

The HP State Electricity Board Ltd. Vs. the DoE, HP & Others.

IA No. 77 of 2023

in

Filing No. 78 of 2023

27.03.2023

Present: Sh. Anil Gautam, Chief Engineer (SO) for the Petitioner.

DAILY ORDER

Office report seen. This is a Petition under Section 94 (1) (f) of the Electricity Act, 2003 read with Regulation 63 of the Himachal Pradesh Electricity Regulatory Commission (Conduct of Business) Regulations, 2005 seeking review of the order dated 28.11.2022 passed in Petition No. 41 of 2022 which is accompanied by an application under Section 5 of the Limitation Act, 1963 for condonation of delay in filing the Review Petition.

The Chief Engineer, System Operation has prayed for urgent hearing of the Petition that the Commission vide order dated 28.11.2022 passed in Petition No. 41 of 2022 has directed the Petitioner to offset the deficient 185.36 MUs of Solar RE Power by 31.01.2023 by procurement of additional Solar Power during the remaining part of the current financial year. As per him, the Petitioner has initiated the process to procure the Solar RECs equivalent to 185.36 MUs and has procured 50.00 MUs on preference basis on 25.01.2023 and sought extension of time from Commission on 09.02.2023 for offsetting the balance deficit in Solar RPP0 compliance. Further, the Petitioner on 22.02.2023 has procured 100 MUs through IEX on preference basis and have also imported solar energy (renewable) to the tune of 13.998 MUs during the period from December, 2022 to February, 2023. As per him, due to applicability of Central Electricity Regulatory Commission (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2022, the distinction between the Solar RECs and Non-Solar RECs has been omitted which has impacted the availability of RECs.

Further submitted that the Hon'ble High Court of Delhi vide interim order dated 20.12.2022 passed in WP(C) 15477 of 2022 & CM Appeal 48145 of 2022 titled as Indian Wind Power Association Northern Region Council Vs. Union of India & Ors., has stayed the trading in the RECs

issued prior to 31.10.2022 for a period of six weeks weeks which has further been extended till March, 2023 and in view thereof, the RECs are not available in the market for trading. Resultantly, the Petitioner could not purchase the dedicated Solar RECs to meet the deficit of 185.36 MUs in Solar RPPO in FY 2021-22 as directed by the Commission.

On careful perusal of the file and the submissions made by Sh. Anil Gautam, Chief Engineer (SO), there is urgency of matter as financial year is coming to an end on 31.03.2023. As such, the Petition is taken up today. Be registered. The CMA under Section 5 of the Limitation Act, 1963 be registered separately. Dasti notice of the Petition and CMA be issued to the parties returnable for 28.03.2023 at 2:30 PM with direction to file the reply.

-Sd-

(Shashi Kant Joshi)
Member

-Sd-

(Yashwant Singh Chogal)
Member (Law)

-Sd-

(Devendra Kumar Sharma)
Chairman