

No. Comm/MERC/2016/ **No - 6851**

Date:

**21 MAR 2016**

To  
**The Secretary,**  
Maharashtra Electricity Regulatory Commission,  
13<sup>th</sup> Floor, Centre No.1, World Trade Centre,  
**Cuffe Parade, Mumbai - 400 005.**

**Sub:** MSEDCL's Petition for removal of difficulties in implementation of MERC Order dated 04.08.2015 in Case No. 190 of 2014 in the matter of Verification of Compliance of RPO targets by MSEDCL for FY 2013-14

**Ref:** MERC Order dated 04.08.2015 in Case No. 190 of 2014

Respected Sir,

With reference to the above subject, please find enclosed herewith petition of MSEDCL for removal of difficulties in implementation of MERC Order dated 4.08.2015 in Case No. 190 of 2014 in the matter of Verification of Compliance of RPO targets by MSEDCL for FY 2013-14.

The requisite fees of Rs. 10000/- (Rs. Ten Thousand Only) is submitted herewith by Demand Draft No. dated 01.03.2016.

Submitted for further needful please.

Thanking you,

Yours faithfully,

*(Copy)*  
**Chief Engineer (Commercial)**

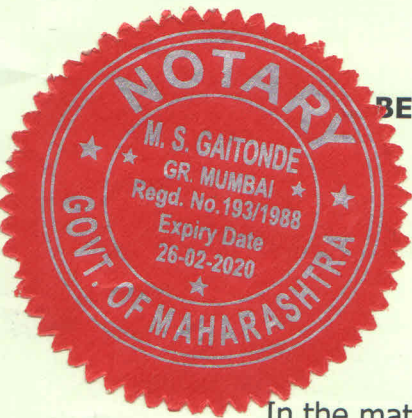
**Copy s. w. r. to:**

1. The Director (Operations), MSEDCL, Mumbai.
2. The Executive Director (Commercial), MSEDCL, Mumbai.

**Copy to:**

1. Prayas (Energy Group),  
Amrita clinic, Athwale Corner, Lakdipool-Karve Road Junction,  
Deccan Gymkhana, Karve Road, Pune - 411 004
2. Mumbai Grahak Panchayat,  
Grahak Bhavan, Sant Dnyaneshwar Marg,  
Behind Cooper Hospital, Vile Parle (West), Mumbai - 400 056
3. The General Secretary, Thane Belapur Industries Association,  
Plot No. P-14, MIDC, Rabale Village, PO Ghansoli, Navi Mumbai - 400 701
4. Vidarbha Industries Association,  
1st Floor, Udyog Bhavan, Civil lines, Nagpur - 440 001
5. Maharashtra Chamber Of Commerce,  
Industry & Agriculture, Oricon House, 6th Floor,  
12 K. Dubash Marg, Fort, Mumbai-400 001





**BEFORE THE MAHARASHTRA STATE ELECTRICITY REGULATORY COMMISSION, MUMBAI**

Filing No.: \_\_\_\_\_

Case No.: \_\_\_\_\_

In the matter of:

Petition for removal of difficulties in implementation of Order dated 4<sup>th</sup> August 2015 in Case No. 190 of 2014 in the matter Of Verification of Compliance of Renewable Purchase Obligation Targets by MSEDCL for FY 2013-14.

Affidavit

I, Bhalchandra Y. Khandait, aged 53 years, having my office at Maharashtra State Electricity Distribution Co. Ltd, Prakashgad, Plot No. G -9, Anant Kanekar Marg, Bandra (East), Mumbai 400051, do solemnly affirm and say as follows:

I am Chief Engineer (Commercial) of the Maharashtra State Electricity Distribution Company Limited (hereinafter referred to as "MSEDCL" for the sake of brevity), the Respondent in the above matter and am duly authorized to make this affidavit.

The averments made in the enclosed petition of Maharashtra State Electricity Distribution Company Limited are based on the information received from the concerned officers of the Company and I believed them to be true.

I say that there are no proceedings pending in any court of law / tribunal or arbitrator or any other authority, wherein the petitioner is a party and where issues arising and or reliefs sought are identical or similar to the issues arising in the matter pending before the Commission.

I solemnly affirm at Mumbai on this 1<sup>st</sup> Day of March, 2016 that the contents of this affidavit are true to my knowledge, no part of it is false and nothing material has been concealed there from.

Identified before me

*P. K. Dubey*

**P. K. DUBEY**  
B.A.L.L.B.

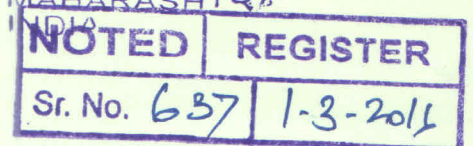
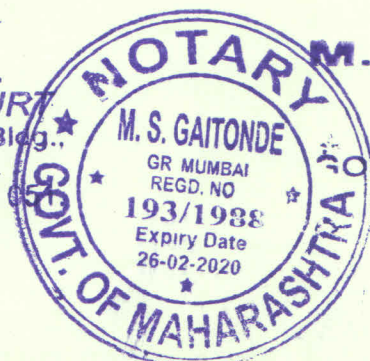
ADVOCATE HIGH COURT  
Lawyer's Chamber Bhaskar Bldg.,  
2nd Floor, Bandra Court.  
Bandra (East), Mumbai - 400 051

*Comyael*  
**Chief Engineer (Commercial)**  
MSEDCL (Petitioner)

**BEFORE ME**

*M. S. Gaitonde*  
*Itshole*

**M. S. GAITONDE**  
B.A.L.L.M  
**NOTARY**  
GREATER MUMBAI  
GOVT. OF MAHARASHTRA





**BEFORE MAHARASHTRA ELECTRICITY REGULATORY COMMISSION,  
MUMBAI**

**Filing No.:** \_\_\_\_\_

**Case No.:** \_\_\_\_\_

**IN THE MATTER OF**

**Petition for removal of difficulties in implementation of Order dated 4<sup>th</sup> August 2015 in Case No. 190 of 2014 in the matter Of Verification of Compliance Of Renewable Purchase Obligation Targets by MSEDCL for FY 2013-14**

**AND**

**IN THE MATTER OF**

**Regulation 18 of the MERC (Renewable Purchase Obligation, Its Compliance and Implementation of REC Framework) Regulations, 2010**

**AND**

**IN THE MATTER OF**

**Regulation 20 of the MERC (Renewable Purchase Obligation, Its Compliance and Implementation of REC Framework) Regulations, 2010**

**AND**

**IN THE MATTER OF**

**Maharashtra State Electricity Distribution Company Limited,  
Prakashgad, Bandra (East), Mumbai - Petitioner**

**The Maharashtra State Electricity Distribution Company Ltd.  
respectfully submits:**



## 1. Background

- 1.1. Maharashtra State Electricity Distribution Company Limited (*hereinafter to be referred to as the "Petitioner" or "MSEDCL"*) is a Company constituted under the provisions of Government of Maharashtra General Resolution No. PLA – 1003 / C. R. 8588 dated 25<sup>th</sup> January 2005 and is duly registered with the Registrar of Companies, Mumbai on 31<sup>st</sup> May 2005. MSEDCL is functioning in accordance with the provisions envisaged in the Electricity Act, 2003 and is engaged, within the framework of Electricity Act, 2003, in the business of distribution of electricity to its consumers situated over the entire State of Maharashtra, except Mumbai City & its suburbs (excluding Mulund & Bhandup).
- 1.2. The Maharashtra Electricity Regulatory Commission (*hereinafter to be referred to as the "MERC" or "Hon'ble Commission"*) was established on 5<sup>th</sup> August, 1999 as per the provisions of the Electricity Regulatory Commission Act, 1998 which was superseded by the Electricity Act 2003 (*hereinafter to be referred to as the "Act"*). Functioning of Hon'ble Commission continued as provided in the Section 82 of the Act. Hon'ble Commission is mandated to regulate the Electricity Sector in the state of Maharashtra in a transparent, effective and efficient manner and to regulate tariffs of power generation, transmission and distribution and to protect the interests of the consumers and other stakeholders.
- 1.3. Hon'ble Commission has notified the MERC (Renewable Purchase Obligation, its Compliance and Implementation of Renewable Energy Certificate Framework) Regulations, 2010 (*hereinafter to be referred to as the 'RPO Regulations'*) on 7<sup>th</sup> June, 2010. These Regulations specify the Renewable Purchase Obligation (RPO) targets for Obligated Entities, including MSEDCL for FY 2010-11 to FY 2015-16 as shown in following table.





Year	Minimum quantum of purchase (in %) from Renewable Energy sources (in terms of energy equivalent in kWh)		
	Solar	Non-Solar (other RE)	Total
2010-11	0.25%	5.75%	6.0%
2011-12	0.25%	6.75%	7.0%
2012-13	0.25%	7.75%	8.0%
2013-14	0.50%	8.50%	9.0%
2014-15	0.50%	8.50%	9.0%
2015-16	0.50%	8.50%	9.0%

- 1.4. As per Regulation 10.4 of the RPO Regulations, 2010, a Distribution Licensee is obliged to submit, at the end of each financial year, a detailed statement of energy procurement from various Renewable Energy (RE) sources, duly certified by the auditors. Since FY 2013-14 was over, Hon'ble Commission decided to initiate *suo moto* proceedings for verification of compliance of RPO targets by MSEDCL for FY 2013-14 and undertake consequent actions if required in accordance with the Regulations. (Case No. 190 of 2014).
- 1.5. Vide its Order dated 4<sup>th</sup> August 2015; Hon'ble Commission concluded the proceedings of Case No. 190 of 2014. In the said Order dated 4<sup>th</sup> August 2015, Hon'ble Commission *inter-alia* ruled that the expenditure on purchase of RECs and/or actual power procurement from the RPO Regulatory Charges Fund shall not be passed through to consumers to the extent of the shortfall not met by MSEDCL by the end of FY 2015-16.
- 1.6. The Petitioner most humbly submits that the said Order issued by Hon'ble Commission on 4<sup>th</sup> August 2015 has some inherent issues and will be difficult to implement. Therefore, The Petitioner hereby approaches the Hon'ble Commission for removal of difficulties in giving effect to the provisions of RPO Regulations and the rulings of Hon'ble Commission in its Order dated 4<sup>th</sup> August 2015 in Case No. 190 of 2014.



## **2. Submissions of MSEDCL**

### **2.1. Determination of Realistic RPO Targets**

2.1.1. Hon'ble Commission vide its MERC (RPO-REC) Regulations, 2010 has specified the RPO target from FY 2010-11 up to FY 2015-16 to be fulfilled by the obligated entities such as Discoms, CPP holders and Open Access Consumers.

2.1.2. However, it appears that while specifying the said RPO target, no special tools /data/measures were available to ascertain the actual availability / actual RE potential in the State. MSEDCL feels in absence of such tools, the RPO Targets were fixed without ascertaining as to whether power from Renewable Sources is available or not.

2.1.3. MSEDCL most respectfully submits that the Para 6.4 (1) of the Tariff Policy mandates that the SERCs shall fix a minimum percentage for purchase of renewable energy after taking into account availability of such resources in the region and its impact on retail tariffs. However, it appears that Hon'ble Commission fixed the RPO targets without a study for ascertaining potential from Renewable Sources in the State.

2.1.4. MSEDCL further would like to draw attention of Hon'ble Commission towards a Judgment of APTEL, New Delhi dated 14<sup>th</sup> November 2013 (Appeal No.265 of 2012) in the matter of M/s BEST wherein it ruled that the Commission ought to have ascertained the availability of power from such sources at the approved rate. The relevant extract is reproduced below:

"...

*The State Commission first fixed the Renewable Purchase Obligations without ascertaining as to whether power from Renewable Sources is available or not. Para 6.4 (1) of the Tariff Policy requires the State Commission to ascertain that the power from Renewable Energy Sources is available in the region before fixing the Renewable Purchase Obligations. Accordingly, the Commission ought to have ascertained the availability of power from such sources at the approved rate. Only, then, it*





*should have directed the licensees that it would approve the power purchases cost from Renewable Energy sources at rate to be approved by the Commission in future. This was not done by the State Commission in the present case. The approach adopted by the State Commission was incorrect.*

...”

2.1.5. MSEDCL further submits that presently the RPO compliance of all four Discoms namely MSEDCL, TPC, BEST and R- Infra is only being monitored through *suo-motu* proceedings by the Hon'ble Commission.

2.1.6. MSEDCL most humbly submits that the Gross Energy Consumption (GEC) of the Discoms is increasing day by day in line with load growth and so the RPO targets. However, in line with the increase in GEC, load growth or RPO Targets, the capacity addition in RE sector is not taking place.

2.1.7. Hence, in FY 2013-14 shortfall is being observed in meeting the RPO target by all Distribution Licensee in State including MSEDCL in particular. It is observed that the other Discoms TPC, R-Infra & BEST are fulfilling their RPO target by purchasing RECs.

**RPO Fulfillment of MSEDCL & RE Shortage:**

*(In MUs)*

MSEDCL (GEC)	98549.36		
Solar RPO	<b>Target (0.5%)</b>	<b>Met</b>	<b>Shortfall</b>
	492.75	211.00	281.75
Non-Solar RPO	<b>Target (8.48%)</b>	<b>Met</b>	<b>Shortfall</b>
	8359.94	7580.18	779.76
Mini/Micro Hydro RPO	<b>Target (0.02%)</b>	<b>Met</b>	<b>Shortfall</b>
	16.75	0.67	16.08

2.1.8. Thus, it is observed that for meeting the MERC specified 8.5% Non solar RPO target, there is a total shortfall of around 780 MUs. Similarly for 0.5% of Solar RPO Target, there is a total shortfall of around 282 MUs.

2.1.9. Therefore, MSEDCL respectfully submits that considering the GEC, the RPO target as specified by the Hon'ble Commission is quite higher as



compared to the actual RE capacity addition that could take place in the State.

2.1.10. MSEDCL also submits that the compliance by the other *obligated entities* such as CPPs / Open Access consumers is not taken into consideration here which may further increase the shortfall.

2.1.11. In view of the submissions made in the above said paragraphs, it has become necessary to ascertain the actual RE potential in the State and the actual number of RE generators who are ready to exercise the option of sale to Licensees. The RPO targets needs to be reviewed accordingly. If there is no RE available for purchase, the shortfall in meeting the RPO targets needs to be waived.

2.1.12. There has been a huge variation in the potential assessment and actual installed capacity. The Hon'ble Commission has been setting RPO targets considering the assessed potential and current installed capacity. Therefore MSEDCL submits that RPO targets needs to be consistent with the actual scientific assessment.

## 2.2. **Efforts taken by MSEDCL to meet RPO**

2.2.1. MSEDCL has always encouraged RE generation in the State and taken lot of efforts to ensure compliance of RPO targets in respect of Solar, Non-Solar and Mini/Micro hydro power cumulatively.

### A) **Efforts taken for meeting Non-Solar RPO target**

MSEDCL has executed long term Energy Purchase Agreement (EPA) with all Renewable (Non Solar) generators approaching MSEDCL at preferential tariff in line with terms and condition specified by the Commission from time to time.





MSEDCL has contracted sufficient renewable power for meeting the year wise RPO targets for FY 2014-15 & FY 2015-16. The details are as below:

Source	Contracted Capacity as on 31.3.2015	Commissioned Capacity as on 31.3.2015	Expected Capacity addition in (FY 15-16)	CUF/ PLF	Expected generation in MUs in FY 15-16
Wind	3012	3012	250 + 347 (FY14-15) =597	20%	6328
Bagasse	1775	1642	125	60%	6106
Biomass	201	147	0	80%	1030
Small Hydro	69	65	4	30%	181
Mini/Micro Hydro	1.7	1.7	0	30%	5
<b>Total</b>	<b>5059</b>	<b>4868</b>	<b>669</b>		<b>13650</b>

It is to submit further that, the estimated GEC of MSEDCL for FY 15-16 will be around 1,20,000 MUs. To fulfil the 8.5% Non-Solar RPO target, around 10200 MUs RE will be required.

Considering the CUF as specified by MERC/MEDA, around 13650 MUs of RE is expected to be generated and procured by MSEDCL. Therefore, MSEDCL expects meet RPO target for FY 14-15, 15-16 and onwards.

#### **B) Efforts taken for meeting Solar RPO target**

MSEDCL has executed long term power purchase agreements for the total capacity 827 MW as on date to meet the solar target from FY 2010-11 onwards under various schemes of GoI and MSPGCL. The details are as under:



Sr. No	Project owner Name	Name of location	Capacity MW	Date of Commissioning	Date of MOU/PSA	Date of EPA	Name of Scheme
1	MSPGCL	Chandrapur	1	20.04.2010	30.08.2009	No individual EPA	GBI / MNRE
2	M/s Clover Solar Pvt. Ltd	Supa, Baramati	2	10.10.2011	15.10.2010	No individual EPA	Migration/ JNNSM
3	M/s. MSPGCL	Chandrapur	4	16.10.2011			
4	M/s. Videocon Industries	Warora , chandrapur	5	14.10.2011			
5	Dr. Babasaheb Amedkar SSKL	Osmanabad	1	16.08 .2011	20.10.2011	20.08.2010	RPSSGP/ JNNSM
6	M/s. Sepset Constructions Ltd	Katol	2	16.11.2011		20.08.2010	
7	M/s. Citra Real Estate Ltd	Katol	2	16.11.2011		20.08.2010	
8	M/s. MSPGCL	Sakri, Dhule	125	29.03.13	11.11.2010	05.01.2011	-
9	M/s MSPGCL	Sakri, Dhule	15			15.03.2012	-
10	Sai Baba Green Energy Power projects Pvt. Ltd	Osmanabad	5	11.02.2013	05.01.2012	No individual EPA	JNNSM Phase-I, Batch-II
11	Firestone Trading Company Pvt. Ltd	A'nagar	5	06.09.2012			
12	MSPGCL	Shirshufal, Baramati	36	19.12.2014		31.08.2013	-
			14	31.03.2015			
13	MSPGCL	Koudgaon, Osmanabad	50			28.03.2014	-
14	MSPGCL	Sakri,Dhule	10			29.03.2014	-
15	Sharda Constructions and corporations Ltd	Latur	10	28.05.2015	15.12.2014	EPA with SECI	JNNSM Phase-II (Batch-I)
16	Vishwaj Energy Pvt. Ltd	Solapur	10	28.04.2015			
17	Sunil Hitech Solar (Dhule) Pvt. Ltd	Solapur	5	29.06.2015			
18	IL&FS Devl. Co. Ltd	Madhya Pradesh	15				
19	Today green Energy Pvt. Ltd	Rajasthan	10	08.10.2015			
20	SECI	-----	500	JNNSM Phase-II (Batch-III) PSA execution in process			
		<b>Total</b>	<b>(327 + 500) = 827 MW</b>				





MSEDCL has given consent for procurement of 500 MW solar power under JNNSM Phase-II (Batch-III) state specific scheme implemented by nodal agency Solar Energy Corporation of India (SECI). The SECI is carrying out the tendering process for selection of 500 MW solar power projects situated in Maharashtra under the said scheme. Thus, it can be considered that MSEDCL has contracted for **827 MW** (327 MW + 500 MW) Solar power.

MSEDCL submits that in view of proposed developments of Solar Energy Projects by MSPGCL, which is a State Government company and sister concern of MSEDCL, MSEDCL has decided to purchase the solar power required for fulfilling the RPO target from MSPGCL at MERC preferential tariff.

At the same time, MSEDCL is also purchasing solar power from all those solar projects which have participated in various schemes of Jawaharlal Nehru National Solar Mission and Government of India.

However, it is observed that the MSPGCL solar projects are getting delayed and therefore adequate solar power is not available.

### **C) Efforts taken to meet Mini-micro Hydro RPO Target**

Mini / Micro Hydro projects are those having capacity below 1 MW. Currently, there are only 3 projects commissioned under this category namely, Shahnour (0.75 MW), Yeoteshwar (0.075 MW) and Tervanmedhe, MSPGCL (0.2 MW). The first two are Government Projects and are very old projects. The power is procured from them as per MERC SHP tariff order dated 09.11.2005 and MERC RE tariff order dated 14.07.2010.

MSEDCL further submits that the EPAs are being executed with all the RE project holders approaching this office for sell of power to MSEDCL. Accordingly, MSEDCL is willing to execute the long term EPA with the Mini/ Micro project holders in order to fulfil mini micro RPO target, as and when they approach.



However, no capacity addition has taken place during FY 2013-14 and FY 2014-15 (till date) and perhaps the same scenario will continue in near future.

Hence, MSEDCL requests the Hon'ble Commission to consider the ground realities and cancel the separate categorization of Mini/Micro Hydro RPO target.

2.3. MSEDCL therefore most respectfully submits that from above submission it is evident that MSEDCL has tried to ensure compliance of RPO targets in respect of Solar, Non-Solar and Mini/Micro.

2.4. **GoM New Composite RE Policy 2015:**

The Government of Maharashtra has announced the New Composite RE Policy-2015 vide GR dated 20.07.2015 which envisages 14400 MW RE capacity addition in the state. Around 5000 MW capacity addition is expected in wind sector in coming 5 years.

Out of the above, 1500 MW Wind Power Projects are considered for meeting the RPO target of Distribution Licensees in the Maharashtra. Further, 7500 MW of Solar Projects, 1000 MW Bagasse based cogeneration projects, 400 MW Small Hydro Projects, 200 MW industrial Waste projects and 300 MW Biomass Based Projects are expected to be installed in the state in coming 5 years.

It is submitted that MSEDCL has taken a policy decision to adopt the GoM RE Policy 2015 as it is for implementation. Therefore, MSEDCL would contract the Renewable Energy generated from the new RE Projects in the state for fulfilment of its RPO target as per the requirement in due course of time. Considering the huge policy target and the expected RE capacity addition, it is submitted that MSEDCL would be able to fulfil the RPO target easily.







In view of the above, it is submitted that the Ministry of Power, Government of India will soon declare the time period for fulfilment of pending RPO compliance since 01.04.2012.

In line with the above, it is requested to grant time extension to MSEDCL for RPO compliance by carrying forward the shortfall to next review period.

## 2.6. **Promotion of RECs at common consumers Cost**

2.6.1. GoI has formulated the National Electricity Policy and Tariff Policy as per the provisions of Electricity Act, 2003. Both these policies provides for necessary measures to encourage the development of renewable sources of energy.

2.6.2. The Electricity Act' 2003 mandates promotion of Renewable Energy and has cast the responsibility of the same on State Governments, SERCs. From time to time, Government of Maharashtra has encouraged the development of RE Sources by formulating various policies in line with the Central Government Policies since 1996. These Policies were successfully implemented in the State and has achieved significant progress in the Development of RE Sources. These policies used to be considered as Win-Win policies for Investor and Licensees.

2.6.3. From time to time, Hon'ble Commission has issued various orders for Tariff determination for RE Sources along with terms & conditions for tariff determination and power purchase from RE Sources including Wind Power Projects, Cogeneration Power project based on Bagasse, Biomass based Power Generation project, Municipal Solid Waste based Power Generation project and Small Hydro Power projects. Further, Hon'ble Commission has made it mandatory to purchase certain fixed portion from RE Source for the Licensees and others through Renewable Power Purchase Obligations (RPO) Regulations.

2.6.4. As a result of various encouraging steps to promote RE Generation in the State, the Installed Capacity of wind has reached to more than 4443 MW





in the year 2014-15 starting from 32 MW in 1999. Further, MSEDCL has pro actively participated in the development process by providing necessary infrastructure and guarantee of purchase.

- 2.6.5. However, Hon'ble Commission in its Order dated 4<sup>th</sup> August 2015 has advocated procurement of RECs and that appears to be the promotion RE Power on paper only. With procurement of RECs, neither MSEDCL will get actual renewable energy nor the State will have any addition in the RE Capacity. Over and above, all the expenses of procurement of RECs will be passed on to the common consumers of MSEDCL by way of higher retail tariff. Therefore MSEDCL most humbly submits that Hon'ble Commission may not insist on the procurement of RECs to meet the RPO shortfall and burden the common consumers of MSEDCL.
- 2.7. Hon'ble Commission in its MYT Order in Case No. 121 of 2015 has approved sales of 92,216 MUs and Power Purchase of 1,11,609 MUs for MSEDCL for FY 2015-16. Considering this, MSEDCL will have to buy around 9,500-10,000 MUs (approx.) to meet the RPO Target of 9% in FY 2015-16. MSEDCL most humbly submits that MSEDCL would be able to meet the cumulative RPO targets for FY 2015-16 only after buying the RECs. However, RECs will not bring any renewable energy to the consumers of MSEDCL but will add to their retail tariffs with increased power purchase cost.
- 2.8. In view of the above submissions, MSEDCL most humbly requests the Hon'ble Commission to set aside the ruling in Order dated 4th August 2015 in Case No. 190 of 2014 to the extent of disallowance of expenditure on purchase of RECs and / or actual power procurement to the extent of the shortfall not met by MSEDCL by the end of FY 2015-16.
- 2.9. MSEDCL also requests the Hon'ble Commission to consider the ground realities and historical capacity addition in Mini/Micro Hydro Sector and cancel the separate categorization of Mini/Micro Hydro RPO target.



- 2.10. MSEDCL further requests the Hon'ble Commission not to insist on the procurement of RECs and carry forward the shortfall not met by MSEDCL by the end of FY 2015-16 to the next Review Period.

### **3. Regulatory Provisions**

- 3.1. The Regulation 18 of the Maharashtra Electricity Regulatory Commission (Renewable Purchase Obligation, its Compliance and Implementation of REC Framework) Regulations, 2010 empowers Hon'ble Commission to relax or waive any of the provisions of the Regulations. The relevant Regulation is reproduced below:

#### ***18. Power to Relax***

*18.1. The Commission may by general or special order, for reasons to be recorded in writing, and after giving an opportunity of hearing to the parties likely to be affected may relax or may waive any of the provisions of these Regulations on its own motion or on an application made before it by an interested person.*

- 3.2. The Regulation 20 of the Maharashtra Electricity Regulatory Commission (Renewable Purchase Obligation, its Compliance and Implementation of REC Framework) Regulations, 2010 empowers Hon'ble Commission to remove difficulties in giving effect to the provisions of the Regulations. The relevant Regulation is reproduced below:

#### ***20. Power to remove difficulties***

*20.1. If any difficulty arises in giving effect to the provisions of these Regulations the State Commission may, by general or specific Order, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary for removing the difficulty.*

- 3.3. Therefore, MSEDCL most respectfully submits that the Hon'ble Commission has powers to deal and issue Orders in the above said matter.

### **4. Prayers to the Hon'ble Commission**

- 4.1. The Petitioner therefore, based on the submissions made in the foregoing paragraphs, most earnestly prays to the Hon'ble Commission:





1. To admit the Petition as per the provisions of the Regulation 18 and 20 of the MERC (Renewable Purchase Obligation, its Compliance and Implementation of REC Framework) Regulations, 2010.
2. To set aside the ruling in Order dated 4<sup>th</sup> August 2015 in Case No. 190 of 2014 to the extent of disallowance of expenditure on purchase of RECs and / or actual power procurement to the extent of the shortfall not met by MSEDCL by the end of FY 2015-16.
3. To consider the ground realities and historical capacity addition in Mini/Micro Hydro Sector in the State and cancel the separate categorization of Mini/Micro Hydro RPO target.
4. To allow MSEDCL to carry forward the shortfall not met by MSEDCL by the end of FY 2015-16 to the next Review Period.
5. To grant any other relief as the Hon'ble Commission may deem fit;
6. To pass such further and other orders, as the Hon'ble Commission may deem fit and proper keeping in view the facts and circumstances of the case.
7. To condone any error / omission and to give opportunity to rectify the same; .
8. To permit the Petitioner to make further submissions, addition and alteration to this Petition as may be necessary from time to time.

*(Copy)*  
**Chief Engineer (Commercial)**  
MSEDCL (Petitioner)

Date:  
Place: Mumbai

