner, namely:-
 - (a) in case the electricity is purchased by such obligated entity from sources outside the State, the electricity purchased at the State periphery shall be considered as the consumption of the obligated entity from such sources;
 - (b) in case the electricity is purchased, or generated, from generating sources located within the State, the electricity (in kWh) injected for such obligated entity at the generating bus bar shall be considered as its consumption;

(ii) the energy consumed by obligated entity, other than the distribution licensee, shall be considered to have been consumed from the sources other than the hydro-electric sources, unless such obligated entity establishes to the satisfaction of the State Agency that such consumption was made from hydro-electric sources.”

(II) After the sub-regulation (2) of regulation 4 of the RPO Compliance Regulations, 2010, the following sub-regulation (2A) shall be added, namely:-

“2A: For any person consuming power by drawl from a captive generating plant, the RPPOs shall be applicable at the rate(s) specified in the **Schedule** to these Regulations in relation to his consumption from such captive generating plant:

Provided that the provisions of this sub-regulations (2A) shall be applicable only in relation to the consumption from captive generating plants to which these Regulations apply in terms of clause (c)and clause (d) of regulation 3 of these Regulations.”

(III) After the sub-regulation (2A) of regulation 4 of the RPO Compliance Regulations, 2010, the following sub-regulation (2AA) shall be added, namely:-

“2AA: For any person/consumer consuming power partly under sub-regulation(2) and partly as per sub-regulation (2A), the RPPOs shall be applicable at the respective rates applicable for respective quantum consumed under the relevant sub-regulations.”

By order of the Commission

**Sd/-
Secretary**

Schedule
(see sub-regulation (2A) of regulation 4)

Minimum Percentage for Renewable Power Purchase obligation

Year in which the original capacity of the captive generating plant is commissioned or augmented	Minimum Quantum of Purchase of percentage (%) from renewable sources (in terms of energy in kWh) of total consumption.		
	Non-Solar	Solar	Total
2015-16 or before	11.00%	0.25%	11.25%
2016-17	9.50%	2.50%	12.00%
2017-18	9.50%	4.75%	14.25%
2018-19	10.25%	6.75%	17.00%
2019-20	10.25%	7.25%	17.50%
2020-21	10.25%	8.75%	19.00%
2021-22	10.50%	10.50%	21.00%

(a) The RPPO will be on total consumption of electricity by an obligated entity, excluding consumption met from hydro-electric sources of power.

(b) In case the achievement of Solar RPPO compliance to the extent of 85% and above, the remaining shortfall if any, can be met by excess Non-Solar energy purchased beyond specified Non-Solar RPPO for that particular year.

(c) Further, in case on achievement of Non-Solar RPPO compliance to the extent of 85% and above, the remaining shortfall if any, can be met by excess Solar energy purchased beyond specified Solar RPPO for that particular year.

(d) In case where the capacity of CPP is augmented after 31.03.2016, the year in which the capacity augmentation takes place shall be considered for applicability of RPPO rates for the entire augmented capacity. Similarly, if the capacity is further augmented, the year in which the latest augmentation takes place, shall be considered for RPPO.