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On Demand Pay / मने जाने पर GUJARAT ELECTRICITY REGULATORY COMMISSION*****

or Order / या उनके आदेशपर

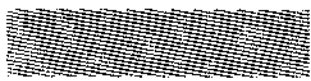
Rupees / रुपये THIRTY THOUSAND RUPEE ONLY

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Purchaser / खरीदार DISTRIBUTED SOLAR POWER ASSOCIATION

NOT OVER Rs.30000.00

For IDFC FIRST Bank Limited



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Drawee Branch / अदाकर्ता शाखा:
Code No. / कोड क्र.: 42343

GANDHINAGAR BRANCH

16/01/11

प्राधिकृत हस्ताक्षर
Authorised Signatory

Deepa Singh
12/1/09

प्राधिकृत हस्ताक्षर
Authorised Signatory

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To,

24.06.2022

The Secretary,
Gujarat Electricity Regulatory Commission at Gandhinagar,
6th Floor, GIFT ONE, Road 5C,
Zone 5, GIFT City,
Gandhinagar, Gujarat- 382355

Sub: Petition on behalf of Distributed Solar Power Association & Ors.

Dear Sir,

We represent the Distributed Solar Power Association & Cleanmax Bhoomi Private Limited ("Petitioners"). We are filing petition on behalf of the Petitioners, the said Petition is being filed under Section 86 (1) (b), Section 86 (1) (e), Section 86 (1) (k) and 86 (4) of the Electricity Act, 2003 read with Regulation 80,82, 84 and 85 of the GERC (Conduct of Business) Regulations, 2004 seeking removal of difficulties in implementation of this Hon'ble Commission's order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat passed by the Hon'ble Commission.

Please find enclosed 1+5 sets of the Petition for kind consideration of the Hon'ble Commission.

Please note that the filing fee for the said Petition is being paid through Demand Draft and the same is being attached herewith the Petition. Fee details are hereunder:

Filing fee for the Petition- Rs. 30,000/-

Demand Draft No. 280636

Date- 02.06.2022

Bank Name- IDFC FIRST Bank

In view of the above, it is a humble request to the Hon'ble Commission to kindly accept the filing of the Petitions and take the same on record.

Please let us know in case any other assistance is required from our end.

Thanking You,
Yours Sincerely,



Anukriti Jain/Aditya K. Singh

Link Legal**(Counsel for the Petitioner)**Email id: Anukriti.jain@linklegal.inAdityak.singh@linklegal.in

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**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

FILING NO. _____

CASE NO. _____

IN THE MATTER OF:

Distributed Solar Power Association & Ors.

.... Petitioners

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Through:

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**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

FILING NO. _____

CASE NO. _____

IN THE MATTER OF:

Petition under Section 86 (1) (b), Section 86 (1) (e), Section 86 (1) (k) and 86 (4) of the Electricity Act, 2003 read with Regulation 80, 82, 84 and 85 of the GERC (Conduct of Business) Regulations, 2004 seeking removal of difficulties in implementation of this Hon'ble Commission's order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat passed by the Hon'ble Commission"

MEMO OF PARTIES

1. Distributed Solar Power Association

Address: A-57, DDA Sheds,
Okhla Industrial Phase-II,
New Delhi- 110020
Through authorised representative

2. Cleanmax Bhoomi Private Limited

13A, Floor-13, Plot-400,
The Peregrine apartment, Kismat Cinema,
Prabhadevi, Mumbai-400025
Through Authorised Representative

.....Petitioners

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

FILING NO. _____

CASE NO. _____

IN THE MATTER OF:

Petition under Section 86 (1) (b), Section 86 (1) (e), Section 86 (1) (k) and 86 (4) of the Electricity Act, 2003 read with Regulation 80, 82, 84 and 85 of the GERC (Conduct of Business) Regulations, 2004 seeking removal of difficulties in implementation of this Hon'ble Commission's order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat passed by the Hon'ble Commission"

AND

1. Distributed Solar Power Association

Address: A-57, DDA Sheds,
Okhla Industrial Phase-II,
New Delhi- 110020
Through authorised representative

2. Cleanmax Bhoomi Private Limited

13A, Floor-13, Plot-400,
The Peregrine apartment, Kismat Cinema,
Prabhadevi, Mumbai-400025
Through Authorised Representative

.....Petitioners

MOST RESPECTFULLY SHOWETH:

1. The Distributed Solar Power Association and Cleanmax Bhoomi Private Limited, an affected party, special purpose vehicle of Cleanmax (member of DiSPA) (hereinafter referred to as "**Petitioners**") are filing the instant petition under Section 86 (1) (b), 86 (1) (e), Section 86 (1) (k) and 86 (4) of the Electricity Act, 2003 ("**Act**") read with Regulation 80, 82, 84 and 85 of the GERC (Conduct of Business) Regulations, 2005 ("**GERC COB Regulations**").

This Petition is being filed for seeking removal of difficulties in implementation of the order dated 03.04.2021 namely "*Applicability of Tariff Framework for procurement of power by Distribution*"

Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat” passed by the Hon’ble Commission (“**WSH Implementation Order**”) in its true letter and spirit. This Hon’ble Commission has issued WSH Implementation Order with the objective of providing encouragement to wind-solar developers for setting up wind-solar hybrid project by providing certain financial and regulatory incentives. Due to certain unforeseen and uncontrollable factors, the objective behind issuance of the WSH Implementation Order will be defeated. This Petition has been filed to pray this Hon’ble Commission to remove difficulties in implementation of WSH Implementation Order, and also extend the control period for 1 year in existing control period which is expiring on 31.03.2023 to 31.03.2024. A copy of the order dated 03.04.2021 namely “Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial for the State of Gujarat passed by this Hon’ble Commission is filed herewith and marked as **ANNEXURE- P-1**.

BRIEF DESCRIPTION OF PARTIES

1. The Distributed Solar Power Association (“**DiSPA/Petitioner No. 1**”) is registered as a society under the Societies Registration Act of 1860 and is an association formed for representing various distributed renewable energy developers, hybrid developers and system integrators working in the rooftop and off-grid solar segment across India. The registered office of the society is situated at A-57, DDA Sheds, Okhla Industrial Phase-II, New Delhi- 110020. The DiSPA comprises of leading solar power developers, Independent Power Producers, EPC service providers, consultants concentrating on high growth of the distributed solar energy. It focuses on multi-national solar federations and other industry organisations and contributes to pan-India issues of solar industry. Its members are in the process of setting up wind-solar hybrid project in the state of Gujarat. A copy of the Registration Certificate and list of members, who are setting up hybrid plant, are annexed herewith and marked as **ANNEXURE- P-2**.

2. CleanMax Bhoomi Private Limited (**Cleanmax/Petitioner No. 2**) is a company formed under the Companies Act, 2013 having its registered office at 13A, Floor-13, Plot-400, The Peregrine apartment, Kismat Cinema, Prabhadevi, Mumbai-400025. Cleanmax is a member of DiSPA and has applied to GERC seeking permission to set up Wind-Solar hybrid plant in the state of Gujarat. Cleanmax intends to set up a 23.50MW hybrid project in district-Amreli, Gujarat.

JURISDICTION

3. This Hon'ble Commission has jurisdiction under Section 86 (1) (b), 86 (1) (e), Section 86 (1) (k) and 86 (4) of the Act read with Regulation 80, 81, 82 84, 85 of the GERC (Conduct of Business) Regulations, 2004 ("**CoB Regulations**") to issue such directions which are essential for the development of the renewable energy sector and for the promotion of generation of electricity from renewable energy sources. Regulation 80 to 82 of CoB Regulations provide inherent power to this Hon'ble Commission to pronounce order for meeting ends of justice. The Commission has power to issue clarification, declaration in the subject matter as provided in the act, rules and regulations. Regulation 84 empowers this Hon'ble Commission with the power to remove difficulties in case when any difficulty arises in giving effect to any of its regulations. Regulation 85 empowers the Hon'ble Commission the power of extension or abridgement of time prescribed to do any act.

BRIEF FACTS

The facts giving rise to the present Petition are briefly set out herein below for ready reference of this Hon'ble Commission:

4. On 26.05.2003 the Electricity Act received the assent of the President and was notified in the Official Gazette on 10.06.2003. The salient features of the Act *inter alia* included deregulation of the generation sector, several checks and balances that would mitigate regulatory uncertainty, provisions to attract/ enable viable private investment in the electricity industry and promotion of co-generation and generation of electricity from renewable sources of energy. The Act expressly recognizes the need to provide promotional

measures in relation to co-generation and generation of electricity from renewable sources of energy. This principle is enshrined in the Preamble read with sections 61(h) and 86(1)(e) of the Act.

5. On 12.05.2005, the Ministry of Power, GoI notified the National Electricity Policy (“NEP”) under Section 3 (1) of the Act, which required the Central Government to formulate, *inter alia*, the National Electricity Policy ‘for development of the power system based on optimal utilization of resources such as coal, natural gas, nuclear substances or materials, hydro and renewable sources of energy’. The NEP was framed keeping in view the concerns of the world community for environment, sustainable development and other related topics and in relation to generation from renewable sources states as follows: -

“5.12 COGENERATION AND NON-CONVENTIONAL ENERGY SOURCES

5.12.1 *Non-conventional sources of energy being the most environment friendly there is an urgent need to promote generation of electricity based on such sources of energy. For this purpose, efforts need to be made to reduce the capital cost of projects based on nonconventional and renewable sources of energy. Cost of energy can also be reduced by promoting competition within such projects. At the same time, adequate promotional measures would also have to be taken for development of technologies and a sustained growth of these sources.*

5.12.2 *The Electricity Act 2003 provides that co-generation and generation of electricity from non-conventional sources would be promoted by the SERCs by providing suitable measures for connectivity with grid and sale of electricity to any person and also by specifying, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee. Such percentage for purchase of power from non-conventional sources should be made applicable for the tariffs to be determined by the SERCs at the earliest. Progressively the share of electricity from non-conventional sources would need to be increased as prescribed by State Electricity Regulatory Commissions. Such purchase by distribution companies shall be through competitive bidding process. Considering the fact that it will take some time before non-conventional technologies compete, in terms of cost, with conventional sources, the Commission may determine an appropriate differential in prices to promote these technologies.”*

[Emphasis supplied]

The afore-quoted extracts of the NEP make it clear that the thrust of the NEP is upon the use of non-conventional sources of energy to augment generation of green energy.

6. On 06.01.2006, the Ministry of Power, GoI, in continuation of the NEP, notified the National Tariff Policy ("**2006 Tariff Policy**") under Section 3 (1) of the Act as per which the Central Government was required to formulate, *inter alia*, the National Electricity Policy 'for development of the power system based on optimal utilization of resources such as coal, natural gas, nuclear substances or materials, hydro and renewable sources of energy'.
7. It is relevant to note that the GoI has committed itself to reducing green-house gas emissions. India's climate change policy is articulated, *inter alia*, through National Action Plan on Climate Change ("**NAPCC**") adopted on 30.06.2008 and India's Intended Nationally Determined Commitment ("**INDC**") which was submitted to the UN Framework Convention on Climate Change ("**UNFCCC**") on 02.10.2015. The NAPCC has a domestic focus on tackling climate change issues, with special reference to increase renewable energy generation capacity in the country and changing the mix of power so that renewable energy component becomes more dominant with time. The relevant parts of NAPCC are excerpted below:

"2. Principles maintaining a high growth rate is essential for increasing living standards of the vast majority of our people and reducing their vulnerability to the impacts of climate change. In order to achieve a sustainable development path that simultaneously advances economic and environmental objectives, the National Action Plan for Climate Change (NAPCC) will be guided by the following principles:

Engineering new and innovative forms of market, regulatory and voluntary mechanisms to promote sustainable development.

4.2.2 GRID CONNECTED SYSTEMS

The Electricity Act, 2003 and the National Tariff Policy, 2006, provide for both the Central Electricity Regulatory Commission (CERC) and the State Electricity Regulatory Commissions (SERC) to prescribe a certain percentage of

total power purchased by the grid from renewable based sources. It also prescribes that a preferential tariff may be followed for renewable based power.

The following enhancements in the regulatory/ tariffs regime may be considered to help mainstream renewable based sources in the national power system:

(ii) **Central and state governments may set up a verification mechanism to ensure that the renewable based power is actually procured as per the applicable standard (DMRPS or SERC specified). Appropriate authorities may also issue certificates that procure renewable based power in excess of the national standard.** Such certificates may be tradeable, to enable utilities falling short to meet their renewables standard obligations. In the event of some utilities still falling short, penalties as may be allowed under the Electricity Act 2003 and rules thereunder may be considered.

(iii)Further, renewable based power may, over and above the applicable renewables standard, be enabled to compete with conventional generation on equal basis (whether bid tariffs or cost-plus tariffs), without regard to scheduling (i.e. renewables based power supply above the renewables standard should be considered as displacing the marginal conventional peaking capacity). **All else being equal, in such cases, the renewable based power should be preferred to the competing conventional power.**

(emphasis supplied)

8. Similarly, India's INDC is a statement of efforts to be undertaken by India to combat and arrest climate change. In the said document India has, *inter alia*, committed as follows:

"... Government of India, intends to ensure renewable installed capacity from 40% of India's total energy mix. For meeting its international commitments in 2015, the present Central Government set a target for achieving renewable energy generation 175 GWs by the year 2022, this goal has been subsequently revised to 227 GWs of renewable energy capacity by 2022. The treaty obligations form a part of domestic law unless in conflict with enacted legislations and statutes. In the present case, India's treaty obligations are in conformity with the Central Government's vision under the Electricity Activity 2003 and various policies enacted thereunder. It is submitted that India being a signatory to the Paris Agreement is under an obligation to comply with its treaty obligations."

9. The study of these documents reveal that India's commitment to adopt a path that is climate friendly and cleaner than the one followed hitherto by others at a corresponding level of economic development; reduce the emissions intensity of its GDP by 33 to 35 by 2030 from 2005 levels; achieve about 40% cumulative electric power installed capacity from non-fossil-fuel energy resources by 2030 with the help of technology transfer and low-cost international finance, including support from the Green Climate Fund.
10. It is in furtherance of the national goals to promote renewable energy, to encourage hybridization of existing wind and solar plants and smoothen the wind solar hybrid power further, on 14.05.2018, the Ministry of New & Renewable Energy ("**MNRE**") notified National Wind-Solar Hybrid Policy ("**National WSH Policy**"). The National WSH Policy provides a framework for promotion of large grid connected wind-solar PV hybrid system for optimal and efficient utilization of transmission infrastructure and land, reducing the variability in renewable power generation and achieving better grid stability. It is to remain in force until it is withdrawn, modified or superseded by the GoI. Further, the incentives available to wind and solar power projects have also been made available to the hybrid projects. The relevant parts of National WSH Policy are excerpted below:

3. PERIOD OF ENFORCEMENT

This policy will remain in force unless withdrawn, modified or superseded by the Government. The Government will undertake a review of this Policy as and when required.

4. WIND-SOLAR HYBRID SYSTEMS

4.1 Under the category of wind-solar hybrid power plants, Wind Turbine Generators (WTGs) and Solar PV systems will be configured to operate at the same point of grid connection. There can be different approaches towards integrating wind and solar depending upon the size of each of the source integrated and the technology type.

4.2 In case of fixed speed wind turbines connected to grid using an induction generator, the integration can be on the HT side at the AC output bus. However, in case of variable speed wind turbines deploying inverters for connecting the generator to the grid, the wind and the Solar PV system can be connected to the intermediate DC bus of the AC-DC-AC converter.

4.3 The second important aspect would be related to the sizing – which would depend on the resource characteristics. In order to achieve the benefits of hybrid plant in terms of optimal and efficient utilization of transmission infrastructure and better grid stability by reducing the variability in renewable power generation, in the locations where the wind power density is quite good, the size of the solar PVs capacity to be added as the solar-hybrid component could be relatively smaller. On the other hand, in case of the sites where the wind power density is relatively lower or moderate, the component of the solar PV capacity could be relatively on a higher side.

However, a wind-solar plant will be recognized as hybrid plant if the rated power capacity of one resource is at least 25% of the rated power capacity of other resource.

8. INCENTIVES

The Government will encourage development wind-solar hybrid systems through different schemes and programmes. All fiscal and financial incentives available to wind and solar power projects will also be made available to hybrid projects.

11. Considering the State of Gujarat is graced with longest coastlines in India and adequate wind speeds for harnessing of the wind energy and is also substantially rich in solar energy resources with adequate amounts of barren lands with solar radiation in the range of 5.5 - 6 kilowatt-hour (kWh) per square meter per day, it has the greatest potential to develop renewable energy.
12. The GoG recognized that existing wind farms have scope of adding solar PV capacity and similarly existing solar PV plants have potential to develop wind capacity. Therefore, with a vision to provide a clean and sustainable environment and, in alignment with the MNRE WSH Policy, the GoG issued Gujrat Wind-Solar Hybrid Policy-2018 ("**Gujarat WSH Policy 2018**") on 20.06.2018, with an aim to scale up installation of Wind & Solar Hybrid Power Projects ("**Hybrid Projects**") the Gujarat WSH Policy 2018 was issued to optimally utilize the required infrastructure including land and transmission system, and thus strengthening the energy security of the country. A copy of Gujarat Wind-Solar Hybrid Policy-2018 dated 20.06.2018 is annexed herewith and marked as **ANNEXURE P-3**.
13. The main objective of the Gujarat WSH Policy is to provide a framework for promotion of wind-solar PV hybrid system to increase

the growth of renewable energy (“RE”) industry in the State and encourage new technologies, method and ideas to facilitate the combined operation of wind and solar PV plants in order to promote the integration with emerging technologies like energy storage systems. The benefits and incentives under the said policy are available to any person setting up new wind-solar hybrid project or adding wind/solar capacity at its existing solar/wind power project, respectively, be it for captive use (including group captive) and/or for selling of electricity. It is pertinent to mention here that the Gujarat WSH Policy is applicable for a period of five (5) years from the date of its issuance.

The operative period of Gujrat WSH Policy 2018 is excerpted below:

2. OPERATIVE PERIOD

This policy shall come into effect from the date of issuance and shall remain in operation for a period of five (5) years from the date of its issuance. The Wind Turbine Generator(s) /Solar PV Generation Project(s) developed during Operative Period of this Policy shall become eligible for the benefits and incentives declared under this Policy for a period of twenty-five (25) years from the date of commissioning or the life span of such Wind Turbine Generator(s)/Solar Generation Project(s), whichever is earlier.

3. Eligible Unit

Any individual, company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, shall be eligible for setting up of new wind-solar Hybrid Projects OR shall be eligible to add wind/solar capacity at their existing solar/wind power projects, respectively, either for the purpose of captive use and/or for selling of electricity, in accordance with the Electricity Act, 2003, as amended from time to time. The wind and solar generation may be metered separately at the pooling/sending end sub-station.

Note: *The use of electricity for own consumption at his end use location/s by the owner of Hybrid Project shall be considered as Captive use. In case of Group Captive, 100% of equity amount is to be invested/held by Captive Users and they are required to consume entire generation in the ration of other equity amount invested with a variation not exceeding 10% in consumption on annual basis.*

14. Para 4 of the Gujarat WSH Policy mentions that Gujarat Energy Development Agency will be the nodal agency for the implementation of this policy and will facilitate and assist the developers in setting up the project. However, GEDA did not issue any framework/guidelines for setting up the wind-solar hybrid project till 14.10.2021 (i.e. around 40 months from the date of the issuance of WSH Policy). Relevant extract of the Gujarat WSH Policy is mentioned below:

“4. STATE GOVERNMENT FACILITATION & NODAL AGENCY

Gujarat Energy Developer Agency (GEDA) shall be the State Government Nodal Agency for facilitation and implementation of the Gujarat Wind-Solar Hybrid Power Policy-2018. The Nodal Agency shall facilitate and assist the project Developers to undertake the activities in achieving the objects of this Policy. Energy Storage Technology will also be facilitated by the State Government.”

15. Gujarat WSH Policy provides following incentives to developers for setting up wind solar hybrid plants (“**Regulatory Incentives**”):
- a. 50% of wheeling charges;
 - b. 50% of distribution losses of the energy;
 - c. 50% of the Cross Subsidy and Additional Surcharge for non-captive open access projects.
16. It is relevant to note that GoG made a representation to the developers vide Gujarat WSH Policy that Regulatory Incentives will be applicable for all projects which will be commissioned post issuance of the WSH Policy i.e. from 20.06.2018. However, these representations remained a mere paper presentation, till the occurrence of the following events :
- a. WSH Implementation Order dated 03.04.2021 pronounced by this Hon’ble Commission. This Order, being an executionary framework, gives life to the representation made by GoG vide Gujarat WSH Policy. Approval of the Electricity Regulatory Commission is sine-qua-non for providing any Regulatory Incentives. Till the date of the issuance of the WSH Implementation Order, there remained a regulatory vacuum and uncertainty regarding execution of the Gujarat WSH Policy

- b. Instructions/Guidelines for application of setting up of Wind – Solar Hybrid Power Projects’ issued by GEDA on 14.10.2021 (**“WSH Guidelines”**). In terms of Gujarat WSH Policy, GEDA was required to act as a nodal agency for facilitation and implementation of this policy. GEDA (after passage of around 40 months from issuance of Gujarat WSH Policy and around 6 months from pronouncement of WSH implementation order) on 14.10.2021 issued WSH Guidelines. Till the date of the issuance of WSH Guidelines (i.e. 14.10.2021), there was an administrative vacuum. Till the issuance of the Guidelines, the WSH Order was of only academic value because in absence of Guidelines, developers were in dark about the procedure to obtain permission from the government to set up hybrid project and avail the benefits under the Gujarat WSH Policy.
17. On March, 2020, the Government of India declared a nationwide lockdown in order to contain the spread of deadly Covid-19. The national lockdown declared by the government brought entire country to a grinding halt thereby restricting almost all economic and commercial activities. It is pertinent to mention that severe restrictive measures implemented by the Central and State Government, from time to time, to contain the spread of the pandemic adversely affected all social, economic and political activities in India. The restrictive measures imposed by the government brought a sudden halt to practically all commercial and industrial activity in India and contributed to the loss of time for the implementation of hybrid projects in the state of Gujarat.
18. Post expiry of 26 months from the issuance of the Gujarat WSH Policy this Hon’ble Commission, on 28.08.2020, published a “Discussion Paper for Wind-Solar Hybrid Project Tariff Framework” (**“WSH Discussion Paper”**), inviting comments from stakeholders. This Hon’ble Commission after examination of the Objection/Suggestions received on the discussion paper, fixed the date for public hearing on the proposed Tariff framework for Wind-Solar Hybrid Project on 19.01.2021.
19. The draft of the WSH Discussion Paper had a clause for the control period which had made validity of control period different from

Operating Period of the Gujarat WSH Policy 2018. Stakeholders during public hearing, *inter alia*, submitted that control period of the WSH Implementation Order should be for a period of 5 years from the issuance of the tariff order. However, the submission was rejected by this Hon'ble Commission and this Hon'ble Commission on 03.04.2021 issued WSH Implementation Order. This order laid down the general principles and commercial considerations for the setting up of Hybrid Projects and determination of tariff thereof. Relevant extract from the WSH Implementation Order is reproduced hereinbelow:

“2.2 Clause 3.2.1: Control Period

2.2.1 *Proposed in Discussion Paper “The Commission proposes that the control period of the tariff framework under this discussion paper shall be effective from the date of this Order to 31st March, 2023. As per Clause 2 of the Gujarat Wind Solar Hybrid Power Policy, Wind Turbine Generator(s)/ Solar PV Generation Project (s) developed during the Operating Period of this Policy shall become eligible for the benefits and incentives declared under this Policy for a period of twenty-five (25) years from the date of commissioning or the life span of such Wind Turbine Generator (s)/ Solar Generation Project (s), whichever is earlier.*

2.2.2 Suggestions/Objections of the Stakeholders

GE South Asia proposed that control period of the tariff framework shall be effective for a period of 5 years from the date of this Order. Continuum submitted that as operative period of Gujarat Wind Solar Hybrid Power Policy is till 19th June, 2023, whereas Commission proposed the control period till 31st March, 2023. The control period of the Order shall be matched to the Operating Period of the Policy. This need to be clarified that if the Project has developed under Gujarat Wind Solar Hybrid Power Policy, then the tariff, incentive proposed under the said Order shall be applicable.

2.2.3 Analysis and Commission's Ruling

The Commission proposed a pre-defined Control Period for the tariff framework. Considering the applicability of the Gujarat Wind Solar Hybrid Power Policy, the Commission is of the view that it would be appropriate to have pre-defined control period up to 31st March, 2023. The projects developed and commissioned during the Operating Period of this order shall become eligible for the benefits and incentives declared under this order.

20. This Hon'ble Commission, in its WSH Implementation Order dated 03.04.2021, proposed a pre-defined Control Period for the tariff framework up to 31st March 2023. Further, it held that projects developed and commissioned during the Control period of this WSH Implementation Order shall become eligible for the benefits and incentives declared under the said order. For such projects, the benefits and Regulatory Incentives would be applicable for the life of the project i.e. for 25 years. Therefore, in effect the WSH Implementation Order provided a total period of only 24 months (i.e. from the date of the issuance of the order) for the Hybrid Projects to be commissioned and avail the benefits provided thereunder. The representation of 5 years made by GoG for setting up the hybrid project and availing the benefits provided under the Gujarat WSH Policy was limited by this Hon'ble Commission to only 2 years vide its WSH Implementation Order. In effect, the issuance of the WSH Implementation Order in 2021, with a Control Period of 2 years, severely restricted the number of hybrid projects that could be set up under the Gujarat WSH Policy which is operative for a period of 5 years.
21. It is submitted that even after issuance of the WSH Implementation Order, there was uncertainty on the procedure to be followed for setting up the wind-solar hybrid plant. In the absence of any procedure for availing the benefits declared under the WSH Implementation Order read with the WSH Policy, the project developers were unable to proceed with setting up of the hybrid projects and were rather clueless on the way ahead to get the benefits. Nevertheless, based on the representation made under the WSH Implementation Order and rights assured, the Petitioners proceeded with the initial stages of setting up of hybrid project.
22. In the meanwhile, India was hit by second wave of Covid-19 in the months of March-June 2021. The supply network for the modules and turbines were completely disrupted. This is evidenced by the fact that even MNRE on various occasions being 12.05.2021, 29.06.2021 and 15.09.2021 issued Office Memorandums granting extension for achieving commissioning of the RE projects. MNRE vide its OM bearing no. F.NO. 238/18/2020-GRID SOLAR dated

15.09.2021 granted an extension of 2.5 months for commissioning of RE projects. 12.05.2021, 29.06.2021 and 15.09.2021 is annexed herewith and marked as **ANNEXURE- P-4**.

23. Developers were uncertain on steps to be undertaken for setting up the project till 14.10.2021 (around 6 months from the date of the pronouncement of WSH Implementation Order). It is only on 14.10.2021 that GEDA issued WSH Guidelines. WSH Guidelines provided a clear framework for setting up the wind solar hybrid plant. GEDA being a nodal agency delayed issuance of WSH Guidelines by around 40 months. A copy of GEDA WSH Guidelines for setting up of Wind – Solar Hybrid Power Projects dated is annexed herewith and marked as **ANNEXURE P-5**.
24. It is relevant to note that the Gujarat WSH Policy was announced in 2018. While this policy document was issued, it was not implemented as law for it was supposed to be referred by the Commission for guidance. This Hon'ble Commission by issuing the WSH Implementation Order in April, 2021 converted the policy document of Govt. of Gujarat into reality, by providing the substantive rights to the developers. However, even after the issuance of the WSH implementation Order, which specified the rights and liabilities in relation to implementation of the Gujarat WSH Policy and setting up of hybrid project, the procedure for setting up the same was missing. This created an administrative vacuum, for a substantive right was given without any procedure to avail the benefits of the same. This order was actually given life only when the WSH Implementation Guideline was issued by GEDA. It is only after the issuance of such guidelines that the project developers could proceed with the setting up of hybrid projects and avail the benefits under the Gujarat WSH Policy, 2018 and the WSH Implementation Order. Therefore, it is the date of issuance of the WSH Implementation Guidelines i.e. 14.10.2021 which should be considered as zero date for the purposes of effective implementation of the Gujarat WSH Policy, 2018 and the benefits provided in the WSH Implementation Order should be allowed accordingly.

Sl.	Name of the Connectivity	Size of the Connectivity	Location of Project	Status of the Project
1	Yashaswa power LLP	70 MW	400 KV Amreli (at 66 KV Voltage Level)	IC of the land and Sec. 64 and 168 of the TL under progress to file for Developers Permission
2	HET Energy Technology LLP	70 MW	220/66 KV Amreli (at 66 KV Voltage Level)	
3	HET Energy Technology LLP	30 MW	66 KV Mota-Devaliya [at 66 KV voltage Level)	
4	Cleanmax Vayu Private Limited	30 MW	66 KV Khirsara [at 66 KV voltage level]	
5	AMP Energy Green Nine Pvt Ltd	30 MW	66kV Toda Substation	1. Hybrid PE approval received 2. All location wind land sub leasing completed 3. Land for solar component acquired 4. EPC Contract for entire project is placed 5. Financial Closure achieved 6. 7.
6	Renew Green Energy Solutions Pvt Ltd.	120 MW	Bhavnagar, Gujarat	-In Principal Connectivity for 120 MW has been applied, LFS has been completed.
7.	Cleanmax Bhoomi Private Limited	25.30 MW	Amreli, Gujarat	

25. The WSH Guidelines categorically state that the land on which permission is proposed to be sought, the developer is required to be in legal possession of such land. Further, any permission, if required, under the relevant tenancy/revenue laws should be obtained before submission of application to GEDA. Therefore, the WSH Guidelines set the ground and the basic requirements for registration of the project under the Gujarat WSH Policy and the WSH Implementation Order. Relevant extract of the WSH Guidelines is reproduced herein below:

“5. Land related responsibilities:

The land on which the permission is proposed shall be in legal possession of the developer at the time of submission of the application. Moreover, the permission required under the relevant/ applicable tenancy/ revenue laws shall be availed at least before submission of the application to GEDA for commissioning.”

26. It is submitted that legal possession of land is a time-consuming process as it involves identification, due-diligence and acquisition of suitable parcel of land, obtaining Industrial usage conversion order of the land from the competent authority etc. Even the MNRE, in its Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Solar PV/Wind Power Projects provides 7-12 months for completion achieving Financial Closure which includes land procurement also. As per the WSH Guidelines, even for the purposes of submitting application for Developer's Permission, legal possession of the land is required. At this juncture, it is pertinent to mention that few developers, who are also the members of the Petitioner have already obtained legal possession of land and few others are in the process of obtaining the same. Status of some of the Hybrid Project developers is stated below:

It is further submitted that in order to secure the GEDA registration the developer is also required to have the evacuation approval, which is a preliminary requirement for such registration. A few developers have been able to obtain system study approval for grid connectivity and evacuation. A copy of the approval for grid connectivity and

evacuation obtained by such developer is annexed herewith and marked as **ANNEXURE- P-6**.

27. It is evident from the aforementioned status of Hybrid Projects that the prerequisites for application for Developers Permission itself is a time taking process and the members of the Petitioner are still in the process of fulfilling the pre-requisites. Thereafter, GEDA would take time to assess the application received and issue the Developer's Permission. It is only after such permission is issued by GEDA that anything further with respect to setting up of the Hybrid Project can be initiated. It is unlikely that the developers will be able to commission their projects within the validity of the WSH Order, thereby losing on the benefits provided thereunder, which will defy the ultimate purpose of promotion of Hybrid Projects. For reference, a copy of one of the developer's application submitted to GEDA for approval is annexed herewith and marked as **ANNEXURE-P-7**.
28. It is pertinent to note that the GEDA Guidelines categorically state that the validity of the permission granted under the WSH Guidelines shall be two years from the date on which permission is granted. Therefore, the time period for setting up of the Hybrid Project starts after the permission is granted by GEDA which is two years from the date of such permission. However, the WSH Guidelines is issued with a Note which states that these instructions/guidelines do not enlarge or curtail the scope of Gujarat WSH Policy and the WSH Implementation Order. Further, if any part of such procedure is not in accordance with the aforesaid policy or WSH Implementation Order, the policy and the WSH Implementation Order shall prevail. The anomaly is that the WSH Implementation Order is operative till 31.03.2023 only. Therefore, for any permission granted right after the issuance of the said WSH Guidelines, the Hybrid Project will have to have commissioned on or before 31.03.2023 so as to avail the benefits available under the WSH Implementation Order. This leads to a situation wherein the developer has only 18 months for land possession, procuring approvals, obtaining registration, setting up of the Hybrid Project and commissioning of the Hybrid Project. This time period got reduced from 24 months to 18 months only because of the delay on

the part of GEDA to issue the WSH Guidelines. Relevant extract of the WSH Implementation Order and WSH Guidelines are reproduced herein below:

WSH Implementation Order:

“3.2 General Principles

3.2.1 Control period:

The Control period for the tariff framework approved in this tariff order shall be effective from the date of this order to 31st March 2023.”

WSH Guidelines

3. Validity of the Permission: Two years from the date of permission granted.

Note: Applicant has to obtain the fresh permission once the aforesaid validity is over.

Note: This executive guideline/instructions for processing the application by GEDA. It is further clarified that these guidelines. Instructions neither enlarge nor curtail the scope of Gujarat Wind Solar Hybrid Policy, 2018 issued by the Energy and Petrochemical Department, Govt. of Gujarat and GERC order No. 4 of 2021. If any part/s of these guidelines/instructions are not in accordance with the aforesaid policy or GERC order, the Gujarat Wind Solar Hybrid Policy, 2018 and GERC order No. 4 of 2021 shall prevail.”

29. It is humbly submitted that developing a Hybrid Project in furtherance of the WSH Implementation Order and WSH Guidelines which were issued 6 months thereafter, the period of remaining 18 months i.e., from October 2021 to March 2023 is not sufficient for the members of the Petitioner No. 1 to achieve the commissioning of the Hybrid Project and the repercussions of the same would have to be borne by both its members and consumers.
30. It is submitted that, in view of the delays on the part of the nodal agency i.e. GEDA in issuance of the procedure applicable for registration, disruption of supply chain due to Covid-19, Petitioner has been compelled to approach this Hon'ble Commission to remove difficulties in implementation of the WSH Order in its true letter and spirit and has prayed to this Hon'ble Commission to extend the

applicability of WSH Implementation Order for all projects commissioned till March, 2024(i.e. extension of 12 months.).

31. This Hon'ble Commission has issued WSH Implementation Order with the objective of providing encouragement to wind-solar developers for setting up wind-solar hybrid project by providing certain financial and regulatory incentives. Due to certain unforeseen and uncontrollable factors, the objective behind issuance of the WSH Implementation Order will be defeated. This Petition has been filed to pray this Hon'ble Commission to remove difficulties in implementation of WSH Implementation Order.
32. It is submitted that the Members of DiSPA have already acted upon the promises made in the WSH Implementation Order have altered their position by making investments in preparatory work of the Project. These promises made under the Gujarat WSH Policy and WSH Implementation Order are enforceable on the principles of legitimate expectation and promissory estoppel. A copy of the application submitted to GEDA is already annexed herewith as Annexure-P-6.
33. The Petitioners herein respectfully submit that there are certain procedures which are required to be followed and completed prior to installation of projects under the defined control period of the WSH Implementation Order
34. It requires following permissions:
 - a. Procurement of land for the project.
 - b. Approval of industrial conversion for utilization of the land for non-agricultural purpose and project related works.
 - c. Permission for connectivity with substations from GETCO.
 - d. Permission for laying down transmission network / distribution network under Section 64/168 of the Electricity Act, 2003
35. The aforesaid permissions are necessary prior to getting the Developers Permission from GEDA. The aforesaid approvals are required to be submitted along with the application for issuance of

Developer's Permission. Further, the various permissions as stated above require certain time for completion of process and their issuance. The time frame required for aforesaid approvals/permission may vary from project to project in the works involved in it.

- a. procurement of land needs 1 month to 6 month minimum.
- b. permission of industrial conversion to set up the project requires the NA/CLU permission will take around 2 to 3 months.
- c. connectivity with GETCO network at the substation requires about 3 to 6 months.
- d. Permission for setup transmission/distribution network under section 64 /168 of electricity act 2003 requires 3 to 6 months.

Moreover, there are issues of right of way (ROW) while laying down the distribution/ transmission network. These RoW issues vary from project to project, and the time frame required for the same may vary between 3 months to 12 months also. This is because in case of denial of RoW permission the project developer will be required to approach to the District Collector for the same and it takes minimum 3 to 6 months to get the approval thereafter.

36. It is only after completion of the formalities that the project developer is able to approach GEDA for obtaining Developers' Permission where it will take time from 1 to 3 months for grant of the same. Thus, it is clear case that for the project developer who desires to set up a hybrid power plant, consideration of the aforesaid time frame is required and compulsory. It is beyond the control of the Petitioner and its members to initiate any activity without fulfilment of aforesaid activities and complete the project within specified time period in terms of the WSH Implementation Order dated 03.04.2021.
37. The Petitioners further submit that without approval of project development from GEDA the project developer will be unable to obtain financial closure and complete the project in stipulated time frame.

38. The Petitioners submit that the control period of the WSH Implementation Order is 2 years i.e., from 01.04.2021 to 31.03.2023.
39. The Members of the Petitioner Number 1 who are project developers have already initiated work to set up the project and striving to complete the same within the stipulated time that is 31.03.2023. However, they are unable to complete the project due to various reasons associated with regard to permissions required to be obtained prior to establishing the project.
40. The Members of DiSPA respectfully submit that the work for setting up of wind-solar hybrid power project by its members is with intent to complete the same during the control period specified above that is up to 31.03.2023. However, the same may not be completed due to various permissions required to be obtained from concerned authorities including statutory as well as government authorities which are also required to follow the due process of law for grant of such approvals. Hence, the time frame needed to complete a hybrid project is not available, in some cases, due to situations which are beyond the control of the project developers. Therefore, it is imperative that the control period specified in the WSH Implementation Order be extended for a further period of 12 months (1 year from the date of its expiry)
41. The Petitioners respectfully submit that the subject matter of present Petition is important considering the investments made and to be made by Members of Petitioner No. 1, Petitioner No. 2 and other similarly placed project developers. The investment made by the Members of DiSPA is helpful to the State for socio economic upliftment, it also provides revenue to the state in the form of various taxes. The investment to be made for the projects is dependent on extension of control period. It is submitted that considering COVID-19 and various grounds stated herein below, an early indulgence of this Hon'ble Commission is sought as the time remaining for completion of a hybrid project is quite less or about just 9 months in which it is not possible to set up the project by the project developers. The Petitioners respectfully submit that Hon'ble Commission may list the present petition at the earliest that the

benefit of the clarity on the subject matter will be available to the project developers as well as the petitioner's members who desire to set up the wind solar hybrid projects in the state of Gujarat

42. In view of the above, the Petitioners seek relief on the following grounds:

GROUND

- A. THAT this Hon'ble Commission is a statutory body and works independently in the purview of the provisions of the Act. It is an objective under the Act and one of the functions of the Commission to promote generation and cogeneration of electricity through renewable sources of energy. This intent will get defeated if the hybrid developers are not facilitated and encouraged.
- B. THAT the time period specified in the WSH Implementation Order to initiate the project activities and complete the same within the period of 18 months (from the date of issuance of WSH Implementation Guidelines) is beyond the control of the project developers for the reasons that there are various permissions / approvals to be taken within such period:
- a. procurement of land approval to construct the project on such land for which conversion of land purpose needed from the collector.
 - b. permission for obtaining grid connectivity from GETCO / DISCOM authorities.
 - c. permission for setting up transmission / distribution network under section 64/168 from the state government.
 - d. development permission from the GEDA etc.

Thus, the time period required to obtain such permissions requires extension given the time period need to obtain the various approvals and the time already lost due to obstructions caused because of COVID-19.

- C. THAT the wind-solar hybrid power project setup in the state are introduced first time in regulatory framework for operationalization of the WSH Implementation Order. Therefore, the difficulties / efforts for obtaining the various permissions which are mandatory and is affecting the completion of the project. This is required to be

considered by this Hon'ble Commission and accordingly the control period be extended for a period of 1 year.

- D. THAT wind-solar hybrid power project requires the procurement of wind turbines and preparation of feasibility report where wind turbines are to be installed. It is on the verification of such data provided to the government authorities that the permission for setting up of wind power plant is issued. This process is time consuming and hence, the control period of the WSH Implementation Order needs to be extended.
- E. THAT wind turbines are required to be procured from the recognised RMLG wind turbine manufacturers whose WTG's are recognised and approved under RMLG scheme notified by MNRE. There is delay in obtaining such wind turbines as the production is quite limited at present and the demand for such wind turbines is quite high. Accordingly, the time period for completion of wind solar hybrid projects expiring on 31.03.2023 needs to be extended.
- F. THAT the energy generated from the wind-solar hybrid projects having higher CUF and utilization of the same in local area will be helpful to reduce T&D losses of that area. The surplus energy if any, available after purchase by the licensee at quiet lower tariff as decided by the Commission and such generation will also be helpful to avoid the consumption in local area. hence there are multiple benefits to the licensee as well. Hence, it is in interest of licensee generator as well as consumer of the state to extend the control. Of wind-solar hybrid projects for further 1 year.
- G. THAT Section 86 (1) (e) of the Act confers power upon the Commission to promote energy generation from the renewable sources. Every power comes with a responsibility, here the Commission has an obligation to ensure addressing the issues being faced by the wind-solar project developers due to regulatory and administrative vacuum which existed for long. This Commission passed the WSH Implementation Order with Control Period till 31.03.2023 whereas the WSH Guidelines were only issued in October 2021 i.e. 6 months after the issuance of the WSH Implementation Order. There is uncertainty if the Wind Solar Hybrid projects will be able to procure land and commission their projects

within the given time frame so as to avail the benefits and exemptions provided under the WSH Implementation Order. It is submitted that the objectives of the Act and Policies framed cannot be lost sight of and accordingly, the difficulty should be removed by granting extension.

- H. THAT the issuance of the WSH Guidelines was so integral for the purposes of setting up hybrid project and for availing the benefits available under the WSH Implementation Order that, passing of WSH Implementation Order alone could not and did not fulfil the purpose.
- I. THAT basis the representations made in the Gujarat Wind Solar Hybrid Policy, 2018 read with WSH Implementation Order the Petitioners have altered their position, which ought to be maintained on the principles of the doctrine of promissory estoppel. The doctrine of promissory estoppel essentially provides that if a party changes its position substantially, either by acting or forbearing from acting in a certain way, after relying upon a promise made by another party, then the first party can enforce the said promise, even in the absence of a formal contract to that effect. Over a period of time, the law with respect to 'promissory estoppel' has developed in a way where the requirement of changing the position based on a representation to one's detriment is also not necessary and the mere action on the basis of a representation/promise is sufficient to plead the doctrine of 'promissory estoppel' against such person who made the representation/promise. Further, the doctrine of legitimate expectation can be said to be a synthesis of the principle of administrative fairness and the rule of estoppel. A case for applicability of the doctrine of legitimate expectation thus arises when an administrative body, by reason of a representation or by past practice or conduct, arouses an expectation which it would be within its powers to fulfil unless some overriding public interest comes in the way. These principles are very well settled and have been expounded upon by various Courts/judicial forums from time to time. Even the Supreme Court, in various judgments, has dealt in detail with the doctrine of Legitimate Expectation. For instance, the Supreme Court in *U.P. Awas Evam Vikash Parishad vs. Gyan Devi & Ors.* (1995) 2 SCC 326 has held that legitimate expectations

go beyond enforceable legal rights provided they have some reasonable basis.

“40. Coming back to the issue, what flows from entitlement to lead evidence? The principle natural justice, as a part of procedural law, developed by this Court and English courts has been applied and extended to quasi-judicial proceedings and administrative matters to ensure that that no one is adversely affected without reasonable opportunity and fair opportunity and fair hearing. No order can be passed without hearing a person if it entails civil consequences. But what about those situations wherein, as in the present case, the legislature stops short by providing an option to appear only.

The local body cannot claim to be implemented as a matter of right. Nor can it invoke the principle of natural justice. Yet it is entitled to lead evidence. It may or may not. The latter does not present any difficulty. But if it intends to lead evidence then no mechanism has been provided to enable it to exercise its option. In situations where even through a person has no enforceable right yet he is affected or likely to be affected by the order passed by a public authority the courts have evolved the principle of legitimate expectation. The expression which is said to have originated from the judgment of Lord Denning in Schmidt vs. Secy. Of State for Home Affairs is now well established in public law. In Attorney General of Hong Kong vs. Ng Yuen Shiu Privy Council applied this principle where expectations were “based upon some statement or undertaking by or on behalf of, the public authority” and observed:

Accordingly, ‘legitimate expectations’ in this context are capable of including expectations which go beyond enforceable legal rights provided they have some reasonable basis. A person may have a legitimate expectation of being treated in a certain way by an administrative authority even though he has no legal right in private law to receive such treatment.

Fair procedure and just treatment is a core of our jurisprudence. No one should suffer for omission in law or technicalities in rules.”

- J. THAT it is also due to the impact of COVID-19 and the lockdown restrictions that the Petitioners’ setting up of the hybrid projects and obtaining necessary approvals was bound to take more time than envisaged at the time of initiation of the Project. Therefore, it is humbly submitted that the same may be taken into account while deciding the instant matter.

- K. THAT it is only imperative that the project developers are given reasonable time for identifying location of the project, obtaining construction permissions, sanctions and approvals from statutory authorities, installation and commissioning of project, financing arrangements etc. in order to ensure that the WSH Implementation Order and Gujarat WSH Policy, 2018 is implemented in true letter and spirit.
- L. THAT it is clear from conjoint reading of Regulation 80 and 85 of the COB Regulations that this Hon'ble Commission has inherent power to pass any order and also abridge or extend the time prescribed by an order of the Commission for sufficient reasons. Further, this Hon'ble Commission has inherent power to pass any order to meet the ends of justice. Relevant excerpts are reproduced below for easy reference:
- "Regulation 80: Saving of inherent power of the Commission 80. Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such orders as may be necessary for ends of justice or to prevent the abuse of the process of the Commission.*
- Regulation 85: Extension or abridgement of time prescribed 85. Subject to the provisions of the Acts, the time prescribed by these Regulations or by order of the Commission for doing any act may be extended (whether it has already expired or not) or abridged for sufficient reason by order of the Commission."*
- M. THAT this Commission has, under Regulation 80 which is similar to Section 151 of the Code of Civil Procedure, 1908, inherent power to extend the operative period of the WSH Implementation Order. It is further submitted that this Commission has inherent power to issue any order, to meet the ends of justice.
- N. THAT while functioning as a regulator and exercising regulatory powers, this Commission has powers not only to pass an order and fix the control period but also to modify and alter the same as its regulatory power do not get exhausted with the passing of the original order. Therefore, this Hon'ble Commission is approached to exercise its power in order to remove the difficulties in implementation of the WSH Implementation Order.
- O. THAT these hybrid projects also benefit the distribution companies by reducing their exposure to exchange/open market purchases

where prices fluctuate to a great extent. Considering, the unprecedented power crisis in the country which has already led to power rates in exchanges to Rs. 10-12/kWh, it is only beneficial that the intra-state generation, especially RE generation is promoted.

- P. THAT as provided in the table above, various members of the Petitioner No. 1 are planning a total capacity of 350MW entailing an investment of Rs. 4008 crores, which will lead to direct commercial benefit of Rs. 1276 crores to the State Government by way of GST on the total capital expenditures. Therefore, it is imperative that hybrid projects be allowed proper time and incentives to be set up.
 - Q. THAT the delay in issuance of the WSH Guidelines by the competent authorities has impacted the whole process of setting up of hybrid projects altogether. The impact of such delay of around 6 months in just issuing the WSH Guidelines is having wide and largescale ramifications across the State in respect of Hybrid Projects, which is mostly not a project specific issue.
 - R. THAT the provision of inherent power does not by itself confer any power but indicates that there is a power to make an appropriate order as may be necessary to achieve justice and prevent the abuse of the process of law.
43. The present Petition is made *bona fide* and in the interests of justice. The Petitioner has not filed any other application / petition before any other court, Tribunal or Commission in relation to the issues raised herein. The Petitioner craves leave of this Hon'ble Commission to supplement the instant Petition with further pleadings, should the need arise.
 44. This Hon'ble Commission has necessary jurisdiction to entertain and decide the present petition in terms of Section 86(1)(a), 86 (b) and 86 (1) (e) of the Act.
 45. The petitioners hereby declare that the subject matter of the present petition is not challenged before any other court or forum.
 46. The petitioner submits that it reserves its rights to add, amend, alter in the present petition.

PRAYER

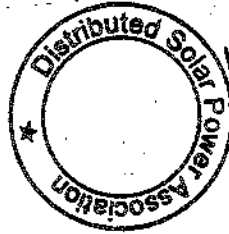
In light of the aforementioned facts and circumstances it is, therefore, most respectfully prayed that this Hon'ble Commission may graciously be pleased to:

- i. Allow the present Petition to be listed for early/urgent hearing.
- ii. Remove difficulties in implementation of this Hon'ble Commission's order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat passed by the Hon'ble Commission" and list the petition at the earliest.
- iii. To extend the applicability of control period of the order No. 4 of 2021 Dated: 03.04.2021 for a period of 12 months i.e. from, 03.04.2023 to 31.03.2024.

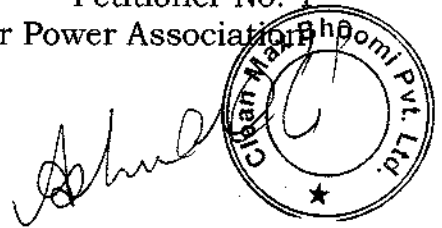
Pass such order(s), further relief(s) in the facts and circumstances of the case as this Hon'ble Commission may deem just and equitable in favor of the Petitioner.

Place:

Date:



Petitioner No. 1
(Distributed Solar Power Association)



Petitioner No. 2
(CleanMax Bhoomi Private Limited)

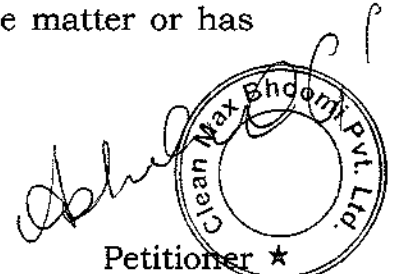
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DECLARATION

The Petitioner hereby declare that the subject matter of the petition has not been raised by the Petitioner before any other competent forum, and that no other competent forum is currently seized of the matter or has passed any orders in relation thereto.



Petitioner ★

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

FILING NO. _____
CASE NO. _____

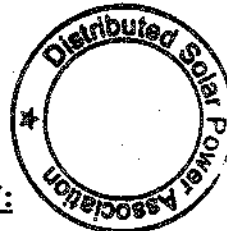
IN THE MATTER OF:
DISTRIBUTED SOLAR POWER ASSOCIATION AND ORS.

...PETITIONERS

AFFIDAVIT

I, Jyotsna Khatri, daughter of Mr. Suresh Khatri, aged about 29 years working for gains at the Petitioner No. 1, having its office at 309, Rectangle One, behind Sheraton Hotel, Saket, New Delhi, Delhi 110017, presently at New Delhi, do hereby solemnly affirm and state as follows:

1. I am the Authorised Representative of the Petitioner No. 1 in the above matter and am duly authorized by the said petitioner to make this affidavit on its behalf.
2. The statements made in paragraph to of the Petition are now shown to me and marked with the letter "A" are true to my knowledge and facts stated in paragraphs are based on the records information and I believe them to be true.
3. There is no case pending in any court with regard to the subject matter of the petition.



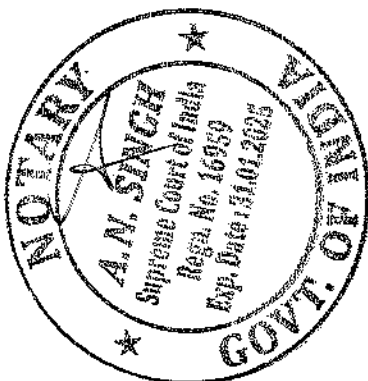
[Signature]
DEPONENT

VERIFICATION:

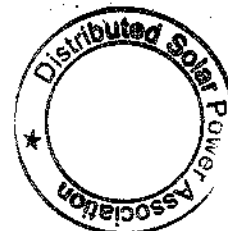
I, Deponent, do hereby verify that the contents of my above affidavit are true to my knowledge and belief; no part of it is false and nothing material has been concealed there from.

04 JUN 2022

Verified at on the day of.....



ATTESTED
[Signature]
A.N. Singh, A.N.
Notary Public
Govt. of India, Delhi
Mob.: 9716139521, 7902509115



[Signature]
DEPONENT

04 JUN 2022

Certified that the above Named Deponent identify by Shri/Smt. *[Signature]*
Solemnly affirmed before me at Delhi *[Signature]*
S. No. *4622 M*
The contents of the affidavit which have been read & explained to me are true and correct
[Signature] Notary

04 JUN 2022

[Signature]
I identify the deponent who has Signed/Put T.I. in my presence

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

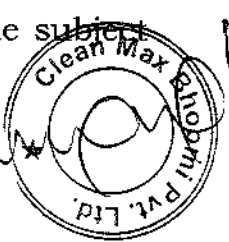
FILING NO. _____
CASE NO. _____

IN THE MATTER OF:
DISTRIBUTED SOLAR POWER ASSOCIATION AND ORS.
...PETITIONER

AFFIDAVIT

I, ASHU GUPTA, son of Kunj Behari Lal Gupta, aged about 44 years working for gains at the Petitioner No. 2 having its office at 13 A Floor-13, Plot- 400, The Prestige Apartment, Kismat Cinema, Prabhadevi, Mumbai, Maharashtra 400025, presently at New Delhi, do hereby solemnly affirm and state as follows:

1. I am the Authorised Representative of the Petitioner No. 2 in the matter and am duly authorized by the said petitioner to make this affidavit on its behalf.
2. The statements made in paragraph to of the Petition are now shown to me and marked with the Letter "A" are true to my knowledge and facts stated in paragraph are based on the records information and I believe them to be true.
3. There is no case pending in any court with regard to the subject matter of the petition.

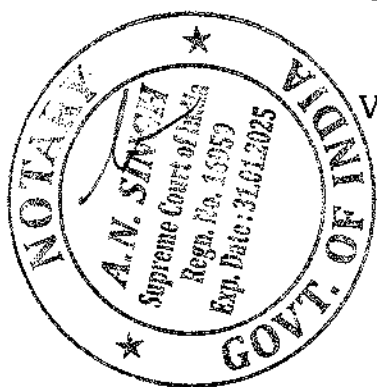
DEPONENT

VERIFICATION:

I deponent, do hereby verify that the contents of my above affidavit are true to my knowledge and belief; no part of it is false and nothing material has been concealed there from.

04 JUN 2022

Verified at on the day of



ATTESTED

A.N. SINGH, Adv.
Notary Public
Govt. of India, Delhi
Mob.: 9716139531, 7982582115




DEPONENT

Certified that the above Named Dependent identify by Shri/Smt. Mukesh Jain
Solemnly affirmed before me at Delhi
S. No. 4622
The contents of the affidavit which have been read & explained to me are true and correct
04 JUN 2022
Notary



TARIFF FRAMEWORK FOR PROCURMENT OF POWER BY DISTRIBUTION LICENSEES AND OTHERS FROM WIND-SOLAR HYBRID PROJECTS AND OTHER COMMERCIAL ISSUES FOR THE STATE OF GUJARAT

April, 2021



Gujarat Electricity Regulatory Commission

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Abbreviations

%	Percentage
ABT	Availability-Based Tariff
AC	Alternating Current
APPC	Average Pooled Purchase Cost
BOO	Build, Own and Operate
CBG	Competitive Bidding Guidelines
CDM	Clean Development Mechanism
CEA	Central Electricity Authority
CER	Certified Emission Reduction
CERC	Central Electricity Regulatory Commission
COD	Date of Commercial Operation
CPSU	Central Public Sector Undertaking
CUF	Capacity Utilization Factor
DISCOM	Distribution Companies
DC	Direct Current
FY	Financial Year
GEDA	Gujarat Energy Development Agency
GERC	Gujarat Electricity Regulatory Commission
GETCO	Gujarat Energy Transmission Corporation Ltd.
GoG	Government of Gujarat
GoI	Government of India
GUVNL	Gujarat Urja Vikas Nigam Limited
HPD	Hybrid Project Developer
HPG	Hybrid Project Generator
HPP	Hybrid Power Project
HPPC	Haryana Power Purchase Centre
IPCL	India Power Corporation Limited
IREDA	Indian Renewable Energy Development Agency
ISTS	Inter-State Transmission
JNNSM	Jawaharlal Nehru National Solar Mission
KV	Kilo Volt
kW	Kilo Watt
kWh	Kilo Watt hours
kVARh	Kilo Volt Ampere Reactive Hour
M	Meter
m/s	meter per second



MNRE	Ministry of New and Renewable Energy
MW	Mega Watt
MWh	Mega Watt hour
NEP	National Electricity Policy
NTP	National Tariff Policy
O&M	Operation and Maintenance
PPA	Power Purchase Agreement
PSA	Power Supply Agreement
PV	Photovoltaic
R&D	Research & Development
RE	Renewable Energy
REC	Renewable Energy Certificate
RfS	Request for Selection
RPO	Renewable Purchase Obligation
RPS	Renewable Purchase Standards
Rs	Rupees
RTC	Round the Clock
SECI	Solar Energy Corporation of India
SERC	State Electricity Regulatory Commission
T&D	Transmission & Distribution
V	Volt
WPD	Wind Power Density
WTG	Wind Turbine Generators



Order No. 04 of 2021

In the Matter of:

Tariff framework for Procurement of Power by Distribution Licensees and Others from Wind-Solar Hybrid Energy Projects and Other Commercial issues for the State of Gujarat.

Date of Order: 03/04/2021

CORAM:

Shri Anand Kumar, Chairman

Shri Mehul M. Gandhi, Member

Shri S. R. Pandey, Member



1. INTRODUCTION

1.1 Background

In exercise of the powers conferred under Sections 3 (1), 61 (h), 62 (1) (a), and 86 (1) (b) & (e) of the Electricity Act, 2003, National Electricity Policy, 2005, and Tariff Policy, 2016 and all other powers enabling it in this behalf, the Gujarat Electricity Regulatory Commission (GERC or Commission) presents this Order on the tariff framework for procurement of power by Distribution Licensees and others from Wind – Solar Hybrid Power Projects to be commissioned prospectively.

The Commission while framing the discussion paper considered various provisions of the following documents including the 'Gujarat Wind-Solar Hybrid Power policy-2018' notified by GoG as well as 'National Wind –Solar Hybrid Power Policy' and subsequent guidelines notified by MNRE.

1.2 The Electricity Act, 2003

The following provisions of the Act provide the enabling legal framework for promotion of Renewable Sources of energy by the State Electricity Regulatory Commissions (SERCs):

Section 61 (h) of the Act provides that, while specifying the terms and conditions of determination of tariff, the Commission shall be guided by the objective of promotion of co-generation and generation of electricity from renewable sources of energy.

Section 62 (1) (a) of the Act provides for determination of tariff for supply of electricity by a generating company to a distribution licensee.

Section 86 (1) (b) of the Act regulates the procurement process of electricity by the distribution licensees as under:

"regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;"

Section 86 (1) (e) of the Act mandates promotion of co-generation and generation of electricity from renewable sources of energy:

"Promote co-generation and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify,

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for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee."

Section 3 (1) of the Act requires the Central Government to formulate, inter alia, the National Electricity Policy in consultation with the Central Electricity Authority (CEA) and State Governments for inter-alia, development of the renewable sources of energy. The provision is quoted below:

"The Central Government shall, from time to time, prepare the National Electricity Policy and tariff policy, in consultation with the State Governments and the Authority for development of the power system based on optimal utilisation of resources such as coal, natural gas, nuclear substances or materials, hydro and renewable sources of energy."

1.3 National Electricity Policy (NEP)

Clause 5.2.20 of the NEP stipulates the need for fully exploiting the feasible potential of non-conventional energy sources, as reproduced below:

"5.2.20 Feasible potential of non-conventional energy resources, mainly small hydro, wind and biomass would also need to be exploited fully to create additional power generation capacity. With a view to increase the overall share of non-conventional energy sources in the electricity mix, efforts will be made to encourage private sector participation through suitable promotional measures."

Clause 5.6.1 stipulates about the need for Technology Development and R&D on non-conventional energy systems, as reproduced below:

"Special efforts would be made for research, development demonstration and commercialisation of non-conventional energy systems. Such systems would need to meet international standards, specifications and performance parameters."

Clause 5.12 stipulates several conditions for promotion and harnessing of renewable energy sources. The salient features of the said provisions of NEP are reproduced below.

5.12.1: Non-conventional sources of energy being the most environment-friendly, there is an urgent need to promote generation of electricity based on such sources of energy. For this purpose, efforts need to be made to reduce the capital cost of projects based on non-conventional and renewable sources of energy. Cost of energy can also be reduced by promoting competition within



such projects. At the same time, adequate promotional measures would also have to be taken for development of technologies and a sustained growth of these sources. Progressively, the share of electricity from non-conventional sources would need to be increased as prescribed by State Electricity Regulatory Commissions. Such purchase by distribution companies shall be through competitive bidding process. Considering the fact that it will take some time before non-conventional technologies compete, in terms of cost, with conventional sources, the Commission may determine an appropriate differential in prices to promote these technologies.

1.4 Tariff Policy 2016

In compliance with the Section (3) of the Act, the Central Government has notified the revised Tariff Policy on 28th January, 2016. The Tariff Policy elaborates the role of Regulatory Commissions, the mechanism for promoting renewable energy, the time-frame for implementation, etc. Clause 5.2 of the Tariff Policy provides as under:

“Provided also that the State Government can notify a policy to encourage investment in the State by allowing setting up of generating plants, including from renewable energy sources out of which a maximum of 35% of the installed capacity can be procured by the Distribution Licensees of that State for which the tariff may be determined under Section 62 of the Electricity Act, 2003.”

Clause 6.4 of the Tariff Policy addresses various aspects associated with promoting and harnessing renewable sources of energy generation including co-generation from renewable energy sources, as reproduced below:

1) “Pursuant to provisions of Section 86(1)(e) of the Act, the Appropriate Commission shall fix a minimum percentage of the total consumption of electricity in the area of a distribution licensee for purchase of energy from renewable energy sources, taking into account availability of such resources and its impact on retail tariffs. Cost of purchase of renewable energy shall be taken into account while determining tariff by SERCs. Long term growth trajectory of Renewable Purchase Obligations (RPOs) will be prescribed by the Ministry of Power in consultation with MNRE.

Provided that cogeneration from sources other than renewable sources shall not be excluded from the applicability of RPOs.

(i) Within the percentage so made applicable, to start with, the SERCs shall also reserve a minimum percentage for purchase of solar energy from the date of notification of this policy which shall be



such that it reaches 8% of total consumption of energy, excluding Hydro Power, by March 2022 or as notified by the Central Government from time to time.

(ii) Distribution Licensee(s) shall compulsorily procure 100% power produced from all the Waste-to-Energy plants in the State, in the ratio of their procurement of power from all sources including their own, at the tariff determined by the Appropriate Commission under Section 62 of the Act.

(iii) It is desirable that purchase of energy from renewable sources of energy takes place more or less in the same proportion in different States. To achieve this objective in the current scenario of large availability of such resources only in certain parts of the country, an appropriate mechanism such as Renewable Energy Certificate (REC) would need to be promoted. Through such a mechanism, the renewable energy based generation companies can sell the electricity to local distribution licensee at the rates for conventional power and can recover the balance cost by selling certificates to other distribution companies and obligated entities enabling the latter to meet their renewable power purchase obligations. The REC mechanism should also have a solar specific REC.

(iv) Appropriate Commission may also provide for a suitable regulatory framework for encouraging such other emerging renewable energy technologies by prescribing separate technology based REC multiplier (i.e. granting higher or lower number of RECs to such emerging technologies for the same level of generation). Similarly, considering the change in prices of renewable energy technologies with passage of time, the Appropriate Commission may prescribe vintage based REC multiplier (i.e. granting higher or lower number of RECs for the same level of generation based on year of commissioning of plant).

2) States shall endeavour to procure power from renewable energy sources through competitive bidding to keep the tariff low, except from the waste to energy plants. Procurement of power by Distribution Licensee from renewable energy sources from projects above the notified capacity, shall be done through competitive bidding process, from the date to be notified by the Central Government.

However, till such notification, any such procurement of power from renewable energy sources projects, may be done under Section 62 of the Electricity Act, 2003. While determining the tariff from such sources, the Appropriate Commission shall take into account the solar radiation and wind intensity which may differ from area to area to ensure that the benefits are passed on to the consumers.



3) The Central Commission should lay down guidelines for pricing intermittent power, especially from renewable energy sources, where such procurement is not through competitive bidding. The tariff stipulated by CERC shall act as a ceiling for that category.

4) In order to incentivize the Distribution Companies to procure power from renewable sources of energy, the Central Government may notify, from time to time, an appropriate bid-based tariff framework for renewable energy, allowing the tariff to be increased progressively in a back-loaded or any other manner in the public interest during the period of PPA, over the life cycle of such a generating plant. Correspondingly, the procurer of such bid-based renewable energy shall comply with the obligations for payment of tariff so determined.

5) In order to promote renewable energy sources, any generating company proposing to establish a coal/lignite based thermal generating station after a specified date shall be required to establish such renewable energy generating capacity or procure and supply renewable energy equivalent to such capacity, as may be prescribed by the Central Government from time to time after due consultation with stakeholders. The renewable energy produced by each generator may be bundled with its thermal generation for the purpose of sale. In case an obligated entity procures this renewable power, then the SERCs will consider the obligated entity to have met the Renewable Purchase Obligation (RPO) to the extent of power bought from such renewable energy generating stations.

Provided further that in case any existing coal and lignite based thermal power generating station, with the concurrence of power procurers under the existing Power Purchase Agreements, chooses to set up additional renewable energy generating capacity, the power from such plant shall be allowed to be bundled and tariff of such renewable energy shall be allowed to be pass through by the Appropriate Commission. The Obligated Entities who finally buy such power shall account towards their renewable purchase obligations.

Provided also that scheduling and despatch of such conventional and renewable generating plants shall be done separately.

6) In order to further encourage renewable sources of energy, no inter-State transmission charges and losses may be levied till such period as may be notified by the Central Government on transmission of the electricity generated from solar and wind sources of energy through the inter-State transmission system for sale.



7) Appropriate Commission may provide regulatory framework to facilitate generation and sale of electricity from renewable energy sources particularly from roof-top solar system by any entity including local authority, Panchayat Institution, user institution, cooperative society, Non-Governmental Organization, franchisee or by Renewable Energy Service Company. The Appropriate Government may also provide complementary policy support for this purpose."

1.5 National Wind-Solar Hybrid Power Policy 2018

The Ministry of New and Renewable Energy (MNRE) notified the National Wind-Solar Hybrid Policy on 14th May 2018.

"2.1 The main objective of the policy is to provide a framework for promotion of large grid connected wind-solar PV hybrid system for efficient utilization of transmission infrastructure and land. It also aims at reducing the variability in renewable power generation and achieving better grid stability".

"2.2 Policy also aims to encourage new technologies, methods and way-outs involving combined operation of wind and solar PV Plants."

The policy seeks to provide support for new hybrid projects as well as hybridisation of existing wind/solar power projects. The policy also permits use of battery storage in the hybrid project for optimising the output and further reduces the variability.

The Policy state that a wind-solar plant will be recognized as hybrid plant if the rated power capacity of one resource is at least 25% of the rated power capacity of other resource.

The Policy also state that the Central Electricity Authority and CERC shall formulate necessary standards and regulations including metering methodology and standards, forecasting and scheduling regulations, REC mechanism, grant of connectivity and sharing of transmission lines, etc. for wind-solar hybrid systems.

1.6 MNRE Scheme and Guidelines for Tariff based competitive bidding for setting up 2500 MW ISTS connected Wind Solar Hybrid Projects (No F NO 238/78/2017-Wind dated 25th May 2018)

The provisions under the MNRE competitive bidding scheme and guidelines are given below. These guidelines are used by SECI for conducting bidding under **Trench – I** project:

i) The objectives of the scheme are to facilitate installation of new wind-solar hybrid projects at a price discovered through transparent bidding process.



ii) **Capacity under the scheme:** The scheme will be implemented for setting up 2500 MW capacity Inter-State Transmission (ISTS) connected wind solar hybrid power projects on build, own and operate basis.

Salient features of the guidelines are as follows:

- a) SECI shall be the nodal agency for implementation of the scheme. The selection of hybrid projects under the scheme will be through a transparent e-bidding process followed by e-reverse auction for procurement of hybrid power at tariff discovered through bidding process.
- b) Eligible bid capacity for bidding will be minimum 200 MW and maximum 500 MW by a bidder with project capacity at least 50 MW at one project site.
- c) Hybrid project developers will be allowed to install any rated capacity of wind and solar energy generation systems at a project site subject to fulfillment of definition of wind-solar hybrid project as per wind-solar hybrid policy.
- d) The HPDs will be allowed to install any storage facility to optimally manage the power output from their hybrid project.
- e) DISCOMs and bulk customers that requires renewable power to fulfill their solar and non-solar RPO under respective RPO regulations will be eligible to buy hybrid power under the scheme.
- f) SECI shall sign Power Purchase Agreement (PPA) with selected bidders at tariff discovered through reverse auction and also back-to-back Power Sale Agreement (PSA) with buyers at a pooled price of the total capacity allotted.
- g) The duration of PPA and PSA will be 25 years from the date of commercial operation of the project.
- h) SECI will be entitled to charge trading margin as mutually agreed with buyer or as decided by the CERC for long term power purchases, whichever is less.
- i) The bidders may avail fiscal and financial incentives available for such projects as per prevailing conditions and rules.



- j) No separate Central Financial Assistance is envisaged for implementation of the scheme.

1.7 MNRE Guidelines for Tariff Based Competitive Bidding Process for Procurement of Power from Grid Connected Wind Solar Hybrid Projects (No. 238/78/2017-Wind dated 14.10.2020)

The provisions under the MNRE competitive bidding guidelines are given below.

The specific objective of these guidelines as follows:

- a. To promote competitive procurement of electricity from grid connected wind solar hybrid power projects (hereafter termed as 'Hybrid Power Project'), by distribution licensees, to protect consumer interests;
- b. To facilitate transparency and fairness in procurement processes / and to provide for a framework for an Intermediary Procurer as an Aggregator / trader for the inter-state sale-purchase of long-term power.
- c. To provide a risk-sharing framework between various stakeholders, involved in the wind solar hybrid power procurement, thereby encouraging investments, enhanced bankability of the Projects and profitability for the investors.

Applicability of guidelines:

"3.1. These Guidelines are being issued under the provisions of Section 63 of the Electricity Act, 2003 for long-term procurement of electricity through competitive bidding process, by Procurer(s), from Hybrid Power Projects having individual size of 50 MW and above at one site with minimum bid capacity of 50 MW, subject to the condition that the rated power capacity of one resource (wind or solar) shall be at least 33% of the total contracted capacity.

3.2. The solar and wind projects of the hybrid project may be located at same or different locations. The minimum capacity to be injected at each injection point shall be 50 MW.

3.3. Storage may be added to the hybrid power project:

- a. to reduce the variability of output power from wind solar hybrid project;
- b. providing higher energy output for a given capacity (bid/ sanctioned capacity) at delivery point, by installing additional capacity of wind and solar power in a wind solar hybrid project;



c. to ensure availability of firm power for a particular period.

3.4. Unless explicitly specified in these Guidelines, the provisions of these Guidelines shall be binding on the Procurer and Intermediary Procurer. The process to be adopted in event of any deviation proposed from these Guidelines is specified in Clause 23 of these Guidelines.

3.5. The power procured from the project may be used for fulfilment of solar and non-solar RPO in the proportion of rated capacity of solar and wind power in the plant respectively."

The arrangement for implementation shall be as under:

- a) SECI will be the nodal agency for implementation of these Guidelines.
- b) The selection of the Hybrid Power Projects will be through a transparent e-bidding process followed by e-reverse auction.
- c) The solar and wind projects may be located at same or different locations.
- d) Storage may be added to the Hybrid power project.
- e) The power procured from the project may be used for fulfilment of solar RPO and non-solar RPO in the proportion of rated capacity of solar and wind power in the plant respectively.
- f) Unless explicitly specified in these Guidelines, the provisions of these Guidelines shall be binding on the Procurer and SECI.
- g) The Intermediary Procurer, i.e., SECI, shall enter into a Power Purchase Agreement (PPA) with the Hybrid Power Generator(s) and also enter into a Power Sale Agreement (PSA) with the distribution licensee(s) /consumer(s). The PSA shall contain the relevant provisions of the PPA on a back-to-back basis. In case SECI is not able to enter into a PSA to sell power from projects awarded to distribution licensee(s) or bulk consumers within six months from issue of letter of award, those projects would be cancelled.
- h) The duration of the PPA period should not be less than 25 years from the Scheduled Commissioning Date (SCD).
- i) SECI may charge a trading margin of seven paise/kWh from the Buying entity / Procurer for purchase and sale of the hybrid power.



- j) The bidders may avail fiscal and financial incentives available for such projects as per prevailing conditions and Rules, and the same may be disclosed by the SECI in the Request for Selection (RfS) document.

1.8 Gujarat Wind-Solar Hybrid Power Policy 2018

'Gujarat Wind-Solar Hybrid Power policy-2018' notified by Government of Gujarat on 20th June, 2018 aims to harness the huge RE potential of the state through "hybridization" of the two sources of energy. Solar and Wind energy potential of the state is mostly concentrated in the areas of Saurashtra, Kutch and North Gujarat region.

The main objectives of this Policy are:

-----"1. To provide a framework for promotion of large grid-connected wind-solar PV hybrid systems for optimal and efficient utilization of the transmission infrastructure and land, and reducing the variability in renewable power generation thus achieving better grid-stability.

2. To encourage new technologies, methods and solutions to facilitate the combined operation of wind and solar PV plants and to promote the integration with emerging technologies like energy storage systems."

The important features of the policy are highlighted below:

"3. ELIGIBLE UNIT

Any individual, company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, shall be eligible for setting up of new Wind-Solar Hybrid Projects OR shall be eligible to add wind/solar capacity at the existing wind/solar power projects, respectively, either for the purpose of captive use and/or for the selling of electricity, in accordance with the Electricity Act, 2003, as amended from time to time. The wind and solar generation may be metered separately at the pooling/sending end sub-station."

"4. STATE GOVERNMENT FACILITATION & NODAL AGENCY

Gujarat Energy Developer Agency (GEDA) shall be the State Government Nodal Agency for facilitation and implementation of the Gujarat Wind-Solar Hybrid Power Policy-2018. The Nodal Agency shall facilitate and assist the Project Developers to undertake the activities in achieving the objectives the policy. Energy storage technology will also be facilitated by the State Government."



"5. IMPLEMENTATION STRATEGY

5.1 For simplicity purpose, wind-solar hybrid power generation plants are divided into two categories: (i) Type-A Projects (Existing/under construction project) (ii) Type-B Projects (New projects)

(i) Type-A projects (Existing / under construction projects)

This includes conversion of existing / under construction wind or solar power plants which are registered with GEDA and for which evacuation permission is granted by GETCO before issuance of this Policy. The installed wind/solar capacity shall be considered based on Power Purchase Agreement (PPA)/Wheeling Agreement.

(ii) Type-B Projects (New Projects)

This includes new wind-solar hybrid power generation projects which are not registered with GEDA or for which evacuation permission is not granted by GETCO till the date of issuance of this policy.

5.2 AC or DC configuration of wind-solar hybrid power projects

(i) Type A Projects (Existing / under construction projects)

Only A.C. integration is permissible. AC output of both, the wind and solar system shall be integrated at pooling /sending end substation as the case may be. Both Wind and solar systems shall use separate set of electrical lines and equipment for connecting at pooling /sending end substation of the Hybrid project. The solar and wind generation is mandatorily required to be metered separately at pooling /sending end substation in order to cater to separate RPO with suitable control equipment.

(ii) Type B Projects (New Projects)

In the absence of a common RPO and Tariff:

In this case, only AC integration shall be allowed. Separate electrical lines and meters needs to be laid for wind and solar respectively until the pooling/sending end sub-station of the hybrid project.

In the presence of a common RPO and tariff:



In this case, AC or DC integration shall be allowed. Common electrical lines may be used up to the pooling substation of the hybrid project. DC integration shall be contingent to the availability of DC metering standards, which may be evolved in due course of time.

Under all circumstances, the Developer shall lay a dedicated line for evacuation of power from the pooling/sending end sub-station of Hybrid Project to the receiving end sub-station of GETCO as per system study undertaken by GETCO. Energy injection from Wind & Solar capacity at receiving end of GETCO sub-station shall be worked out separately on the basis of meter reading of common meter installed at receiving end sub-station appropriately apportioned as per the respective meter reading of wind and solar meters.

5.3 Hybridization of Type- A Projects (Existing Project)

- i. The total power injection from solar-wind hybrid project into the grid shall not be more than the transmission capacity /grid connectivity allowed /sanctioned by GETCO for this purpose. In case any augmentation in existing evacuation system is required due to addition of wind /solar capacity, developer has to undertake such work up to GETCO's receiving end substation at their own cost.*
- ii. The solar/wind power generated from the Hybrid Project shall be measured at the pooling/sending end sub-station, and energy injection at the receiving end sub-station of GETCO shall be worked out on apportioned basis as per the common meter reading at the receiving end sub-station.*
- iii. The additional solar /wind power from the Hybrid project may be allowed to wheel for Captive use or third-party sale or sale of power to DISCOMs. For transmission and wheeling of power, the applicable charges and losses shall be specified in the policy.*
- iv. Hybrid Project Developer shall approach GETCO for evacuation system planning up to the receiving station.*

5.4. Type-B Project (New Project)

- i. The developers of Hybrid Projects shall establish the evacuation line at their own cost up to the receiving end sub-station of GETCO.*
- ii. The solar/wind power generated from the Hybrid Project shall be measured/apportioned at the pooling/sending end sub-station, and energy injection at the receiving end sub-station of GETCO*



shall be worked out on apportioned basis as per the common meter reading at the receiving end sub-station.

iii. The developer has the option for wheeling of Wind and Solar power for their Captive use or third-party sale or sale of power to DISCOMs. For transmission and wheeling of power, the applicable charges and losses shall be specified in the policy.

iv. Hybrid Project Developer shall approach GETCO for evacuation system planning up to the receiving station."

"6. CAPACITY INSTALLATION

For Type –A project, development of additional solar capacity in existing wind power plant of vice-versa is allowed. In case of Type-B Projects (New Projects): The choice of capacity mix between wind and solar shall be the discretion of the Developer or as per the individual schemes as notified by the State or Central Government from time to time."

7. WIND-SOLAR HYBRID SYSTEM & POWER EVACUATION

Wind Solar Hybrid Power Generation System, or the Hybrid Project, means the system of combined generation of wind and solar power at existing or new solar/wind power projects (or) co-located where injection of wind or solar power is at the interconnection point of the pooling sub-station of existing wind farms/ sending end sub-stations of existing solar power installations.

Under the scheme of wind-solar hybrid power generation, wind and solar PV systems may be connected at the same intersection point at pooling/ sending end sub-station. In order to achieve the benefits of hybrid plant in terms of optimal and efficient utilization of transmission infrastructure and better grid stability by reducing the variability in renewable power generation, it is desired that:

i. At the locations of having good wind power potential, the solar PV capacity to be added as the solar-hybrid component could be relatively smaller.

ii. Similarly, in case of the sites where the power density is relatively lower or moderate, the component of the solar PV capacity could be relatively on a higher side.

iii. Evacuation capacity for the purpose of connectivity and injection of power shall be worked out as follows:



For Type A Project (Existing Projects) where open access is already allowed to the extent of rated capacity of transmission line /sub-station of GETCO, evacuation of power from additional solar /wind capacity to be set up is allowed up to the capacity of transmission line /substation of GETCO. No transmission charges are payable for evacuation of such additional capacity. However, the transmission losses and wheeling charges /losses shall be applicable as to any normal project.

In case the capacity margin exists in the transmission system /substation of GETCO or augmentation is possible to evacuate the power from additional wind /solar capacity and if such work is undertaken by GETCO after receiving end substation. The developer has to pay transmission charges, transmission losses and wheeling charges /losses as per any other RE project proponent.

In case of Type-B Projects (New Projects), the developer of Hybrid Project shall establish a dedicated line at its own cost for evacuation of power up to receiving end sub-station of GETCO where the Project Developers desires to inject power in the state grid. From there onwards, GETCO shall ensure transmission system and connectivity. Transmission charges shall be applicable on the basis of sanctioned/ allocated transmission capacity. However, Developer shall ensure that power injection shall never increase beyond sanctioned/allocated transmission capacity. Transmission charges and losses, and wheeling charges and losses shall be applicable as applicable to any other open access for wind and solar projects."

8. TARIFF FOR SALE TO DISCOMS

Distribution Licensees may purchase power from Hybrid Projects, wind and solar separately as follows for meeting their RPOs.

8.1 In case of Type –A project (Existing projects)

The purchase of power from existing project shall be according to respective PPA. Whereas the sale and purchase of power from additional /new capacity shall be at the tariff discovered through competitive bidding undertaken by DISCOMs separately for Wind and Solar power purchase.

8.2. In case of Type-B Projects (New Projects)

The purchase of wind/solar power shall be at a tariff discovered through competitive bidding (reverse bidding whenever required) undertaken by DISCOMs separately for Wind and Solar Power Purchase until a common tariff mechanism and RPO for the hybrid project is evolved.



1.9 Renewable Purchase Obligation in Gujarat

The Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018, (Notification No. 01 of 2018) dated 21st April, 2018 has specified the minimum renewable power purchase by the obligated entities for the financial year (FY) 2017-18 to 2021-22 as shown in Table below.

As per this regulation, the obligated entities have the obligation to purchase electricity (in kWh) from specified RE sources. The said purchase shall be at a defined minimum percentage of the total consumption of its consumers including T&D losses during a year.

This renewable purchase obligation applies to:

- distribution licensees; and
- any other captive and open-access users consuming electricity (i) generated from conventional captive generating plant having capacity of 5 MW and above for their own use and/or (ii) procured from conventional generation through open access and third-party sale.

Table 1 Renewable Purchase Obligation in Gujarat FY 2017-18 to 2021-22

Year	Total RPO	Non-Solar RPO		Solar RPO	Total Wind & Solar
		Wind	Biomass, Bagasse, MSW and Hydro	Solar	
2017-18	10.00%	7.75%	0.5%	1.75%	9.5%
2018-19	12.70%	7.95%	0.5%	4.25%	12.20%
2019-20	14.30%	8.05%	0.75%	5.5%	13.55%
2020-21	15.65%	8.15%	0.75%	6.75%	14.90%
2021-22	17.00%	8.25%	0.75%	8.0%	16.25%

Source: GERC (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018.

Further, this Regulation recognises the certificates issued within the scope of Central Electricity Regulatory Commission's (CERC) Notification No. L-1/12/2010-CERC dated 14th January, 2010 as the valid instruments for the discharge of the mandatory obligations set out in these regulations for the obligated entities to purchase electricity from renewable energy sources termed as Renewable Energy Certificates (REC).



1.10 Discussion Paper for Wind – Solar Hybrid Project Tariff Framework and other Commercial Issues

The Commission considered the MNRE Policy and Guidelines related to wind-solar hybrid power projects and Government of Gujarat Hybrid Policy. Further, the Commission had also considered the competitively discovered tariffs for energy from wind-solar hybrid projects, while proposing the tariff framework for the prospective period in the Discussion Paper.

Accordingly, the Discussion Paper was published on the Commission's website www.gercin.org.in in downloadable format on 28th August, 2020, inviting comments from stakeholders. A list of stakeholders communicated their views on the Discussion Paper is given at **Annexure I**.

1.11 Public Hearing

The Commission examined the objections / suggestions received on the discussion paper. The Commission initially fixed the date for public hearing on the proposed Tariff framework for Wind –Solar hybrid Projects 22nd September 2020 at the Commission's Office, Gandhinagar, which was rescheduled on 19th January 2021 through Video Conferencing as per Commission's Guidelines for Virtual Hearing and a link in this regard has been provided to all stakeholders/objectors. A list of stakeholders participated in the public hearing and presented their objections/suggestions is given at **Annexure-II**.

The main comments and views expressed by the stakeholders through their written/oral submissions and the Commission's views thereon have been summarized in the following paragraphs. It may be noted that all the suggestions given by the stakeholders have been considered, and the Commission has attempted to elaborate all the suggestions as well as the Commission's decisions on each suggestion. However, in case any suggestion is not specifically elaborated, it does not mean that the same has not been considered. Wherever possible, the comments and suggestions have been summarised clause-wise, alongwith the Commission's analysis and ruling on the same.



2. COMMENTS AND SUGGESTIONS ON PROPOSED TARIFF FRAMEWORK, AND COMMISSION'S VIEWS

2.1 Clause 3.1: Tariff Framework

2.1.1 Proposed in Discussion Paper

"...In view of above the Commission feel it appropriate to adopt the tariff for Type A (existing projects) as well as Type B (new projects) based on the rates discovered through competitive bidding process.

In view of above, the Commission proposes to determine the tariff for all prospective Wind-Solar Hybrid power projects, based on the rates discovered through competitive bidding under Section 63 of the Act or by following competitive bidding process followed by SECI/MNRE etc.

Further, there could be cases of Wind-Solar Hybrid power projects below the threshold limit of eligibility for participating in Competitive Bidding. It is proposed that the tariff for such projects shall be considered equal to the Tariff discovered through Competitive Bidding by State own DISCOMs, in different time period of 6 months of the year as under:

For Type - A (Existing projects):

The purchase of power from additional /new capacity shall be at the weighted average tariff (for respective RE addition capacity i.e., Wind or Solar), available as on 1st April (as discovered in the Competitive Bidding by GUVNL during previous six months October-March and adopted by the Commission) shall be applicable for the projects to be commissioned under PPAs signed during April-September. Similarly, the weighted average tariff (for respective RE addition capacity i.e., Wind or Solar), available as on 1st October (as discovered in the Competitive Bidding by GUVNL during previous six months April-September and adopted by the Commission) shall be applicable for the projects to be commissioned under PPAs signed during October-March.

For Type-B (New Projects)

The purchase of power from such projects shall be at the weighted average tariff (of Wind, Solar & Wind-Solar Hybrid), available as on 1st April (as discovered in the Competitive Bidding by GUVNL during previous six months October-March and adopted by the Commission) shall be applicable for the projects to be commissioned under PPAs signed during April-September. Similarly, the weighted average tariff (of Wind, Solar & Wind-Solar Hybrid), available as on 1st October (as discovered in the Competitive Bidding by GUVNL during previous six months April-



September and adopted by the Commission) shall be applicable for the projects to be commissioned under PPAs signed during October-March.

In case weighted average tariff is not available for particular 6 months' period then latest weighted average tariff available for 6 months' period as discussed above shall be considered.

The distribution licensees shall place on its website the applicable tariff on which it will buy the energy generated from such Wind Solar Hybrid Power Projects. The rate will be updated every 6 months."

2.1.2 Suggestions/Objections of the Stakeholders

IWPA submitted that for arriving at parameters for Gujarat, based on SECI bid results is not correct, as SECI projects have advantages of economies of scale, PGCIL evacuation, land benefits, and have adequate payment security mechanism. The tariff discovered under SECI/MNRE bids is for specific and individual PPAs which may not be the right benchmark for a state. The fall in price is nowhere related to technology up gradation or reduced production cost but is only reflection of price race. They suggested to have wind solar hybrid competitive bidding in Gujarat which would act as a benchmark for arriving at hybrid tariffs in Gujarat.

In case of tariff of small-scale projects, IWPA submitted that such projects would never be able to match up with the large-scale projects due to difference in economies of scale. Forcing the small-scale projects to provide power at competitive bids eventually hurts the small scale/local investors. Accordingly, they requested to determine generic tariff for small-scale wind solar hybrid power projects which are not eligible to participate in Competitive Bidding.

GE South Asia proposed that the tariff determined by the Commission in the respective category of renewable energy orders should act as a ceiling PPA tariff for Wind-Solar Hybrid power projects below the threshold limit of eligibility for participating in Competitive Bidding.

Continuum submitted that in order to maintain policy certainty, the Commission may clarify that Existing Projects shall mean, projects "Commissioned" as on the date of this Order coming into force.

Torrent Power Ltd (TPL) submitted that the Gujarat Solar-Wind Hybrid Policy, 2018 does not envisage any distinction between projects i.e., above or below threshold limit for the purpose of mechanism to be followed for tariff determination. The Policy provides for tariff determination through competitive bidding for additional capacity to be tied up by DISCOMs in respect of both



types of Hybrid projects i.e., existing projects and new projects. Hence, the distinction proposed in the draft between projects above and below threshold limit should be removed.

TPL further urged the Commission to clarify the methodology to be followed for deciding tariff of hybrid projects below threshold limit including how to work out weighted average tariff of GUVNL i.e., whether on the basis of capacity or capacity along with committed CUF (i.e. in terms of Energy) Whether Tariff discovered by GUVNL will be applicable on “as is” basis to any Hybrid project despite having different ratio of wind & solar capacity in terms of MW. TPL also requested to clarify methodology to be followed for RPO compliance i.e., whether RE generation will be considered on the basis of installed capacity of Wind & Solar or actual energy injection of wind and solar.

TPL requested the Commission to make it clear that the GUVNL shall place the applicable tariff on its website and communicate the link to other licensee who shall then upload such link on its respective websites.

2.1.3 Analysis and Commission’s Ruling

The intent of the Act, Policies and Regulations is to prefer competitive bidding for renewable energy procurement in future so as to maintain reasonable and competitive tariff. It is, therefore, in the interest of the consumers that such renewable energy is procured by the licensee at the most competitive rates. The Commission through its Order No. 02 of 2020 and Order No. 3 of 2020, has already mandated that Distribution Licensees shall procure RE power from Wind Energy projects and Solar Energy projects through competitive bidding, in order to discover the most competitive price. The contention of the stakeholders that the fall in competitively discovered prices only reflects the price competition and is not related to technology upgradation or reduced production cost, is not really relevant. The very objective of competition is to discover the most competitive price, and if investors are able to set up projects at lower cost, it is beneficial to the end consumer. Therefore, the Commission does not alter the approach proposed in the Discussion paper to adopt the tariff for Type A (existing projects) as well as Type B (new projects) based on the rates discovered through competitive bidding process. The bidding process should be based on competitive bidding guidelines of MNRE and bid document shall be approved by the Commission.

For tariff of small-scale projects (existing as well as new) which fall below the threshold limit provided in competitive bidding guidelines, the Commission has specified mechanism of



determination of applicable tariff having linkage with the tariff rate discovered under the competitive bidding process.

For type A (existing project) having capacity below threshold limit, the tariff (purchase rate) from additional/new RE capacity shall be determined based on the RE technology deployment in particular project (wind or solar). The purchase rate from such additional capacity shall be the weighted average tariff for similar RE technology available for the previous six months as on 1st April or 1st October depending on the commissioning of the project as specified in clause 2.1.1 above. In case weighted average tariff of the respective RE technology (wind or solar) not available other weighted average of hybrid tariff discovered through competitive bidding shall be applicable.

In case of Type B (new projects) having capacity below threshold limit the tariff shall be at the weighted average tariff for the previous six months (of Wind, Solar & Wind-Solar Hybrid) available as on 1st April or 1st October depending on the commissioning date of the project as specified in clause 2.1.1 above.

The Commission agree to the suggestion of TPL and direct GUVNL to publish the applicable tariff for procurement of energy from Wind – Solar hybrid projects on its website and communicate the link to other licensee who shall then upload such link on its respective websites.

2.2 Clause 3.2.1: Control Period

2.2.1 Proposed in Discussion Paper

"The Commission proposes that the control period of the tariff framework under this discussion paper shall be effective from the date of this Order to 31st March, 2023.

As per Clause 2 of the Gujarat Wind Solar Hybrid Power Policy, Wind Turbine Generator(s)/Solar PV Generation Project (s) developed during the Operating Period of this Policy shall become eligible for the benefits and incentives declared under this Policy for a period of twenty-five (25) years from the date of commissioning or the life span of such Wind Turbine Generator (s)/Solar Generation Project (s), whichever is earlier."

2.2.2 Suggestions/Objections of the Stakeholders

GE South Asia proposed that control period of the tariff framework shall be effective for a period of 5 years from the date of this Order. Continuum submitted that as operative period of Gujarat Wind Solar Hybrid Power Policy is till 19th June, 2023, whereas Commission proposed the control



period till 31st March, 2023. The control period of the Order shall be matched to the Operating Period of the Policy. This need to be clarified that if the Project has developed under Gujarat Wind Solar Hybrid Power Policy then the tariff, incentive proposed under the said Order shall be applicable.

2.2.3 Analysis and Commission's Ruling

The Commission proposed a pre-defined Control Period for the tariff framework. Considering the applicability of the Gujarat Wind Solar Hybrid Power Policy, the Commission is of the view that it would be appropriate to have pre-defined control period up to 31st March, 2023. The projects developed and commissioned during the Operating Period of this order shall become eligible for the benefits and incentives declared under this order.

2.3 Clause 3.2.2: Useful life of plant

2.3.1 Proposed in Discussion Paper

"The Useful Life for the Wind Solar Hybrid Power Projects to be commissioned under PPAs signed during the new Control Period shall be considered as 25 years from their date of commissioning for Type-B (New Projects), whereas in case of Type-A (Existing Projects) it shall be considered only for additional /new capacity."

2.3.2 Suggestions/Objections of the Stakeholders

GUVNL submitted that GUVNL has been signing PPAs for purchase of power from Wind and solar projects through competitive bidding process wherein the term of the PPA is for 25 years from Scheduled Commercial Operation Date (SCOD) of the project in line with MoP guidelines. M/s Solar Energy Corporation (SECI) is also keeping the term of the PPA as 25 years from SCOD in tenders for Wind, solar, and Hybrid Projects. In view of above, GUVNL requested to modify the useful life of the plants and tariff period as 25 years from SCOD instead of 25 years from COD particularly for the hybrid projects to be tied up through bidding.

2.3.3 Analysis and Commission's Ruling

The Commission proposed the useful life as 25 years from the date of commissioning in the discussion paper. Same principle is followed in case of wind and solar tariff determination process. The Commission decides to keep the definition of 'useful' life unchanged.



2.4 Clause 3.2.4: Eligible Unit

2.4.1 Proposed in Discussion Paper

"Any individual, company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, shall be eligible for setting up of new wind-solar Hybrid Projects OR shall be eligible to add wind/solar capacity at their existing solar/wind power projects, respectively, either for the purpose of captive use and/or for selling of electricity, in accordance with the Electricity Act, 2003, as amended from time to time. The wind and solar generation may be metered separately at the pooling/sending end Sub-Station...."

2.4.2 Suggestions/Objections of the Stakeholders

Continuum submitted that in case of captive, 100% equity amount to be invested/held by captive user. They also proposed that the captive users are required to consume entire generation in the ratio of their equity amount invested with a variation not exceeding 10% in consumption on annual basis.

2.4.3 Analysis and Commission's Ruling

The Commission proposed in the discussion paper that Hybrid projects shall be set up either for the purpose of captive use and/or for selling of electricity, in accordance with the Electricity Act, 2003, as amended from time to time. The same provision is retained without any modification. The Hybrid projects to be developed for captive use will be governed by relevant provisions of the Electricity Act, 2003, as amended from time to time.

Further, for simplicity purpose, wind-solar hybrid power generation plants shall be divided into two categories:

i. Type-A Projects

This category shall include conversion of existing/under-construction wind or solar power plants into Hybrid Projects. Wind/Solar capacity under construction shall be considered based on the Registration Certificate issued by GEDA/evacuation permission granted by GETCO to the Solar/Wind Project Developers before issuance of this Order. The installed Wind/Solar Capacity shall be considered based on Power Purchase Agreement (PPA)/ Wheeling Agreement capacity.

ii. Type-B Projects



This shall include new wind-solar hybrid power generation projects which are not registered with GEDA or evacuation permission is not granted by GETCO till the date of issuance of this Order.

2.5 Clause 3.2.6: Applicability of Merit order dispatch principle

2.5.1 Proposed in Discussion Paper

“Like Wind and Solar power plants, the Wind-Solar Hybrid Power Projects irrespective of the plant capacity shall be treated as ‘MUST RUN’ power plants and shall not be subjected to merit order dispatch principles.”

2.5.2 Suggestions/Objections of the Stakeholders

GE South Asia and GE Renewables submitted that any curtailment except for the reason of grid security to be considered as “deemed generation.”

2.5.3 Analysis and Commission’s Ruling

The Commission retains the existing provision as proposed in discussion paper. Wind-Solar Hybrid Power Projects irrespective of the plant capacity shall be treated as ‘MUST RUN’ power plants and shall not be subjected to merit order dispatch principles. Curtailment compensation if any shall be dealt with as per provisions under State Grid Code.

2.6 Clause 3.2.7: Reactive Energy Charges

2.6.1 Proposed in Discussion Paper

“The Reactive Energy Charges as approved by the Commission in tariff orders for the Gujarat Energy Transmission Corporation Ltd. (GETCO) from time to time shall be applicable to such projects.”

2.6.2 Suggestions/Objections of the Stakeholders

GETCO submitted that reactive energy charges shall be applicable to such projects (Wind & Solar) on the reactive energy certified by GEDA and SLDC on monthly basis for all the customers embedded to the pooling substation.

2.6.3 Analysis and Commission’s Ruling



The Commission considers the suggestion of GETCO in view of bringing clarity on levy of Reactive energy charges. The Commission has modified the clause 3.2.7 as under:

"The Reactive Energy Charges as approved by the Commission in tariff orders for the Gujarat Energy Transmission Corporation Limited (GETCO) from time to time shall be applicable to such projects (Wind-Solar Hybrid Projects) on the Tentative Energy certified by GEDA and SLDC on monthly basis for all the customers embedded to the pooling substation".

2.7 Clause 3.2.8: Metering point and interconnection point

2.7.1 Proposed in Discussion Paper

The metering and interconnectivity shall be as under:

- a. Energy generation from wind /solar capacity shall be measured separately at the pooling/sending end sub-station on 15-minute time block by installing ABT compliant meters by the project developers. The project developers shall also have to install Remote Terminal Unit (RTU) for transferring the real time data to SLDC for its monitoring purpose. Further, ABT compliant meter shall be installed on each wind turbine/solar projects.
- b. For the purpose of commercial settlement and energy accounting, the metering point shall be at the receiving end sub-stations of GETCO. The injection of energy from wind/solar capacity shall be worked out separately at the receiving end sub-stations of GETCO on the basis of meter reading of common meter installed at receiving end sub-stations appropriately apportioned as per the respective meter reading of wind and solar meters.
- c. In case of Type-A projects (Existing Projects), the metering/injection point shall continue to be as per existing agreement with GETCO /DISCOM.
- d. In case of Type-B Projects (New Projects) that are AC or DC integrated, the metering point shall be at the receiving end of the GETCO substations. Separate meters will be required to be installed for both wind and solar PV systems in view of the different tariff and RPO. In case of common hybrid tariff and common RPO, a single meter for both wind and solar shall suffice.



- e. For Type-A Projects (Existing Projects), both wind and solar PV systems shall use separate set of internal electrical lines and equipment, and connect to the pooling/sending-end substations of the Hybrid Projects. The projects shall be mandatorily metered separately.
- f. Internal connectivity between solar and wind capacity prior to pooling/sending-end substation shall be allowed for Type B Projects (New Projects) once a common RPO and hybrid tariff are present.

Energy metering and communication facility shall be provided by the project developers hybrid power projects in accordance with the following regulations/codes/orders and their subsequent amendments:

- i. Central Electricity Authority (Installation and Operation of meters) Regulations 2014 and its subsequent amendments
- ii. Gujarat Electricity Grid Code 2013 and its subsequent amendments
- iii. GERC (Terms and Conditions of Intra-State Open Access) Regulations, 2011 and its subsequent amendments
- iv. GERC Distribution Code 2004 and its subsequent amendments

However, for the purpose of energy accounting, all projects shall have to provide ABT compliant meters at generators and if the power is to be wheeled to consumer's premises, then ABT compatible meter is to be installed at the consumer premises also.

2.7.2 Suggestions/Objections of the Stakeholders

GETCO suggested following modifications in metering and interconnectivity related provisions proposed in the discussion paper:

- a. Energy generation from wind /solar capacity shall be measured separately on 15-minute time block by installing ABT compliant meters (which can provide the four quadrant data of active and Reactive) by the project developers. The project developers shall also have to install Remote Terminal Unit (RTU) for transferring the real time data to SLDC for its monitoring purpose. Further, ABT compliant meter shall be installed on each wind turbine/solar projects. All the meters will be tested in NABL laboratory and duly sealed by DICOMS. Meters shall be installed in presence of DISCOM/GETCO at the time of



Commissioning the Wind/Solar project. The meters shall be AMR compatible so that data can be fetched at GEDA, DISCOM and SLDC remotely.

- b. For the purpose of commercial settlement and energy accounting, the metering point shall be at the receiving end substation of GETCO. The injection of energy from Wind/Solar capacity shall be worked out separately at the receiving end substation of GETCO on the basis of meter reading of common meter installed at receiving end substation appropriately apportioned as per the respective meter reading (Active and Reactive) of Wind and Solar ABT meters (four quadrant) meters separately installed at the respective Wind and Solar Projects individually.
- c. Type-A: the metering arrangement for the existing as well additional wind/solar capacity shall be mentioned in (i) & (ii) above. Otherwise, it would lead to two different treatments for same project which is practically difficult to implement.
- d. Type-B hybrid plants the metering point shall be the receiving end of the GETCO substation. Developer shall install the ABT (four quadrant) Main & Check meter at developers own cost duly tested sealed and installed in presence of DISCOM. Similarly, ABT (four quadrant) Meters will be installed at the pooling substation also as standby meters at the cost of developer. In case of different tariff and RPO individual ABT (four quadrant) meters will be installed for both Wind and Solar PV systems.
- e. Both wind and Solar PV system shall use separate set of internal electrical lines & equipment for connecting at pooling/sending end sub-station of the Hybrid project. The projects shall be mandatorily metered separately with ABT (four quadrant meters) over and above the meters mentioned above. These meters will be procured at developers own cost duly tested sealed and installed in presence of DISCOM.
- f. However, for purpose of energy accounting, all projects shall have to provide ABT complaint (four quadrant) meters at generators and if the power is to be wheeled to consumers premise then ABT cum tariff compatible meter is to be installed at the consumer premises also. All the above-mentioned meters shall be AMR compatible. GEDA shall ensure the energy accounting of Active and Reactive energy of the Wind/solar and or Hybrid for each customer as is being done for wind energy certificated.



GE South Asia and GE Renewables enquired that in the absence of DC meters and standards by CEA (Installation and Operation of meters) Regulations 2014 and amendments thereof, how the integration be permitted at DC level?

Also, GE South Asia proposed following modifications in the existing clauses:

“For type-A projects (existing projects), both wind and solar PV systems shall optimize the internal electrical lines and equipment,”

“Internal connectivity between solar and wind capacity prior to pooling/sending-end substation shall be allowed for type B projects (new projects), as long as injection of energy from wind/solar capacity is worked out separately at the receiving end sub-stations of GETCO on the basis of meter reading of common meter installed at receiving end sub-stations as per proviso of Para 3.2.8 (b) till common RPO is present”

GE Renewables requested to clarify whether for the fulfilment of Solar RPO and Non-Solar RPO, the injected units at the receiving end of GETCO sub-station will be apportioned based on rated capacity of solar and wind power or reading of wind and solar meters.

GUVNL submitted that separate metering of wind and Solar components of Hybrid Projects is essential for facilitating system operators / utilities in monitoring generation balancing and grid security. Though there would be common metering at GETCO sub-station and there would be internal connectivity between solar and wind capacity prior to pooling / sending-end sub-station, the developer shall be required to install separate meters for recording generation of Wind and Solar components prior to interconnection / merging of components with each other.

Hindalco submitted that to facilitate new/advanced technology and optimum utilisation of resources, common RPO and hybrid tariff not be made a condition for allowing internal connectivity. The floor and forbearance price of solar and non-solar being the same, it is proposed to have complete fungibility between Solar and Non-Solar at least for the Renewable Hybrid projects. In the draft GERC (Procurement of Energy from Renewable Sources) (Third Amendment) Regulations, 2020, Point No 5: Amendment in Regulation 4.1 of the Principal Regulations at Para 1 & Para 2, the Commission has already proposed Composite RPO target and also allowing additional renewable from other sources if a particular type is not available. In view of the above points probable connectivity requirement prior to the pooling/sending end substation specifically for projects with Storage may be allowed with (a) common RPO for the obligated entity or (b) with appropriate metering arrangement.



amp Energy proposed that ABT compliant meter shall be installed on each wind turbine project while common ABT meter shall be installed for Solar component of the project. For wind component, developer should install a common meter at incoming feeder at the Pooling Substation whereas for solar component, a common meter at incoming feeder at Common pooling substation should be installed.

CleanMax proposed that SLDC shall monitor the generation data for wind and solar respectively through RTU system installed at PSS level and the meters installed at PSS level shall be used to appropriately apportion the power injected from wind and solar respectively at receiving end substation. They requested to clarify that RTU installation will be at PSS level only and not individual Wind turbine and solar plant.

CleanMax submitted that though Type A projects need to build separate lines and metering for wind and solar, it does not clarify that on which side the metering has to be done. Whether it's on 33 kV feeder or on the transformer HT side. The intent to develop hybrid projects is to maximise the use of existing infrastructure and optimise the costs and it can be done only when the metering is done on 33 kV feeder on Pooling sub-station (PSS) level. CleanMax requested to define the metering for Type A projects to be at 33kV level at PSS.

Statkraft sought clarification regarding the rated Wind Solar Hybrid capacity under the proposed framework i.e., is it capacity estimated at generator bus or GETCO sub-station.

Prozeal Infra suggested to include GEDA's name in the existing agreement as there are few S/S owned/maintained by GEDA. They requested to provide clarity for Type -A projects which are connected to GEDA Substation and does not have any agreement with DISCOM but having wheeling agreement with GETCO.

2.7.3 Analysis and Commission's Ruling

The Commission finds merit in the suggestions proposed by GETCO as the same brings clarity about the specification, location, testing of metering instrument including the duties of project developers and DISCOM. The Commission, however decide to retain clause (c) about metering and interconnection point of Type-A projects (Existing Projects) unchanged. With regard to integration of hybrid projects at DC level, same will be decided once the CEA Regulations on meters and standards are available. For the settlement of Solar RPO and Non-Solar RPO, the injected units at the receiving end of GETCO sub-station will be appropriately apportioned as per the respective meter reading (active and reactive) of wind and solar ABT meters installed at



respective wind and solar project separately. The Commission make it clear that for Type-A projects (Existing Projects), the metering/injection point for existing capacity as well as new capacity shall continue to be as per existing agreement with GETCO /DISCOM. Further it is to clarify that the rated wind solar hybrid capacity under the proposed framework is envisaged at generator bus.

The Commission has modified the Clause 3.2.8 as under:

- a. Energy generation from wind /solar capacity shall be measured separately at the pooling/sending end sub-station on 15/5-minute time block by installing ABT compliant meters (which can provide the four quadrant data of active and Reactive) by the project developers. The project developers shall also have to install Remote Terminal Unit (RTU) for transferring the real time data to SLDC for its monitoring purpose. Further, ABT compliant meter shall be installed on each wind turbine/solar projects. All the meters will be tested in NABL laboratory and duly sealed by DISCOMS. Meters shall be installed in presence of DISCOM/GETCO at the time of Commissioning the Wind/Solar project. The meters shall be AMR compatible so that data can be fetched at GEDA, DISCOM and SLDC remotely.
- b. For the purpose of commercial settlement and energy accounting, the metering point shall be at the receiving end sub-stations of GETCO. The injection of energy from wind/solar capacity shall be worked out separately at the receiving end sub-stations of GETCO on the basis of meter reading of common meter installed at receiving end sub-stations appropriately apportioned as per the respective meter reading (active and reactive) of wind and solar ABT (four quadrant) meters installed at respective wind and solar project separately.
- c. In case of Type-A projects (Existing Projects), the metering/injection point shall continue to be as per existing agreement with GETCO /DISCOM.
- d. In case of Type-B Projects (New Projects) that are AC or DC integrated, the metering point shall be at the receiving end of the GETCO substation. Developer shall have to install the ABT (four quadrant) Main & Check meter at their own cost duly tested sealed and installed in presence of DISCOM. Developer shall install such meters at receiving end of GETCO substation as well as at wind and solar PV system installations in view of the



different tariff and RPO. In case of common hybrid tariff and common RPO, a single meter as per above specification for both wind and solar system shall suffice.

- e. For Type-A Projects (Existing Projects), both wind and solar PV systems shall use separate set of internal electrical lines and equipment, and connect to the pooling/sending-end substations of the Hybrid Projects. The projects shall be mandatorily metered separately. Developers shall have to install ABT (four quadrant) meters at wind and solar PV system installation as well as receiving end of the GETCO substations at their own cost duly tested sealed and installed in presence of DISCOM.
- f. Internal connectivity between solar and wind capacity prior to pooling/sending-end substation shall be allowed for Type B Projects (New Projects) once a common RPO and hybrid tariff are present. Energy metering and communication facility shall be provided by the project developers hybrid power projects in accordance with the following regulations/codes/orders and their subsequent amendments:
 - i. Central Electricity Authority (Installation and Operation of meters) Regulations 2014 and its subsequent amendments
 - ii. Gujarat Electricity Grid Code 2013 and its subsequent amendments
 - iii. GERC (Terms and Conditions of Intra-State Open Access) Regulations, 2011 and its subsequent amendments
 - iv. GERC Distribution Code 2004 and its subsequent amendments

However, for the purpose of energy accounting, all projects shall have to provide ABT compliant (four quadrant) meters at generators and if the power is to be wheeled to consumer's premises, then ABT cum Tariff compatible meter is to be installed at the consumer premises also. GEDA shall ensure the energy accounting of Active and Reactive energy of the Wind/solar and or Hybrid for each customer as is being done for wind energy projects.

2.8 Clause 3.3: Wind-Solar Hybrid System & Power Evacuation

2.8.1 Proposed in Discussion Paper

"1. Hybridization of Type-A Projects (Existing Projects):



Existing Wind power or Solar Power Projects Developers, willing to install Solar PV plant or Wind Turbine Generators, respectively, at the existing location to avail benefits under GoG Policy, shall be allowed to do so with following conditions:

- i. The total power injection (combined wind and solar) into the grid shall not be more than the transmission capacity/grid connectivity allowed/sanctioned by GETCO for this purpose. In case, addition/augmentation in the existing evacuation system is required as per the system study undertaken by GETCO due to addition of wind/ solar capacity, Developers shall undertake such addition/augmentation in the system up to the receiving end sub-stations of GETCO at their own cost. However, the primary focus is to optimize the utilization of existing transmission infrastructure and technologies, and design approaches towards minimum augmentation is encouraged.
- ii. The additional solar/wind power from the Hybrid Projects may be allowed to wheel power for captive use or for sale of power to a third-party or sale to DISCOMs. For transmission and wheeling of power, the applicable charges and losses shall be as specified in this Order.
- iii. The Developers shall approach GETCO for determining the transmission capacity available to evacuate the additional wind/ solar power or any augmentation that may be required. GETCO shall provide the relevant data with regards to the transmission capacity utilization on its existing network.

2. Type-B Projects (New Projects):

- i. The Developers of Hybrid Projects shall establish the evacuation line at their own cost up to the receiving end sub-station of GETCO.
- ii. The Developer has option for wheeling of wind and solar power for their captive use or third-party sale or sale of power to the DISCOMs. For transmission and wheeling of power, the applicable charges and losses shall be as specified in this Order.
- iii. Hybrid Project Developer shall approach GETCO for evacuation system planning up to the receiving stations.

For both Type-A and Type-B Hybrid Projects, the Developer shall ensure for capacity allocation/sanction of transmission capacity at least equal to installed capacity of wind or



solar project, whichever is higher. In case, total injection of power from Hybrid Project exceeds such allocated/sanctioned transmission capacity, such power shall be considered as inadvertent flow of power and shall not be considered for commercial settlement.

Wind-Solar Hybrid Power Generation System, or the Hybrid Project, means the system of combined generation of Wind and Solar power at existing or new solar/wind power projects (or) collocated where injection of wind or solar power is at the interconnection point of the pooling sub-station of existing wind farms/ sending-end sub-stations of existing solar power installations.

Under the scheme of Wind-Solar Hybrid Power Generation, Wind and Solar PV Systems may be connected at the same inter connection point at pooling/sending-end sub-stations. In order to achieve the benefits of hybrid plant in terms of optimal and efficient utilization of transmission infrastructure and better grid stability by reducing the variability in renewable power generation, it is desired that:

- i. At the locations of having good wind power potential, the solar PV capacity to be added as the solar-hybrid component could be relatively smaller.
- ii. Similarly, in case of the sites where the wind power density is relatively lower or moderate, the component of the solar PV capacity could be relatively on a higher side.
- iii. Evacuation capacity for the purpose of connectivity and injection of power shall be worked out as follows:

A. For Type-A Projects (Existing Projects) where -

- (a) open access is already granted to the extent of rated capacity of transmission line/ sub-station of GETCO and injection of power from additional wind/ solar capacity to be set up, is restricted up to rated capacity of transmission line/ substation of GETCO. The same shall be allowed without applicability of transmission charges on such additional capacity. However, the transmission losses and wheeling charges/losses shall be made applicable to such capacity as applicable to any other solar or wind project as the case may be. In case total hybrid generation exceeds the transmission capacity limit, it shall be considered as inadvertent injection of power for which no payment or credit shall be given or under any exigency which requires curtailment of generation, the generation from additional/new wind/ solar capacity shall be curtailed first.



- (b) there is capacity margin in the existing transmission system/ sub-stations of GETCO after taking into account open access already granted to the existing wind/solar projects or any augmentation and strengthening of transmission system after receiving-end sub-stations is undertaken by GETCO for allocation/sanction of transmission capacity for allowing additional wind/ solar capacity, the transmission charges and losses, and wheeling charges and losses shall be applicable on such additional sanctioned/allocated capacity as applicable to any other solar/ wind projects as the case may be. However, if any augmentation in the existing transmission system is required due to addition of such solar/wind capacity, up to receiving end substations of GETCO, the same shall be undertaken by the Developers at its own cost.

B. For Type-B Projects (New Projects)

The Developer of Hybrid Projects shall establish a dedicated line at its own cost for evacuation of power up to receiving end sub-stations of GETCO as per system study undertaken by GETCO where the Project Developer desires to inject power in the State Grid. From there onwards, GETCO shall ensure transmission system and connectivity. Transmission charges shall be applicable on the basis of sanctioned/ allocated transmission capacity. However, Developer shall ensure that power injection shall never increase beyond sanctioned/allocated transmission capacity. In case total hybrid generation exceeds the transmission capacity limit, it shall be considered as inadvertent injection of power for which no payment or credit shall be given. Transmission charges and losses, and wheeling charges and losses shall be applicable as applicable to any other open access for wind and solar projects.

2.8.2 Suggestions/Objections of the Stakeholders

GETCO suggested to modify the clause (iii) under hybridization of Type A project as "The Developers shall select the location to evacuate the additional wind/solar power or any augmentation that may be required on the basis of the data provided by GETCO on their website for all the existing location where the hybrid capacity addition will be identified. The capacity addition will be 10% of the existing approved MW.

GETCO suggested to modify the clause (iii) under Type B (New Projects) as "For both Type-A and Type-B Hybrid Projects, the Developer shall ensure for capacity allocation/sanctioned of transmission capacity at least equal to installed capacity of Wind or Solar Project, whichever is



higher with an overriding condition that the total capacity approved shall never be more than the approved capacity. In all the case, total injection of power from Hybrid Project exceeds such allocated/sanctioned transmission capacity developer shall place and Special Protection Scheme (SPS) at GETCO substation to ensure automatic load shedding of the added hybrid capacity. In case the load shedding is not done then the dedicated lines get isolated from grid to ensure grid safety and stability.

However, if the approved capacity is within the limit of current carrying capacity of the conductor, SPS will be installed up to the current carrying capacity of conductor with the rider that "In case, total injection of power from Hybrid Project exceeds such allocated/sanctioned transmission capacity, such power shall be considered as inadvertent flow of power and shall not be considered for commercial settlement"

GETCO suggested to modify clause (iii)- Type A (existing project) related to Evacuation capacity for the purpose of connectivity and injection of power in case of OA transactions as follows:

(a) open access is already granted to the extent of rated capacity of transmission line/substation of GETCO and injection of power from additional wind/solar capacity to be set up, is restricted up to 10% of existing approved capacity limit identified by GETCO and placed on the website. The same shall be allowed without applicability of transmission charges on such additional capacity. However, the transmission losses and wheeling charges/losses shall be made applicable to such capacity as applicable to any other solar or wind project as the case may be. The hybrid generator shall install SPS at both pooling substation as well as GETCO substation to ensure that the injection does not exceed the permitted limit failing which there will be grid disturbances and failure.

In case total hybrid generation exceeds the transmission capacity limit, it shall be considered as inadvertent injection of power for which no payment of credit shall be given or under any exigency which requires curtailment of generation, the generation from additional/new wind/solar capacity shall be curtailed first through the SPS scheme provided as per GETCO specified limits at both the ends.

GETCO suggested to modify clause (iii)- Type B (New Projects) as given below:

For Type-B Projects (New Projects) The developer of Hybrid Projects shall establish a dedicated line at its own cost for evacuation of power up to receiving end sub-stations of GETCO as per the data placed on GETCO website and then apply for system study to GETCO for planning of the



evacuation scheme, where the Project Developer desires to inject power in the State Grid. From there onward, GETCO shall ensure transmission system and connectivity. Transmission charges shall be applicable on the basis of sanctioned/allocated transmission capacity. However, Developer shall ensure that power injection shall never increase beyond sanctioned/allocated transmission capacity for which SPS shall be installed at both pooling substation as well as GETCO end.

In case total hybrid generation exceeds the transmission capacity limit, it shall be considered as inadvertent injection of power for which no payment or credit shall be given. Transmission charges and losses, and wheeling charges and losses shall be applicable to any other open access for wind and solar projects.

GE south Asia submitted that for both type-A and Type-B hybrid projects, the developer shall ensure capacity allocation/sanction of transmission capacity has the primary focus to optimize the utilization of allocated /sanctioned or requested transmission capacity. In case the Project Developer is able to submit a technical reason for a lower transmission capacity requirement with integration of Energy Storage Systems, the same may be allowed by GETCO on a case-to-case basis. This is in line with the philosophy followed for hybrid projects auctioned by SECI. This also resonates with the CERC Connectivity /LTA Regulations whereby there is no restriction on ISTS transmission capacity based on name plate rating of wind /solar, the ceiling is only on contracted capacity. GE Renewables requested that definition of wind-solar hybrid projects should include hybrid projects integrated with energy storage systems.

IWPA suggested that both kind of Solar PV projects- ground mounted as well as floating solar project be allowed for Solar-Wind hybrid scheme in the stated in line with CERC RE Tariff Regulations 2020. The Commission states that wind and solar may be connected at the same interconnection point at pooling S/S. IWPA requested to clarify that whether it is mandatory for the wind and Solar PV hybrid project to be connected at the same inter connection point at pooling S/s? The Commission in this draft has suggested that one component in the wind solar hybrid could be relatively smaller to another. IWPA requested to specify the ratio of Wind and Solar installed capacity in the hybrid project.

Continuum suggested to add another clause in hybridization of Type A projects (existing projects) as under:



"iv. The projects which have already been granted connectivity for wind/solar projects, shall be allowed utilize the same transmission capacity for solar/wind project under intimation to GETCO. For this, GETCO shall not levy any additional supervision, grid connectivity or other such charges."

They also proposed that evacuation capacity for the purpose of connectivity and injection of power shall be worked out as follows:

A. For Type-A Projects (Existing Projects) where-

(a) open access is already granted to the extent of rated capacity of dedicated transmission line of the project and injection of power from additional wind/ solar capacity to be set up, is restricted up to rated capacity of dedicated transmission line of the project. The same shall be allowed without applicability of transmission charges on such additional capacity.

They also submitted that the choice of capacity mix of wind and solar is done High or Low wind density is a vague classification and would leave gaping holes in the policy for projects to take advantage of the policy benefits without actually setting up a hybrid project substantively.

GUVNL submitted that the injection of power beyond sanctioned transmission capacity should not be allowed from Hybrid Projects subject to tolerance limits provided under the prevailing regulatory and technical framework. In the interest of equipment safety and grid security, the Commission is requested to provide the necessary safeguards/technical measures/relays in order to curb injection of power beyond sanctioned limits at the cost of generator shall be installed by GETCO.

Hindaico submitted that in case of Hybrid with Storage projects, the capacity of solar and or wind could be higher than actual transmission requirement to cater to the storage part. With the condition "capacity allocation/sanction of transmission capacity at least equal to installed capacity of wind or solar project" would render part of the allocated/sanctioned capacity idle and also additional cost to the project developer. They proposed that the clause be modified to include the change required for Hybrid with Storage projects as:

"For both Type-A and Type-B Hybrid Projects, the Developer shall ensure for capacity allocation/sanction of transmission capacity at least equal to installed capacity of wind or solar project, whichever is higher. In case of Hybrid projects with Storage, the capacity allocation/sanction shall be based on the design power output. In case, total injection of power from Hybrid Project exceeds such allocated/sanctioned transmission capacity, such power shall



be considered as inadvertent flow of power and shall not be considered for commercial settlement."

Renew Power submitted that to maximize the CUF of hybrid plant there should not be any restriction imposed on evacuation capacity.

amp energy submitted that as per MNRE hybrid policy rated power capacity of one resource is at least 25% of the rated power of another resource. So, at the locations of having good wind/solar power potential, the solar PV/wind capacity to be added as the hybrid component could be relatively smaller but should be at least 25% of wind/solar capacity. They also submitted that the clause related to evacuation new projects, may create ambiguity with respect to installation of additional equipment to curtail energy. Wind Solar Hybrid Controller shall have significant impact on the costs with very limited advantage to Grid system. It is already provided that if total injection of power from the Hybrid Project exceeds such allocated/sanctioned transmission capacity, such power shall be considered as inadvertent flow of power and shall not be considered for any commercial settlement.

Prozeal Infra proposal of evacuation for Type A projects:

- Measurement of power generations from renewable sources as ABT meters should be installed at RE plant side only. Proper RPO counting due to the separate power generations measurement from RE plant level only.
- ROW issue can be avoided by using common evacuation line up to pooling S/S for both wind & solar.

Optimization is possible by using SIM based RTU units for sharing meter data with DISCOM/SLDC.

2.8.3 Analysis and Commission's Ruling

The Commission has carefully gone through the submission made by GETCO, GUVNL and other stakeholders. The Commission is of the opinion that restricting capacity addition of solar/wind to 10% of the existing solar/wind capacity sanction in case of Type A (existing) project is not appropriate and not in line with Gujarat Wind-solar Hybrid power policy 2018. However, for optimum utilization of the existing transmission infrastructure, GETCO should allow the capacity addition of wind /solar in Type A (existing project) considering the grid safety aspects. For such additional capacity additional transmission charges should not be levied. As proposed by GETCO, in case the generation from a hybrid projects exceeds the allocated/sanctioned transmission



capacity limit, same shall be considered as inadvertent injection of power for which no payment or credit shall be given. The Commission clarifies that for both Type A and Type B projects, the allocated/sanctioned transmission capacity shall be at least equal to the installed capacity of Wind or Solar project whichever is higher. As provided in National Wind Solar hybrid power policy 2018 as well as Gujarat Wind-solar Hybrid power policy 2018 storage is allowed in hybrid project for optimizing the output.

The Commission has modified the Clause 3.3 as under:

Clause 3.3 Wind-Solar Hybrid System & Power Evacuation

1. Hybridization of Type-A Projects (Existing Projects):

Existing Wind power or Solar Power Projects Developers, willing to install Solar PV plant or wind turbine generators, respectively, at the existing location to avail benefits under GoG Policy, shall be allowed to do so with following conditions:

- i. The total power injection (combined wind and solar) into the grid shall not be more than the transmission capacity/grid connectivity allowed/sanctioned by GETCO for this purpose. In case, addition/augmentation in the existing evacuation system is required as per the system study undertaken by GETCO due to addition of wind/ solar capacity, Developers shall undertake such addition/augmentation in the system up to the receiving end sub-station of GETCO at their own cost. However, the primary focus is to optimize the utilization of existing transmission infrastructure and technologies, and design approaches towards minimum augmentation is encouraged. GETCO should allow the capacity addition of wind /solar in Type A (existing project) considering the grid safety aspects.
- ii. The additional solar/wind power from the Hybrid Project may be allowed to wheel power for captive use or for sale of power to a third-party or sale to DISCOMs. For transmission and wheeling of power, the applicable charges and losses shall be as specified in this Order.
- iii. The Developers shall approach GETCO for determining the transmission capacity available to evacuate the additional wind/ solar power or any augmentation that may be required. GETCO shall provide the relevant data with regards to the transmission capacity utilization on its existing network.



2. Type-B Projects (New Projects):

- (i) The Developers of Hybrid Projects shall establish the evacuation line at their own cost up to the receiving end sub-station of GETCO.
- (ii) The Developer has option for wheeling of wind and solar power for their captive use or third-party sale or sale of power to the DISCOMs. For transmission and wheeling of power, the applicable charges and losses shall be as specified in this Order.
- (iii) Hybrid Project Developer shall approach GETCO for evacuation system planning up to the receiving station.

For both Type-A and Type-B Hybrid Projects, the Developer shall ensure for capacity allocation/sanction of transmission capacity at least equal to installed capacity of wind or solar project, whichever is higher. In case, total injection of power from Hybrid Project exceeds such allocated/sanctioned transmission capacity, such power shall be considered as inadvertent flow of power and shall not be considered for commercial settlement.

Wind-Solar Hybrid Power Generation System, or the Hybrid Project, means the system of combined generation of wind and solar power at existing or new solar/wind power projects (or) collocated where injection of wind or solar power is at the interconnection point of the pooling sub-station of existing windfarms/ sending-end sub-station of existing solar power installations with or without energy storage system.

Under the scheme of wind-solar hybrid power generation, wind and solar PV systems may be connected at the same interconnection point at pooling/sending-end sub-station. In order to achieve the benefits of hybrid plant in terms of optimal and efficient utilization of transmission infrastructure and better grid stability by reducing the variability in renewable power generation, it is desired that:

- i. At the locations of having good wind power potential, the solar PV capacity to be added as the solar-hybrid component could be relatively smaller.
- ii. Similarly, in case of the sites where the wind power density is relatively lower or moderate, the component of the solar PV capacity could be relatively on a higher side.
- iii. Evacuation capacity for the purpose of connectivity and injection of power shall be worked out as follows:



A. For Type-A Projects (Existing Projects) where -

- a. open access is already granted to the extent of rated capacity of transmission line/ sub-station of GETCO and injection of power from additional wind/ solar capacity to be set up, is restricted up to rated capacity of transmission line/ substation of GETCO. The same shall be allowed without applicability of transmission charges on such additional capacity. However, the transmission losses and wheeling charges/losses shall be made applicable to such capacity as applicable to any other solar or wind project as the case may be. In case total hybrid generation exceeds the granted open access transmission capacity limit, it shall be considered as inadvertent injection of power for which no payment or credit shall be given or under any exigency which requires curtailment of generation, the generation from additional/new wind/ solar capacity shall be curtailed first
- b. there is capacity margin in the existing transmission system/ sub-station of GETCO after taking into account open access already granted to the existing wind/solar project or any augmentation and strengthening of transmission system after receiving-end sub-station is undertaken by GETCO for allocation/sanction of transmission capacity for allowing additional wind/ solar capacity, the transmission charges and losses, and wheeling charges and losses shall be applicable on such additional sanctioned/allocated capacity as applicable to any other solar/ wind project as the case may be. However, if any augmentation in the existing transmission system is required due to addition of such solar/wind capacity, up to receiving end substation of GETCO, the same shall be undertaken by the Developers at its own cost.

B. For Type-B Projects (New Projects)

The Developer of Hybrid Project shall establish a dedicated line at its own cost for evacuation of power up to receiving end sub-station of GETCO as per system study undertaken by GETCO where the Project Developer desires to inject power in the State Grid. From there onwards, GETCO shall ensure transmission system and connectivity. Transmission charges shall be applicable on the basis of sanctioned/ allocated transmission capacity. However, Developer shall ensure that power injection shall never increase beyond sanctioned/allocated transmission capacity. In case total hybrid generation exceeds the transmission capacity limit, it shall be considered as inadvertent injection of power for which no payment or credit shall be given. Transmission



charges and losses, and wheeling charges and losses shall be applicable as applicable to any other open access for wind and solar projects.

2.9 Clause 3.4: Operation and maintenance of dedicated lines

2.9.1 Proposed in Discussion Paper

"The Operation and Maintenance of dedicated evacuation line shall be carried out at the cost of the Developer of Hybrid Projects as per applicable technical standards and best practices."

2.9.2 Suggestions/Objections of the Stakeholders

GETCO submitted that O&M of dedicated evacuation line & bays shall be carried out by the Developer of Hybrid Projects at their own cost up to and including the metering system at GETCO end as per applicable technical standards and best practices for complete life span of the plant.

2.9.3 Analysis and Commission's Ruling

The Commission has not agreed with the submissions of GETCO. Therefore, the Commission decides to keep the provisions as per the discussion paper as stated under:

The Operation and Maintenance of dedicated evacuation line including the bays shall be carried out by the GETCO at the cost of Developer of Hybrid Projects as per applicable technical standards and best practices.

2.10 Clause 3.5: Transmission and Wheeling Charges

2.10.1 Proposed in Discussion Paper

"The Commission propose following norms for wheeling of power from Wind Solar Hybrid Projects for third party sale/captive use during the control period.

3.5.1 Third Party Sale

a. Wheeling of Power for third party sale from Hybrid power projects shall be allowed on payment of transmission charges applicable on sanctioned/allocated transmission capacity, transmission losses on energy feed basis, wheeling charges and losses on the energy fed into grid as measured at receiving Sub-Stations of GETCO, as applicable to normal open access consumer.



b. In case Renewable attribute is being claimed by the Consumer, set-off of wheeled energy at recipients' end shall be carried out in the same 15-minute time block.

c. 50% of the Cross-Subsidy Surcharge and Additional Surcharge, as applicable to normal open access consumer, shall be applicable.

3.5.2 Wheeling of power for Captive Use

In case of injection at 66 KV and drawl at 11 KV voltage level, wheeling of electricity generated from the Hybrid Projects to desired location(s) within the State shall be allowed on payment of transmission charges and transmission losses as applicable to normal open access consumer and 50% of wheeling charges and 50% of distribution losses of the energy fed to the grid at the receiving end sub-station of GETCO, as applicable to normal Open Access Consumers.

3.5.3 Wheeling of power to more than one locations

Hybrid Project Developers, who desire to wheel electricity to more than one location for captive use/third-party sale, shall pay 5 paise per unit on energy fed in the grid as measured at receiving end sub-stations of GETCO, to the concerned DISCOM in whose area power is consumed in addition to above mentioned transmission charges and losses, as applicable.

In case, total injection of power from the Hybrid Project exceeds such allocated/sanctioned transmission capacity, such power shall be considered as inadvertent flow of power and shall not be considered for any commercial settlement."

2.10 2 Suggestions/Objections of the Stakeholders

GE South Asia, GE Renewables and Hindalco submitted that since hybrid projects provide less variable power and thus less problems w.r.t. grid stability as compared to standalone wind/ solar projects and enable better utilization of land and transmission infrastructure, the Commission may consider waiver of CSS and additional surcharge for third party sale.

GUVNL submitted that Clause 3.5.1 (b) can be deleted as the method of energy accounting has been already provided at Clause 3.6. Further, the Commission is requested to clarify that clause 3.6 is applicable in case of projects for Captive as well as for third Party sale.

amp Energy and CleanMax suggested that in third party sale, in case Renewable Attribute is not being claimed by Consumer, energy settlement shall be undertaken as per Clause 3.6. CleanMax submitted that set-off shall be against consumption during the Consumer's billing cycle but within



the same 15-minute time block. They requested to clarify that the set-off shall be carried out in the same 15-minute time block and can be carried through the Consumer's billing cycle within the same 15-minute time block.

Reliance Industries Ltd submitted that CERC has now permitted trading of Renewable Energy and IEX has started the trading of renewable energy. The power is traded on exchange for certain time blocks only in a day, therefore condition of Round the Clock (RTC) Scheduling may please be relaxed for procurement of RE power from Energy Exchange. They also submitted that transmission charges shall be levied on per unit of energy transmitted for Long term and Medium-term Hybrid Power consumers.

Prozeal Infra enquired that for Type-A project, which are connected to GEDA S/S at 11 kV level and further injection at 66 kV GETCO S/S, whether injection voltage will be considered at 11 kV or 66kV? They also enquired that 50% of wheeling charges and 50% of distribution losses shall be applicable on captive consumer or not?

In case of captive transaction, Reliance Industries submitted that the power can be wheeled below 11 kV voltage level as the captive consumption restriction to do Open Access up to a particular voltage level is contradictory to the provisions of the Electricity Act, 2003 and GERC's Open Access Regulation 2011.

In case of Wheeling of power to more than one location, Continuum submitted that for the purpose of classifying into 'one' or 'more than one' location, wind and solar capacities will not be bundled but treated independently. CleanMax requested the Commission to clarify that the charges for wheeling more than one location will be payable on units of energy delivered to the Consumer at Consumer's bushar.

2.10.3 Analysis and Commission's Ruling

The Commission decides to retain the provisions with respect to cross subsidy surcharge & transmission and wheeling charges as proposed in the discussion paper which are also consistent with Commission's tariff orders on Wind (2 of 2020) and Solar (3 of 2020). The Commission clarifies that in third party transaction if renewable attributes does not claim by the consumer, the energy settlement at consumer end shall be allowed during one billing cycle irrespective of time slot. The Commission further clarify that in case of wheeling of power to more than one locations for captive use/third party sale, the hybrid power developer shall pay 5 paisa /unit on



energy fed into the grid as measured at receiving end substation of GETCO. Wheeling of power beyond GETCO substation to the destination of use shall be treated as hybrid power.

In view of above the Commission decides to modify the clause 3.5 as below:

Third Party Sale

- a. Wheeling of Power for third party sale from Hybrid power projects shall be allowed on payment of transmission charges applicable on sanctioned/allocated transmission capacity, transmission losses on energy feed basis, wheeling charges and losses on the energy fed into grid as measured at receiving Sub-Station of GETCO, as applicable to normal open access consumer.
- b. In case Renewable attribute is being claimed by the Consumer, for RPO purpose, set-off of wheeled energy at receipt's end shall be carried out in the same 15/5-minute time block. If renewable attribute is not claimed by the consumer the set off of wheeled energy at receipt's end shall be carried out over one month billing cycle.
- c. 50% of the Cross Subsidy Surcharge and Additional Surcharge, as applicable to normal open access consumer, shall be applicable.

Wheeling of power for Captive Use

In case of injection at 66 KV and drawl at 11 KV voltage level, wheeling of electricity generated from the Hybrid Project to desired location(s) within the State shall be allowed on payment of transmission charges and transmission losses as applicable to normal open access consumer and 50% of wheeling charges and 50% of distribution losses of the energy fed to the grid at the receiving end sub-station of GETCO, as applicable to normal Open Access Consumers.

Provided that the entity who states that the energy generated from Hybrid project is consumed is for captive consumption shall require to establish on annual basis that the ownership in Captive Generating Plant and consumption of such energy shall fulfil the necessary conditions stipulated in Electricity Rules, 2005. Failure to fulfil the aforesaid two conditions such captive consumption lose the status of captive consumption and it shall be qualified as supply to third party by generator and the benefits granted to captive consumption shall be withdrawn for that Financial Year and it attracts the applicability of 50% of the Cross-Subsidy Surcharge and Additional Surcharge applicable to normal Open Access Consumer as per this Order. The captive consumers shall provide the details of ownership in the captive generating plant and generation as well as



consumption of energy from captive generating plant to the Chief Electrical Inspector and also the distribution licensee in whose area of supply captive consumer is situated. The Chief Electrical Inspector and Distribution Licensee shall verify the status of the captive consumers on annual basis. In case of failure to the status of captive generating plant and captive use of energy by the consumer the action may be initiated as stated above.

Projects registered under REC Mechanism

- a. Hybrid Projects availing open access for captive use/ third-party sale under REC mechanism shall be governed as per CERC REC Regulations.
- b. Such projects shall be allowed to wheel the electricity on payment of applicable transmission charges/losses, wheeling charges/losses and other charges as applicable to other normal Open Access Consumers.
- c. Cross Subsidy Surcharge and Additional Surcharge shall be applicable as applicable to normal Open Access Consumers.

Wheeling of power to more than one locations

Hybrid Project Developers, who desire to wheel electricity to more than one location for captive use/third-party sale, shall pay 5 paise per unit on energy fed in the grid as measured at receiving end sub-station of GETCO, to the concerned DISCOM in whose area power is consumed in addition to above mentioned transmission charges and losses, as applicable.

Provided that in all above cases, total injection of power from the Hybrid Project exceeds such allocated/sanctioned transmission capacity, such power shall be considered as inadvertent flow of power and shall not be considered for any commercial settlement.

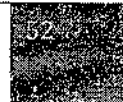
2.11 Clause 3.6: Energy Accounting

2.11.1 Proposed in Discussion Paper

- 1) **Case 1:** If the Consumer does not claim the renewable attribute of wind/solar energy for meeting its Solar and Non-Solar RPO, energy injection worked out at the receiving end sub-station of GETCO shall be set-off against the consumption during the Consumer's billing cycle.



- i. For net import of power, DISCOM shall charge applicable tariff of respective category to the Consumer including fixed/ demand charge, energy charges, peak charge, other charges/ penalty etc. as applicable to other Consumers.
 - ii. Surplus power, after giving set-off, shall be compensated by the concerned Distribution Licensee at the rate Rs. 1.75 per unit or the rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time. Fixed/ demand charge, peak charge, other charges/penalty, etc. shall be as applicable to other Consumers.
 - iii. The entire generation shall be considered for fulfilling solar and non-solar RPO of DISCOM.
- 2) **Case 2 (a):** If the Consumer claims the renewable attributes of solar/wind energy consumed for meeting its solar/non-solar RPO, then energy accounting shall be based on 15-minute time block-basis.
- i. For net import of power, the DISCOM shall charge applicable tariff of respective category to the Consumer including fixed/ demand charge, energy charges, peak charge, other charges / penalty, etc. as applicable to other Consumers.
 - ii. Surplus power, after giving set off, shall be compensated by the concerned Distribution Licensee at the rate Rs. 1.75 per unit or the rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time. Fixed/ demand charge, peak charge, other charges / penalty, etc. shall be applicable to as applicable to other Consumers.
 - iii. The surplus energy purchased shall be considered for fulfilling solar and non-solar RPO of DISCOM.
- 3) **Case 2 (b):** If registered under REC mechanism and supply power within the State, the Energy accounting shall be based on a 15-minute time block-basis.
- i. For net import of power, the DISCOM shall charge applicable tariff of respective category to the Consumer including fixed/ demand charge, energy charges, peak charge, other charges/ penalty, etc. as applicable to other Consumers.
 - ii. Surplus power, after giving set off, shall be compensated by the concerned Distribution Licensee at the rate Rs. 1.50 per unit or the rate, if any, specified by the Commission for





Surplus Injection Compensation (SIC) from time to time. Fixed/ demand charge, peak charge, other charges/ penalty, etc. shall be applicable to as applicable to other Consumers.

- 4) For Type-A Projects (Existing Projects), the energy accounting for consumption of power for captive use/third party sale from existing wind/solar project shall be governed by existing Regulations/Orders/wheeling agreement. If these provisions are different, the above provisions shall be applicable only for wheeling of power from new/additional wind/solar capacity.

2.11.2 Suggestions/Objections of the Stakeholders

IWPA requested the Commission to continue with the one month banking provision for Captive Wind-Solar Hybrid projects like captive consumption from wind power projects. And also, in order to promote the Hybrid projects, they requested to provide banking to third party sale also.

Renew power requested the Commission requested to allow at least Monthly Banking Facility for those Consumer's as well who claims the renewable attributes of solar/wind energy consumed for meeting its solar/non-solar RPO. They also submitted that the Commission may propose levy of peak charges/Banking Charges for consumption of energy drawn during peak hours and thus allowing at least monthly Banking Facility.

Renew Power also submitted that as per Article 11.2, Case 2 (a) of the Wind-Solar Hybrid Policy-2018, in case the Consumer claims the renewable attributes of solar/wind energy consumed for meeting its solar/non-solar RPO then Surplus power, after giving set off, shall be Purchased by the concerned Distribution Licensees at Average Pooled Power Purchase Cost (APPC) of the year of commissioning of project. Accordingly, compensation at the rate of Rs. 1.75 per unit or the rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time will be contrary to the provisions of the WSH Policy and also harm the project economics and financing.

Continuum requested the Commission that for already commissioned capacity the rate for surplus power should as per the then applicable policy/tariff order. Reliance Industries submitted that surplus power rate shall be based on the Hybrid tariff discovered through competitive bidding in the State and not the discounted rate when, all applicable charges, losses etc. are paid by the Hybrid generating plant and consumers.



Statkraft requested clarity regarding accounting and payment for injecting surplus power (but within the sanctioned transmission capacity limit) in case when there is no dedicated consumer. For example, in case a hybrid power plant has contracted to sell power under OA route and if the OA consumer contract terminates (let say after 3-4 years) or avails only part capacity after some duration, then such surplus injection, meanwhile another or same OA consumer contract is resumed, shall be compensated by the distribution licensee at Rs.1.75/kWh. They also requested clarity on consumer sourcing power from hybrid power plants and also requires additional power from other arrangements such as Power exchange or short-term OA route etc. Hence, such arrangement is allowed or not and up to what extent of the contracted or sanctioned load.

GE Renewables submitted that for sale of power from hybrid projects under open access to consumers who do not want to claim the renewable attribute of Solar/Wind energy for meeting its Solar and Non-Solar RPO, the energy accounting should be done considering simply the injected units.

2.11.3 Analysis and Commission's Ruling

The Commission clarifies that the Energy Accounting related provision provided under clause 3.6 in subsequent chapter of this order shall be applicable to captive as well as third party open access transaction and banking facility available in different cases.

While arriving at the rate of surplus power purchase by DISCOM under Open access route the Commission feels that such rate should be reasonable, yet not so high so as to incentivize the sale of surplus power from hybrid project as well as put burden on end consumer. Also, such rate should be comparable with the latest tariff discovered under competitive bidding, which is eventually lower than the APPC. The projects set up under OA had the primary objective of captive consumption or third-party sale which is a commercial decision of generator and any sale of surplus power is incidental for which DISCOM shall not be made accountable.

2.12 Clause 3.8: Restrictions

2.12.1 Proposed in Discussion Paper

- a. Second hand WTGs/ solar modules or other equipment shall not be eligible for installation under this Policy.
- b. For captive and third-party models, the power contracted from the hybrid project shall be 50% of the sanctioned load of consumer for each solar and wind respectively.



c. However, Consumers may set up Hybrid Project to extent of meeting RPO without limit of Contracted Demand/Sanctioned Load.

Above restrictions shall be distinct and different from the standalone Solar/Wind generating stations set up under Solar/Wind Orders or Policies.

2.12.2 Suggestions/Objections of the Stakeholders

GE South Asia and GE Renewables submitted that for captive and third-party models, the power contracted from the hybrid project shall be capped to 100% of the sanctioned load of consumer since:

- a) the Gujarat Hybrid Policy allows Developer the choice/ discretion of capacity mix between wind and solar; and
- b) a Project qualifies as a hybrid project under the MNRE Policy and Gujarat State Policy both if the rated power capacity of one resource is at least 25% of the rated power capacity of other resource.

In addition, as the Gujarat Hybrid Policy allows the developer the choice of the capacity mix and also permits use of battery storage in the Hybrid Project for optimising the output and further reduces the variability, they proposed that the choice of adding energy storage capacity also shall be at the discretion of the Developer.

IWPA and Renew Power submitted to remove the restriction of power to be contracted from hybrid i.e. 50% of sanctioned load for third party and captive consumers. Also, the existing CPPs in the state be allowed to set up Hybrid project without any limit of Contract Demand.

Hindalco submitted that individual capacity restriction should be removed and proposed that the contracted capacity (combination of solar, wind and storage) be restricted to the sanction load of consumer.

Continuum proposed that consumers may procure power from Hybrid Project to extent of meeting RPO without limit of Contracted Demand/Sanctioned Load.

GUVNL submitted that GEDA, being a Nodal Agency under the policy in the State of Gujarat and responsible for certifying commissioning of projects, shall be required to ensure that no second-hand WTGs / Solar Modules are installed. The word 'other equipment' mentioned in the policy



has a wide scope and may create interpretation issues at the time of commissioning of projects. Hence, they requested to remove the clause or specify the equipment.

GUVNL submitted that a clarificatory clause may be added in the order stating that in cases of existing projects (Type A), while calculating the eligible capacity installation limit for additional component (Hybrid), the Solar or Wind Projects already installed under the other policies/orders shall be considered in the overall limit of total 100% i.e., 50% for Solar and 50% for wind. In case the installed capacity of existing component is higher than 50%, the same shall be allowed subject to overall limit of 100% combined for Wind and Solar capacity. Overall ceiling for installation of Wind/Solar capacities whether standalone or under hybrid policy shall not exceed 50% of the sanctioned load of the consumer for each wind and solar respectively.

Reliance Industries Limited submitted that captive power projects' capacity shall not be linked with sanctioned load of the Captive Consumer.

Statkraft submitted that tariff framework does not define any minimum sanctioned load for the consumers to procure power from hybrid power plants under OA and Captive route.

CleanMax requested to clarify that maximum allowed contracted capacity from Hybrid in MW shall be 50% of contract demand (in kVA). They requested clarification about restriction of 50% of sanctioned load of consumer for maximum allowed contracted capacity from Hybrid, over and above the Wind, Solar or other restrictions already met under the Wind/Solar or other Orders or Policies.

2.12.3 Analysis and Commission's Ruling

The Commission noted the submission of stakeholders on the restriction clause. As mentioned in the Gujarat Hybrid Policy, second hand WTGs/ solar modules or other equipment shall not be eligible for installation under this Policy. Regarding other equipment, it is clarified that other equipment include all other electrical and mechanical equipment in the hybrid project.

The Commission clarifies that as provided in 'Gujarat Wind Solar Hybrid Power Policy 2018' as well as in the discussion paper, the power contracted from Hybrid project shall be 50% of the sanctioned load of the consumer for each solar and wind respectively. The eligibility of hybrid project shall be governed by the ratio of individual RE capacity (solar and wind) and not on the basis of procurement of power by consumer. In Type A (existing) project, the existing arrangement of sale of electricity under OA shall remain unchanged, in case such project proponent decides to convert the existing project in to hybrid project its eligibility shall be



governed by the ratio of individual RE capacity (solar and wind) as per standard definition and the interested consumer can source power through OA from such additional capacity up to 50% of its contract demand.

The Commission also clarifies that Consumers may set up Hybrid Project to the extent of meeting RPO, without limit of 50% Contracted Demand/Sanctioned Load separately for solar and wind. However, the sum total of solar and wind capacity shall not exceed 100% of the Contract Demand/Sanctioned Load.

2.13 Clause 3.9: CDM Benefits

2.13.1 Proposed in Discussion Paper

"In case DISCOM purchases power as per tariff framework approved in this Order, Clean Development Mechanism (CDM) benefits shall be shared on net proceeds, starting from 100% to power producer in the first year after commissioning, and thereafter reducing by 10% every year till the sharing becomes equal (50:50) between the power producer and the power procurer, in the sixth year. Thereafter, the sharing of CDM benefits shall remain equal till the time that benefit accrues."

2.13.2 Suggestions/Objections of the Stakeholders

GUVNL submitted that provisions regarding sharing of CDM Benefits shall not be applicable in case of procurement of power by DISCOMs through competitive bidding as developers are selected solely on the basis of tariff and they are free to avail fiscal and other incentives available for their projects. The clause regarding sharing of CDM benefits was relevant in case of preferential tariff/cost plus tariff regime wherein the tariff was determined considering life.

2.13.3 Analysis and Commission's Ruling

The Commission finds merit in the submission of GUVNL who is a bulk power procurer for DISCOM in the state. GUVNL has proposed to discontinue the sharing of CDM benefits with the power procurer and proposed that the CDM benefit may be retained by the power producer selected through competitive bidding. Projects selected under competitive bidding route are free to avail fiscal and other incentives. Considering the above submission, the Commission has revised the clause related to CDM benefits and discontinues the sharing of CDM revenue with power procurer. Hybrid power producers selected under competitive bidding process shall not be required to share any proceeds from CDM.



2.14 Clause 3.10: Security Deposit

2.14.1 Proposed in Discussion Paper

- “a. The Hybrid Power Developer setting up new project (Type-B) shall be required to provide Bank Guarantee @ Rs. 3 lacs per MW to GETCO based on allotment of transmission capacity and in case the Developer fails to commission the Hybrid capacity within the time period mentioned hereunder, GETCO shall encash the Bank Guarantee.

- b. The Developer shall commission new Hybrid capacity at least 10% of the allotted capacity within one month of charging of evacuation line, failing which, the Developer shall be liable to pay long term transmission charges for 10% of allotted capacity till such 10% of allotted capacity is commissioned.

Table 7Security Deposit

Hybrid Capacity in MW	Period for commissioning the entire evacuation line along with bays and metering system
1 MW to 100 MW	1.5 years from date of allotment of transmission capacity
101 MW to 200 MW	2 years from date of allotment of transmission capacity
201 MW to 400 MW	2.5 years from date of allotment of transmission capacity
401 MW to 600 MW	3.5 years from date of allotment of transmission capacity

Provided that GETCO may issue extension on case-to-case basis to the Developers if they fail to commission the entire evacuation line along with bays and metering system within the stipulated time period due to unforeseen reasons.”

2.14.2 Suggestions/Objections of the Stakeholders

GE South Asia requested clarification that in case the wind-solar hybrid power project is developed under the state bid, then the timeline as outlined under Table 7 and Para 3.10 (b) be linked with the bid /PPA documents. They enquired about the details of long-term transmission charges as stated under Para 3.10 (b).

IWPA submitted that GETCO may issue extension on case-to-case basis to the Developers if they fail to commission the entire evacuation line along with bays and metering system within the



stipulated time period due to unforeseen reasons and on account of factors beyond the control of the developers.

Continuum requested to clarify that these charges will be applicable only in case of seeking additional transmission capacity /connectivity.

2.14.3 Analysis and Commission's Ruling

The Commission decides to keep Clause 3.10 with respect to Security Deposit proposed in discussion paper as it is and the Commission further decides that GETCO with prior approval of the Commission shall issue extension on case-to-case basis to the Developers if they fail to commission the entire evacuation line within the stipulated time period due to unforeseen reasons.

In case of State level bid, the Commission shall approve the bid / PPA documents when the same shall be submitted before Commission for approval. Long term transmission charges are applicable as decided by the Commission in the GETCO tariff order, time to time.

2.15 Additional points:

2.15.1 Suggestions/Objections of the Stakeholders

Continuum submitted to add the following provisions as per Govt of Gujarat Hybrid Policy:

Clause 12.1 of the GoG Policy:

"12.1 Electricity generated and consumed for self-consumption/sale to third party within the State shall be exempted from payment of electricity duty in accordance with the provisions of the Gujarat Electricity Duty Act, 1958 and its amendments from time to time".

Electricity generated and consumed for self-consumption/sale to third-party within the State shall be exempted from payment of electricity duty in accordance with the provisions of the Gujarat Electricity Duty Act, 1958 and its amendments from time to time.

Clause 12.2 of the GoG Policy:

"12.2 Exemption from demand cut to the extent of 50% of installed capacity of Hybrid Wind-Solar Power Project in case of captive consumption and third-party sale within the State".



Exemption from demand cut to the extent of 50% of installed capacity of Hybrid Wind-Solar Power Project in case of captive consumption and third-party sale within the State.

2.15.2 Analysis and Commission's Ruling

Levy of Electricity Duty on consumption of electricity comes under the purview of Government of Gujarat and not falls under purview of the Commission.

The Commission decides to incorporate provision related to 'Exemption from demand cut up to 50%' in line with the Policy.

2.15.3 Some of the objectors have submitted that the distribution licensee shall pay the tariff @ APPC for the surplus energy, if any, injected into the grid by the hybrid project developer in case of non-existence of PPA with the consumers to whom it was supplying energy earlier.

Commission's Analysis

The aforesaid suggestion of the objectors is not acceptable on a ground that the Commission determined the tariff in the present order as tariff receivable to the project developer of hybrid project either supply to licensee or utilize the energy for self-consumption or sale to third party. The energy accounting proposed is also based on the sale of power to distribution licensee or self-consumption or sale to the third party by the developer. The Commission has decided the tariff for surplus energy, if any, available after consumption at captive consumer place or at third party place as sell by the generator with consideration of energy available due to mismatch in generation and consumption energy. There is no intent to allow the generator to inject energy into the grid in absence of PPA and earn revenue from it as surplus energy sale to the licensee. In absence of PPA with the consumers, as third party sale or use of such energy for self-consumption, i.e., captive consumption, or sale to the licensee energy, if any, injected into the grid by the generator without consumption will hamper to the grid frequency and reflects in the deviations settlement account also. We, therefore, decline such request and the same is rejected.



3. TARIFF FRAMEWORK, GENERAL PRINCIPLES AND OTHER COMMERCIAL CONSIDERATIONS

Having considered all the comments from the stakeholders, the Commission hereby issues the final Tariff Framework for Wind-Solar Hybrid Power Projects for the prospective period as under:

3.1 Tariff Framework

The Ministry of New and Renewable Energy has notified competitive bidding guidelines for procurement of power from grid connected Wind Solar Hybrid Projects on 14.10.2020. The Commission has already directed the Distribution Licensees to procure power from Solar and Wind Projects through competitive bidding under Section 63 of the Act or by following competitive bidding process followed by SECI/MNRE etc. In the same way the tariff for Type A (existing projects) as well as Type B (new projects) shall be determined based on the rates discovered through competitive bidding process. The bidding process shall be based on competitive bidding guidelines of MNRE and bid document shall be approved by the Commission.

Further, for tariff of small-scale projects (existing as well as new) which fall below the threshold limit provided in competitive bidding guidelines, the Commission is specifying following mechanism of determination of applicable tariff having linkage with the tariff rate discovered under the competitive bidding process by State own DISCOMs.

For Type - A (Existing projects):

The purchase of power from existing wind/solar capacity shall be in accordance with the respective PPAs with Distribution licensees. The purchase of power from additional /new capacity shall be at the weighted average tariff (for respective RE addition capacity i.e., Wind or Solar), available as on 1st April (as discovered in the Competitive Bidding by GUVNL during previous six months October-March and adopted by the Commission) shall be applicable for the projects to be commissioned under PPAs signed during April-September. Similarly, the weighted average tariff (for respective RE addition capacity i.e., Wind or Solar), available as on 1st October (as discovered in the Competitive Bidding by GUVNL during previous six months April-September and adopted by the Commission) shall be applicable for the projects to be commissioned under PPAs signed during October-March.

For Type-B (New Projects)



The purchase of power from such projects shall be at the weighted average tariff (of Wind, Solar & Wind-Solar Hybrid) available as on 1st April or 1st October depending on the commissioning date of the project. The weighted average tariff as on 1st April (as discovered in the Competitive Bidding by GUVNL during previous six months October-March and adopted by the Commission) shall be applicable for the projects to be commissioned under PPAs signed during April-September. Similarly, the weighted average tariff available as on 1st October (as discovered in the Competitive Bidding by GUVNL during previous six months April-September and adopted by the Commission) shall be applicable for the projects to be commissioned under PPAs signed during October-March.

In case weighted average tariff is not available for particular 6 months' period then latest weighted average tariff available for 6 months' period shall be considered.

GUVNL shall place on its website the applicable tariff on which it will buy the energy generated from such Wind Solar Hybrid Power Projects. GUVNL shall communicate the link to other licensee who shall then upload such link on its respective websites. The rate will be updated every 6 months.

3.2 General Principles

3.2.1 Control period:

The Control period for the tariff framework approved in this tariff order shall be effective from the date of this order to 31st March 2023.

3.2.2 Useful life of plant:

The Useful Life for the Wind Solar Hybrid Power Projects to be commissioned during control period of this order shall be considered as 25 years from date of commissioning.

3.2.3 Tariff period:

The tariff period for the tariff framework approved by the Commission for procurement of electricity from Wind-Solar Hybrid Power Projects by the distribution licenses in the state shall be 25 years.

3.2.4 Eligible Unit:



Any individual, company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, shall be eligible for setting up of new wind-solar Hybrid Projects OR shall be eligible to add wind/solar capacity at their existing solar/wind power projects, respectively, either for the purpose of captive use and/or for selling of electricity, in accordance with the Electricity Act, 2003, as amended from time to time. The wind and solar generation may be metered separately at the pooling/sending end Sub-Station.

The Wind-Solar Hybrid power projects to be commissioned under PPAs signed during the control period of this order shall be eligible to sell power to distribution licensees of Gujarat at the tariff approved by the Commission under this order.

Further, for simplicity purpose, wind-solar hybrid power generation plants shall be divided into two categories:

(i) Type-A Projects

This category shall include conversion of existing/under-construction wind or solar power plants into Hybrid Projects. Wind/Solar capacity under construction shall be considered based on the Registration Certificate issued by GEDA/evacuation permission granted by GETCO to the Solar/Wind Project Developers before issuance of this Order. The installed Wind/Solar Capacity shall be considered based on Power Purchase Agreement (PPA)/ Wheeling Agreement capacity.

(ii) Type-B Projects

This shall include new wind-solar hybrid power generation projects which are not registered with GEDA or evacuation permission is not granted by GETCO till the date of issuance of this Order.

3.2.5 Forecasting and scheduling for Wind Solar hybrid power:

The Wind-Solar Hybrid Projects shall require to forecast and schedule their generation in accordance with the GERC (Forecasting, Scheduling, Deviation Settlement and Related Matters of Solar and Wind Generation Sources) Regulations, 2019 notified dated 19th January, 2019 and its amendments issued from time to time.

3.2.6 Applicability of Merit order dispatch principle:



Wind-Solar Hybrid Power Projects irrespective of the plant capacity shall be treated as 'MUST RUN' power plants and shall not be subjected to merit order dispatch principles.

3.2.7 Reactive Energy Charges

The Reactive Energy Charges as approved by the Commission in tariff orders for the Gujarat Energy Transmission Corporation Ltd. (GETCO) from time to time shall be applicable to Wind Solar Hybrid projects.

3.2.8 Metering points an interconnection point:

- a. Energy generation from wind /solar capacity shall be measured separately at the pooling/sending end sub-station on 15/5-minute time block by installing ABT compliant meters (which can provide the four quadrant data of active and Reactive) by the project developers. The project developers shall also have to install Remote Terminal Unit (RTU) for transferring the real time data to SLDC for its monitoring purpose. Further, ABT compliant meter shall be installed on each wind turbine/solar projects. All the meters will be tested in NABL laboratory and duly sealed by DISCOMS. Meters shall be installed in presence of DISCOM/GETCO at the time of Commissioning the Wind/Solar project. The meters shall be AMR compatible so that data can be fetched at GEDA, DISCOM and SLDC remotely.
- b. For the purpose of commercial settlement and energy accounting, the metering point shall be at the receiving end sub-stations of GETCO. The injection of energy from wind/solar capacity shall be worked out separately at the receiving end sub-stations of GETCO on the basis of meter reading of common meter installed at receiving end sub-stations appropriately apportioned as per the respective meter reading (active and reactive) of wind and solar ABT (four quadrant) meters installed at respective wind and solar project separately.
- c. In case of Type-A projects (Existing Projects), the metering/injection point shall continue to as per existing agreement with GETCO /DISCOM.
- d. In case of Type-B Projects (New Projects) that are AC or DC integrated, the metering point shall be at the receiving end of the GETCO substation. Developer shall have to install the ABT (four quadrant) Main & Check meter at their own cost duly tested



sealed and installed in presence of DISCOM. Developer shall install such meters at receiving end of GETCO substation as well as at wind and solar PV system installations in view of the different tariff and RPO. In case of common hybrid tariff and common RPO, a single meter as per above specification for both wind and solar system shall suffice.

- e. For Type-A Projects (Existing Projects), both wind and solar PV systems shall use separate set of internal electrical lines and equipment, and connect to the pooling/sending-end substations of the Hybrid Projects. The projects shall be mandatorily metered separately. Developers shall have to install ABT (four quadrant) meters at wind and solar PV system installation as well as receiving end of the GETCO substations at their own cost duly tested sealed and installed in presence of DISCOM.
- f. Internal connectivity between solar and wind capacity prior to pooling/sending-end substation shall be allowed for Type B Projects (New Projects) once a common RPO and hybrid tariff are present. Energy metering and communication facility shall be provided by the project developers hybrid power projects in accordance with the following regulations/codes/orders and their subsequent amendments:
 - i. Central Electricity Authority (Installation and Operation of meters) Regulations 2014 and its subsequent amendments
 - ii. Gujarat Electricity Grid Code 2013 and its subsequent amendments
 - iii. GERC (Terms and Conditions of Intra-State Open Access) Regulations, 2011 and its subsequent amendments
 - iv. GERC Distribution Code 2004 and its subsequent amendments

For the purpose of energy accounting, all projects shall have to provide ABT compliant (four quadrant) meters at generators and if the power is to be wheeled to consumer's premises, then ABT cum Tariff compatible meter is to be installed at the consumer premises also. GEDA shall ensure the energy accounting of Active and Reactive energy of the Wind/solar and or Hybrid for each customer as is being done for wind energy projects.

3.3 Wind-Solar Hybrid System & Power Evacuation

1. Hybridization of Type-A Projects (Existing Projects):



Existing Wind power or Solar Power Projects Developers, willing to install Solar PV plant or wind turbine generators, respectively, at the existing location to avail benefits under GoG Policy, shall be allowed to do so with following conditions:

- i. The total power injection (combined wind and solar) into the grid shall not be more than the transmission capacity/grid connectivity allowed/sanctioned by GETCO for this purpose. In case, addition/augmentation in the existing evacuation system is required as per the system study undertaken by GETCO due to addition of wind/solar capacity, Developers shall undertake such addition/augmentation in the system up to the receiving end sub-station of GETCO at their own cost. However, the primary focus is to optimize the utilization of existing transmission infrastructure and technologies, and design approaches towards minimum augmentation is encouraged.
- ii. The additional solar/wind power from the Hybrid Project may be allowed to wheel power for captive use or for sale of power to a third-party or sale to DISCOMs. For transmission and wheeling of power, the applicable charges and losses shall be as specified in this Order.
- iii. The Developers shall approach GETCO for determining the transmission capacity available to evacuate the additional wind/ solar power or any augmentation that may be required. GETCO shall provide the relevant data with regards to the transmission capacity utilization on its existing network.

2. Type-B Projects (New Projects)

- i. The Developers of Hybrid Projects shall establish the evacuation line at their own cost up to the receiving end sub-station of GETCO.
- ii. The Developer has option for wheeling of wind and solar power for their captive use or third-party sale or sale of power to the DISCOMs. For transmission and wheeling of power, the applicable charges and losses shall be as specified in this Order.
- iii. Hybrid Project Developer shall approach GETCO for evacuation system planning up to the receiving station.

For both Type-A and Type-B Hybrid Projects, the Developer shall ensure for capacity allocation/sanction of transmission capacity at least equal to installed capacity of wind or solar



project, whichever is higher. In case, total injection of power from Hybrid Project exceeds such allocated/sanctioned transmission capacity, such power shall be considered as inadvertent flow of power and shall not be considered for commercial settlement.

Wind-Solar Hybrid Power Generation System, or the Hybrid Project, means the system of combined generation of wind and solar power at existing or new solar/wind power projects (or) collocated where injection of wind or solar power is at the interconnection point of the pooling sub-station of existing windfarms/ sending-end sub-station of existing solar power installations with or without energy storage system.

Under the scheme of wind-solar hybrid power generation, wind and solar PV systems shall be connected at the same interconnection point at pooling/sending-end sub-station. In order to achieve the benefits of hybrid plant in terms of optimal and efficient utilization of transmission infrastructure and better grid stability by reducing the variability in renewable power generation, it is desired that:

- i. At the locations of having good wind power potential, the solar PV capacity to be added as the solar-hybrid component could be relatively smaller.
- ii. Similarly, in case of the sites where the wind power density is relatively lower or moderate, the component of the solar PV capacity could be relatively on a higher side.

Evacuation capacity for the purpose of connectivity and injection of power shall be worked out as follows:

A For Type-A Projects (Existing Projects) where -

- a. open access is already granted to the extent of rated capacity of transmission line/ sub-station of GETCO and injection of power from additional wind/ solar capacity to be set up, is restricted up to already granted rated capacity of transmission line/ substation of GETCO. The same shall be allowed without applicability of transmission charges on such additional capacity. However, the transmission losses and wheeling charges/losses shall be made applicable to such capacity as applicable to any other solar or wind project as the case may be. In case total hybrid generation exceeds the transmission capacity limit, it shall be considered as inadvertent injection of power for which no payment or credit shall be given or under any exigency which requires curtailment of generation, the generation from additional/new wind/ solar capacity shall be curtailed first.



- b. there is capacity margin in the existing transmission system/ sub-station of GETCO after taking into account open access already granted to the existing wind/solar project or any augmentation and strengthening of transmission system after receiving-end sub-station is undertaken by GETCO for allocation/sanction of transmission capacity for allowing additional wind/ solar capacity, the transmission charges and losses, and wheeling charges and losses shall be applicable on such additional sanctioned/allocated capacity as applicable to any other solar/ wind project as the case may be. However, if any augmentation in the existing transmission system is required due to addition of such solar/wind capacity, up to receiving end substation of GETCO, the same shall be undertaken by the Developers at its own cost.

B For Type-B Projects (New Projects)

The Developer of Hybrid Project shall establish a dedicated line at its own cost for evacuation of power up to receiving end sub-station of GETCO as per system study undertaken by GETCO where the Project Developer desires to inject power in the State Grid. From there onwards, GETCO shall ensure transmission system and connectivity. Transmission charges shall be applicable on the basis of sanctioned/ allocated transmission capacity. However, Developer shall ensure that power injection shall never increase beyond sanctioned/allocated transmission capacity. In case total hybrid generation exceeds the transmission capacity limit, it shall be considered as inadvertent injection of power for which no payment or credit shall be given. Transmission charges and losses, and wheeling charges and losses shall be applicable as applicable to any other open access for wind and solar projects.

3.4 Operation and maintenance of dedicated lines

The Operation and Maintenance of dedicated evacuation line including the bays shall be carried out by the GETCO at the cost of Developer of Hybrid Projects as per applicable technical standards and best practices.

3.5 Transmission and Wheeling Charges

Third Party Sale

- a. Wheeling of Power for third party sale from Hybrid power projects shall be allowed on payment of transmission charges applicable on sanctioned/allocated transmission capacity, transmission losses on energy feed basis, wheeling charges and losses on the



energy fed into grid as measured at receiving Sub-Station of GETCO, as applicable to normal open access consumer

- b. In case Renewable attribute is being claimed by the Consumer for RPO purpose, set-off of wheeled energy at receipt's end shall be carried out in the same 15/5-minute time block. If renewable attribute is not claimed by the consumer the set off of wheeled energy at receipt's end shall be carried out over one-month billing cycle.
- c. 50% of the Cross Subsidy Surcharge and Additional Surcharge, as applicable to normal open access consumer, shall be applicable.

Wheeling of power for Captive Use

In case of injection at 66 KV and drawl at 11 KV voltage level, wheeling of electricity generated from the Hybrid Project to desired location(s) within the State shall be allowed on payment of transmission charges and transmission losses as applicable to normal open access consumer and 50% of wheeling charges and 50% of distribution losses of the energy fed to the grid at the receiving end sub-station of GETCO, as applicable to normal Open Access Consumers.

Provided that the entity who states that the energy generated from Hybrid project is consumed is for captive consumption shall require to establish on annual basis that the ownership in Captive Generating Plant and consumption of such energy shall fulfil the necessary conditions stipulated in Electricity Rules, 2005. Failure to fulfil the aforesaid two conditions such captive consumption lose the status of captive consumption and it shall be qualified as supply to third party by generator and the benefits granted to captive consumption shall be withdrawn for that Financial Year and it attracts the applicability of 50% of the Cross-Subsidy Surcharge and Additional Surcharge applicable to normal Open Access Consumer as per this Order. The captive consumers shall provide the details of ownership in the captive generating plant and generation as well as consumption of energy from captive generating plant to the Chief Electrical Inspector and also the distribution licensee in whose area of supply captive consumer is situated. The Chief Electrical Inspector and Distribution Licensee shall verify the status of the captive consumers on annual basis. In case of failure to the status of captive generating plant and captive use of energy by the consumer the action may be initiated as stated above.

Wheeling of power to more than one locations

Hybrid Project Developers, who desire to wheel electricity to more than one location for captive use/third-party sale, shall pay 5 paise per unit on energy fed in the grid as measured at receiving



end sub-station of GETCO, to the concerned DISCOM in whose area power is consumed in addition to above mentioned transmission charges and losses, as applicable.

Provided that in all above cases, total injection of power from the Hybrid Project exceeds such allocated/sanctioned transmission capacity, such power shall be considered as inadvertent flow of power and shall not be considered for any commercial settlement.

3.6 Energy Accounting

Energy Accounting related provision as provided below shall be applicable to captive as well as third party open access transaction

- 1) **Case 1:** If the Consumer does not claim the renewable attribute of wind/solar energy for meeting its Solar and Non-Solar RPO, energy injection worked out at the receiving end sub-station of GETCO shall be set-off against the consumption during the Consumer's billing cycle.

- i. For net import of power, DISCOM shall charge applicable tariff of respective category to the Consumer including fixed/ demand charge, energy charges, peak charge, other charges/ penalty etc. as applicable to other Consumers.
- ii. Surplus power, after giving set-off, shall be compensated by the concerned Distribution Licensee at the rate Rs. 1.75 per unit or the lower rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time with consideration of market rates. Fixed/ demand charge, peak charge, other charges/ penalty, etc. shall be as applicable to other Consumers.

Provided that the surplus energy in case of either captive use or third-party sale shall not exceed 15% of the actual generation on annual basis. If any surplus energy exceeds above limit the licensee shall compensate it at 50% of the SIC rate stated above.

- iii. The entire generation shall be considered for fulfilling solar and non-solar RPO of DISCOM.
- 2) **Case 2 (a):** If the Consumer claims the renewable attributes of solar/wind energy consumed for meeting its solar/non-solar RPO, then energy accounting shall be based on 15/5-minute time block-basis.



- i. For net import of power, the DISCOM shall charge applicable tariff of respective category to the Consumer including fixed/ demand charge, energy charges, peak charge, other charges / penalty, etc. as applicable to other Consumers.
- ii. Surplus power, after giving set off, shall be compensated by the concerned Distribution Licensee at the rate Rs. 1.75 per unit or the lower rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time with consideration of market rates. Fixed/ demand charge, peak charge, other charges / penalty, etc. shall be applicable to as applicable to other Consumers.

Provided that the surplus energy in case of either captive use or third-party sale shall not exceed 15% of the actual generation on annual basis. If any surplus energy exceeds above limit the licensee shall compensate it at 50% of the SIC rate stated above.

- iii. The surplus energy purchased shall be considered for fulfilling solar and non-solar RPO of DISCOM.

3) Case 2 (b): For hybrid projects registered under REC mechanism and supply power within the State, the Energy accounting shall be based on a 15/5-minute time block-basis.

- i. For net import of power, the DISCOM shall charge applicable tariff of respective category to the Consumer including fixed/ demand charge, energy charges, peak charge, other charges/ penalty, etc. as applicable to other Consumers.
- ii. Surplus power, after giving set off, shall be compensated by the concerned Distribution Licensee at the rate Rs. 1.50 per unit or the lower rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time with consideration of market rates. Fixed/ demand charge, peak charge, other charges/ penalty, etc. shall be applicable to as applicable to other Consumers.

Provided that the surplus energy in case of either captive use or third-party sale shall not exceed 15% of the actual generation on annual basis. If any surplus energy exceeds above limit the licensee shall compensate it at 50% of the SIC rate stated above.

4) For Type-A Projects (Existing Projects), the energy accounting for consumption of power for captive use / third party sale from existing wind/solar project shall be governed by existing Regulations / Orders / wheeling agreement. If these provisions are different, the above



provisions shall be applicable only for wheeling of power from new/additional wind/solar capacity.

3.7 Concessional Benefits and Exemptions

Levy of Electricity Duty on consumption of electricity comes under the purview of Government of Gujarat.

Consumers are exempted from demand cut to the extent of 50% of installed capacity of Hybrid Wind-Solar Power Project in case of captive consumption and third-party sale within the State.

3.8 Projects registered under REC Mechanism

- a. Hybrid Projects availing open access for captive use/ third-party sale under REC mechanism shall be governed as per CERC REC Regulations.
- b. Such projects shall be allowed to wheel the electricity on payment of applicable transmission charges/losses, wheeling charges/losses and other charges as applicable to other normal Open Access Consumers.
- c. Cross Subsidy Surcharge and Additional Surcharge shall be applicable as applicable to normal Open Access Consumers.

3.9 Restrictions

- a. Second hand WFTGs/ solar modules or other electrical and mechanical equipment shall not be eligible for installation under this Policy.
- b. For captive and third-party models, the power contracted from the hybrid project shall be 50% of the sanctioned load of consumer for each solar and wind respectively.
- c. However, Consumers may set up Hybrid Project to extent of meeting RPO without limit of Contracted Demand/Sanctioned Load.

Above restrictions shall be distinct and different from the standalone Solar/Wind generating stations set up under Solar/Wind Orders or Policies.



3.10 CDM Benefits

Wind Solar Hybrid power producers selected under competitive bidding process under this tariff framework shall not be required to share any proceeds from CDM.

3.11 Security Deposit

- a. The Hybrid Power Developer setting up new project (Type-B) shall be required to provide Bank Guarantee @ Rs. 3 lacs per MW to GETCO based on allotment of transmission capacity and in case the Developer fails to commission the Hybrid capacity within the time period mentioned hereunder, GETCO shall encash the Bank Guarantee.
- b. The Developer shall commission new Hybrid capacity at least 10% of the allotted capacity within one month of charging of evacuation line, failing which, the Developer shall be liable to pay long term transmission charges for 10% of allotted capacity till such 10% of allotted capacity is commissioned.

Table 2 Security Deposit

Hybrid Capacity in MW	Period for commissioning the entire evacuation line along with bays and metering system
1 MW to 100 MW	1.5 years from date of allotment of transmission capacity
101 MW to 200 MW	2 years from date of allotment of transmission capacity
201 MW to 400 MW	2.5 years from date of allotment of transmission capacity
401 MW to 600 MW	3.5 years from date of allotment of transmission capacity

Provided that with prior approval of the Commission GETCO shall issue extension on case to case basis to the Developers if they fail to commission the entire evacuation line along with bays and metering system within the stipulated time period due to unforeseen reasons.

In case of state level bid, the Commission shall approve the bid / PPA documents when the same shall be submitted before Commission for approval. Long term transmission charges are applicable as decided by the Commission in the GETCO tariff order, time to time.

3.12 Commissioning of the Hybrid Project

“Commissioning” with respect to the Hybrid project shall be certified by the GEDA shall mean when all equipment as per rated capacity has been installed and energy has flown into the grid and recorded in the energy meters installed at project site and witnessing of such generation of electricity by representative authorised by DISCOM/GETCO. Further it shall also ensure that



generation data from the hybrid project shall also transferred in the real time basis through RTU to SLDC".

Applicability of the Order

The Commission decides that this order shall come into force from the date of issue of this order. Therefore, the tariff and other commercial terms as determined by the Commission in this order shall be applicable to all such Hybrid energy generators for which the PPAs would be signed in respect of Hybrid Projects to be installed and commissioned on or after the date of this order.

Sd/-

[S.R. Pandey]

Member

Sd/-

[Mehul M. Gandhi]

Member

Sd/-

[Anand Kumar]

Chairman

Place: Gandhinagar

Date: 03/04/2021.



Annexure I: List of Stakeholders communicated their views on the Discussion Paper

Sr. No.	Name of Stakeholders
1.	Gujarat Energy Transmission Corporation Limited
2.	GE Renewables
3.	M/s Hindalco Industries Limited
4.	Prozeal Infra Engineering Private Limited
5.	Statkraft Markets Private Limited
6.	Reliance Industries Limited
7.	Clean Max Enviro Energy Solutions Private Limited
8.	AMP Energy Green Nine Private Limited
9.	ReNew Power Private Limited
10.	Gujarat Urja Vikas Nigam Limited
11.	Continuum Wind Energy (India) Private Limited
12.	Indian Wind Power Association
13.	GE South Asia
14.	Torrent Power Limited



Annexure - II: List of Stakeholders participated in the public hearing

Sr. No.	Name of Stakeholders
1.	M/s Hindalco Industries Limited
2.	Reliance Industries Limited
3.	Prozeal Infra Engineering Private Limited
4.	Statkraft Markets Private Limited
5.	Clean Max Enviro Energy Solutions Private Limited
6.	AMP Energy Green Nine Private Limited
7.	ReNew Power Private Limited
8.	Continuum Wind Energy (India) Private Limited
9.	Splash Power Private Limited
10.	BEH Electric Private Limited
11.	GE Renewables
12.	GE South Asia
13.	GIPCL
14.	Torrent Power Limited
15.	Uttar Gujarat Vlj Company Limited
16.	Gujarat Energy Transmission Corporation Limited
17.	Gujarat Urja Vikas Nigam Limited

ANNEXURE P2 (COLLY)**List of DisPA Members**

S No.	Name & Address
1.	Amp Energy India 309, Rectangle One, Behind Sheraton Hotel, Saket, New Delhi, Delhi 110017
2.	Amplus Energy Solution Private Limited The Palm Square Golf Course Ext Rd Sec 66 Gurgaon, 122102 India Emaar MGF
3.	Cleanmax Solar 4th Floor, The International, 16 Maharshi Karve Road New Marine Lines, Cross Road, No.1, Churchgate, Mumbai, Maharashtra 400020
4.	Fourth Partner Energy Limited Fourth Partner House, Plot No: N46, House No: 4-9-10, (1st Left after HMT Nagar Arch), HMT Nagar, Hyderabad – 500 076
5.	Renew Power Private Limited Commercial Block-1, Golf Course Rd, DLF City, Zone 6, Sector 43, Gurugram, Haryana 122009
6.	Hero Future Energies Private Limited 202, Third Floor Okhla Industrial Estate ,Phase III New Delhi South Delhi 110020
7.	Surya Day Private Limited M-17,Fourth Floor, Main Market Greater Kailash, Part II New Delhi South Delhi DL 110048
8.	Sunaura Tecchnologies Private Limited A-57 DDA Okhla Indsutrial Phase II, New Delhi-110020
9.	Sunshot Technologies Private Limited B-312, GO SQUARE Corporate Park, Wakad Hinjwaja Road, Wakad, Pune-411057
10.	Kotak Power Private limited Peenaya Industrial Area, Bangalore-5660088 378,10th Cross 4th Phase
11.	Solartown Rnergy Solutions Private Limited Road Ravi Colony, St.Thomas Mount Chennai-600016 No.26 Paulwells
12.	Solfreedom Power Limited Village Rangpur, Distt. Kota-324002
13.	Ujaas Energy Limited 211/1. Opp Sector-C Metalman,Sanwar Road Industrial Area, Indore
14.	Sunterrace Energy Private Limited C-8/5 Ground Floor, DLF Phase I, Gurgaon

15.	Sunsource Energy Private Limited B-14 Sector-132, Greater Noida-201301
16.	Harsha Abakus NH-8A, Sarkhej-Bavla Road, P.O. Changodar, Ahmedabad 382213, Gujarat, India.
17.	Rays Power Experts 4th Floor Sheel Mohar Plaza, Yudhister Marg, C Scheme, Jaipur, Rajasthan 302001
18.	Cleantech Solar Dr Charat Singh Colony Rd, Dr. Charatsingh Colony, S B Singh Colony, J B Nagar, Andheri East, Mumbai, Maharashtra 400053
19.	Fortum India Pvt Ltd The Oberoi Centre, Building No 11, Level 6, DLF Cyber City Complex, Phase 2 Gurgaon 122002, Haryana, INDIA
20.	Everest solar Gat No. 152 Lakhmapur Taluka Dindori Nashik -422 202 Maharashtra.
21.	Enfinity Global

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List of DISPA members setting up hybrid project in Gujarat

S No.	Name & Address
1.	Amp Energy India 309, Rectangle One, Behind Sheraton Hotel, Saket, New Delhi, Delhi 110017
2.	Cleanmax Solar 4th Floor, The International, 16 Maharshi Karve Road New Marine Lines, Cross Road, No.1, Churchgate, Mumbai, Maharashtra 400020
3.	Renew Power Private Limited Commercial Block-1, Golf Course Rd, DLF City, Zone 6, Sector 43, Gurugram, Haryana 122009



CERTIFICATE OF REGISTRATION

Under Societies Registration Act XXI of 1860

Regn. No. S-E/ 1180 /Distt. South East /2017

I hereby certify that "DISTRIBUTED SOLAR POWER ASSOCIATION" located at. A-57, DDA SHEDS, OKHLA INDUSTRIAL PHASE-II, NEW DELHI-110020, has been registered under Societies Registration Act 1860.

Given under my hand and seal at Delhi on this 15th day of MAY Two Thousand Seventeen.

Fee of Rs. 50/-

SEAL




REGISTRAR OF SOCIETIES
SOUTH - EAST DISTRICT
GOVERNMENT OF NCT OF DELHI

*This document certifies registration under the Society Registration Act, 1860. However, any Govt. department or any other association / person may kindly make necessary verification (on their own) of the assets and liabilities of the society before entering into any contract

ANNEXURE P-3**GUJARAT WIND- SOLAR HYBRID
POWER POLICY- 2018**

Government of Gujarat
Energy and Petrochemicals Department

G.R. No: SLR/11/2017/141/B1

Sachivalaya, Gandhinagar

Date:20/06/2018

PREAMBLE

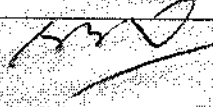
The State Government envisions a future with reduced dependence on fossil-based energy by promoting renewable energy sources. The Government recognizes that renewable energy can also significantly increase the State's and the Nation's energy security. Above all, it is the vision of the State Government to provide a clean and sustainable environment for its Citizens.

The State of Gujarat is blessed with a long coastline and good wind speeds for harnessing of the wind Energy potential of more than 80,000 MW. Gujarat is also rich in solar energy resource with substantial amounts of barren and uncultivable land, solar radiation in the range of 5.5-6 kilowatt-hour (kWh) per square meter per day, an extensive power network and utilities with one of the best operational efficiencies.

The State has taken several initiatives such as investor friendly solar and wind power policies, large scale solar parks' development, green energy corridor investment for power evacuation and power procurement through PPAs by DISCOMs to promote RE capacity addition, to meet the growing energy demand of the state in environmentally sustainable manner. As a result of this, so far wind capacity installation in excess of 5,500 MW and solar capacity installation around 1,650 MW has been achieved.

Solar and wind energy generations are almost complementary to each other and 'hybridization' of two technologies would help in minimizing the variability apart from optimally utilizing available infrastructure including land and transmission system.

Solar and wind power potential in Gujarat is concentrated mainly in Saurashtra, Kutchh and North Gujarat region. The existing wind farms have scope of adding solar PV capacity and similarly existing solar PV plants have potential to develop Wind capacity. Suitable policy



interventions are required not only for new wind-solar hybrid plants but also for encouraging hybridization of existing wind and solar plants.

Accordingly this Gujarat Wind- Solar Hybrid Power Policy-2018 ("Policy") aims to scale up installation of Wind & Solar Hybrid Power Projects(the "Hybrid Projects") in order to minimize the variability apart from optimally utilizing the required infrastructure including land and transmission system, and thus strengthening the energy security of the country.

OBJECTIVES:-

The main objectives of this Policy are:

1. To provide a framework for promotion of large grid-connected wind-solar PV hybrid systems for optimal and efficient utilization of the transmission infrastructure and land, and reducing the variability in renewable power generation thus achieving better grid-stability.
2. To encourage new technologies, methods and solutions to facilitate the combined operation of wind and solar PV plants and to promote the integration with emerging technologies like energy storage systems.

RESOLUTION

1. TITLE

This Policy shall be known as the "Gujarat Wind-Solar Hybrid Power Policy -2018".

2. OPERATIVE PERIOD

This policy shall come into effect from the date of issuance and shall remain in operation for a period of five (5) years from the date of its issuance.

The Wind Turbine Generator(s) /Solar PV Generation Project(s) developed during Operative Period of this Policy shall become eligible for the benefits and incentives declared under this Policy for a period of twenty five (25) years from the date of commissioning or the life span of such Wind Turbine Generator(s)/Solar Generation Project(s), whichever is earlier.

3. ELIGIBLE UNIT

Any individual, company or body corporate or association or body of individuals, whether incorporated or not, or artificial juridical person, shall be eligible for setting up of new wind-solar Hybrid Projects OR shall be eligible to add wind/solar capacity at their existing solar/wind power projects, respectively, either for the purpose of captive use and/or for selling of electricity, in accordance with the Electricity Act, 2003, as amended from time to time. The wind and solar generation may be metered separately at the pooling/sending end Sub-Station.

Note: The use of electricity for own consumption at his end use location/s by the owner of Hybrid Project shall be considered as Captive use. In case of Group Captive, 100 % of equity amount is to be invested/ held by Captive Users and they are required to consume entire generation in the ratio of their equity amount invested with a variation not exceeding 10 % in consumption on annual basis.

4. STATE GOVERNMENT FACILITATION & NODAL AGENCY

Gujarat Energy Developer Agency (GEDA) shall be the State Government Nodal Agency for facilitation and implementation of the Gujarat Wind-Solar Hybrid Power Policy-2018. The Nodal Agency shall facilitate and assist the Project Developers to undertake the activities in achieving the objectives of this Policy. Energy storage Technology will also be facilitated by the State Government.

5. IMPLEMENTATION STRATEGY:

5.1. For simplicity purpose, wind-solar hybrid power generation plants are divided into two categories:

i. Type-A Projects

This category includes conversion of existing/ under-construction wind or solar power plants into Hybrid Projects. Wind/ Solar capacity under construction shall be considered based on the Registration Certificate issued by GEDA/ evacuation permission granted by GETCO to the Solar/ Wind Project Developers before issuance of this Policy. The installed Wind/ Solar Capacity shall be considered based on Power Purchase Agreement (PPA)/ Wheeling Agreement capacity.

ii. Type-B Projects

This includes new wind-solar hybrid power generation projects which are not registered with GEDA or evacuation permission is not granted by GETCO till the date of issuance of this Policy.

5.2. The installation of wind-solar hybrid power generation system shall be with AC or DC integrated configurations as detailed below:

i. Type-A Projects (Existing Projects)

For Type-A Projects, only AC integration shall be permitted. The AC output of the both the wind and solar systems shall be integrated at the pooling/ sending-end sub-station as the case may be. Both wind and solar PV systems shall use separate set of internal electrical lines and equipment for connecting at pooling/sending-end sub-station of the Hybrid Project and will be mandatorily required to be metered separately in order to cater to separate RPOs. Further, suitable control equipment shall be deployed for controlling the power output of Hybrid Project.

ii. Type-B Projects (New Projects)

In the absence of a common RPO and tariff,

In this case, only AC integration shall be allowed. Separate electrical lines and meters need to be laid for wind and solar respectively until the pooling / sending-end substation of the hybrid project

In the presence of a common RPO and tariff,

In this case, AC or DC integration shall be allowed. Common electrical lines may be used up to the pooling substation of the hybrid project. DC integration shall be contingent to the availability of DC metering standards, which may be evolved in the due course of time.

Under all circumstances, the Developer shall lay a dedicated line for evacuation of power from the pooling/sending-end sub-station of Hybrid Project to the receiving end sub-station of GETCO as per system study undertaken by GETCO.

Energy injection from Wind & Solar capacity at receiving end of GETCO sub-station shall be worked out separately on basis of meter reading of common meter installed at receiving end sub-station appropriately apportioned as per the respective meter reading of wind and solar meters.

Important: It should be noted that separate metering for wind and solar plants may be required as there may be a tariff-related or renewable energy purchase (RPO) compliance-related implication. As on the date of the notification of this policy, there is no relevant DC metering standards identified. However, it is envisioned that in due course of time, during the Operative Period of this Policy, there would be conducive technical, commercial and regulatory developments that would promote DC integration of wind-solar hybrid plants by overcoming such issues (Refer Clause 9.4).

5.3. Hybridization of Type-A Projects(Existing Projects):

Existing wind power or solar power Projects Developers, willing to install solar PV plant or wind turbine generators, respectively, at the existing location to avail benefits under this Policy, shall be allowed to do so with following conditions:

- i. The total power injection (combined wind and solar) into the grid shall not be more than the transmission capacity/grid connectivity allowed/sanctioned by GETCO for this purpose. In case, addition/augmentation in the existing evacuation system is required as per the system study undertaken by GETCO due to addition of wind/ solar capacity, Developers shall undertake such addition/augmentation in the system up to the receiving end sub-station of GETCO at their own cost. However, the primary focus of this policy is to optimize the utilization of existing transmission infrastructure and technologies, and design approaches towards minimum augmentation is encouraged.
- ii. The solar/wind power generated from the Hybrid Project shall be measured separately at the pooling/sending-end sub-station and energy injection at the receiving end sub-station of GETCO shall be worked out on apportioned basis as per the common meter reading at the receiving end sub-station.

iii. The additional solar/wind power from the Hybrid Project may be allowed to wheel power for captive use or for sale of power to a third-party or sale to DISCOMs. For transmission and wheeling of power, the applicable charges and losses shall be as specified in this Policy.

iv. The Developers shall approach GETCO for determining the transmission capacity available to evacuate the additional wind/ solar power or any augmentation that may be required. GETCO shall provide the relevant data with regards to the transmission capacity utilization on its existing network.

5.4. Type-B Project (New Project)

i. The Developers of Hybrid Projects shall establish the evacuation line at their own cost up to the receiving end sub-station of GETCO.

ii. The solar/wind power generated from the Hybrid Project shall be measured/ apportioned at the pooling/sending-end sub-station, and energy injection at the receiving end sub-station of GETCO shall be worked out on apportioned basis as per the common meter reading at the receiving end sub-station.

iii. The Developer has option for wheeling of wind and solar power for their captive use or third-party sale or sale of power to the DISCOMs. For transmission and wheeling of power, the applicable charges and losses shall be as specified in the Policy.

iv. Hybrid Project Developer shall approach GETCO for evacuation system planning up to the receiving station.

For both Type-A and Type-B Hybrid Projects, the Developer shall ensure for capacity allocation/sanction of transmission capacity at least equal to installed capacity of wind or solar project, whichever is higher. In case, total injection of power from Hybrid Project exceeds such allocated/sanctioned transmission capacity, such power shall be considered as inadvertent flow of power and shall not be considered for commercial settlement.

6. CAPACITY INSTALLATION

- 6.1. Type-A (Existing Projects):** To develop additional solar capacity in wind power plant or vice-versa, participation is limited to only existing projects.
- 6.2. Type-B Projects (New Project):** The choice of capacity mix between wind and solar shall be at the discretion of the Developer or be as per individual schemes as notified by the State or Central Government from time to time.

7. WIND-SOLAR HYBRID SYSTEM & POWER EVACUATION

Wind-Solar Hybrid Power Generation System, or the Hybrid Project, means the system of combined generation of wind and solar power at existing or new solar/wind power projects (or) co-located where injection of wind or solar power is at the interconnection point of the pooling sub-station of existing wind farms/ sending-end sub-station of existing solar power installations.

Under the scheme of wind-solar hybrid power generation, wind and solar PV systems may be connected at the same inter connection point at pooling/sending-end sub-station. In order to achieve the benefits of hybrid plant in terms of optimal and efficient utilization of transmission infrastructure and better grid stability by reducing the variability in renewable power generation, it is desired that:

- i. At the locations of having good wind power potential, the solar PV capacity to be added as the solar-hybrid component could be relatively smaller.
- ii. Similarly, in case of the sites where the wind power density is relatively lower or moderate, the component of the solar PV capacity could be relatively on a higher side.
- iii. Evacuation capacity for the purpose of connectivity and injection of power shall be worked out as follows:
 - a. For Type-A Projects (Existing Projects) where (a) open access is already granted to the extent of rated capacity of transmission line/ sub-station of GETCO and injection of power from additional wind/ solar capacity to be set up,

is restricted up to rated capacity of transmission line/ sub-station of GETCO. The same shall be allowed without applicability of transmission charges on such additional capacity. However, the transmission losses and wheeling charges/losses shall be made applicable to such capacity as applicable to any other solar or wind project as the case may be. In case total hybrid generation exceeds the transmission capacity limit, it shall be considered as inadvertent injection of power for which no payment or credit shall be given or under any exigency which requires curtailment of generation, the generation from additional/new wind/ solar capacity shall be curtailed first.

- b. In the cases where (b) there is capacity margin in the existing transmission system/ sub-station of GETCO after taking into account open access already granted to the existing wind/solar project or any augmentation and strengthening of transmission system after receiving-end sub-station is undertaken by GETCO for allocation/sanction of transmission capacity for allowing additional wind/ solar capacity, the transmission charges and losses, and wheeling charges and losses shall be applicable on such additional sanctioned/allocated capacity as applicable to any other solar/ wind project as the case may be. However, if any augmentation in the existing transmission system is required due to addition of such solar/wind capacity, up to receiving end sub-station of GETCO, the same shall be undertaken by the Developers at its own cost.
- c. In case of Type-B Projects (New Projects), the Developer of Hybrid Project shall establish a dedicated line at its own cost for evacuation of power up to receiving end sub-station of GETCO as per system study undertaken by GETCO where the Project Developer desires to inject power in the State Grid. From there onwards, GETCO shall ensure transmission system and connectivity. Transmission charges shall be applicable on the basis of sanctioned/ allocated transmission capacity. However, Developer shall ensure that power injection shall never increase beyond sanctioned/allocated transmission

capacity. Transmission charges and losses, and wheeling charges and losses shall be applicable as applicable to any other open access for wind and solar projects.

8. TARIFF FOR SALE TO DISCOMS:

Distribution Licensees may purchase power from Hybrid Project, wind and solar separately as follows for meeting their RPOs:

8.1. In case of Type-A Project (Existing Project)

- i. The purchase of power from existing wind/solar capacity shall be in accordance with the respective PPAs with GUVNL.
- ii. The sale and purchase of power from additional/ new wind/solar capacity shall be at the tariff discovered through competitive bidding (reverse bidding wherever required) undertaken by DISCOMs separately for wind and solar power purchase.

8.2. In case of Type-B Project (New Project)

The purchase of wind/solar power shall be at the tariff discovered through competitive bidding (reverse bidding whenever required) undertaken by DISCOMs separately for wind and solar power purchase until a common tariff mechanism and RPO for the hybrid project is evolved. Once the common hybrid tariff has been evolved, the DISCOM shall conduct reverse bidding on a single common hybrid tariff.

9. METERING

- 9.1. Energy generation from wind/ solar capacity shall be measured separately at the pooling/sending-end sub-station on 15-minute time block by installing ABT compliant meters by the Project Developers. Further, ABT compliant meter shall be installed on each wind turbine/ solar project as per GERC regulations.
- 9.2. For the purpose of commercial settlement and energy accounting, the metering point shall be at the receiving end sub-station of GETCO. The injection of energy from wind/

solar capacity shall be worked out separately at the receiving end sub-station of GETCO on the basis of meter reading of common meter installed at receiving end sub-station appropriately apportioned as per the respective meter reading of wind and solar meters. .

9.3. In case of Type-A projects (Existing Projects) that have a PPA with GUVNL, the metering/injection point shall be at the receiving end sub-station of GETCO.

9.4. In case of Type-B Projects (New Projects) that are AC or DC integrated, the metering point shall be at the receiving end of the GETCO substation. Separate meters will be required to be installed for both wind and solar PV systems in view of the different tariffs and RPO. In the event that a common hybrid tariff and a common RPO is present, then a common meter for both wind and solar shall suffice. GETCO will be responsible for sealing and installing the meters.

9.5. For Type-A Projects (Existing Projects), both wind and solar PV systems shall use separate set of internal electrical lines and equipment, and connect to the pooling/sending-end sub-station of the Hybrid Project. The projects shall be mandatorily metered separately.

9.6. Internal connectivity between solar and wind capacity prior to pooling/sending-end sub-station shall be allowed for Type B Projects (New Projects) once a common RPO and hybrid tariff are present.

10. WHEELING OF ELECTRICITY

Wheeling of electricity generated from Hybrid Project to the desired location(s) within the State shall be allowed on payment of transmission charges and losses, and wheeling charges and losses as under:

10.1. The payment of transmission charges shall be applicable on sanctioned/allocated transmission capacity at the rate as applicable to any normal Open Access Consumer. The Developer shall be required to seek sanction and allocation of transmission capacity at least for installed capacity of the wind or solar capacity, whichever is higher. Transmission losses shall be applicable on energy feed-basis as applicable to any other wind or solar project.

10.2. For captive use: In case of injection at 66 KV and drawl at 11 KV voltage level, wheeling of electricity generated from the Hybrid Project to desired location(s) within the State shall be allowed on payment of transmission charges and transmission losses as stated above and 50% of wheeling charges and 50% of distribution losses of the energy fed to the grid at the receiving end sub-station of GETCO, as applicable to normal Open Access Consumers, and as amended by GERC from time to time.

10.3. For third-party sale: Wheeling of power for third-party sale from Hybrid Project shall be allowed on payment of transmission charges and losses as stated above. Wheeling charges and losses of energy fed to the grid as measured at receiving-end sub-station of GETCO shall be as applicable to normal Open Access Consumers. Set-off of wheeled energy at recipients' end shall be carried out in the same 15-minute time block. Further, concession of 50% of cross Subsidy Surcharge and Additional Surcharge, as applicable to normal Open Access Consumers, shall be given and the same shall be as amended by GERC from time to time.

10.4. Hybrid Project Developers, who desire to wheel electricity to more than one location for captive use/third-party sale, shall pay 5 paise per unit on energy fed in the grid as measured at receiving end sub-station of GETCO, to the concerned DISCOM in whose area power is consumed in addition to above mentioned transmission charges and losses, as applicable.

10.5. In case, total injection of power from the Hybrid Project exceeds such allocated/sanctioned transmission capacity, such power shall be considered as inadvertent flow of power and shall not be considered for any commercial settlement.

11. ENERGY ACCOUNTING

Energy accounting shall be as follows:

11.1, Case 1: If the Consumer does not claim the renewable attribute of wind/solar energy for meeting its Solar and Non-Solar RPO, energy injection worked out at the receiving end sub-station of GETCO shall be set-off against the consumption during the Consumer's billing cycle.

- i. For net import of power, DISCOM shall charge applicable tariff of respective category to the Consumer including fixed/ demand charge, energy charges, peak charge, other charges/ penalty etc. as applicable to other Consumers.
- ii. Surplus power, after giving set-off, shall be purchased by DISCOM at Average Pooled Power Purchase Cost (APPC) of the year of commissioning of project. Fixed/ demand charge, peak charge, other charges/ penalty, etc. shall be as applicable to other Consumers.
- iii. The entire generation shall be considered for fulfilling Solar and Non-solar RPO of the DISCOM.

11.2. Case 2 (a): If the Consumer claims the renewable attributes of solar/wind energy consumed for meeting its solar/non-solar RPO, then energy accounting shall be based on 15-minute time block-basis.

- i. For net import of power, the DISCOM shall charge applicable tariff of respective category to the Consumer including fixed/ demand charge, energy charges, peak charge, other charges / penalty, etc. as applicable to other Consumers.
- ii. Surplus power, after giving set off, shall be purchased by DISCOM at Average Pooled Power Purchase Cost (APPC) of the year of commissioning of the project. Fixed/ demand charge, peak charge, other charges / penalty, etc. shall be applicable to as applicable to other Consumers.
- iii. The surplus energy purchased shall be considered for fulfilling solar/non-solar RPO of the DISCOM.

11.3. Case 2 (b): If registered under REC mechanism and supply power within the State: Energy accounting shall be based on a 15-minute time block-basis.

- i. For net import of power, the DISCOM shall charge applicable tariff of respective category to the Consumer including fixed/ demand charge, energy charges, peak charge, other charges/ penalty, etc. as applicable to other Consumers.

- ii. Surplus power, after giving set off, shall be purchased by the DISCOM at 85% of Average Pooled Power Purchase Cost (APPC) of the year of commissioning of the project. Fixed/ demand charge, peak charge, other charges/ penalty, etc. shall be applicable to as applicable to other Consumers.

Provided that in case of Type-A Projects (Existing Projects), the energy accounting for consumption of power for captive consumption/third-party sale from existing wind/solar capacity shall be governed as per the respective policy/order of GERC as amended from time to time/wheeling agreement and if these provisions are different, the above provisions shall be applicable only for the wheeling of power from additional/new wind/solar capacity.

12. CONCESSIONAL BENEFITS & EXEMPTIONS

- 12.1. Electricity generated and consumed for self-consumption/ sale to third-party within the State shall be exempted from payment of electricity duty in accordance with the provisions of the Gujarat Electricity Duty Act, 1958 and its amendments from time to time.
- 12.2. Exemption from demand cut to the extent of 50% of installed capacity of Hybrid Wind-Solar Power Project in case of captive consumption and third-party sale within the State.

13. PROJECTS UNDER REC MECHANISM

Hybrid Projects availing open access for captive use/ third-party sale under REC mechanism shall be governed as per CERC REC Regulations.

Such projects shall be allowed to wheel the electricity on payment of applicable transmission charges/ losses, wheeling charges/ losses and other charges as applicable to other normal Open Access Consumers. Further, Cross Subsidy Surcharge and Additional Surcharge shall be applicable as applicable to normal Open Access Consumers.

14. RENEWABLE POWER PURCHASE OBLIGATION (RPO)

Obligated Entities have to abide by the GERC Regulations and Orders from time to time and GERC has been deciding the overall RPO and sub-category-wise procurement of renewable energy

from each renewable energy source. Obligated Entities may fulfill their RPO by purchasing wind/solar power at the tariff determined by GERC or tariff discovered through competitive bidding process/reverse competitive bidding process as the case may be undertaken separately for wind and solar keeping in view the interest of Consumers.

15. FORECASTING SCHEDULING

Hybrid Projects shall give their forecast and energy shall be scheduled for day-to-day operations, which shall be governed by regulations as passed and amended by GERC.

16. REACTIVE POWER

The drawl of reactive power shall be charged as per the GERC Orders, as amended from time to time.

17. OPERATION & MAINTENANCE

The operation and maintenance of dedicated evacuation line shall be carried out at the cost of the Developers of Hybrid Projects as per applicable technical standards and best practices.

18. RESTRICTIONS

18.1. Secondhand WTGs/ solar modules or other equipment shall not be eligible for installation under this Policy.

18.2. Only such WTGs that are approved either by Ministry of New and Renewable Energy (MNRE), Government of India shall be eligible.

18.3. For captive and third party models, the power contracted from the hybrid project shall be 50% of the sanctioned load of consumer for each solar and wind respectively. However, Consumers may set up Hybrid Project to extent of meeting RPO without limit of Contracted Demand/Sanctioned Load.

19. SHARING OF CLEAN DEVELOPMENT MECHANISM (CDM) BENEFIT

The Clean Development Mechanism (CDM) benefits shall be shared on net proceeds, starting from 100% to Developer in the first year after commissioning, and thereafter reducing by 10%

every year till the sharing becomes equal (50:50) between the Developer and the Power Procurer, in the sixth year. Thereafter, the sharing of CDM benefits shall remain equal till the time that benefit accrues.

Hybrid power projects availing CDM benefit shall share the net CDM proceeds annually as per above, by 31 March of every year with affidavit stating the annual energy generation (date of commissioning as starting point of the first year), CER/VER generated, gross receipts, and net receipts.

At the end of every financial year i.e. on 31st March, the Hybrid Project Developer shall share the net CDM proceeds, as per above provisions, annually and submit an affidavit to GUVNL/ DISCOM, stating the annual energy generation (date of commissioning as starting point of the first year), CER generated, gross receipts, and net receipts.

20. SECURITY DEPOSIT

The Hybrid Power Developer setting up new project (Type-B) shall be required to provide Bank Guarantee @ Rs. 3 lacs per MW to GETCO based on allotment of transmission capacity and in case the Developer fails to commission the Hybrid capacity within the time period mentioned hereunder, GETCO shall encash the Bank Guarantee.

Hybrid Capacity	Period of Commissioning of the entire allotted Capacity
1 MW to 100 MW	1.5 years from date of allotment of transmission capacity
101 MW to 200 MW	: 2 years from date of allotment of transmission capacity
201 MW to 400 MW	: 2.5 years from date of allotment of transmission capacity
401 MW to 600 MW	: 3.5 years from date of allotment of transmission capacity

Provided further that the Developer shall commission new Hybrid capacity at least 10% of the allotted capacity within one month of charging of evacuation line, failing which, the Developer shall be

liable to pay long term transmission charges for 10% of allotted capacity till such 10% of allotted capacity is commissioned.

21. REGULATION

The Hon'ble Gujarat Electricity Regulatory Commission shall be guided by this Policy while framing its rules, regulations and orders.

22. MID TERM REVIEW

The State Government may undertake a mid-term review of this policy as and when the need arises in view of any technological change or to remove any difficulties or inconsistencies with the Electricity Act 2003, as amended from time to time.

23. POWER TO REMOVE DIFFICULTIES

If any difficulty arises in giving effect to this policy, the State Government may issue clarification/ interpretation to remove such difficulties either on its own motion or based on representations from stakeholders.

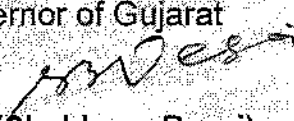
24. POWER TO INTERPRET

If there is any confusion or dispute about the meaning, intent or purpose of any provision of this Policy, the interpretations given by Energy & Petrochemicals Department, Government of Gujarat shall be final and binding to all concerned.

Notwithstanding anything contained in this resolution, the provisions of the Electricity Act- 2003 and GERC Order(s) as issued from time to time, shall prevail, for the purpose of the implementation of this policy.

This issues with the concurrence of the Finance Department dated 16-10-2017 & 21-4-2018 on the Department's file of even number.

By order and in the name of Governor of Gujarat


(Shobhana Desai)

Additional Secretary to The Government of Gujarat
Energy & Petrochemicals Department

Copy To :-

- o *The Principal Secretary to H.E. The Governor of Gujarat, Raj Bhavan, Gandhinagar.
- o The Principal Secretary to Hon. Chief Minister, Sachivalaya, Gandhinagar.

- The P.S. to Hon. Dy. Chief Minister, Sachivalaya, Gandhinagar.
- The P.S. to Hon. Minister (Energy), Sachivalaya, Gandhinagar.
- The P.S. to Hon. MoS (Energy), Sachivalaya, Gandhinagar.
- The Secretary, Ministry of Power, Govt. of India, Shram Shakti Bhavan, New Delhi.
- The Secretary, Ministry of New & Renewable Energy, CGO Complex, New Delhi.
- The Secretary, Central Electricity Regulatory Commission, New Delhi.
- The Chairman, Central Electricity Authority, New Delhi.
- The Deputy Secretary to Chief Secretary, Sachivalaya, Gandhinagar.
- *The Secretary, GERC, Gift City, Gandhinagar.
- *The Registrar, Gujarat High Court, Ahmedabad.
- *The Secretary, Vigilance Commission, Gandhinagar.
- The Additional Chief Secretary, Finance Department, Sachivalaya, Gandhinagar.
- The Principal Secretary, Climate Change Department, Sachivalaya, Gandhinagar.
- *The Secretary, Gujarat Legislature Secretariat, Sachivalaya, Gandhinagar.
- The Resident Commissioner, Gujarat State, New Delhi.
- The Account General, Ahmedabad/ Rajkot.
- All Departments of Secretariat, Sachivalaya, Gandhinagar.
- All Branches of Energy & Petrochemicals Department.
- The Chairman, Power Finance Corp. Ltd, New Delhi.
- The Chairman & Managing Director, Gujarat Power Corp. Ltd, Gandhinagar.
- The Managing Director, Gujarat Urja Vikas Nigam Ltd, Vadodara.
- The Managing Director, Gujarat State Electricity Corp. Ltd, Vadodara.
- The Managing Director, Gujarat Electricity Transmission Corp. Ltd, Vadodara.
- The Managing Director, Uttar Gujarat Vij Company Ltd, Mehsana.
- The Managing Director, Madhya Gujarat Vij Company Ltd, Vadodara.
- The Managing Director, Daxin Gujarat Vij Company Ltd, Surat.
- The Managing Director, Paschim Gujarat Vij Company Ltd, Rajkot.
- The Director, Gujarat Energy Development Agency, Gandhinagar.
- The Chief Electrical Inspector & Collector of Electricity Duty, Gandhinagar.
- The Chief Executive Officer, Torrent Power Ltd, Lal Darwaja, Ahmedabad.
- The Managing Director, Gujarat Paguthan Energy Corporation Pvt. Ltd., Ashram Road, Ahmedabad.
- The National Thermal Power Corp. Ltd, Zapor, Gandhar, Dist. Bharuch.
- The National Thermal Power Corp. Ltd, Kawas, Hazira, Gandhar, Dist. Surat.
- *By Letter.

ANNEXURE P-4 (COLLY)

E. No. 283/18/2020-GRID SOLAR

भारत सरकार / Government of India

नवीन और नवीकरणीय ऊर्जा मंत्रालय/ Ministry of New & Renewable Energy (MNRE)

ग्रिड सौर ऊर्जा प्रभाग / Grid Solar Power Division

Block No. 14, C.G.O. Complex,
Lodhi Road, New Delhi - 110003Dated: 12th May, 2021**OFFICE MEMORANDUM****Sub: Time-extension in Scheduled Commissioning Date of Renewable Energy (RE) Projects considering disruption due to the second surge of COVID-19**

1. Reference is invited to this Ministry's O.M. No. 283/18/2020-GRID SOLAR dated 13.08.2020, providing for a blanket time-extension of 5 (five) months for Renewable Energy (RE) projects on account of COVID-19 and the associated lockdown. Vide subsequent clarifications of even no. dated 09.02.2021 and 30.03.2021 it was communicated that further time-extension beyond 5 (five) months can be granted by implementing agencies in exceptional cases. However, for any time-extension totalling beyond 6 (six) months, a reference shall be made to MNRE.
2. Representations have again been received in the Ministry for seeking time-extension on the grounds that there has been resurgence of COVID-19, leading to several States/UTs issuing instructions restricting mobility of people.
3. In partial modification to MNRE's earlier O.M. dated 30th March 2021, the total time-extension on account of first wave of COVID-19 shall be restricted to 6 (six) months, including the 5 (five) months blanket time-extension already granted by MNRE. No further time-extension shall be considered on this account.
4. Requests for time-extension on account of resurgence of COVID-19 and subsequent issuance of instructions by States/UTs restricting mobility of people have been carefully examined in the Ministry. It is noted that while there are no Central Government instructions for a countrywide lockdown, since beginning of April 2021 several States/UTs have taken various measures like night curfew, imposition of section 144, weekend lockdown, etc which may have affected RE projects. As a measure of relief to RE projects so that they can deal with difficulties arising out of the restrictions imposed on account of the second COVID-19 surge, it has been decided that RE projects, being implemented through Implementing Agencies designated by the MNRE or under various schemes of the MNRE, having their Scheduled Commissioning Date (SCD) on or after 1st April 2021 will be eligible to claim time-extension for completion of their project activities, provided such time-extensions are not used as a ground for claiming termination of Power Purchase Agreement (PPA) or for claiming any increase in the project cost. The actual quantum of time-extension shall be decided in due course depending on the COVID-19 related developments that take place in the coming weeks.
5. In view of above, the undersigned is directed to state that:
 - a) RE projects, being implemented through Implementing Agencies designated by the MNRE or under various schemes of the MNRE, having their Scheduled Commissioning Date (SCD) on or after 1st April 2021 after considering the time extension mentioned at Para-3 above, can apply to the concerned implementing agency for claiming time-extension in project commissioning.

- b) While applying for such time-extension, RE developers shall undertake that the time-extension shall not be used as a ground for claiming termination of Power Purchase Agreement (PPA) or for claiming any increase in the project cost, including Interest During Construction (IDC) or upward revision of tariff.
 - c) If the conditions above are satisfied, then no other supporting documents will be required for granting time-extension.
 - d) On receipt of an application for time-extension, implementing agency shall not initiate any coercive action on the project for recovery of penalty on delayed commissioning, till the time-extension request is decided upon.
 - e) Within the extended time provided for commissioning, intermediate milestones of RE projects, scheduled for completion on or after 1st April 2021 after considering the time extension mentioned at Para-3 above, shall also be commensurately extended.
 - f) Developers shall pass on the benefit of time-extension to other stakeholders down the value chain including EPC contractors, material/ equipment suppliers, OEMs, etc.
6. As stated earlier, the quantum of time extension to be granted in above manner will be notified separately by the MNRE.
7. This issues with the approval of Hon'ble Minister (NRE & Power).



(Sanjay G. Karndhar)
Scientist-D

Tel: 011-24363498, Email: karndhar.sg@nic.in

To:

1. Chairman & Managing Director, Solar Energy Corporation of India Limited (SECI), Plate-B, 6th Floor, Tower 2, NBCC Office Block, East Kidwai Nagar, New Delhi-110023.
2. Chairman & Managing Director, NTPC Limited, NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi.
3. Chairman & Managing Director, NHPC Limited, N.H.P.C Office Complex, Sector-33, Faridabad, Haryana.

Copy to:

1. Addl. Chief Secretaries / Pr. Secretaries / Secretaries of Power / Energy / Renewable Energy Departments of State Governments/ UT Govts./ Administrations for considering to issue similar instructions for RE projects under them, based on their specific circumstances.
2. NIC, MNRE, for uploading on MNRE website for dissemination of information.

Copy for internal circulation:

1. PS to Hon'ble Minister (NRE & Power) / Sr. PPS to Secretary, MNRE / Sr. PPS to AS/ JS (AKS)/ JS (BPY) / JS (DDJ)/ JS&FA / All Group Heads and Division Heads in MNRE

F. No. 283/18/2020-GRID SOLAR

भारत सरकार / Government of India

नवीन और नवीकरणीय ऊर्जा मंत्रालय / Ministry of New & Renewable Energy (MNRE)

ग्रिड सौर ऊर्जा प्रभाग / Grid Solar Power Division

Block No. 14, C.G.O. Complex,
Lodhi Road, New Delhi - 110003

Dated: 29th June, 2021

OFFICE MEMORANDUM

Sub: Time-extension in Scheduled Commissioning Date of Renewable Energy (RE) Projects considering disruption due to the second surge of COVID-19

1. Reference is invited to this Ministry's O.M. No. 283/18/2020-GRID SOLAR dated 12th May, 2021, providing for a mechanism for claiming time-extension, on account of second surge of COVID-19, for RE projects, being implemented through Implementing Agencies designated by MNRE or under various schemes of MNRE and having their Scheduled Commissioning Date (SCD) on or after 1st April, 2021.
2. It was also provided that the quantum of time-extension to be granted in this manner will be notified separately by MNRE.
3. In this regard it has been noted that with the improvement in the COVID-19 situation in the country, many States/UTs have begun the process of unlocking. Broadly, the period of disruption due to second surge of COVID-19 seems to be from 1st April, 2021 to 15th June, 2021.
4. It has also been noted that activities related to RE projects are covered under essential activities, and are allowed to continue even during the lockdown situations.
5. However, in order to facilitate the ease of doing business and as a measure of relief to RE projects so that they can deal with difficulties arising out of the restrictions imposed on account of the second COVID-19 surge, it has been decided that the entire period of disruption i.e. 1st April, 2021 to 15th June, 2021 (both dates inclusive), can be allowed as time-extension to RE projects, being implemented through Implementing Agencies designated by the MNRE or under various schemes of MNRE, following the process stated in MNRE's O.M. No. 283/18/2020-GRID SOLAR dated 12.05.2021.
6. This issues with approval of Hon'ble Minister (NRE & Power).


(Mohd Azmal Mansoori)
Scientist-B

Email: azmal.mnre@gov.in

To

1. Chairman & Managing Director, Solar Energy Corporation of India Limited (SECI), Plot-B, 8th Floor, Tower 2, NBCC Office Block, East Kidwai Nagar, New Delhi-110023.
2. Chairman & Managing Director, NTPC Limited, NTPC Bhawan, Scope Complex, Institutional Area, Lodhi Road, New Delhi.
3. Chairman & Managing Director, NHPC Limited, N.H.P.C. Office Complex, Sector-33, Faridabad, Haryana.

Copy to:

1. Addl. Chief Secretaries / Pr. Secretaries / Secretaries of Power / Energy / Renewable Energy Departments of State Governments/ UT Govts./ Administrations for considering to issue similar instructions for RE projects under them, based on their specific circumstances.
2. NIC, MNRE, for uploading on MNRE website for dissemination of information

Copy for internal circulation: PS to Hon'ble Minister (NRE & Power) / Sr. PPS to Secretary, MNRE / Sr. PPS to AS/ JS (AKS)/ JS (BPY) / JS (DDJ)/ JS&FA / All Group Heads and Division Heads in MNRE

F. No. 283/18/2020-GRID SOLAR

भारत सरकार / Government of India

नवीन और नवीकरणीय ऊर्जा मंत्रालय/ Ministry of New & Renewable Energy (MNRE)

ग्रिड सौर ऊर्जा प्रभाग / Grid Solar Power Division

Block No. 14, C.G.O. Complex,
Lodhi Road, New Delhi – 110003

Dated: 15th September, 2021

OFFICE MEMORANDUM

Sub: Time Extension in Scheduled Commissioning Date of Renewable Energy (RE) Projects considering disruption due to second surge of COVID-19: Clarification – reg.

Ref: (i) MNRE's O.M. of even no. dated 12.05.2021

(ii) MNRE's O.M. of even no. dated 29.06.2021

1. On account of First Wave of COVID-19 in 2020 and the consequent nation-wide lockdown, based on the directions of Ministry of Finance, MNRE vide its O.M. of even no. dated 13.08.2020, had granted a blanket time-extension of 5 months without any pre-requisite conditions attached to such extension.
2. During the 2nd wave of COVID-19 in 2021, there was no nation-wide lockdown and conditions of restriction in movement of goods/ people and other similar hardships, varied from place to place. There were no directions issued from Ministry of Finance to provide any time-extension. Despite that, to facilitate RE projects, a time-extension of 2.5 months (corresponding to the period from 1st April, 2021 to 15th June, 2021), was granted by MNRE in respect of 2nd wave of COVID-19 in 2021, vide OMs dated 12.05.2021 and 29.06.2021, subject to the condition that the RE developer desirous of seeking such time-extension (2.5 months on account of 2nd wave of COVID-19) shall give an undertaking that the said time-extension (of 2.5 months) shall not be used as a ground for claiming termination of Power Purchase Agreement (PPA) or for claiming any increase in the project cost, including Interest During Construction (IDC) or upward revision of tariff.
3. Subsequently, it was pointed out to MNRE that many RE Project Developers are in dilemma that on submission of aforesaid undertaking, they will have to relinquish their right to claim reimbursement under change-in-law provision under the PPA and MNRE was requested to provide clarity on this issue.
4. The aforesaid request has been examined in MNRE and following is hereby clarified:
 - a) The time-extension given vide MNRE's OMs dated 12.05.2021 and 29.06.2021, referred at (i) and (ii) above respectively, is an out-of-contract concession extended by MNRE to facilitate Renewable Energy projects. This time-extension is optional and can be claimed by Renewable Energy Project Developers/ EPC



contractors provided they do not claim any increase in project cost on account of this time extension of 2.5 months. This increase in project cost includes any possible impact due to any change-in-law event which would not have been there had this optional time-extension was not claimed.

- b) RE developers shall have the option of not claiming the time-extension as per MNRE's O.M.s dated 12.05.2021 and 29.06.2021 referred at (i) and (ii) above respectively, but approaching the appropriate forum as per their respective PPAs, for claiming appropriate time-extension as may be admissible.

5. These issues with the approval of Hon'ble Minister (NRE & Power).


 15/03/21
 (Mohd Azmal Mansoori)
 Scientist-B
 Email: azmal.mnre@gov.in

To:

1. The Managing Director, Solar Energy Corporation of India Limited (SECI), Plate-B, 6th Floor, Tower 2, NBCC Office Block, East Kidwai Nagar, New Delhi-110023.
2. Chairman & Managing Director, NTPC Limited, NTPC Bhawan, Scope Complex, 7, Institutional Area, Lodhi Road, New Delhi.
3. Chairman & Managing Director, NHPC Limited, N.H.P.C Office Complex, Sector-33, Faridabad, Haryana.

Copy to:

1. Addl. Chief Secretaries / Pr. Secretaries / Secretaries of Power / Energy / Renewable Energy Departments of State Governments/ UT Govts./ Administrations
2. NIC, MNRE, for uploading on MNRE website for dissemination of information

Copy for internal circulation:

PS to Hon'ble Minister (NRE & Power) / PS to Hon'ble MoS (NRE)/ Sr. PPS to Secretary, MNRE / JS (AKS)/ JS (DDJ)/ JS&FA / All Group Heads and Division Heads in MNRE

135

ANNEXURE P-5

F. No. 238/78/2017-Wind
Ministry of New and Renewable Energy
Government of India

Block No. 14, CGO Complex
Lodhi Road, New Delhi – 110043
Dated: 14th October 2020

To,

Shri J N Swain
Managing Director
Solar Energy Corporation of India (SECI)
1st Floor, D-3, A Wing, Religare Building
District Centre, Saket, New Delhi – 110017

Subject: Guidelines for Tariff Based Competitive Bidding Process for procurement of power from Grid Connected Wind Solar Hybrid Projects – Reg.

Sir,

The Government has issued Wind-Solar Hybrid Policy on 14.05.2018 which was with the objective to provide a framework for promotion of large grid connected wind-solar PV hybrid system for optimal and efficient utilization of transmission infrastructure and land, reducing the variability in renewable power generation and achieving better grid stability.

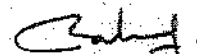
2. Subsequently, a scheme for setting-up of 2500 MW wind-solar hybrid power projects was sanctioned on 25.05.2018 for procurement of hybrid power at a tariff discovered through transparent process of bidding by Solar Energy Corporation of India (SECI). The wind solar hybrid projects of 1440 MW capacity have been awarded by SECI till date, under the above scheme.

3. As a step toward ensuring availability of renewable energy to DISCOMs at competitive rates, I am directed to issue the Guidelines for procurement of Wind- Solar Hybrid power through Tariff Based Competitive Bidding Process (annex). These Guidelines would be applicable for wind solar hybrid bids, till notification of unified Guidelines. The brief of these Guidelines is as under:

- i. **The objective** is to provide a framework for procurement of electricity from ISTS Grid Connected Wind-Solar Hybrid Power Projects (hereafter termed as 'Hybrid Power Project') through a transparent process of bidding.
- ii. **Capacity limits:** Individual minimum size of project allowed is 50 MW at one site and a single bidder cannot bid for less than 50 MW. Further, the rated power capacity of one resource (wind or solar) shall be at least 33% of the total contracted capacity.
- iii. **The arrangement for implementation shall be as under:**
 - a. SECI will be the nodal agency for implementation of these Guidelines.
 - b. The selection of the Hybrid Power Projects will be through a transparent e-bidding process followed by e-reverse auction.
 - c. The solar and wind projects may be located at same or different locations.
 - d. Storage may be added to the Hybrid power project

- e. The power procured from the project may be used for fulfilment of solar RPO and non-solar RPO in the proportion of rated capacity of solar and wind power in the plant respectively.
 - f. Unless explicitly specified in these Guidelines, the provisions of these Guidelines shall be binding on the Procurer and SECI.
 - g. The Intermediary Procurer, i.e. SECI, shall enter into a Power Purchase Agreement (PPA) with the Hybrid Power Generator(s) and also enter into a Power Sale Agreement (PSA) with the distribution licensee(s) / consumer(s). The PSA shall contain the relevant provisions of the PPA on a back to back basis. In case SECI is not able to enter into a PSA to sell power from projects awarded to distribution licensee(s) or bulk consumers within six months from issue of letter of award, those projects would be cancelled.
 - h. The duration of the PPA period should not be less than 25 years from the Scheduled Commissioning Date (SCD).
 - i. SECI may charge a trading margin of seven paise/kWh from the Buying entity / Procurer for purchase and sale of the hybrid power.
 - j. The bidders may avail fiscal and financial incentives available for such projects as per prevailing conditions and Rules, and the same may be disclosed by the SECI in the Request for Selection (RfS) document.
 - iv. **The Guidelines** for transparent bidding process, as required under Section 63 of the Electricity Act, 2003, are enclosed at annex.
 - v. **Role of SECI:** SECI will be the nodal agency for implementation. In accordance with these Guidelines, SECI will conduct e-bidding process, followed by e-reverse auction for eligible bidders and develop a suitable mechanism for monitoring the performance/ commissioning of the Projects.
 - vi. **Role of State Nodal Agencies (SNAs):** The State Nodal Agencies appointed by respective State Governments will provide necessary support to facilitate the required approvals and sanctions in a time bound manner so as to achieve commissioning of the projects within the scheduled timeline.
 - vii. **Power to remove Difficulties:** If any difficulty arises in giving effect to any provision of these Guidelines or interpretation of the Guidelines or modification to the Guidelines, Ministry of New & Renewable Energy is empowered to do the same, with the approval of Minister, New & Renewable Energy. The decision in this regard shall be binding on all the parties concerned.
4. This Issues with the approval of the Competent Authority.

Yours faithfully



(Dr. Rahul Rawat)
Scientist – C

Ph: 011-24363402

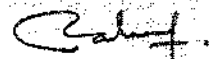
E-mail: rahul.mnre@gov.in

Copy for information to:

1. Secretary, Ministry of Power, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110001
2. Chairman, Central Electricity Authority (CEA), Sewa Bhawan, R K Puram, New Delhi - 110066
3. Chairman & Managing Director, PGCIL, Gurgaon
4. Principal Director of Audit, Scientific Audit - II, DGACR Building, IP Estate, New Delhi - 110002
5. All State / UT Energy/Power/New & Renewable Energy Secretaries
6. Secretary, CERC/SERCs
7. All State Nodal Agencies
8. All Discoms

Internal Distribution:

1. PS to Hon'ble Minister
2. Sr. PPS to Secretary
3. All Group Heads/Advisors, MNRE
4. Director, NIC to upload the Guidelines on MNRE website
5. Sanction Folder



Annex

Guidelines for Tariff Based Competitive Bidding Process for procurement of power from Grid Connected Wind Solar Hybrid Projects

1. BACKGROUND

1.1. It has been established that combining different sources of renewable energy reduces their individual variability and gives better output. It also results in more efficient utilization of transmission infrastructure and land resource. It is common knowledge that wind is better during morning and evening or night, complementing solar energy which peaks during day time. Hybrid projects backed by storage facility can further enhance the quality of RE power.

1.2. MNRE issued Wind-Solar Hybrid Policy on 14.05.2018 (and issued amendment on 11.10.2018) with the objective to provide a framework for promotion of large grid connected wind-solar PV hybrid system for optimal and efficient utilization of transmission infrastructure and land, reducing the variability in renewable power generation and achieving better grid stability.

1.3. Subsequently, a scheme for setting-up of 2500 MW wind-solar hybrid power projects was sanctioned on 25.05.2018 for procurement of hybrid power at a tariff discovered through transparent process of bidding by Solar Energy Corporation of India (SECI). Under the above scheme, Wind Solar hybrid projects of 1440 MW capacity have been awarded by SECI.

1.4. Section 63 of Electricity Act, 2003 promotes the competition in electricity sector and provides for adoption of the tariff by the Appropriate Commission if the same has been determined through transparent process of bidding in accordance with the guidelines issued by the Central Government. The National Tariff Policy notified on 28 January 2016 also encourages the procurement of renewable power through competitive bidding to discover market based tariff. These Guidelines will provide framework for transparent bidding process, as required under Section 63 of the Electricity Act, 2003.

1.5. SECI will be the nodal agency for implementation of these Guidelines. SECI will conduct e-bidding process followed by e-reverse auction for eligible bidders in accordance with the guidelines and also develop a suitable mechanism for commissioning and performance monitoring of projects.

2. OBJECTIVES OF GUIDELINES

2.1. The specific objectives of these Guidelines are as follows:

- a. To promote competitive procurement of electricity from grid connected wind solar hybrid power projects (hereafter termed as 'Hybrid Power Project'), by distribution licensees, to protect consumer interests;
- b. To facilitate transparency and fairness in procurement processes / and to provide for a framework for an Intermediary Procurer as an Aggregator/Trader for the inter-state sale-purchase of long term power.
- c. To provide a risk-sharing framework between various stakeholders, involved in the wind solar hybrid power procurement, thereby encouraging investments, enhanced bankability of the Projects and profitability for the investors.

3. APPLICABILITY OF GUIDELINES

3.1. These Guidelines are being issued under the provisions of Section 63 of the Electricity Act, 2003 for long-term procurement of electricity through competitive bidding process, by Procurer(s), from Hybrid Power Projects having individual size of 50 MW and above at one site with minimum bid capacity of 50 MW, subject to the condition that the rated power capacity of one resource (wind or solar) shall be at least 33% of the total contracted capacity.

3.2. The solar and wind projects of the hybrid project may be located at same or different locations. The minimum capacity to be injected at each injection point shall be 50 MW.

3.3. Storage may be added to the hybrid power project:

- a. to reduce the variability of output power from wind solar hybrid project;
- b. providing higher energy output for a given capacity (bid/ sanctioned capacity) at delivery point, by installing additional capacity of wind and solar power in a wind solar hybrid project;
- c. to ensure availability of firm power for a particular period.

3.4. Unless explicitly specified in these Guidelines, the provisions of these Guidelines shall be binding on the Procurer and Intermediary Procurer. The process to be adopted in event of any deviation proposed from these Guidelines is specified in Clause 23 of these Guidelines.

3.5. The power procured from the project may be used for fulfilment of solar and non-solar RPO in the proportion of rated capacity of solar and wind power in the plant respectively.

4. EXPLANATION / DEFINITION:

a. **Procurer(s):** The term 'Procurer(s)', as the context may require, shall mean the distribution licensee(s), or an Intermediary procurer.

b. Intermediary Procurer

- i. An intermediary, between the distribution licensee(s) and the Hybrid Power Generator(s) (HPG) is required to aggregate hybrid power to be purchased from different generators and sell it to the distribution licensee(s)/ customer(s), or to enhance the credit profile. The 'Intermediary Procurer' shall buy power from the Hybrid Power Generator(s) and sell the same to one or more distribution licensees and shall carry out the bidding as per provisions of these Guidelines. Solar Energy Corporation of India Ltd. (SECI) will be intermediary procurer under these Guidelines.
- ii. The Intermediary Procurer shall enter into a Power Purchase Agreement (PPA) with the Hybrid Power Generator(s) and also enter into a Power Sale Agreement (PSA) with the distribution licensee(s) / consumer(s). The PSA shall contain the relevant provisions of the PPA on a back-to-back basis. The Intermediary Procurer may charge trading margin of seven paise/ kWh from the Buying entity / Procurer for purchase and sale of such power.
- iii. As long as the Intermediary Procurer follows these Guidelines for procurement of hybrid power, the distribution licensee(s) shall be deemed to have followed these Guidelines for procurement of hybrid power.

5. APPROPRIATE COMMISSION

5.1. Subject to the provisions of the Electricity Act, 2003, Appropriate Commission would be as under:

- a. In case the hybrid power projects is supplying power to Distribution licensee(s) of one State, the Appropriate Commission, for the purpose of these bidding Guidelines, shall be the State Electricity Regulatory Commission of the concerned State where the distribution licensee(s) is located.
- b. In case the hybrid power projects supplying power to Distribution licensee(s) of more than one State, the Appropriate Commission, for the purpose of these bidding Guidelines, shall be the Central Electricity Regulatory Commission.
- c. For cases involving sale of hybrid power from generating companies owned or controlled by Central Government, the Appropriate Commission shall be the Central Electricity Regulatory Commission.

6. PREPARATION FOR INVITING BID AND PROJECT PREPAREDNESS

The Intermediary Procurer shall meet the following conditions:

6.1. Bid Documentation:

It shall prepare the bid documents in accordance with these Guidelines and shall approach the Ministry for any deviations (if required) from these Guidelines.

6.2. Site-related project preparatory activities including clearances:

In order to ensure timely commencement of supply of electricity, the bidder would be required to submit documents in respect of matters as mentioned below, as per the time schedule specified in the bidding documents:

- a. Land acquisition: Submission of documents / Lease Agreement to establish possession and right to use 100 % (hundred per cent) of the required land in the name of the HPG for a period not less than the complete term of PPA, on or before the Scheduled Commissioning Date (SCD). Wherever leasing of private land is involved, the lease should allow transfer of land lease rights to the lenders or Procurer, in case of default of the HPG.
- b. No Objection Certificate (NoC)/ Environmental clearance (if applicable) for the Project.
- c. Forest Clearance (if applicable) for the Project.
- d. No objection certificate (NoC) from Ministry of Defence (if applicable).
- e. A letter from Central Transmission Utility (CTU) confirming technical feasibility of connectivity of the plant to CTU substation.
- f. Any other clearances (if any), as may be legally required.

7. BID STRUCTURE

7.1. Bid Size: A bidder is allowed to bid for a minimum 50 MW project at one site. The Procurer may also choose to specify the maximum capacity that can be allotted to a single bidder including its Affiliates. The maximum capacity for single bidder or company or group of companies may be fixed by the Procurer keeping in mind factors such as economies of scale, land availability, expected competition and need for development of the market.

7.2. Bidding Parameters: For procurement of wind solar hybrid power, the tariff quoted by the bidder shall be the bidding parameter. The Procurer may select either

of the following kinds of tariff based bidding: (a) fixed tariff in Rs./kWh for 25 years or more or (b) escalating tariff in Rs./kWh with pre-defined quantum of annual escalations fixed in Rs./kWh and number of years from which such fixed escalation will be provided. The procurer may also opt for e-reverse auction for final selection of bidders, in such a case, this will be specifically mentioned in the notice inviting bids and bid document. The procurer may disclose in the RfS, the prevailing incentives available to the HPGs.

8. POWER PURCHASE AGREEMENT

The draft PPA proposed to be entered into with the successful bidder and draft PSA shall be issued along with the RfS. Standard provisions to be incorporated as part of the PPA shall include *inter alia* the following, which, unless otherwise specified herein, shall be provided for, on a back to back basis in the PSA:

8.1. PPA Period: As the PPA period influences the tariff by determining the period over which the investment is returned to the investor/ Developer, longer PPA is favoured for lower tariffs. The PPA period should thus be not less than 25 (twenty-five) years from the date of the Scheduled Commissioning Date (SCD). The Generators are free to operate their plants after the expiry of the PPA period in case the arrangements with the land and infrastructure owning agencies, the relevant transmission utilities and system operators so provide.

8.2. CAPACITY UTILIZATION FACTOR (CUF):

8.2.1. The Generator(s) will declare the annual CUF of its Project at the time of bid submission and will be allowed to revise the same once within first three years of COD. Calculation of CUF will be on yearly basis from 1st April of the year to 31st March of next year. The declared annual CUF shall in no case be less than 30 *per cent*. The Generator(s) shall maintain generation so as to achieve annual CUF not less than 90% of the declared value (i.e. Minimum CUF) and not more than 120% of the declared CUF value (i.e. Maximum CUF), during the PPA duration of 25 years. The lower limit will, however, be relaxable to the extent of non-availability of grid for evacuation of hybrid power, which is beyond the control of the HPG. Energy supplied between COD and the commencement of first financial year after COD will not be taken into consideration for the purpose of calculation of CUF. Subsequently, the annual CUF will be calculated every year from 1st April of the year to 31st March next year.

8.2.2. In case the project supplies energy less than the energy corresponding to the minimum CUF, the HPG will be liable to pay to the Procurer, compensation for the shortfall in availability of energy. This will, however be relaxable to the extent of grid non-availability for evacuation, which is beyond the control of the Generator. The amount of such compensation will be calculated @ 50% (fifty *per cent*) of the PPA tariff for the shortfall in energy terms, in accordance with the terms of the PPA. Such compensation as recovered from the Generator shall be passed on by the Intermediary Procurer to the End Procurer.

8.2.3. In case of availability of energy more than the maximum annual CUF specified, Generator will be free to sell it to any other entity provided first right of refusal will vest with the Procurer(s). In case the Procurer purchases the excess generation, the same may be done at 75% (seventy-five *per cent*) of the PPA tariff, and provision to this effect shall be clearly indicated in the RfS document.

8.3. Repowering: The Hybrid Power Generator(s) will be free to re-power their plants during the PPA duration. However, after repowering, the minimum ratio of both the resources (wind & solar) shall be kept as per clause 3.1. Further, the Procurer will be obliged to buy power only as per terms of PPA and any excess generation will be dealt as specified in clause 8.2.3 of these Guidelines.

8.4. Payment Security: The Procurer(s) shall provide adequate payment security measures, as specified below:

a. Payment Security by Intermediary Procurer to the HPG: The Intermediary Procurer shall provide payment security to the HPG through:

- i. **Revolving Letter of Credit (LC)** of an amount not less than 1 (one) months' average billing from the Project under consideration;

AND

- ii. **Payment Security Fund**, which shall be suitable to support payment of at least 3 (three) months' billing of all the Projects tied up with such fund. For the purpose of this Payment Security Fund, the Intermediary may collect Rs 5.0 Lacs / MW (Five Lacs per MW) from Hybrid Power Generator(s). Such charges shall be stipulated clearly in the RfS and shall go to the Payment Security Fund set up for such Intermediary Procurer.

b. Payment Security by Distribution licensee to Intermediary Procurer: The Distribution licensee shall provide payment security to the Intermediary Procurer through:

- i. **Revolving Letter of Credit (LC)** of an amount not less than 1 (one) months' average billing from the Project(s) under consideration;

AND

- ii. **State Government Guarantee (or Tri-Partite Agreement)**, in a legally enforceable form, such that there is adequate security, both in terms of payment of energy charges and termination compensation if any.

For the purpose of this clause, the Tri-Partite Agreement (TPA) signed between Reserve Bank of India, Central Government and State Government shall qualify as State Government Guarantee covering the security for payment of energy charges.

The Intermediary Procurer shall ensure that upon invoking this guarantee, it shall at once, pass on the same to the Hybrid Power Generator, to the extent the payments to the Hybrid Power Generator in terms of the PPA are due.

Provided that where the End Procurer is not covered by the Tri-Partite Agreement and is not in a position to give the State Government Guarantee, the Revolving Letter of Credit may be for two months.

8.5. CHANGE IN LAW

8.5.1. In the event a change in Law results in any increase or decrease in the cost of generation, the said increase / decrease in cost shall be passed on in tariff in the following manner:

(a) For the purpose of ensuring that the pass through happens in an expeditious manner within 30 days of the Change in Law event, the following formula may be followed:-

Let Financial Impact of Change in Law = P;

Then, the modification in PPA tariff (M.T.) for compensating the financial impact is given by

$$M.T. = Y/X$$

Where, X = estimated monthly electricity generation (in kWh) = (1/12) [contracted capacity of the RE power plant as per PPA (in MW) × Annual CUF declared in PPA (in %) × 8760 hours × 10];

and

$$Y = [(P \times M_r) \{ (1 + M_r)^n \}] \div [\{ (1 + M_r)^n \} - 1]$$

where,

n = no. of months over which the financial impact has to be paid; and

M_r = monthly rate of interest = ; where R = annual rate of interest on loan component (in %) as considered by Central Electricity Regulatory Commission (CERC) in its Order for Tariff determination from Renewable Energy Sources for the year in which the project is commissioned. In absence of relevant CERC Orders for the concerned year, the interest rate shall be average interest rate plus 200 basis points above the average State Bank of India Marginal Cost of Funds based lending rate (MCLR of one year tenor) prevalent during the last available six months for such period.

Further, the M.T. shall be trued up annually based on actual generation of the year so as to ensure that the payment to the Generator is capped at the yearly annuity amount.

(b) The pass through according to the formula stipulated above shall be calculated and shall come into effect automatically after 30 days of the Change in Law event.

(c) Within 30 days of the pass through coming into effect the Generator/ Intermediary procurer/ Procurer shall submit the relevant documents/calculation sheets to the Appropriate Commission for truing up the rate of pass through per unit.

(d) The Appropriate Commission shall verify the calculation and do the truing up within 60 days of the pass through coming into effect after which the rates of pass through shall be adjusted if necessary according to the truing up.

8.5.2. In case change in Law / Regulations results in delay in commissioning, where cause and effect between these two can be clearly established, the Intermediary Procurer may provide suitable extension to commissioning of the project.

8.5.3. In these Guidelines, the term 'Change in Law' shall refer to the occurrence of the following events, after the last date of the bid submission, (i) the enactment of any new Law; or (ii) an amendment, modification or repeal of an existing Law; or (iii) the requirement to obtain a new consent, permit or license; or (iv) any modification to the prevailing conditions prescribed for obtaining a consent, permit or license, not owing to any default of the Generator; or (v) any change in the rates of any taxes which have a direct effect on the Project.

However, Change in Law shall not include any change in taxes on corporate income or any change in any withholding tax on income or dividends.

8.6. Force Majeure

The PPA shall contain provisions with regard to force majeure definitions, exclusions, applicability and available relief on account of force majeure, as per the industry standards. The HPG shall intimate the Procurer about the occurrence of force majeure within 15 (fifteen) days of the start of the force majeure and the Procurer shall take a decision on his claim within 15 days of the receipt of the intimation.

8.7. Offtake constraints due to Back down:

The Generator and the Procurer shall follow the forecasting and scheduling process as per the regulations in this regard by the Appropriate Commission. The Government of India, as per Clause 5.2(u) of the Indian Electricity Grid Code (IEGC), provides for status of "must-run" to solar power projects. Accordingly, no hybrid power plant, duly commissioned, should be directed to back down by a Discom/ Load Dispatch Centre (LDC). In case of Backdown, including non-dispatch of power due to non-compliance with "Order No. 23/22/2019-R&R dated 28.06.2019 of Ministry of Power regarding Opening and maintaining of adequate Letter of Credit (LC) as Payment Security Mechanism under Power Purchase Agreements by Distribution Licensees" and any clarifications or amendment thereto, the Power Generator shall be eligible for a Minimum Generation Compensation, from the Procurer, in the manner detailed below.

Duration of Backdown	Provision for Generation Compensation
Hours of Backdown during a monthly billing cycle.	Minimum Generation Compensation = 100% of [(Average Generation per hour during the month) (number of backdown hours during the month) x PPA Tariff] Where, Average Generation per hour during the month (kWh) = $\frac{\text{Total generation in the month (kWh)}}{\text{Total hours of generation in the month}}$

The Generation Compensation is to be paid as part of the energy bill for the successive month after receipt of Regional Energy Accounts (REA). No Trading Margin shall be applicable on this Generation Compensation. Possible conditions for exclusion of Generation Compensation, on account of Backdown purposes, shall be clearly specified in the RfS and the PPA.

No compensation shall be payable, however, if the backdown/ curtailment is on account of considerations of grid security/ safety. Such a backdown will be recorded and reported to RLDC/ NLDC. RLDC/ NLDC will examine the issue of grid safety/ security and give a finding that the issue of grid safety existed.

The details of back-down/ curtailment, including justifications for such curtailment, to be made public by the concerned Load Dispatch Centre.

8.8. Event of Default and the Consequences thereof

While detailed provisions with regard to the event of default of the concerned parties and its resulting consequences shall be detailed in the SBDs, this clause lays down the broad principles of contractually dealing with the default of the HPG and the Procurers.

8.8.1. Generator Event of Default and the consequences thereof:

- a. In the event the generator is unable to commission the plant within the stipulated time period, or fails to supply power in terms of the PPA, or assigns or novates any of its rights or obligations contrary to the terms of the PPA, or repudiates the PPA, or effectuates a change in control or shareholding of its promoters in breach of the provisions of the PPA, or commits any other acts or omissions as laid down in the PPA and is also unable to cure any of the aforesaid within the defined period, as may be provided in the PPA, the generator shall be construed to be in default.
- b. Upon being in default, the Generator shall be liable to pay to the Procurer, damages, as provided in these Guidelines in Clause 17.3 for failure to commission within stipulated time and Clause 8.2 for failure to supply power in terms of the PPA. For other cases, Generator shall pay to the Procurer, damages, equivalent to 6 (six) months, or balance PPA period whichever is less, of charges for its contracted capacity. The Procurer shall have the right to recover the said damages by way of forfeiture of bank guarantee, if any, without prejudice to resorting to any other legal course or remedy.
- c. In addition to the levy of damages as aforesaid, in the event of a default by the HPG, the lenders shall be entitled to exercise their rights of substitution, in accordance with the substitution agreement provided in the PPA and in concurrence with the Procurer. However, in the event the lenders are unable to substitute the defaulting generator within the stipulated period, the Procurer may terminate the PPA and acquire the project assets for an amount equivalent to 90% of the debt due, failing which, the lenders may exercise their mortgage rights and liquidate the project assets.

8.8.2. Procurer Event of Default and the consequences thereof:

- a. If the Procurer is in default on account of reasons including failure to pay the monthly and/or supplementary bills within the stipulated time period or repudiation of the PPA, the defaulting Procurer shall, subject to the prior consent of the HPG, novate its part of the PPA to any third party, including its Affiliates within the stipulated period.
- b. In the event the aforesaid novation is not acceptable to the HPG, or if no offer of novation is made by the defaulting Procurer within the stipulated period, then the HPG may terminate the PPA and at its discretion require the defaulting Procurer to either (i) takeover the Project assets by making a payment of the 'termination compensation' which will be equivalent to the amount of the 'debt due' and the 110% (one hundred and ten per cent) of the adjusted equity as defined below, less Insurance Cover if any or, (ii) pay to the Generator, damages, equivalent to 6 (six) months, or balance PPA

period whichever is less, of charges for its contracted capacity, with the Project assets being retained by the Generator.

- c. In the event of termination of PPA, any damages or charges payable to the STU/ CTU, for the connectivity of the plant, shall be borne by the Procurer.

Adjusted Equity means the Equity funded in Indian Rupees and adjusted on the first day of the current month (the 'Reference Date'), in the manner set forth below, to reflect the change in its value on account of depreciation and variations in Wholesale Price Index (WPI), and for any Reference Date occurring between the first day of the month of Appointed Date and the Reference Date;

- i. On or before COD, the Adjusted Equity shall be a sum equal to the Equity funded in Indian Rupees and expended on the Project, revised to the extent of one half of the variation in WPI occurring between the first day of the month of Appointed Date and Reference Date;
- ii. After COD, the Adjusted Equity hereunder shall be a sum equal to the Base Adjusted Equity, reduced by 0.333% (zero point three three per cent) thereof at the commencement of each month following the COD [*reduction of 1% (one percent) per quarter of an year*] and the amount so arrived at shall be revised to the extent of variation in WPI occurring between the COD and the Reference Date;
- iii. An amount equal to the Adjusted Equity as on COD shall be deemed to be the base (the 'Base Adjusted Equity').

For the avoidance of doubt, the Adjusted Equity shall, in the event of termination, be computed as on the Reference Date immediately preceding the Transfer Date; provided that no reduction in the Adjusted Equity shall be made for a period equal to the duration, if any, for which the PPA period is extended, but the revision on account of WPI shall continue to be made.

Debt Due means the aggregate of the following sums expressed in Indian Rupees outstanding on the Transfer Date:

- i. The principal amount of the debt provided by the Senior Lenders under the Financing Agreements for financing the Total Project Cost (the 'Principal') but excluding any part of the principal that had fallen due for repayment prior to the Transfer Date;
- ii. All accrued interest, financing fees and charges payable under the Financing Agreements on, or in respect of, the debt referred to in sub-clause (i) above until the Transfer Date but excluding (i) any interest, fees or charges that had fallen due one year prior to the Transfer Date, (ii) any penal interest or charges payable under the Financing Agreements to any Senior Lender (iii) any pre-payment charges in relation to accelerated repayment of debt except where such charges have arisen due to Utility Default, and (iv) any Subordinated Debt which is included in the Financial Package and disbursed by lenders for financing the Total Project Cost.

Provided that if all or any part of the Debt Due is convertible into Equity at the option of Senior Lenders and/or the Concessionaire, it shall for the

purposes of this Agreement be deemed not to be Debt Due even if no such conversion has taken place and the principal thereof shall be dealt with as if such conversion had been undertaken.

Provided further that the Debt Due, on or after COD, shall in no case exceed 80% (eighty percent) of the Total Project Cost.

9. BIDDING PROCESS

9.1. SECI shall call for the bids adopting a single stage bidding process to be conducted through Electronic mode (e-bidding). SECI shall adopt e-reverse auction. E-procurement platforms with a successful track record and with adequate safety, security and confidentiality features will be used.

9.2. SECI shall invite the bidders to participate in the RfS for installation of Hybrid Power Project(s) in terms of these Guidelines.

9.3. The bidding documents including the RfS and draft PPA shall be prepared by SECI in consonance with these Guidelines.

9.4. SECI shall publish the RfS notice on the Central Public Procurement Portal website and its own website, to accord wide publicity.

9.5. SECI shall provide opportunity for pre-bid conference to the prospective bidders, and shall provide written interpretation of the bid documents to any bidder which shall also be made available to all other bidders. All the concerned parties shall rely solely on the written communication. Any clarification or revision to the bidding documents shall be uploaded on the website of SECI for adequate information. In the event of the issuance of any revision or amendment of the bidding documents, the bidders shall be provided a period of at least 7 (seven) days therefrom, for submission of bids.

9.6. If the bids have already been invited prior to the notification of these Guidelines, and if there are any deviations between these Guidelines and the bidding documents, the bidding documents shall be amended as per these guidelines and the bidders shall be provided a period of at least 7 (seven) days therefrom, for submission of bids / revised bids.

10. RfS DOCUMENT

The standard provisions to be provided by the Procurer in the RfS shall include the following:

10.1. **Bid Responsiveness:** The bid shall be evaluated only if it is responsive and satisfies conditions including *inter-alia* ~

- a. bidder or any of its Affiliates is not a willful defaulter to any lender
- b. there is no major litigation pending or threatened against the bidder or any of its Affiliates which is of a nature that could cast a doubt on the ability or the suitability of the bidder to undertake the project
- c. performance of bidder is satisfactory in earlier project(s) awarded by SECI, if any.

10.2. Qualification requirements to be met by the bidders:

10.2.1. Technical Criteria:

The Government would like to encourage competition by way increased participation. However, in order to ensure proper implementation of the Projects, the Procurer may choose to specify Technical Criteria such as past experience of the bidders etc. Such criteria should be set after an assessment of the number of project developers that are expected to meet the criteria so that an adequate level of competition is achieved.

10.2.2. Financial Criteria:

a. Net-worth:

- i. SECI shall specify financial criteria in the form of net-worth as a part of the qualification requirement. The net-worth requirement should be at least 20% of the Estimated Capital Cost for project for the year in which bids are invited.
- ii. The net worth to be considered for the above purpose will be the cumulative net-worth of the bidding company or consortium, together with the net-worth of those Affiliates of the bidder(s) that undertake to contribute the required equity funding and performance bank guarantees in case the bidder(s) fail to do so in accordance with the RfS.
- iii. It is clarified that the net-worth to be considered for this clause will be the total net-worth as calculated in accordance with the Companies Act.

- b. **Liquidity:** It is necessary that the bidder has sufficient cash flow/ internal accruals/ any bank reference to manage the fund requirements for the project. Accordingly, SECI may also stipulate suitable parameters such as annual turnover, internal resource generation, bank references/ line of credit, bidding capacity, etc.

10.3. Quantum of the Earnest Money Deposit (EMD): SECI will specify the quantum of the Earnest Money Deposit (EMD) in the form of a bank guarantee or Letter of Undertaking (as given in para 14.3), to be furnished by the bidders. The EMD shall stand forfeited in the event of failure of the successful bidder to execute the PPA within the stipulated time period.

10.4. Compliance of Laws by foreign bidders: In case a Foreign Company is selected as the successful bidder, it shall comply with all the laws and provisions related to Foreign Direct Investment (FDI) in India.

11. BID SUBMISSION AND EVALUATION

11.1. Formation of consortium by bidders shall be permitted, in which case the consortium shall identify a lead member which shall be the contact point for all correspondences during the bidding process. SECI may specify technical and financial criteria, and lock in requirements for the lead member of the consortium.

11.2. SECI shall constitute committee for evaluation of the bids (Evaluation Committee), with at least three members, including at least one member with expertise in financial matters/ bid evaluation.

11.3. The bidders may be required to submit non-refundable processing fee as specified in the RfS.

11.4. The bidders shall be required to submit separate technical and price bids. Bidders shall also be required to furnish necessary bid-guarantee in the form of an EMD along with the bids.

11.5. The technical bids shall be evaluated to ensure that the bids submitted meet the eligibility criteria set out in the RfS document on all evaluation parameters. Only the bids that meet the evaluation criteria set out in the RfS shall be considered for further evaluation on the price bids.

11.6. To ensure competition, the minimum number of qualified bidders should be two. If the number of qualified bidders is less than two, even after three attempts of bidding, and the Procurer still wants to continue with the bidding process, the same may be done.

11.7. The price bid shall be rejected, if it contains any deviation from the bid conditions. No clarifications shall normally be requested from bidders at this stage.

11.8. Bid evaluation methodology: The comparison of bids shall be on the basis of the bidding criteria as specified in the RfS, i.e. the fixed tariff or the first year tariff. Ranking of the bidders will start from the bidder quoting the 'lowest tariff (L1)'. SECI may choose to define a band from L1 in terms of percentage of L1 within which they will accept bid offers.

11.9. The selection of all successful bidders would be on bucket filling approach starting with L1, till entire capacity for which the bid has been called for is full or the capacity corresponding to the upper limit for the band from the L1 tariff is reached, whichever is earlier. The detailed procedure for evaluation of the bid and selection of the bidder shall be provided for in the RfS.

12. INDICATIVE TIME TABLE FOR BID PROCESS

12.1. In the bidding process, a minimum period of 22 (twenty two) days shall be allowed between the issuance of RfS documents and the last date of bid submission. In normal circumstances, the bidding process is likely to be completed in a period of 110 (one hundred ten) days. The procurer may give extended timeframe than indicated in the table and this shall not be construed as deviation to the Guidelines. The indicative timetable for the bidding process is as below.

Tentative Time Table for Bid Process

Event	Time from Zero date
Date of issue of RfS and draft PPA and PSA	Zero date
Bid clarification, conferences, revision of RfS, etc.	**
RfS bid submission	22 days
Evaluation of bids and issue of LOI	110 days
Signing of PPA and the PSA	140 days

** In case of any change in RfS document, the Intermediary Procurer shall provide the bidders additional time in accordance with clause 9.5 and clause 9.6 of these Guidelines.

Note: It is clarified that if the Intermediary Procurer gives extended time for any of the events in the bidding process, on account of delay in achieving the activities required to be completed before the event, such extension of time shall not in any way be deviation from these Guidelines.

13. CONTRACT AWARD AND CONCLUSION

13.1. The PPA shall be signed with the successful Bidder/ Project Company or an SPV formed by the successful Bidder

13.2. After the conclusion of bidding process, the Evaluation Committee constituted for evaluation of RfS bids shall critically evaluate the bids and certify as appropriate that the bidding process and the evaluation has been conducted in conformity to the provisions of the RfS.

13.3. For the purpose of transparency, SECI shall, after the execution of the PPA, publicly disclose the name(s) of the successful Bidder(s) and the tariff quoted by them together with breakup into components, if any. The public disclosure shall be made by posting the requisite details on SECI's website for at least 30 (thirty) days.

14. BANK GUARANTEES

The Generator shall provide the following bank guarantees to the Procurer in terms of the RfS and the PPA:

14.1. Earnest Money Deposit (EMD) to be fixed by the Procurer [but not to be more than 2% (*two per cent*) of the Estimated Capital Cost for Hybrid Power Project], to be submitted in the form of a bank guarantee or Letter of Undertaking (as given in para 14.3) along with response to RfS.

14.2. Performance Bank Guarantee (PBG) to be fixed by the Procurer [but not to be more than 5% (*five per cent*) of the Estimated Capital Cost for Hybrid Power Project] to be submitted at the time of signing of the PPA. In addition to the other remedies, this PBG can be encashed to recover any damages/dues of the Generator in terms of the PPA. It is hereby clarified that the damages/dues recovered by SECI by encashing the PBG, upon the default of the Generator under the PPA, shall be credited to the Payment Security Fund to be maintained by SECI under Clause 8.4 of these guidelines.

14.3. As an alternative mechanism, the Generator may submit Letter(s) of Undertaking from Indian Renewable Energy Development Agency Limited (IREDA) or Power Finance Corporation Limited (PFC) or REC Limited (REC) in place of EMD and / or PBG, to pay in case situation of default by Generator in terms of PPA arises, in terms of relevant orders issued by MNRE.

15. FINANCIAL CLOSURE

15.1. Hybrid Power Generator shall attain the financial closure in terms of the PPA, within 12 (twelve) months from the date of execution of the Power Purchase Agreement. However, if for any reason, the time period for attaining the financial closure needs to be kept smaller than that provided in these Guidelines, the Procurer can do the same.

15.2. Failing the aforesaid, the Procurer shall encash the PBG / LoU unless the delay is on account of delay in allotment of land by the Government not owing to any action or inaction on the part of the Generator or caused due to a Force Majeure. An extension for the attainment of the financial closure can however be considered by the Intermediary Procurer, on the request of the Generator, on payment of a penalty as specified in the PPA. This extension will not have any impact on the SCD. Any penalty paid so, shall be returned to the Generator without any interest on achievement of successful commissioning within the SCD. In other cases, the extension charges /

penalty as collected under this clause, will be credited to the Payment Security Fund to be maintained by SECI.

15.3. It is presumed that in terms of Clause 13.4 of these Guidelines, the tariff will be adopted by the Appropriate Commission within 60 days of such submission. However, notwithstanding anything contained in these Guidelines, any delay in adoption of tariff by the Appropriate Commission, beyond 60 (sixty) days, shall entail a corresponding extension in financial closure.

16. MINIMUM PAID UP SHARE CAPITAL TO BE HELD BY THE PROMOTER

16.1 The successful bidder, if being a single company, shall ensure that its shareholding in the SPV/project company executing the PPA shall not fall below 51% at any time prior to 1 (one) year from the COD (as defined in Clause 18), except with the prior approval of the Procurer. In the event the successful bidder is a consortium, then the combined shareholding of the consortium members in the SPV/project company executing the PPA, shall not fall below 51% at any time prior to 1 (one) year from the COD, except with the prior approval of the Procurer. However, in case the successful bidder shall be itself executing the PPA, then it shall ensure that its promoters shall not cede control till 1 (one) years from the COD, except with the prior approval of the Procurer. In this case it shall also be essential that the successful bidder shall provide the information about its promoters and their shareholding to the Procurer before signing of the PPA with Procurer.

'Control' shall mean the ownership, directly or indirectly, of more than 50 per cent of the voting shares of such Company, or right to appoint majority Directors to the Board of Directors.

16.2. Any change in the shareholding after the expiry of 1 (one) year from the COD can be undertaken under intimation to Procurer.

16.3. In the event the Generator is in default to the lender(s), lenders shall be entitled to undertake 'Substitution of Promoter' in concurrence with the Procurers.

17. COMMISSIONING

17.1. Part Commissioning: Part commissioning of the Project shall be accepted by Procurer subject to the condition that the minimum capacity for acceptance of first part commissioning shall be atleast 50 MW, without prejudice to the imposition of penalty, in terms of the PPA on the part which is not commissioned. The projects can further be commissioned in parts of at least 25 MW batch size; with last part could be the balance capacity. However, the SCD will not get altered due to part-commissioning. In case of part-commissioning of the Project, possession of land in accordance with clause 6.2(a) of these Guidelines, corresponding to the part capacity being commissioned, shall be required to be demonstrated by the Generator prior to declaration of commissioning of the said part capacity. Irrespective of dates of part commissioning, the PPA will remain in force for a period of 25 years from the SCD. Part commissioning cannot be construed by just installing one source of generation, the Generator shall install both solar and wind capacities in proposed ratio on pro-rata basis.

17.2. Early Commissioning: The Generator shall be permitted for full commissioning as well as part commissioning (as per 17.1) of the Project even prior to the SCD subject to availability of transmission connectivity and Long-Term Access (LTA). In cases of early part commissioning, the Generator will be free to sell it to any other entity provided first right of refusal will vest with the Procurer(s). The procurer(s)

shall provide refusal within 30 (thirty) days from the receipt of the request, beyond which it would be considered as deemed refusal. Procurement of such early commissioned power, if accepted by the Procure / Intermediary Procurer, shall be done at the PPA tariff.

17.3. Commissioning Schedule:

(i) The projects shall be commissioned, within a period of 18 (eighteen) months from the date of execution of the PPA. However, if for some reason, the scheduled commissioning period needs to be kept smaller than that provided in these Guidelines, the Procurer can do the same. Subject to clause no. 8.6 of these Guidelines, delay in commissioning, beyond the Scheduled Commissioning Period shall involve penalties, on the Hybrid Power Generator, as detailed below:

- a) For Delay in commissioning upto 6 (six) months from SCD, encashment of Performance Bank Guarantee (PBG) on per day basis and proportionate to the capacity not commissioned.
- b) For Delay in commissioning beyond six months from SCD, Generator Event of Default, as per clause 8.8.1 of these Guidelines, shall be considered to have occurred and the contracted capacity shall stand reduced to the project capacity commissioned upto SCD + 6 (six) months. The PPA for the balance capacity not commissioned shall be terminated.

(ii) It may be noted that commissioning/ part commissioning of the Project will not be declared until the Generator demonstrates possession of land in line with Clause 6.2.(a) above, in addition to the other conditions as established by the Procurer/Intermediary Procurer. For part commissioning portion of land on which the part of the project is commissioned should be with Generator in accordance with clause 6.2(a).

(iii) It is presumed that in terms of Clause 13.4 of these Guidelines, the tariff will be adopted by the Appropriate Commission within 60 days of such submission. However, notwithstanding anything contained in these Guidelines, any delay in adoption of tariff by the Appropriate Commission, beyond 60 (sixty) days, shall entail a corresponding extension in scheduled commissioning date.

17.4. Delay in Commissioning on account of delay in LTA Operationalization:

Long Term Access (LTA) shall be required to be submitted by the Generator prior to commissioning of the Project. Subsequent to grant of connectivity, in case there is a delay in grant/operationalization of LTA by the CTU and/or there is a delay in readiness of the ISTS substation at the Delivery Point, including readiness of the power evacuation and transmission infrastructure of the ISTS network until SCD of the Project, and it is established that:

- i. The Generator has complied with the complete application formalities as per the Connectivity Procedure.
- ii. The Generator has adhered to the applicable Procedure in this regard as notified by the CERC/CTU, and
- iii. The delay in grant of connectivity/LTA by the CTU and/or delay in readiness of the ISTS substation at the Delivery Point, including readiness of the power evacuation and transmission infrastructure of the ISTS network, is a factor

attributable to the CTU/ transmission licensee and is beyond the control of the Generator;

The above shall be treated as delays beyond the control of the Generator and SCD for such Projects shall be revised as the date as on 60 days subsequent to readiness of the Delivery Point and power evacuation infrastructure and/or operationalization of LTA. Decision on requisite extension on account of the above factor shall be taken by SECI.

18. COMMERCIAL OPERATION DATE (COD):

Commercial Operation Date (COD) shall be considered as the actual date of commissioning of the project as declared by the Commissioning Committee constituted by procurer. In case of part commissioning COD will be declared only for that part of project capacity.

19. TRANSMISSION CONNECTIVITY

19.1. The project shall be designed for inter-connection with CTU substation either directly or from pooling station where other projects also connected, through a transmission network as per applicable Regulations at the appropriate voltage level, as specified by Procurer.

19.2. Responsibility of getting Transmission Connectivity and LTA to the transmission system owned by the CTU will lie entirely with the Generator and shall be at the cost of Generator.

19.3. The Inter-connection/ Metering Point, is the point at which energy supplied to the Procurer shall be measured, shall be the bus bar of the CTU substation/ Pooling station at which power is injected in the transmission system of CTU. For interconnection with grid and metering, the Generators shall abide by applicable Grid Code, Grid Connectivity Standards, Regulations on Communication System for transmission of electricity and other Regulations (as amended from time to time) issued by Appropriate Commission and CEA. The transmission of power up to the point of interconnection where the metering is done for energy accounting shall be the responsibility of the Generator at his own cost. All expenses including transmission charges (if any) and losses in relation to the transmission beyond the Metering Point shall be borne by the Procurer(s).

19.4. The Generator shall comply CERC/SERC regulations on Forecasting, Scheduling and Deviation Settlement, as applicable and are responsible for all liabilities related to LTA and Connectivity. The Generator and the Procurer shall follow the forecasting and scheduling process as per the Regulations in this regard by the Appropriate Commission.

19.5. The transmission connectivity to the Generator may be provided by the CTU, prior to commissioning of the project on the request of the project developer, to facilitate testing and allow flow of infirm power generated into the grid to avoid wastage of Power.

20. TECHNICAL SPECIFICATIONS

20.1. SECI shall promote commercially established and operational technologies to minimize the technology risk and to achieve the timely commissioning of the Projects.

20.2. In order to ensure quality of wind turbines installed, only type certified wind turbine models listed in Revised List of Models and Manufactures (RLMM) brought out by MNRE from time to time and updated as on the date of commissioning of the Project, will be allowed for deployment in the country. The wind power projects will be developed as per Guidelines issued by MNRE on Development of Onshore Wind Power Projects.

20.3. For solar modules and balance of systems, the technical guidelines issued by the Ministry from time to time for grid connected solar PV systems will be followed. Further, the orders of Ministry regarding 'Approved List of Models and Manufacturers (ALMM)' as applicable will be followed.

21. ROLE OF STATE NODAL AGENCIES

The State Nodal Agencies appointed by respective State Governments will provide necessary support to facilitate the required approvals and sanctions in a time bound manner so as to achieve commissioning of the projects within the scheduled timeline. This may include facilitation in the following areas:

- Coordination among various State and Central agencies for speedy implementation of projects.
- Support during commissioning of projects.

22. PERFORMANCE MONITORING

All Hybrid Power Projects shall install necessary equipment to continuously measure wind and solar resource data and other weather parameters and electrical parameters. They are required to submit this data through online portal to SECI, National Institute of Wind Energy (NIWE) and/ or other designated agency for monitoring the performance for the entire life of the project.

In addition to the above, the Successful Bidder shall also submit information, as required by SECI, for regular monitoring of status of the project. SECI may develop a standard monitoring template /parameter for capturing regular progress of the project.

23. DEVIATION FROM PROCESS DEFINED IN THE GUIDELINES

In case there is any deviation from these Guidelines, the same shall be subject to approval by the Appropriate Commission. The Appropriate Commission shall approve or require modification to the bid documents within a reasonable time not exceeding 60 (sixty) days.

24. ARBITRATION

All disputes arising out under the contractual documents under these Guidelines will be adjudicated by the Appropriate Commission, i.e. CERC or SERC / JERC, as the case may be.

25. CLARIFICATION AND MODIFICATION TO GUIDELINES

If any difficulty arises in giving effect to any provision of these Guidelines or interpretation of the Guidelines or modification to the Guidelines, Ministry of New & Renewable Energy is empowered to do the same, with the approval of Minister, New & Renewable Energy. The decision in this regard shall be binding on all the parties concerned.

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ANNEXURE P-6

	GUJARAT ENERGY TRANSMISSION CORPORATION LIMITED Regd Office: Sardar Patel Vidyut Bhavan, Race Course, VADODARA-390007 (CIN: U40100GJ1999SGC036018) Phone No. (0265) 2353086 (D)/Fax No. (0265) 2337918/2338164 Web site: www.getco.gujarat.com Email: serc.getco@gebmil.com	
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No. ACE (R&C)/ EE-C/ 2057**Date: 13.09.2021****SPEED POST**

To,
General Manager,
M/s. Yashaswa Power LLP.
268/1412, Gujarat Housing board,
Bapunagar,
Ahmedabad.

Subject: System study for grid connectivity and evacuation of 70MW **Hybrid Power** at **400Kv Amreli substation** of GETCO under Hybrid Policy of GoG-SLR/11/2017/1421/B1/Dtd20-6-2018 for captive and third party sell.

Ref: (1) Your letter Dtd 25-03-2021.
(2) CE(R&C)/EE-C/1046 dated 11-05-2021
(3) Your letter dated 21-06-2021

Dear Sir,

This is in continuation to the letter dtd. 25-03-2021 and system study amount paid on 21-06-2021 for setting up of 70MW Wind-Solar Hybrid power plant at District. Rajkot along with grid connectivity under third party sell and Captive mechanism.

The approval as per system study carried out is as follows:

Sr.	Name of Developer	Applied Capacity	Name of Substation	Feasible Capacity	Remark
1	M/s.Yashaswa Power LLP	70MW	400KV Amreli [at 66Kv Level]	70MW	*Connectivity through S/C line

***Note:** Tower configuration, Conductor, U/G Cable, line bay etc. shall be used in a way that it can cater 70MW Capacity per circuit at nominal voltage.

In case of any abnormal loading on associated grid elements, M/s. Yashaswa Power LLP has to back down their injection as per grid requirement during real time operations.

As per study result, it has been observed that by injecting RE generation into grid, voltage level at interconnection point i.e. at GETCO substation is getting increased. M/s Yashaswa Power LLP has to take necessary action for providing reactive power requirement to avoid undue voltage rise at grid substation.

M/s Yashaswa Power LLP has not yet identified the drawl points and so network adequacy at drawl points needs to be checked separately through system studies. Also, M/s. Yashaswa Power LLP will have to specify details of drawl points well before actual grid connectivity of proposed projects.

M/s Yashaswa Power LLP is required to submit the test reports supported by self-undertaking as well as compliance certificate from manufacturer for all applicable provisions under the CEA (Technical Standards for Connectivity to the Grid) Regulations, 2007 (as amended) (including the provisions of LVRT/HVRT, active power injection control, dynamically varying reactive power support, limits for Harmonic & DC current injection, Flicker limits, etc.) from labs accredited by Govt./NABL/other recognized agencies. In case any discrepancies / incompleteness are found in the documents / test reports submitted, the connectivity agreement shall not be processed further.

It is further to state that, the system study has been carried out for maximum injection of 70MW at any given time. However, it is to clarify that GERC in its orders has generally clarified the ratio of wind and solar at potential sites which reads as follows:

Quote

3.3.2

- i. *At the locations of having good wind power potential, the solar PV capacity to be added as the solar-hybrid component could be relatively smaller.*
- ii. *Similarly, in case of the sites where the wind power density is relatively lower or moderate, the component of the solar PV capacity could be relatively on a higher side.*

Unquote

Since this is Hybrid Project under **Type B category** of GERC, Order No. 4 of 2021 Clause 3.2.4. The bifurcation of Wind capacity and Solar Capacity shall have to be fixed by M/s. Yashaswa Power LLP.

However, the overriding clause to the above installed capacity is that any point of time the injection into the grid should not be more than 70MW. to ensure that the injection does not exceed 70MW for which Special Protection Scheme (SPS) to be installed at the hybrid pooling station and relay setting at 400Kv Amreli substation. The scheme should be tested prior to commissioning of 66Kv line and feeder bay at GETCO end. The mechanism for backing down of the generation in case of over injection or on operation of SPS will have to be given to testing department of field office and same should be submitted to corporate office alongwith "Work Completion report". The mechanism of backing down the feeders will have to be given on Rs.300 Non Judicial Stamp paper (duly Notorized) as undertaking and shall be binding to all the Captive as well as third party customers which will also be part of BPTA signed with GETCO.

M/s. Yashaswa Power LLP has to ensure that reactive power requirement shall be compensated locally and shall not be met through grid. If required, M/s. Yashaswa Power LLP have to provide additional capacitors / reactors at Wind-Solar power pooling station as per grid requirement even after connectivity established with grid.

Also, M/s Yashaswa Power LLP have to submit a detailed report to comply with various technical requirements for grid connection of Renewable Energy sources, as per CEA Technical Standards and Grid Code amended from time to time. The Central Electricity Authority (Technical Standards for Connectivity to the Grid) Regulations, 2007 are amended in 2013 and now recently amended on 06.02.2019 (copy attached for ready reference).

Whenever any contingency occurs at the evacuation lines as well as at the associated transmission network, M/s. Yashaswa Power LLP will have to restrict or stop their generation to avoid any overloading on the evacuation lines as well as on the associated transmission network.

This study is purely an indicative study considering all the generation capacity addition and the transmission network corresponding to FY 2022-23. This study report does not warrant any permission to the said project. Also, due care shall be taken that this report is not to be used for any commercial and/or legal purposes.

This system study report should not be considered as deemed connectivity with GETCO grid or should not be produced as document of connectivity. The connectivity shall be granted on payment of application charges of Rs.2,00,000 plus 18% GST (Non refundable) as connectivity charges for each connectivity and thereafter signing of connectivity and connection agreement with GETCO.

In case of captive or third party the customer will have to be identified and BPTA of at least 10% of the capacity will have to be signed upfront alongwith connectivity Agreement. The charges for application for LTOA or MTOA will be as per the GERC Regulations. Letter of Credit for 10% capacity charges equivalent to two months billing cycle will have to be opened at time of connectivity.

The work can be taken up for laying the dedicated line and bays only after the approval of Section 68 and Section 164 of EA 2003 is received from Govt. of Gujarat. GETCO shall only charge 15% supervision charges on metering equipment and bay at GETCO end. O & M of dedicated line from your pooling substation to GETCO substation will be done by M/s. Yashaswa Power LLP at their own cost.

The two number of Energy Accounting ABT meters will be installed at GETCO end and one standby meter at your pooling station for each line separately. The metering specification and CTPT specifications will be provided by GETCO. Meters will have to be tested in NABL laboratory in presence of GETCO and PGVCL staff. Prior to payment of estimate you will have to submit the Bank Guarantee @ Rs.3 lakh/MW for timely completion of bay work as per GERC Regulation.

It is requested to approach SE(TR) GETCO Amreli and EE(Const) Amreli to carry out estimate for GETCO end bay only. On receipt of the estimate from the field office the same will be served to M/s Yashaswa Power LLP and on payment of the same the work can be taken up through any GETCO approved contractors at GETCO end. A kick of meeting will be held by GETCO after the payment of estimate where all the details will be explained by the undersigned.

All the above approvals Section 68 and Section 164 of EA 2003 required for processing the evacuation proposal and submission of estimate for feeder bay from field office to this office should be completed within the period of 3 months from the date of issue of this letter, failing which this system study approval will be treated as cancelled without any Notice and you shall have to apply afresh by paying the charges. This is for your information and needful in the matter please

This is for your information and needful in the matter please.

Thanking you,

Yours truly,


Addl. Chief Engineer (R&C)
GETCO

Encl: as above

Copy to:

1. Dy Director, GEDA, 4th Floor, Udhyog Bhavan, Sector-11, Gandhinagar.
2. CE(Project), GETCO, Vadodara
3. CE(R & C), Corporate office, PGVCL, Rajkot
4. SE(STU), Corporate Office, GETCO Vadodara.
5. SE(TR), GETCO Amreli.
6. EE(Const), GETCO, Amreli.....For submission of estimate for the bay and metering CTPTs at GETCO end to this office. The approval of Section 68 will be obtained by the developer on their own. The ownership of the line will be with developer. Only estimate of GETCO end feeder bay and metering CTPT should be submitted to this office. Meters will be procured by developer on their own and installed on both end, Main + check at GETCO end and standby meter at developer end. To ensure that the injection shall not exceed 100MW for which Special Protection Scheme (SPS) to be installed at the hybrid pooling station and relay setting at 400 Kv Amreli substation shall be done accordingly.

Annexure-1

"B. Connectivity standards applicable to the wind generating stations, generating stations using inverters, wind - solar photo voltaic hybrid systems and energy storage systems.

The generating stations shall comply with the following requirements in addition to the general connectivity conditions specified under Part 1:

Provided that the energy storage systems shall comply, only with the requirements specified under clause B1 in addition to the general connectivity conditions specified under Part 1."

(c) In clause B2, for sub-clauses (2), (3), (4) and (5), the following clauses shall be substituted, namely:-

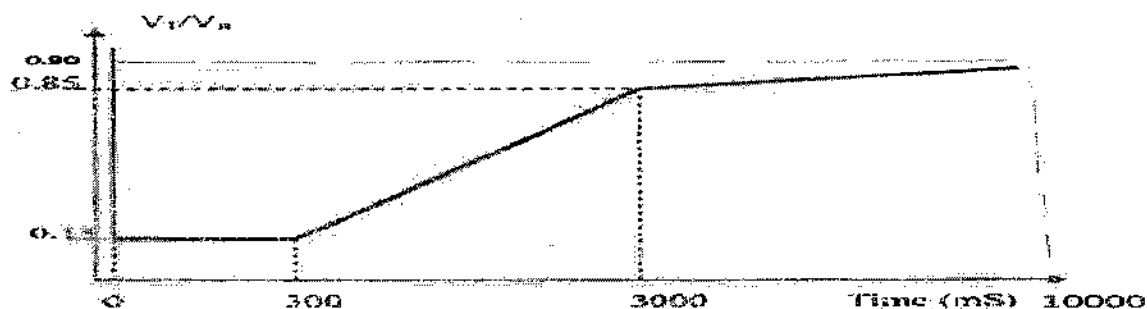
"(2) The generating unit shall be capable of operating in the frequency range 47.5 to 52 Hz and be able to deliver rated output in the frequency range of 49.5 Hz to 50.5 Hz:

Provided that in the frequency range below 49.90 Hz and above 50.05 Hz, or, as prescribed by the Central Commission, from time to time, it shall be possible to activate the control system to regulate the output of the generating unit as per frequency response requirement as provided in sub-clause (4):

Provided further that the generating unit shall be able to maintain its performance contained in this sub-clause even with voltage variation of up to $\pm 5\%$ subject to availability of commensurate wind speed in case of wind generating stations and solar insolation in case of solar generating stations.

(3) The generating station connected to the grid, shall remain connected to the grid when voltage at the interconnection point on any or all phases dips up to the level depicted by the thick lines in the following curve, namely: —

V_T : Actual Voltage; V_n : Nominal Voltage—



(4) The generating stations with installed capacity of more than 10 MW connected at voltage level of 33 kV and above —

(i) shall be equipped with the facility to control active power injection in accordance with a set point, capable of being revised based on directions of the State Load Dispatch Centre or Regional Load Dispatch Centre, as the case may be;

(ii) shall have governors or frequency controllers of the units at a droop of 3 to 6% and a dead band not exceeding ± 0.03 Hz:

Provided that for frequency deviations in excess of 0.3 Hz, the Generating Station shall have the facility to provide an immediate (within 1 second) real power primary frequency response of at least 10% of the maximum Alternating Current active power capacity;

(iii) shall have the operating range of the frequency response and regulation system from 10% to 100% of the maximum Alternating Current active power capacity, corresponding to solar insolation or wind speed, as the case may be;

(iv) shall be equipped with the facility for controlling the rate of change of power output at a rate not more than $\pm 10\%$ per minute.

(5) The generating stations of aggregate capacity of 500 MW and above shall have the provision to receive the signal from the State Load Dispatch Centre or Regional Load Dispatch Centre, as the case may be, for varying active and reactive power output.

(6) The standards in respect of the switchyard associated with the generating stations shall be in accordance with the provisions specified in respect of 'Sub-stations' under Part III of these Standards.

(7) The generating station connected to the grid, shall remain connected to the grid when voltage at the interconnection point, on any or all phases (symmetrical or asymmetrical overvoltage conditions) rises above the specified values given below for specified time —

Over voltage (pu)	Minimum time to remain connected (Seconds)
$1.30 < V$	0 Sec (Instantaneous trip)
$1.30 \geq V > 1.20$	0.2 Sec
$1.20 \geq V > 1.10$	2 Sec
$V \leq 1.10$	Continuous

(8) Short Circuit Ratio at the interconnection point where the generating resource is proposed to be connected shall not be less than 5.”

(d) For clause B3, the following clause shall be substituted, namely: —

“B3. Special provision for certain Generating stations :

The generating stations commissioned before the commencement of the Central Electricity Authority (Technical Standards for Connectivity to the Grid) (Amendment) Regulations, 2018 or commissioned within six months of such commencement shall comply with the provisions of these regulations as if they were not amended.”

5. In Part –IV, for paragraphs 2 and 3, the following paragraphs shall be substituted, namely:-

“(2) (i) The distribution licensee and bulk consumer shall provide adequate reactive compensation to compensate reactive power requirement in their system so that they do not depend upon the grid for reactive power support.

(ii) The power factor for distribution system and bulk consumer shall be within ± 0.95 ;

(3) **Voltage and Current Harmonics.** - (i) The limits of voltage harmonics by the distribution licensee in its electricity system, the limits of injection of current harmonics by bulk consumers, point of harmonic measurement, i.e., point of common coupling, method of harmonic measurement and other related matters, shall be in accordance with the IEEE 519-2014 standards, as amended from time to time;

ANNEXURE P-7

ANNEXURE P-7

CLEAN MAX BHOOMI PRIVATE LIMITED

Registered office – 13 A, FLOOR -13, PLOT-400, THE PEREGRINE, APARTMENT, KISMAT CINEMA,
PRABHADEVI, MUMBAI – 400025.

CIN Number – U40106MH2020PTC352376

Letter No. CMBPL/GEDA/DP/001

Date: 29/04/2022

To,

The Director,
Gujarat Energy Development Agency,
4th Floor, Block No. 11 & 12,
Udyog Bhavan, Sector-11,
Gandhinagar - 382 017

Respected Madam,

We thank you for facilitation of renewable energy policies in the state of Gujarat and we wish to develop Wind Solar Hybrid Project for 16.50 MW at Village Charmadi, Lunki, Pir Khijadiya, Taluka Babra & Village Adtala, Taluka Lathi, District Amreli connecting 220/66 kV Amreli GETCO substation (at 66kV level) under Third Party Open Access mechanism under the provisions of Gujarat Hybrid Policy, 2018 under resolution No. SLR/11/2017/141/B1 dated 20/06/2018 and the GERC tariff orders no. 4 of 2021 as amended from time to time.

We have received Evacuation approval for Wind Solar Hybrid Project connecting 220/66 kV Amreli GETCO substation (at 66kV level) from GETCO vide letter no. ACE/(R&C)/EE-C/2507 dated 29/11/2021 under our SPV- HET Energy Technology LLP. We hereby also attach Evacuation sharing agreement for your perusal.

We have also purchased private land for installation of wind turbines for 16.50 MW in village Village Charmadi, Lunki, Pir Khijadiya, Taluka Babra, District Amreli and for installation of solar project for 8.80 MW (AC) in village Adtala, Taluka Lathi, District Amreli. The breakup for the Wind Solar Hybrid Project will be 16.50 MW (AC) Wind + 8.80 MW (AC) Solar, Total capacity of 25.30 MW (AC)

We have filled in the necessary details for Wind Solar Hybrid Project in the GEDA application format. Developer Application Fees of Rs. 3.00 lacs + 18% GST = Rs. 3,54,000/- along with the Developer Approval Form Fees of Rs. Rs. 10,000 + 18% GST = Rs. 11,800/- are being paid vide Demand Draft whose details are mentioned below.

R. V. Chaudhary
Gujarat Energy Development Agency,
Block No. 11 & 12, Udyog Bhavan,
4th Floor, Sector-11, Gandhinagar.

29/04/22

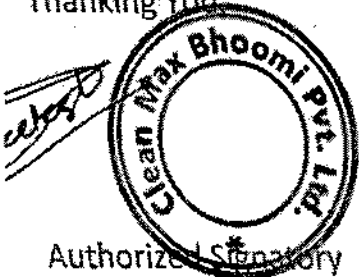
CLEAN MAX BHOOMI PRIVATE LIMITED

Registered office – 13 A, FLOOR -13, PLOT-400, THE PEREGRINE, APARTMENT, KISMAT CINEMA,
PRABHADEVI, MUMBAI – 400025.

CIN Number – U40106MH2020PTC352376

We have also attached relevant documents for your reference and further consideration. We request you grant us the approval for the same.

Thanking You



Enclosure:

Annexure – 1: Application in GEDA format

Annexure 2: Developer Application Fees vide DD no. 250675 dated 29/04/2022 and Developer Approval Form Fees vide DD no. 250677 dated 29/4/2022

Annexure 3: Notarized Newness Certificate Undertaking on Rs. 300 Stamp Paper

Annexure 4: Company Documents – COI, MOA, AOA

Annexure 5: Evacuation approval for Wind Solar Hybrid Project and

Annexure 6: Evacuation Sharing Agreement

Annexure 7: Sale Deed copies (Wind and Solar land parcels)

Annexure 8: Details of Third-Party beneficiary Companies

Annexure 9: Scaled Micro siting Drawing – 4 copies

Annexure 10: Details of Hybrid Power Project site (List of WTG location and Solar land parcel boundary with GPS Coordinates.

Annexure 11: Equipment Details

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**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

FILING NO. _____
CASE NO. _____

IN THE MATTER OF:
DISTRIBUTED SOLAR POWER ASSOCIATION AND ORS.

...PETITIONERS

VAKALATNAMA

I, Jyotsna Khatri, daughter of Mr. Suresh Khatri, aged about 29 years working for gains at the Petitioner No. 1, having its office at 309, Rectangle One, behind Sheraton Hotel, Saket, New Delhi, Delhi 110017, in the above matter, do hereby appoint:

Atul Sharma, Aditya Kumar Singh, Anukriti Jain, Vinit Kumar, Pratiksha Chaturvedi- Advocates at Link Legal, to appear, plead, and act for me/us in the above Petition/Application/Appeal and to conduct and prosecute all proceedings that may be taken in respect thereof and applications for return of documents, enter into compromise and to draw any moneys payable to me/us in the said proceeding.

Place: New Delhi

Date: 31.05.2022

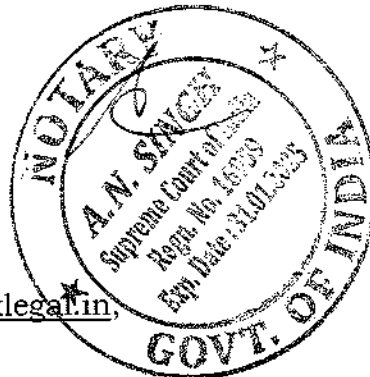
Executed in my presence.



"Accepted"

Signature of the Party

Advocates at Link Legal
Aiwan-e-Ghalib Complex,
Mata Sundri Lane,
New Delhi 110 002, India.
+91-9582911079
Email id: adityak.singh@linklegal.in,
Anukriti.jain@linklegal.in
vinit.kumar@linklegal.in
Pratiksha.chaturvedi@linklegal.in



ATTESTED

Atul Singh, Adv.
Notary Public
Govt. of India, Delhi
Mob.: 8718139881, 7982999116

4 JUN 2022

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

FILING NO. _____
CASE NO. _____

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION AND ORS.

...PETITIONERS

VAKALATNAMA

I, ASHU GUPTA, son/daughter of Sh. Kunj Behari Lal Gupta, aged about 44 years working for gains at the Petitioner No. 2 having its office at 13 A Floor-13, Plot-400, The Peregrine Apartment, Kismat Cinema, Prabhadevi, Mumbai-400025, in the above matter, do hereby appoint:

Atul Sharma, Aditya Kumar Singh, Anukriti Jain, Vinit Kumar, Pratiksha Chaturvedi- Advocates at Link Legal, to appear, plead, and act for me/us in the above Petition/Application/Appeal and to conduct and prosecute all proceedings that may be taken in respect thereof and applications for return of documents, enter into compromise and to draw any moneys payable to me/us in the said proceeding.

Place:

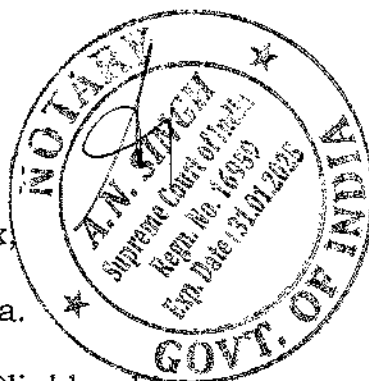
Date:

04 JUN 2022

Executed in my presence.

Advocates at Link Legal
Aiwan-e-Ghalib Complex,
Mata Sundri Lane,
New Delhi 110 002, India.
+91-9582911079

Email id: adityak.singh@linklegal.in,
Anukriti.jain@linklegal.in
vinit.kumar@linklegal.in
Pratiksha.chaturvedi@linklegal.in



(Signature)
Signature of the Party

ATTESTED
(Signature)
A.N. Singh, Adv.
Notary Public
Govt. of India, Delhi
Mob.: 9718139591, 7982539115

04 JUN 2022

164

DISTRIBUTED SOLAR POWER ASSOCIATION



CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE GOVERNING BODY OF DISTRIBUTED SOLAR POWER ASSOCIATION HELD ON 1st DAY OF MARCH, 2022

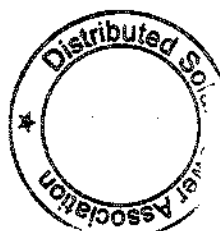
Authority for filing petition(s) including any petition or application by the Distributed Solar Power Association before the Hon'ble Gujarat Electricity Regulatory Commission or any other authorities in relation to seeking removal of difficulties in implementation of the Hon'ble Gujarat Electricity Regulatory Commission's order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat"

"RESOLVED THAT the consent of the Governing Body of the Association be and is hereby accorded to file petition(s) including any petition or application by the Distributed Solar Power Association before the Hon'ble Gujarat Electricity Regulatory Commission or any other authorities in relation to seeking removal of difficulties in implementation of the Hon'ble Gujarat Electricity Regulatory Commission's order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat".

RESOLVED FURTHER THAT the Governing Body of the Association Mr. Pinaki Bhattacharya, President, Ms. Jyotsna Khatri, the Authorised Representatives of the Association be and hereby severally authorized to file the petition and any other documents in relation to the petition before the Hon'ble Gujarat Electricity Regulatory Commission or any other appropriate Courts in India and to do all such acts, deeds and things as may be necessary to give effect to the resolution.

For Distributed Solar Power Association


Pinaki Bhattacharya
President



CLEAN MAX BHOOMI PRIVATE LIMITED

Registered office – 13 A, FLOOR -13, PLOT-400, THE PEREGRINE, APARTMENT, KISMAT CINEMA,

PRABHADEVI, MUMBAI – 400025.

CIN Number – U40106MH2020PTC352376

CERTIFIED TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING OF THE BOARD OF DIRECTORS OF CLEAN MAX BHOOMI PRIVATE LIMITED ("COMPANY") HELD ON FRIDAY, 03 JUNE 2022 AT 4TH FLOOR, THE INTERNATIONAL, 16 MAHARSHI KARVE ROAD NEW MARINE LINES CROSS ROAD NO. 1, CHURCHGATE MUMBAI 400020 MAHARASHTRA INDIA AT 04:00 P.M.

AUTHORISATION FOR FILING OF PETITION IN RELATION TO THE GERC'S ORDER DATED 03.04.2021 BEING 'APPLICABILITY OF TARIFF FRAMEWORK FOR PROCUREMENT OF POWER BY DISTRIBUTION LICENSEES AND OTHERS FROM WIND-SOLAR HYBRID PROJECTS AND OTHER COMMERCIAL ISSUES FOR THE STATE OF GUJARAT':

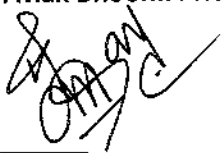
The Chairman informed the board that there is a need to authorise someone for the signing and filing / submission of the petition/rejoinders/affidavits/applications etc. in Gujarat Electricity Regulatory Commission and other such similar documents for seeking removal of difficulties in implementation of the Hon'ble GERC's order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat passed by the Hon'ble Commission" in the state of Gujarat. The matter was discussed by the board and the following resolution was passed unanimously:

"RESOLVED THAT Mr. Ashu Gupta, Mr. Indukalpa Saikia and Mr. Prince Purohit, Authorised representatives of the Clean Max Bhoomi Private Limited ("**Company**"), be and are hereby authorised severally to sign and submit the petition/rejoinders/affidavits/applications and such other documents and papers incidental and ancillary before the appropriate regulatory authorities, commission, tribunals, courts.

RESOLVED FURTHER THAT the authorised signatories be and are hereby authorised to do such acts, deeds and things as may be necessary in relations to the petition.

RESOLVED FURTHER THAT the aforesaid powers granted to authorized representative shall be valid and effective upto 31 March 2023 or unless revoked earlier by the board and shall be exercised by authorised signatories so long as they are associated with the Company."

For Clean Max Bhoomi Private Limited


Pramod Madhavrao Deore
Director
DIN: 08599306

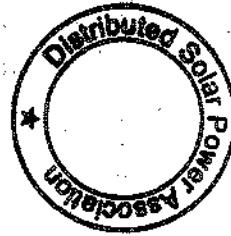


Date: 06 June 2022

Place: Mumbai

FORM 1

Particulars	Details
1. Name of the Petitioner/Applicant	Distributed Solar Power Association
2. Address of the Petitioner/Applicant	309, Rectangle One, behind Sheraton Hotel, Saket, New Delhi, Delhi 110017
3. Petitioner No., If any	1
4. Subject Matter	Petition under Section 86 (1) (b), Section 86 (1) (e), Section 86 (1) (k) and 86 (4) of the Electricity Act, 2003 read with Regulation 80, 82, 84 and 85 of the GERC (Conduct of Business) Regulations, 2004 seeking removal of difficulties in implementation of the Hon'ble Gujarat Electricity Regulatory Commission's order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat passed by the Hon'ble Commission"
5. Details of fee remitted a. UTR/DD/Cheque No.: b. Date of remittance c. Amount remitted d. Bank name and branch	a. 280636 dt 02.06.2022



Handwritten signature

PETITIONER NO. 1

(Distributed Solar Power Association)

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR
PETITION NO. 2128 OF 2022

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION & ORS. PETITIONERS

Versus

GUVNL & ORS.

.....RESPONDENTS

INDEX

S. No.	Particulars	Page No.
1.	Amended Memo of Parties along with supporting affidavits.	169 - 172

Date: 18.08.2022

Place: New Delhi

Through:

Vinit
Advocates at Link Legal,
Aiwan - E - Ghalib Complex,
Mata Sundari Lane,
New Delhi - 110002

Contact No: +91 9582911079

+91 8860907684

Email id: adityak.singh@linklegal.in

Anukriti.jain@linklegal.in

vinit.kumar@linklegal.in

Pratiksha.chaturvedi@linklegal.in



Ka



BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR
PETITION NO. 2128 OF 2022

IN THE MATTER OF:

Petition under Section 86 (1) (b), Section 86 (1) (e), Section 86 (1) (k) and 86 (4) of the Electricity Act, 2003 read with Regulation 80, 82, 84 and 85 of the GERC (Conduct of Business) Regulations, 2004 seeking removal of difficulties in implementation of this Hon'ble Commission's order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat passed by the Hon'ble Commission".

MEMO OF PARTIES

AND

1. Distributed Solar Power Association

Address: A-57, DDA Sheds,

Okhla Industrial Phase-II,

New Delhi- 110020

Through authorised representative

2. Cleanmax Bhoomi Private Limited

13A, Floor-13, Plot-400,

The Peregrine apartment, Kismat Cinema,

Prabhadevi, Mumbai-400025

Through Authorised Representative

Versus

1. Gujarat Urja Vikas Nigam Limited

Address: Sardar Patel Vidyut Bhavan,

Race Course, Vadodara 390007

Through Managing Director

2. Uttar Gujarat Vij Company Limited

Address: Visnagar Road,

Mehsana- 384001

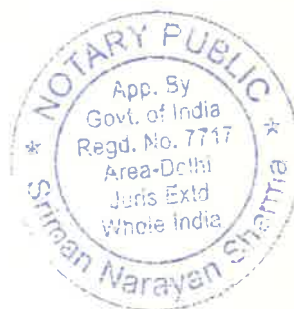
Through Managing Director

3. Dakshin Gujarat Vij Company Limited

Urja Sadan, Nana Varchha Road,

Kapodra, Surat- 395006, Gujarat.

Through Managing Director



4. Paschim Gujarat Vij Company Limited
Paschim Gujarat Vij Seva Sadan
Off. Nana Mava Main Road, Laxminagar
Rajkot - 360004, Gujarat
Through Managing Director
5. Madhya Gujarat Vij Company Limited
Sardar Patel Vidyut Bhavan,
Race Course, Vadodara-390007
Through Managing Director
6. Gujarat Energy Development Agency
4th floor, Block No. 11 & 12
Udyog Bhavan, Sector -11,
Gandhinagar-382017, Gujarat
Through Chairman
7. Gujarat Energy Transmission Corporation Limited
Sardar Patel Vidyut Bhavan, Race Course,
Vadodara-390007, Gujarat
Through Managing Director
8. State Load Despatch Centre - Gujarat
132kV Gotri Sub Station Compound,
Near T.B. Hospital, Gotri Road,
Vadodara 390021, Gujarat
Through Chief Engineer
9. Energy & Petrochemicals Department, Government of Gujarat
Block No. 5, 5th Floor,
Sachivalaya, Gandhinagar
Through Principal Secretary



BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR
PETITION NO. 2128 OF 2022

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION & ORS. PETITIONERS

Versus

GUVNL & ORS.

.....RESPONDENTS

AFFIDAVIT

I, Jyotsna Khatri, daughter of Mr. Suresh Khatri, aged about 29 years working for gains at the Petitioner No.1, having its office at 309, Rectangle One, behind Sheraton Hotel, Saket, New Delhi, Delhi 110017, presently at *New Delhi*, do hereby solemnly affirm and state as follows:

1. I am the Authorized Representative of the Petitioner No.1 in the above matter and am duly authorized by the said Petitioner to make this affidavit on its behalf.
2. It is stated that the present petition was listed for hearing before this Commission on 05.08.2022 wherein this Hon'ble Commission directed to implead other parties and file an amended memo of parties. Accordingly, the present affidavit it being filed along with the amended memo of parties.
3. I have read the amended Memo of Parties and details mentioned therein are based on the records information and I believe them to be true.



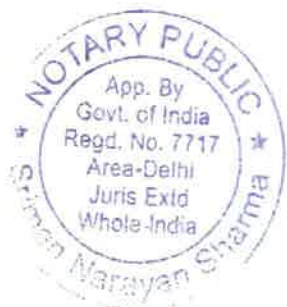
[Signature]
DEPONENT

VERIFICATION

I deponent, do hereby verify that the contents of my above affidavit are true to my knowledge and belief; no part of it is false and nothing material has been concealed there from.

Verified at *New Delhi* on the day of.....

[Signature]
I, Indemnified that the deponent
Signed in my presence



ATTESTED
[Signature]
BY NOTARY PUBLIC
NEW DELHI (INDIA)



DEPONENT

18 AUG 2022

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION

GANDHINAGAR

PETITION NO. 2128 OF 2022

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION & ORS. PETITIONERS

Versus

GUVNL & ORS.

.....RESPONDENTS

AFFIDAVIT

I, Ashu Gupta, son of Kunj Behari Lal Gupta, aged about 44 years working for gains at the Petitioner No.2 having its office at 13 A Floor- 13, Plot- 400, The Prestige Apartment, Kismat Cinema, Prabhadevi, Mumbai, Maharashtra 400025, presently at ~~New Delhi~~..., do hereby solemnly affirm and state as follows:

1. I am the Authorized Representative of the Petitioner No. 2 in the above matter and am duly authorized by the said Petitioner to make this affidavit on its behalf.
2. It is stated that the present petition was listed for hearing before this Commission on 05.08.2022 wherein this Hon'ble Commission directed the Petitioner(s) to implead other parties and file an amended memo of parties. Accordingly, the present affidavit is being filed along with the amended memo of parties.
3. I have read the amended Memo of Parties and details mentioned therein are based on the records information and I believe them to be true.

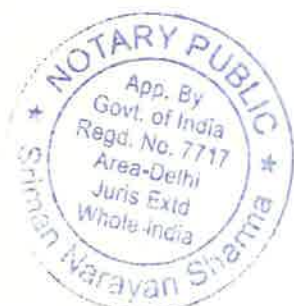
Clean Max Bhoomi P.A.L.
DEPONENT

VERIFICATION:

I deponent, do hereby verify that the contents of my above affidavit are true to my knowledge and belief; no part of it is false and nothing material has been concealed there from.

Verified at ~~New Delhi~~ on the day of.....

I, Indemnified that the deponent
Signed in my presence



ATTESTED
BY NOTARY PUBLIC
NEW DELHI (INDIA)

18 AUG 2022

Clean Max Bhoomi P.A.L.
DEPONENT

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

PETITION NO. 2128 OF 2022

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION & ORS. PETITIONERS

Versus

GUVNL & ORS.

.....RESPONDENTS

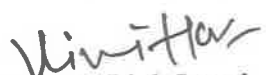
INDEX

S. No.	Particulars	Page No.
1.	Affidavit to place on additional document on behalf of Petitioner No. 1	173-175
2.	<u>ANNEXURE P/8.</u> A copy of guidelines and instructions for application of setting up of Wind – Solar Hybrid Power Projects issued by GEDA.	176-187

Date: 18.08.2022

Place: New Delhi

Through:


Advocates at Link Legal,
Aiwan – E – Ghalib Complex,
Mata Sundari Lane,
New Delhi - 110002

Contact No: +91 9582911079
+91 8860907684

Email id: adityak.singh@linklegal.in
Anukriti.jain@linkegal.in
vinit.kumar@linklegal.in
Pratiksha.chaturvedi@linjlegal.in

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

PETITION NO. 2128 OF 2022

IN THE MATTER OF:

Petition under Section 86 (1) (b), Section 86 (1) (e), Section 86 (1) (k) and 86 (4) of the Electricity Act, 2003 read with Regulation 80, 82, 84 and 85 of the GERC (Conduct of Business) Regulations, 2004 seeking removal of difficulties in implementation of this Hon'ble Commission's order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat passed by the Hon'ble Commission".

AND

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION & ORS. PETITIONERS

Versus

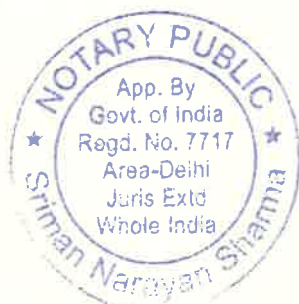
GUVNL & ORS.

.....RESPONDENTS

AFFIDAVIT TO PLACE ADDITIONAL DOCUMENTS ON RECORD

I, Jyotsna Khatri, daughter of Mr. Suresh Khatri, aged about 29 years working for gains at the Petitioner No.1, having its office at 309, Rectangle One, behind Sheraton Hotel, Saket, New Delhi, Delhi 110017, do hereby solemnly affirm and state as follow: -

1. That I am Authorized Representative of the Petitioner No. 1 having its office at 309, Rectangle One, behind Sheraton Hotel, Saket, New Delhi, Delhi 110017 and I am fully conversant with the facts and circumstances of the case based on records maintained by the Petitioner No. 1 and I have been duly authorized and I am therefore, competent to affirm this affidavit.



2. I state that the present petition has been filed for seeking removal of difficulties in implementation of the order dated 03.04.2021 namely *"Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat"* passed by the Hon'ble Commission.
3. I state that *"Guidelines and instructions for application of setting up of Wind - Solar Hybrid Power Projects"* were issued by Gujarat Energy Development Agency (**"GEDA WSH Guidelines"**) in furtherance of the Gujrat WSH policy, 2018 read with WSH Implementation order dated 03.04.2021. The Petitioner is heavily relying in its pleadings on GEDA WSH Guidelines to claim extension. A copy of guidelines and instructions for application of setting up of Wind - Solar Hybrid Power Projects issued by GEDA is marked as **ANNEXURE P/8**. However, inadvertently, copy of the GEDA WSH Guidelines have not been annexed in the captioned petition.
4. I state that the WSH Guideline is vital and necessary for proper adjudication of the present Petition.
5. I state that the in the interest of justice, this Hon'ble Commission may kindly be pleased to take on record in order the above document annexed with the present affidavit. The Petitioner also craves leave to rely on the document attached with affidavit to support and supplement the case of the Petitioner during the course of hearing of the present petition. Further, no prejudice will be caused of hearing of the present affidavit is taken on record and the Petitioner is allowed to rely on the same.



6. I state that the contents of this affidavit are true to the best of my knowledge.
7. I state that the document filed along with this affidavit is true copy of its respective original.



DEPONENT

VERIFICATION

I deponent, do hereby verify that the contents of my above affidavit are true to my knowledge and belief; no part of it is false and nothing material has been concealed there from.

Verified at NEW DELHI on the day of 18 AUG 2022



DEPONENT

I, Indemnified that the deponent
Signed in my presence



ATTESTED
[Signature]
NOTARY PUBLIC
NEW DELHI (INDIA)

18 AUG 2022

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ANNEXURE - P/8

Gujarat Energy Development Agency
4th Floor, Block No. 11/12, Udyog Bhavan
Sector-11, Gandhinagar 382 011

Instructions/Guidelines for application of setting up of Wind – Solar Hybrid Power Projects.

1. Application form :

The application submitted for setting up of Wind - Solar Hybrid Power Projects will be processed under the provisions of the Gujarat Wind – Solar Hybrid Power Policy – 2018, resolution No. SLR/11/2017/141/B1 dated 20/06/2018 and the GERC tariff orders no. 4 of 2021 and any subsequent amendments regarding the same from time to time.

The application form (**Annexure-1**) shall be filled in all respect. All relevant evidences / documents, shall be enclosed with the application form and options not applicable shall be stricken off. All requisite fee/processing charges plus GST as per prevailing rate, shall be paid along with the application in the form of Demand Draft drawn on a nationalized / scheduled bank in favor of Gujarat Energy Development Agency payable at Gandhinagar. Incomplete application shall be processed after furnishing of the residual information in stipulated time. The date of application shall be reckoned from the date of the submission of the residual information / document.

The application form shall be signed and sealed by an authorized signatory of the applicant Company / organization / firm etc., who should be authorized appropriately under the applicable law / rules / regulations for signing all the documents, legal deeds, declarations/undertakings and correspondence, pertaining to the proposed Hybrid project. A copy of the appropriate resolution, authorizing the signatory for the above purpose be enclosed with the application form.

All correspondence regarding the Hybrid project with GEDA shall be done, on the letterhead of the applicant company in the name and designation of the above-referred authorized signatory. All communications from GEDA will be addressed to the Company at the address/fax/email ID given of the Authorized signatory of the applicant company in the application, and such communication sent by GEDA shall deemed to be have been delivered to the applicant / company.

2. Application Processing Fee :

The amount for an application form fee and application processing fee shall be paid in the form of Demand Draft drawn on nationalized / scheduled bank in favor of Gujarat Energy Development Agency, payable at Gandhinagar as detailed below.

Fee structure for Developer Application:

Developer Application form fee	Rs. 10000 (Rupees Ten thousand) plus GST.
Developer Application Processing fee plus GST	
Up to 25 MW	Rs. 3.00 lacs (Rupees Three lacs)
Above 25 MW - 50 MW	Rs. 6.00 lacs (Rupees Six lacs)
Above 50 MW – 75 MW	Rs. 9.00 lacs (Rupees Nine lacs)
Above 75 MW – 100 MW	Rs.15.00 lacs (Rupees Fifteen lacs)
Above 100 MW	Rs.18.00 lacs (Rupees Eighteen lacs)

Fee structure for Reprocessing Application after permission but prior to commissioning of the Hybrid Project:

Sr. No.	Type of Process	Fee plus GST
01	Revision of Permission (i.e. Change of WTG coordinates / WTG location(s), Change in Make / model of WTG etc. and revision due to other reasons if any.)	Rs. 25000/-
02	Beneficiary add on / Beneficiary Change in case of Third Party Sale	

3. Validity of the Permission: Two years from the date of permission granted.

Note: Applicant has to obtain the fresh Permission once the aforesaid validity is over.

4. Suitability of the Sites:

It is advised that the applicant ascertains the feasibility of the site, ascertain power evacuation, shadow free area and ascertain expected energy output from the Hybrid Project, prior to finalization of the site with consideration of Environmental Factors, CRZ Regulations, Mining restrictions and restrictions/regulations applicable/imposed under any law or executive order / direction / guidelines upon the area / site from time to time and from physical point of view for arrangement of the Wind Turbine Generators, Array of Solar modules, reflectors, collectors, generator etc. of the Hybrid Project.

Micro siting of Wind Turbine Generators should be as per the directives / guidelines as declared by MNRE / GOG / GEDA from time to time.

The Government of Gujarat / GEDA neither guarantees the generation of electricity nor shall be responsible for sub-optimal performance of the Hybrid Project in any manner whatsoever.

5. Land related responsibilities

The land on which the permission is proposed shall be in legal possession of the developer at the time of submission of the application. Moreover, the permission required under the relevant / applicable tenancy / revenue laws shall be availed at least before submission of the application to GEDA for commissioning.

6. Commissioning of Wind Solar Hybrid Projects:

The commissioning shall be done jointly in presence of authorized representative of DISCOM / GETCO in accordance with the GERC order 4 of 2021 after submission of relevant documents.

The requisition for Commissioning (**Annexure – 2**) shall be submitted minimum seven days in advance of the proposed date of Commissioning. Commissioning Certificate shall be issued by GEDA to the applicant company on successful Commissioning of the Hybrid Project.

7. Declaration/ Undertaking :

The authorized signatory of the Developer shall, on a Rs. 300/- non judicial Stamp paper, sign a declaration/ undertaking, as per the contents and format enclosed. (**Annexure-3**)

Note: This is executive guideline / instructions for processing the application by GEDA. It is further clarified that these guidelines / instructions neither enlarge nor curtail the scope of Gujarat Wind Solar Hybrid Policy – 2018 issued by Energy and Petrochemical Department, Govt. of Gujarat and GERC Order No. 4 of 2021. If any part/s of these guidelines / instructions are not in accordance with the aforesaid policy or GERC order, the Gujarat Wind Solar Hybrid Policy – 2018 and GERC Order No. 4 of 2021 shall prevail.

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Annexure - 1

**Climate Change Department, Government of Gujarat
Gujarat Energy Development Agency (GEDA)**


4th Floor, Block No. 11 & 12, Udyog Bhavan, Sector-11, GANDHINAGAR - 382 017
Phone: 079-232-57251-3, Fax: 079-232-47097, 079-232-57255
Website: www.geda.gujarat.gov.in

Application Form for Wind - Solar Hybrid Power Project

(Strikeout whichever is not applicable)

A. General Profile of Applicant :

1	Name of the Applicant Company / Organization / Firm.					
	Address of Registered Office					
	Street/House no					
	Village / Taluka :					
	City		State		PIN	
	Phone		Fax		Mobile	
	Email			Web Site		
2	PAN Number			GST No.		
3	Type of Applicant	Individual	Partnership	Proprietary firm	Private Ltd.	Public Ltd.
		Group of Company	Other	Enclose self-certified copy of relevant certificate / MOA / ROC		
4	Works Address of the Applicant Company					
5	Major Business / Services / activity of the applicant					
6	Name & Designation of the Chief Executive of the Company					Designation
	Phone		Mobile		E-mail	
7	Name of the authorized Signatory.					Designation
	<i>Pl enclose certified copy the document for authorizing the Signatory appropriately under the applicable law / rules / regulations for signing all the documents.</i>					
	Phone		Mobile		E-mail	
	Name of the second authorized Signatory, if any.					Designation
	<i>Pl enclose certified copy the document for authorizing the Signatory appropriately under the applicable law / rules / regulations for signing all the documents.</i>					
	Phone		Mobile		E-mail	

B. Technical and Financial details of the Proposed Project:				
1	Type of Hybrid Power Project : Type-A (Hybridization of Existing Project) ☐ / Type-B (New Project) ☐			
2	If Type-A (Hybridization of Existing Project)			
	Capacity in MW	Solar	Wind	
	Existing	_____ MW AC (DC MW _____)	_____ MW	
	Proposed	_____ MW AC (DC MW _____)	_____ MW	
			Make of WTG	
			Capacity of each WTG.	
			Nos.	
Hub Height:				
Rotor Dia.				
Total				
3	Type-B (New Project): Composition of Hybrid Project			
	Solar	_____ MW AC (DC MW _____)		
	Wind	_____ MW		
		Make of WTG		
		Capacity of each WTG.		
		Nos.		
		Hub Height:		
Rotor Dia.				
Total	_____ MW			
4	WTG & Solar PV Modules approved by MNRE	Yes / No. (enclose copy of RLMM sheet)		
5	End use of electricity	☐ Sale to DISCOM (enclose copy of LOA & PPA) ☐ Captive Use ☐ Sale to Third Party ☐ Captive with RPO Compliance ☐ Third Party Project with RPO Compliance ☐ Captive with REC Mechanism ☐ Sale to Third Party with REC Mechanism		
6	Name of concerned DISCOM, within whose jurisdiction the Hybrid Power Plant is to be installed:			
7	Expected Annual output of energy from the proposed project in kWh			
8	Proposed date of commissioning			
9	Approximate Project Cost			

C. Project under Captive Use.		
Documents Enclosed		
1	Copy of registration of the Company	Yes / NO
2	Board Resolution / Signing Authority letter	Yes / NO
3	Notarized Undertaking on Rs. 300 Stamp paper (for new ness of components of the proposed Hybrid Project)	Yes / NO
4	CA certificate with details confirming the % of equity of Group Captive User(s) if applicable	Yes / NO
5	Power Evacuation Arrangement permission letter from the host State Transmission Utility or the concerned Distribution Licensee, as the case may be	Yes / NO
6	Certificate from DISCOM that not taking any set off in Hybrid Project	Yes / NO

D. Project for Third Party Sale (Details of Third Party beneficiary company)			
Details of Third Party			
1	Name		
2	Address		
3	Consumer no.	Contract Demand	
5	Enclose the electricity bill of Third Party Consumer		
6	In case of multiple third party consumer, enclosed the detailed annexure copy of the same		
7	Certificate from DISCOM that not taking any set off in Hybrid Project		Yes / NO
E. Project for RPO Compliance: Captive ☐ / Third Party Sale ☐			
Whether beneficiary is an Obligated Entity covered under RPO obligation			Yes / NO
Documents of beneficiary in support of applicant being obligated entity for RPO compliance			
1	Copy of GERC Distribution Licensee certificate		Yes / NO
2	Whether applicant has Captive Conventional Power Plant (CPP)		Yes / NO
a.	If yes, then Capacity of CPP _____ MW		
b.	Enclose the copy of paid conventional electricity duty of last 3 months		
c.	Any previous Wind or Solar Project put up for captive RPO If yes provide the details		Yes / NO
3	Certificate of STOA/ MTOA/ LTOA by SLDC/GETCO If yes, then Capacity for which Certificate of STOA/ MTOA/ LTOA issued by SLDC/GETCO: _____ MW		Yes / NO
4	If STOA /MTOA / LTOA then Notarized Undertaking on Rs.300 Stamp, confirming the compliance for maintaining the eligibility as obligated entity by retaining STOA /MTOA / LTOA throughout the life span of RE generating plant		Yes / NO
F. Project with REC Mechanism: Captive ☐ / Third Party Sale ☐			
Documents Enclosed			
1	Physical copy of application done on online REC registration website		Yes / NO
2	Copy of receipt for application done on online REC registration website		Yes / NO
3	Power Evacuation Arrangement permission letter from the host State Transmission Utility or the concerned Distribution Licensee, as the case may be		Yes / NO
G. Land Details of the Proposed Project			
1	Land Category		☐ Private ☐ Government
2	Details of Hybrid Power Project site Plot/Survey No., Village, Taluka, District, Latitude, Longitude (Please mention Latitude and longitude in UTM coordinates) Area of land where Hybrid Power Project is being installed: _____ (in Hectares) If multiple locations provide the separate sheet for the same.		
3	Registered Sale deed / Lease Deed of land (Pvt. Land) with 7/12 documents		Enclose the Notarized copy of each
4	In case of Government land	Enclose land allotment Orders issued by Dist. Collector along with DILR measurement sheets / Sub Lease deed with endorsement order	
5	Scaled Micro siting Drawing in 4 Copies enclosed.		YES / NO

H. Power Evacuation Details						
1	Name , Location, Capacity, Voltage level of the pooling Substation	66/132/ 220/440 kV	Substation Capacity	_____ MW _____ MVA	Connected Load	_____ MW _____ MVA
2	Name, Location, Capacity, Voltage level of the GETCO Substation.	66/132/ 220/440 kV	GETCO SS Capacity	_____ MW _____ MVA	Connected Load	_____ MW _____ MVA
3	GETCO's Evacuation Permission details. Please enclose the permission letter of the GETCO with all annexures	Reference No. & Date of Permission & Validity				
4	Length of the Transmission line between WF SS & GETCO SS	km	Type of Line		Conductor Size:	Capacity of Line:
5	Length of Transmission Line if already in existence	km	Type of Line		Conductor Size:	Capacity of Line:
I. Non-refundable fee structure for Registering Hybrid Power Project at GEDA						
1	Developer Application Form Fee Rs. 10000 + GST. Pl. enclose DD.	Rs.	DD No.		Bank	
			Dated			
2	Developer Application Processing fee plus GST					
Up to 25 MW		Rs. 3.00 lacs (Rupees Three lacs)		Rs.	DD No.	
Above 25 MW - 50 MW		Rs. 6.00 lacs (Rupees Six lacs)				
Above 50 MW – 75 MW		Rs. 9.00 lacs (Rupees Nine lacs)			Date	
Above 75 MW – 100 MW		Rs.15.00 lacs (Rupees Fifteen lacs)				
Above 100 MW		Rs.18.00 lacs (Rupees Eighteen lacs)			Bank	
(At present GST of 18% is applicable, GEDA GST No. 24AAATG1858Q1ZA)						

j. Declaration of the Authorized Signatory

I, Shri. _____, authorized signatory of M/s. _____

_____ hereby declare that I have read all the guidelines, terms and conditions of the Application form, the Wind-Solar Hybrid Power Policy -2018, the relevant GERC orders and I undertake to abide by the same. The information filled in the Application form is true and correct to my knowledge and belief. It is also declared that I have signed the undertaking as prescribed in the guidelines / terms & conditions. GEDA is not responsible for providing land, the power evacuation and water supply facility for the operation / maintenance of the power evacuation facilities and its uninterrupted functioning.

Further, that GEDA is absolved from any loss that may occur on account of failure of the substation / transmission line and / or non-performance of any system of the project etc.

We also certify that we have followed all rules and regulations, including those required for purchase/ lease for the private land and that I indemnify GEDA shall not be any party for the want of any such disputes/issues arising at a later date due to noncompliance of any law/regulation pertaining to the mentioned land on which our Hybrid Power Project to be installed.

Name of the Authorized Signatory		Seal of the Company
Designation		
Name of the Applicant Company		
Place		
Date		

Annexure - 2

Reference No.

Date

To,

1. Director,
Gujarat Energy Development Agency,
4th Floor, Block no. 11/12, Udyog Bhavan,
Gandhinagar
2. GUVNL / DISCOM / GETCO

Subject :- Request for commissioning of Wind Solar Hybrid Power Project.

- Reference: 1. Developer Permission No. _____ dated _____
2. Transfer Permission No. _____ dated _____

Dear Sir,

With reference and subject above, this is to inform you that we have installed _____ MW capacity Wind Solar Hybrid Power Project at Village _____ Dist. _____, on Government leased land / privately owned/leased land bearing Survey No. _____. The Wind Solar Hybrid Power Project comprises of _____ numbers of wind turbine generators of _____ make of _____ kW rating each and Solar PV Power Project of _____ MW (AC)

The ID numbers of the WTGs and details of major components of Solar PV Power Project as per the annexure attached herewith.

We have installed the ABT meter at all the WTGs and Solar PV Power Project mentioned above, as per specifications approved by the concerned authority.

Our Wind Solar Hybrid Power Project is connected to the pooring substation at _____, through separate set of internal _____ kV overhead transmission line for both WTGs and Solar PV Project as approved by the Electrical Inspector vide his letter dated _____ (copy enclosed), for its charging.

We now intend to commission our Wind Solar Hybrid Power Project on _____ (Date). We therefore request you to witness the commissioning of our Wind Solar Hybrid Power Project, on _____, during which our officer shall also remain present.

Thanking you,

Yours faithfully,

Signature

(Name of Authorized signatory of the Wind Solar Hybrid Power Project Owner)

Designation

Annexure-3

(On Rs. 300/- Stamp Paper DULY NOTORISED)

Format for UNDERTAKING/DECLARATION to be signed by the Authorized Signatory of the Developer Company / Transferee, intending to set up Wind Solar Hybrid Power Project.

We, M/s. _____ having its registered Office at _____ intend to set up a Wind Solar Hybrid Power Project of _____ MW capacity at Village _____ Taluka _____ District _____, under Developer approach / as an investor, as per the provisions of the Wind Solar Hybrid Power Policy - 2018 of the Government of Gujarat declared vide its No. SLR/11/2017/141/B1 dated 20/06/2018 and the GERC tariff orders no. 4 of 2021 related to Wind Solar Hybrid Power Generation, for which we are seeking the permission of the Gujarat Energy Development Agency, Gandhinagar.

As a prerequisite for getting permission for setting up of the Wind Solar Hybrid Power Project, the following undertaking/declaration is given to the Director, Gujarat Energy Development Agency, having its registered Office at 4th Floor, Block No. 11/12, Udyog Bhavan, Sector -11, Gandhinagar – 382 017.

I, Shri. _____ Designation _____ of M/s. _____ being authorized by the Board of the Company, to sign documents /declarations/undertakings (Certified copy of the Board resolution authorizing me is enclosed) required for seeking permission for setting up of Wind Solar Hybrid Power Project, hereby give following declaration/ undertaking:

1. That the Wind Solar Hybrid Power Project proposed to be installed and commissioned under this project, are NEW WTG's and Solar PV Project are not second hand/used ones prior to their proposed location of installation and that, I have ascertained the NEWNESS of the related components, assemblies of the WTGs and Solar PV Project proposed for installation.
2. That the proposed WTGs to be installed are having type test approval of the MNRE.
3. That the feasibility of the proposed site for installation of WTGs and Solar PV Project, in terms of its wind speed/ Wind power density, Solar irradiation, expected energy output etc. for the optimum performance of the WTGs and Solar PV Project in terms of generation of electricity have been ascertained by us, and that GEDA shall not be responsible for sub-optimal performance of the Wind Solar Hybrid Power Project, if any.
4. That we have complied with all the provisions of any law for the time being in force or any order or direction of the Central or State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to purchase and use of land for industrial purpose of setting up of Wind Solar Hybrid Power Project, before the

land is put to use for such purpose, and that GEDA shall not be responsible for any dispute that may arise at later stage, on this account.

5. That the Wind Solar Hybrid Power Project Pooling Substation, the transmission lines and allied requirements, those shall be created by us for the power evacuation, shall be adequate for evacuating the total generation from the Wind Solar Hybrid Power Project capacity proposed, without having required to resort to staggering of the generation, and that GEDA shall not be responsible in any manner, for the loss of generation, if any, on account of the staggering required to be resorted to, if at any time.
6. That all the requirements stipulated by / as per relevant / applicable tenancy / revenue laws for land and CERC /GETCO/GUVNL/DISCOMS/Chief Electrical Inspector and the GERC shall be abided by us.
7. That the entering into the Power Purchase Agreement with GUVNL/Licenses for sale of power and entering into agreement with GETCO/DISCOM for wheeling of the power, generated out of the Windfarm, shall be our responsibility.
8. That the operation and maintenance of the Wind Solar Hybrid Power Project Pooling Substation shall be our responsibility, and shall ensure its smooth and uninterrupted operation.
9. That we have installed the ABT meters at the individual WTGs, Solar PV Project and the Wind Solar Hybrid Power Project Pooling Substation, in accordance with the GERC regulation and in accordance with the approved specifications of the concerned authority.
10. That I have read all the terms and conditions of the Gujarat Wind - Solar Hybrid Power Policy-2018, relevant regulations/orders of the GERC and those amended from time to time and guidelines and terms prescribed by GEDA. I undertake to abide by all the terms and conditions, and that in the event of any dispute on the interpretation of the terms and conditions, the decision of the Director, GEDA shall be final and binding upon us.

Signature:

Name:

Designation:

Name & Seal of the Company

Date:

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION

GANDHINAGAR

PETITION NO. 2128 OF 2022

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION & ORS. PETITIONERS

Versus

GUVNL & ORS.

.....RESPONDENTS

INDEX

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1.	Affidavit to place on additional document on behalf of Petitioners No. 2.	188 - 189
2.	<u>ANNEXURE P/9.</u> A copy of guidelines and instructions for application of setting up of Wind - Solar Hybrid Power Projects issued by GEDA.	190 - 201

Date: 18.08.2022

Place: New Delhi

Through:

Vinita
Advocates at Link Legal,
Aiwan - E - Ghalib Complex,
Mata Sundari Lane,
New Delhi - 110002

Contact No: +91 9582911079
+91 8860907684

Email id: adityak.singh@linklegal.in
Anukriti.jain@linkegal.in
vinit.kumar@linklegal.in
Pratiksha.chaturvedi@linjlegal.in

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR
PETITION NO. 2128 OF 2022

IN THE MATTER OF:

Petition under Section 86 (1) (b), Section 86 (1) (e), Section 86 (1) (k) and 86 (4) of the Electricity Act, 2003 read with Regulation 80, 82, 84 and 85 of the GERC (Conduct of Business) Regulations, 2004 seeking removal of difficulties in implementation of this Hon'ble Commission's order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat passed by the Hon'ble Commission".

AND

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION & ORS. PETITIONERS

Versus

GUVNL & ORS.

.....RESPONDENTS

AFFIDAVIT TO PLACE ADDITIONAL DOCUMENTS ON RECORD

I, Ashu Gupta, son of Kunj Behari Lal Gupta, aged about 44 years working for gains at the Petitioner No.2 having its office at 13 A Floor- 13, Plot- 400, The Prestige Apartment, Kismat Cinema, Prabhadevi, Mumbai, Maharashtra 400025, presently at New Delhi, do hereby solemnly affirm and state as follows:

1. That I am Authorized Representative of the Petitioner No. 2 having its office at 309, Rectangle One, behind Sheraton Hotel, Saket, New Delhi, Delhi

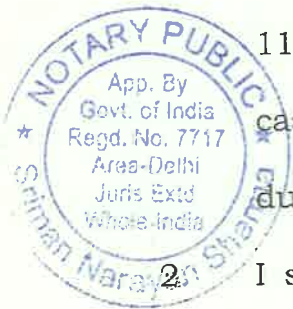
110017 and I am fully conversant with the facts and circumstances of the

case based on records maintained by the Petitioner No. 2 and I have been

duly authorized and I am therefore, competent to affirm this affidavit.

I state that the present petition has been filed for seeking removal of difficulties in implementation of the order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat" passed by the Hon'ble Commission.

3. I state that "Guidelines and instructions for application of setting up of Wind – Solar Hybrid Power Projects" were issued by Gujarat Energy Development Agency ("GEDA WSH Guidelines") in furtherance of the Gujrat WSH



policy, 2018 read with WSH Implementation order dated 03.04.2021. The Petitioner is heavily relying in its pleadings on GEDA WHS Guidelines to claim extension. A copy of guidelines and instructions for application of setting up of Wind – Solar Hybrid Power Projects issued by GEDA is marked as **ANNEXURE P/9**. However, inadvertently, copy of the GEDA WSH Guidelines have not been annexed in the captioned petition.

4. I state that the WSH Guideline is vital and necessary for proper adjudication of the present Petition.
5. I state that the in the interest of justice, this Hon'ble Commission may kindly be pleased to take on record in order the above document annexed with the present affidavit. The Petitioner also craves leave to rely on the document attached with affidavit to support and supplement the case of the Petitioner during the course of hearing of the present petition. Further, no prejudice will be caused of hearing of the present affidavit is taken on record and the Petitioner is allowed to rely on the same.
6. I state that the contents of this Affidavit are true to the best of my knowledge.
7. I state that the document filed along with this affidavit are true copy of their respective original.

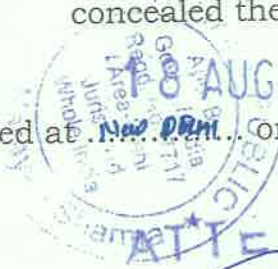


VERIFICATION

I deponent, do hereby verify that the contents of my above affidavit are true to my knowledge and belief; no part of it is false and nothing material has been concealed there from.

Verified at New Delhi on the day of.....

Me
I, Indemnified that the deponent
Signed in my presence



ATTESTED
BY NOTARY PUBLIC
NEW DELHI (INDIA)

[Signature]
DEPONENT

[Signature]
DEPONENT

18 AUG 2022

**Gujarat Energy Development Agency
4th Floor, Block No. 11/12, Udyog Bhavan
Sector-11, Gandhinagar 382 011**

**Instructions/Guidelines for application of setting up of Wind – Solar Hybrid
Power Projects.**

1. Application form :

The application submitted for setting up of Wind - Solar Hybrid Power Projects will be processed under the provisions of the Gujarat Wind – Solar Hybrid Power Policy – 2018, resolution No. SLR/11/2017/141/B1 dated 20/06/2018 and the GERC tariff orders no. 4 of 2021 and any subsequent amendments regarding the same from time to time.

The application form (**Annexure-1**) shall be filled in all respect. All relevant evidences / documents, shall be enclosed with the application form and options not applicable shall be stricken off. All requisite fee/processing charges plus GST as per prevailing rate, shall be paid along with the application in the form of Demand Draft drawn on a nationalized / scheduled bank in favor of Gujarat Energy Development Agency payable at Gandhinagar. Incomplete application shall be processed after furnishing of the residual information in stipulated time. The date of application shall be reckoned from the date of the submission of the residual information / document.

The application form shall be signed and sealed by an authorized signatory of the applicant Company / organization / firm etc., who should be authorized appropriately under the applicable law / rules / regulations for signing all the documents, legal deeds, declarations/undertakings and correspondence, pertaining to the proposed Hybrid project. A copy of the appropriate resolution, authorizing the signatory for the above purpose be enclosed with the application form.

All correspondence regarding the Hybrid project with GEDA shall be done, on the letterhead of the applicant company in the name and designation of the above-referred authorized signatory. All communications from GEDA will be addressed to the Company at the address/fax/email ID given of the Authorized signatory of the applicant company in the application, and such communication sent by GEDA shall deemed to be have been delivered to the applicant / company.

2. Application Processing Fee :

The amount for an application form fee and application processing fee shall be paid in the form of Demand Draft drawn on nationalized / scheduled bank in favor of Gujarat Energy Development Agency, payable at Gandhinagar as detailed below.

Fee structure for Developer Application:

Developer Application form fee	Rs. 10000 (Rupees Ten thousand) plus GST.
Developer Application Processing fee plus GST	
Up to 25 MW	Rs. 3.00 lacs (Rupees Three lacs)
Above 25 MW - 50 MW	Rs. 6.00 lacs (Rupees Six lacs)
Above 50 MW – 75 MW	Rs. 9.00 lacs (Rupees Nine lacs)
Above 75 MW – 100 MW	Rs.15.00 lacs (Rupees Fifteen lacs)
Above 100 MW	Rs.18.00 lacs (Rupees Eighteen lacs)

Fee structure for Reprocessing Application after permission but prior to commissioning of the Hybrid Project:

Sr. No.	Type of Process	Fee plus GST
01	Revision of Permission (i.e. Change of WTG coordinates / WTG location(s), Change in Make / model of WTG etc. and revision due to other reasons if any.)	Rs. 25000/-
02	Beneficiary add on / Beneficiary Change in case of Third Party Sale	

3. Validity of the Permission: Two years from the date of permission granted.

Note: Applicant has to obtain the fresh Permission once the aforesaid validity is over.

4. Suitability of the Sites:

It is advised that the applicant ascertains the feasibility of the site, ascertain power evacuation, shadow free area and ascertain expected energy output from the Hybrid Project, prior to finalization of the site with consideration of Environmental Factors, CRZ Regulations, Mining restrictions and restrictions/regulations applicable/imposed under any law or executive order / direction / guidelines upon the area / site from time to time and from physical point of view for arrangement of the Wind Turbine Generators, Array of Solar modules, reflectors, collectors, generator etc. of the Hybrid Project.

Micro siting of Wind Turbine Generators should be as per the directives / guidelines as declared by MNRE / GOG / GEDA from time to time.

The Government of Gujarat / GEDA neither guarantees the generation of electricity nor shall be responsible for sub-optimal performance of the Hybrid Project in any manner whatsoever.

5. Land related responsibilities

The land on which the permission is proposed shall be in legal possession of the developer at the time of submission of the application. Moreover, the permission required under the relevant / applicable tenancy / revenue laws shall be availed at least before submission of the application to GEDA for commissioning.

6. Commissioning of Wind Solar Hybrid Projects:

The commissioning shall be done jointly in presence of authorized representative of DISCOM / GETCO in accordance with the GERC order 4 of 2021 after submission of relevant documents.

The requisition for Commissioning (**Annexure – 2**) shall be submitted minimum seven days in advance of the proposed date of Commissioning. Commissioning Certificate shall be issued by GEDA to the applicant company on successful Commissioning of the Hybrid Project.

7. Declaration/ Undertaking :

The authorized signatory of the Developer shall, on a Rs. 300/- non judicial Stamp paper, sign a declaration/ undertaking, as per the contents and format enclosed. (**Annexure-3**)

Note: This is executive guideline / instructions for processing the application by GEDA. It is further clarified that these guidelines / instructions neither enlarge nor curtail the scope of Gujarat Wind Solar Hybrid Policy – 2018 issued by Energy and Petrochemical Department, Govt. of Gujarat and GERC Order No. 4 of 2021. If any part/s of these guidelines / instructions are not in accordance with the aforesaid policy or GERC order, the Gujarat Wind Solar Hybrid Policy – 2018 and GERC Order No. 4 of 2021 shall prevail.

Annexure - 1



**Climate Change Department, Government of Gujarat
Gujarat Energy Development Agency (GEDA)**

4th Floor, Block No. 11 & 12, Udyog Bhavan, Sector-11, GANDHINAGAR - 382 017
Phone: 079-232-57251-3, Fax: 079-232-47097, 079-232-57255
Website: www.geda.gujarat.gov.in

Application Form for Wind - Solar Hybrid Power Project

(Strikeout whichever is not applicable)

A. General Profile of Applicant :

1	Name of the Applicant Company / Organization / Firm.									
	Address of Registered Office									
	Street/House no									
	Village / Taluka :									
	City		State		PIN					
	Phone		Fax		Mobile					
	Email					Web Site				
2	PAN Number						GST No.			
3	Type of Applicant		Individual		Partnership		Proprietary firm		Private Ltd.	
			Group of Company		Other		Enclose self-certified copy of relevant certificate / MOA / ROC			
4	Works Address of the Applicant Company									
5	Major Business / Services / activity of the applicant									
6	Name & Designation of the Chief Executive of the Company								Designation	
	Phone		Mobile			E-mail				
7	Name of the authorized Signatory.								Designation	
	Pl enclose certified copy the document for authorizing the Signatory appropriately under the applicable law / rules / regulations for signing all the documents.									
	Phone		Mobile			E-mail				
	Name of the second authorized Signatory, if any.								Designation	
	Pl enclose certified copy the document for authorizing the Signatory appropriately under the applicable law / rules / regulations for signing all the documents.									
	Phone		Mobile			E-mail				

B. Technical and Financial details of the Proposed Project:			
1	Type of Hybrid Power Project : Type-A (Hybridization of Existing Project) ☐ / Type-B (New Project) ☐		
2	If Type-A (Hybridization of Existing Project)		
	Capacity in MW	Solar	Wind
	Existing	_____ MW AC (DC MW _____)	_____ MW
	Proposed	_____ MW AC (DC MW _____)	_____ MW
			Make of WTG
			Capacity of each WTG.
			Nos.
Hub Height:			
Rotor Dia.			
Total			
3	Type-B (New Project): Composition of Hybrid Project		
	Solar	_____ MW AC (DC MW _____)	
	Wind	_____ MW	
		Make of WTG	
		Capacity of each WTG.	
		Nos.	
		Hub Height:	
Rotor Dia.			
Total	_____ MW		
4	WTG & Solar PV Modules approved by MNRE	Yes / No. (enclose copy of RLMM sheet)	
5	End use of electricity	☐ Sale to DISCOM (enclose copy of LOA & PPA) ☐ Captive Use ☐ Sale to Third Party ☐ Captive with RPO Compliance ☐ Third Party Project with RPO Compliance ☐ Captive with REC Mechanism ☐ Sale to Third Party with REC Mechanism	
6	Name of concerned DISCOM, within whose jurisdiction the Hybrid Power Plant is to be installed		
7	Expected Annual output of energy from the proposed project in kWh		
8	Proposed date of commissioning		
9	Approximate Project Cost		

C. Project under Captive Use.		
Documents Enclosed		
1	Copy of registration of the Company	Yes / NO
2	Board Resolution / Signing Authority letter	Yes / NO
3	Notarized Undertaking on Rs. 300 Stamp paper (for new ness of components of the proposed Hybrid Project)	Yes / NO
4	CA certificate with details confirming the % of equity of Group Captive User(s) if applicable	Yes / NO
5	Power Evacuation Arrangement permission letter from the host State Transmission Utility or the concerned Distribution Licensee, as the case may be	Yes / NO
6	Certificate from DISCOM that not taking any set off in Hybrid Project	Yes / NO

D. Project for Third Party Sale (Details of Third Party beneficiary company)			
Details of Third Party			
1	Name		
2	Address		
3	Consumer no.	Contract Demand	
5	Enclose the electricity bill of Third Party Consumer		
6	In case of multiple third party consumer, enclosed the detailed annexure copy of the same		
7	Certificate from DISCOM that not taking any set off in Hybrid Project		Yes / NO
E. Project for RPO Compliance: Captive ☐ / Third Party Sale ☐			
Whether beneficiary is an Obligated Entity covered under RPO obligation			Yes / NO
Documents of beneficiary in support of applicant being obligated entity for RPO compliance			
1	Copy of GERC Distribution Licensee certificate		Yes / NO
2	Whether applicant has Captive Conventional Power Plant (CPP)		Yes / NO
a.	If yes, then Capacity of CPP	_____ MW	
b.	Enclose the copy of paid conventional electricity duty of last 3 months		
c.	Any previous Wind or Solar Project put up for captive RPO If yes provide the details		Yes / NO
3	Certificate of STOA/ MTOA/ LTOA by SLDC/GETCO If yes, then Capacity for which Certificate of STOA/ MTOA/ LTOA issued by SLDC/GETCO: _____ MW		Yes / NO
4	If STOA /MTOA / LTOA then Notarized Undertaking on Rs.300 Stamp, confirming the compliance for maintaining the eligibility as obligated entity by retaining STOA /MTOA / LTOA throughout the life span of RE generating plant		Yes / NO
F. Project with REC Mechanism: Captive ☐ / Third Party Sale ☐			
Documents Enclosed			
1	Physical copy of application done on online REC registration website		Yes / NO
2	Copy of receipt for application done on online REC registration website		Yes / NO
3	Power Evacuation Arrangement permission letter from the host State Transmission Utility or the concerned Distribution Licensee, as the case may be		Yes / NO
G. Land Details of the Proposed Project			
1	Land Category		☐ Private ☐ Government
2	Details of Hybrid Power Project site	Plot/Survey No., Village, Taluka, District, Latitude, Longitude (Please mention Latitude and longitude in UTM coordinates) Area of land where Hybrid Power Project is being installed: _____ (in Hectares) If multiple locations provide the separate sheet for the same.	
3	Registered Sale deed / Lease Deed of land (Pvt. Land) with 7/12 documents	Enclose the Notarized copy of each	
4	In case of Government land	Enclose land allotment Orders issued by Dist. Collector along with DILR measurement sheets / Sub Lease deed with endorsement order	
5	Scaled Micro siting Drawing in 4 Copies enclosed.		YES / NO

H. Power Evacuation Details						
1	Name , Location, Capacity, Voltage level of the pooling Substation	66/132/ 220/440 kV	Substation Capacity	_____ MW _____ MVA	Connected Load	_____ MW _____ MVA
2	Name, Location, Capacity, Voltage level of the GETCO Substation.	66/132/ 220/440 kV	GETCO SS Capacity	_____ MW _____ MVA	Connected Load	_____ MW _____ MVA
3	GETCO's Evacuation Permission details. Please enclose the permission letter of the GETCO with all annexures	Reference No. & Date of Permission & Validity				
4	Length of the Transmission line between WF SS & GETCO SS	km	Type of Line		Conductor Size:	Capacity of Line:
5	Length of Transmission Line if already in existence	km	Type of Line		Conductor Size:	Capacity of Line:
I. Non-refundable fee structure for Registering Hybrid Power Project at GEDA						
1	Developer Application Form Fee Rs. 10000 + GST. Pl. enclose DD.	Rs.	DD No.		Bank	
			Dated			
2	Developer Application Processing fee plus GST					
Up to 25 MW		Rs. 3.00 lacs (Rupees Three lacs)		Rs.	DD No.	
Above 25 MW - 50 MW		Rs. 6.00 lacs (Rupees Six lacs)				
Above 50 MW – 75 MW		Rs. 9.00 lacs (Rupees Nine lacs)			Date	
Above 75 MW – 100 MW		Rs.15.00 lacs (Rupees Fifteen lacs)				
Above 100 MW		Rs.18.00 lacs (Rupees Eighteen lacs)			Bank	
(At present GST of 18% is applicable, GEDA GST No. 24AAATG1858Q1ZA)						

j. Declaration of the Authorized Signatory

I, Shri. _____, authorized signatory of M/s. _____
 _____ hereby declare that I have read all the guidelines, terms and conditions of the Application form, the Wind-Solar Hybrid Power Policy -2018, the relevant GERC orders and I undertake to abide by the same. The information filled in the Application form is true and correct to my knowledge and belief. It is also declared that I have signed the undertaking as prescribed in the guidelines / terms & conditions. GEDA is not responsible for providing land, the power evacuation and water supply facility for the operation / maintenance of the power evacuation facilities and its uninterrupted functioning.

Further, that GEDA is absolved from any loss that may occur on account of failure of the substation / transmission line and / or non-performance of any system of the project etc.

We also certify that we have followed all rules and regulations, including those required for purchase/ lease for the private land and that I indemnify GEDA shall not be any party for the want of any such disputes/issues arising at a later date due to noncompliance of any law/regulation pertaining to the mentioned land on which our Hybrid Power Project to be installed.

Name of the Authorized Signatory		Seal of the Company
Designation		
Name of the Applicant Company		
Place		
Date		

Annexure - 2

Reference No.

Date

To,

1. Director,
Gujarat Energy Development Agency,
4th Floor, Block no. 11/12, Udyog Bhavan,
Gandhinagar
2. GUVNL / DISCOM / GETCO

Subject :- Request for commissioning of Wind Solar Hybrid Power Project.

Reference: 1. Developer Permission No. _____ dated _____
2. Transfer Permission No. _____ dated _____

Dear Sir,

With reference and subject above, this is to inform you that we have installed _____ MW capacity Wind Solar Hybrid Power Project at Village _____ Dist. _____, on Government leased land / privately owned/leased land bearing Survey No. _____. The Wind Solar Hybrid Power Project comprises of _____ numbers of wind turbine generators of _____ make of _____ kW rating each and Solar PV Power Project of _____ MW (AC)

The ID numbers of the WTGs and details of major components of Solar PV Power Project as per the annexure attached herewith.

We have installed the ABT meter at all the WTGs and Solar PV Power Project mentioned above, as per specifications approved by the concerned authority.

Our Wind Solar Hybrid Power Project is connected to the pooing substation at _____, through separate set of internal _____ kV overhead transmission line for both WTGs and Solar PV Project as approved by the Electrical Inspector vide his letter dated _____ (copy enclosed), for its charging.

We now intend to commission our Wind Solar Hybrid Power Project on _____ (Date). We therefore request you to witness the commissioning of our Wind Solar Hybrid Power Project, on _____, during which our officer shall also remain present.

Thanking you,

Yours faithfully,

Signature

(Name of Authorized signatory of the Wind Solar Hybrid Power Project Owner)

Designation

Annexure-3

(On Rs. 300/- Stamp Paper DULY NOTORISED)

Format for UNDERTAKING/DECLARATION to be signed by the Authorized Signatory of the Developer Company / Transferee, intending to set up Wind Solar Hybrid Power Project.

We, M/s. _____ having its registered Office at _____ intend to set up a Wind Solar Hybrid Power Project of _____ MW capacity at Village _____ Taluka _____ District _____, under Developer approach / as an investor, as per the provisions of the Wind Solar Hybrid Power Policy - 2018 of the Government of Gujarat declared vide its No. SLR/11/2017/141/B1 dated 20/06/2018 and the GERC tariff orders no. 4 of 2021 related to Wind Solar Hybrid Power Generation, for which we are seeking the permission of the Gujarat Energy Development Agency, Gandhinagar.

As a prerequisite for getting permission for setting up of the Wind Solar Hybrid Power Project, the following undertaking/declaration is given to the Director, Gujarat Energy Development Agency, having its registered Office at 4th Floor, Block No. 11/12, Udyog Bhavan, Sector -11, Gandhinagar – 382 017.

I, Shri. _____ Designation _____ of M/s. _____ being authorized by the Board of the Company, to sign documents /declarations/undertakings (Certified copy of the Board resolution authorizing me is enclosed) required for seeking permission for setting up of Wind Solar Hybrid Power Project, hereby give following declaration/ undertaking:

1. That the Wind Solar Hybrid Power Project proposed to be installed and commissioned under this project, are NEW WTG's and Solar PV Project are not second hand/used ones prior to their proposed location of installation and that, I have ascertained the NEWNESS of the related components, assemblies of the WTGs and Solar PV Project proposed for installation.
2. That the proposed WTGs to be installed are having type test approval of the MNRE.
3. That the feasibility of the proposed site for installation of WTGs and Solar PV Project, in terms of its wind speed/ Wind power density, Solar irradiation, expected energy output etc. for the optimum performance of the WTGs and Solar PV Project in terms of generation of electricity have been ascertained by us, and that GEDA shall not be responsible for sub-optimal performance of the Wind Solar Hybrid Power Project, if any.
4. That we have complied with all the provisions of any law for the time being in force or any order or direction of the Central or State Government or any Corporation owned or controlled by such Government, Government Company, local authority or statutory authority in relation to purchase and use of land for industrial purpose of setting up of Wind Solar Hybrid Power Project, before the

land is put to use for such purpose, and that GEDA shall not be responsible for any dispute that may arise at later stage, on this account.

5. That the Wind Solar Hybrid Power Project Pooling Substation, the transmission lines and allied requirements, those shall be created by us for the power evacuation, shall be adequate for evacuating the total generation from the Wind Solar Hybrid Power Project capacity proposed, without having required to resort to staggering of the generation, and that GEDA shall not be responsible in any manner, for the loss of generation, if any, on account of the staggering required to be resorted to, if at any time.
6. That all the requirements stipulated by / as per relevant / applicable tenancy / revenue laws for land and CERC /GETCO/GUVNL/DISCOMS/Chief Electrical Inspector and the GERC shall be abided by us.
7. That the entering into the Power Purchase Agreement with GUVNL/Licenses for sale of power and entering into agreement with GETCO/DISCOM for wheeling of the power, generated out of the Windfarm, shall be our responsibility.
8. That the operation and maintenance of the Wind Solar Hybrid Power Project Pooling Substation shall be our responsibility, and shall ensure its smooth and uninterrupted operation.
9. That we have installed the ABT meters at the individual WTGs, Solar PV Project and the Wind Solar Hybrid Power Project Pooling Substation, in accordance with the GERC regulation and in accordance with the approved specifications of the concerned authority.
10. That I have read all the terms and conditions of the Gujarat Wind - Solar Hybrid Power Policy-2018, relevant regulations/orders of the GERC and those amended from time to time and guidelines and terms prescribed by GEDA. I undertake to abide by all the terms and conditions, and that in the event of any dispute on the interpretation of the terms and conditions, the decision of the Director, GEDA shall be final and binding upon us.

Signature:

Name:

Designation:

Name & Seal of the Company

Date:

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

PETITION NO. 2128 OF 2022

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION & ORS. PETITIONERS

Versus

GUVNL & ORS.

.....RESPONDENTS

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S. No.	Particulars	Page No.
1.	Submission of Information in Compliance of the order dated 21.09.2022 in Petition No. 2128 of 2022.	202-203

Date: 7.11.2022

Place: New Delhi

Through:


Advocates at Link Legal,
Aiwan – E – Ghalib Complex,
Mata Sundari Lane,
New Delhi - 110002

Contact No: +91 9582911079
+91 8860907684

Email id: adityak.singh@linklegal.in
Anukriti.jain@linklegal.in
vinit.kumar@linklegal.in

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BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR

PETITION NO. 2128 OF 2022

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION & ORS. PETITIONERS

Versus

GUVNL & ORS.

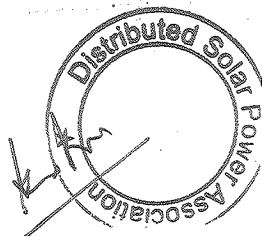
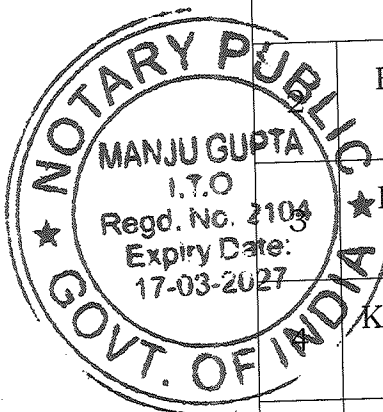
.....RESPONDENTS

SUBMISSION OF INFORMATION IN COMPLIANCE OF THE ORDER DATED
21.09.2022 IN PETITION NO. 2128 OF 2022

1. I, Jyotsna Khatri, daughter of Mr. Suresh Khatri, aged about 29 years working for gains at the Petitioner No.1, having its office at 309, Rectangle One, behind Sheraton Hotel, Saket, New Delhi, Delhi 110017, presently at New Delhi, do hereby solemnly affirm and state as follows.
2. I am the Authorized Representative of the Petitioner No.1 in the above matter and am duly authorized by the said Petitioner to make this affidavit on its behalf.
3. That this Hon'ble Commission vide daily order dated 21.09.2022 in Petition No. 2129 of 2022 directed to submit the details of the Hybrid projects which were commissioned.
4. Therefore, in compliance of the order dated 21.09.2022, I hereby submit the details of the Hybrid projects which are commissioned. The details are herein below: -

Commissioned Projects Data

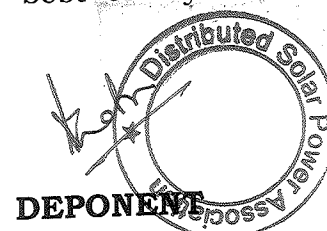
S. No.	Name of the project	Capacity	Date of commissioning
CLEANMAX			
1	Kotdapitha-Kiriana	16.2MW + 6.3MW (Wind Solar Hybrid)	16.10.2022
RENEW			
	Babariya Ph-1	17.6	02.02.2022
	Babariya Ph-2	17.6	29.04.2022
	Kagvad Ph-1	8.8	14.06.2022
5	Kagvad Ph-2.1	6.6	24.08.2022



6	Kagvad Ph- 2.2		
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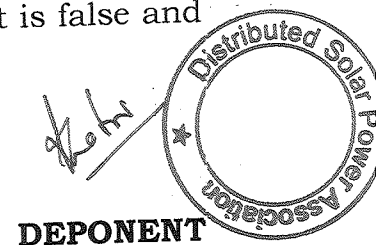
203

5. I state that the in the interest of justice, this Hon'ble Commission may kindly be pleased to take on record the present affidavit.
6. No prejudice will be caused of hearing of the present affidavit is taken on record and the Petitioner is allowed to rely on the same.
7. I state that the contents of this affidavit are true to the best of my knowledge.

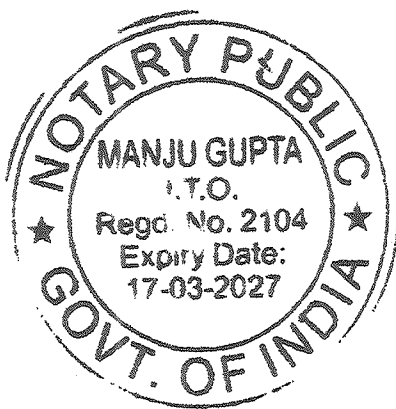


VERIFICATION

I Jyotsna Khatri, the above-named deponent does hereby verify that the contents of this affidavit are true and correct to my knowledge, no part of it is false and nothing material has been concealed therefrom.



Verified by me on day of November, 2022 at New Delhi.



ATTESTED
[Signature]
NOTARY PUBLIC
DELHI

07 NOV 2022

I Identify
Name Jyotsna Khatri
Address

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION

GANDHINAGAR

PETITION NO. 2128 OF 2022

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION & ORS. PETITIONERS

Versus

GUVNL & ORS.

.....RESPONDENTS

INDEX

S. No.	Particulars	Page No.
1.	Amended Memo of Parties along with supporting affidavits.	204- 208

Date: 07.11.2022

Place: New Delhi

Through:


Advocates at Link Legal,
Aiwan – E – Ghalib Complex,
Mata Sundari Lane,
New Delhi - 110002

Contact No: +91 9582911079
+91 8860907684

Email id: adityak.singh@linklegal.in
Anukriti.jain@linkegal.in
vinit.kumar@linklegal.in
Pratiksha.chaturvedi@linjlegal.in

204

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION

GANDHINAGAR

PETITION NO. 2128 OF 2022

IN THE MATTER OF:

Petition under Section 86 (1) (b), Section 86 (1) (e), Section 86 (1) (k) and 86 (4) of the Electricity Act, 2003 read with Regulation 80,82, 84 and 85 of the GERC (Conduct of Business) Regulations, 2004 seeking removal of difficulties in implementation of this Hon'ble Commission's order dated 03.04.2021 namely "Applicability of Tariff Framework for procurement of power by Distribution Licensees and others from wind-solar hybrid projects and other commercial issues for the State of Gujarat passed by the Hon'ble Commission".

MEMO OF PARTIES

AND

1. Distributed Solar Power Association

Address: A-57, DDA Sheds,
Okhla Industrial Phase-II,
New Delhi- 110020

Through authorised representative

2. Cleanmax Bhoomi Private Limited

13A, Floor-13, Plot-400,
The Peregrine apartment, Kismat Cinema,
Prabhadevi, Mumbai-400025

Through Authorised Representative

Versus

1. Gujarat Urja Vikas Nigam Limited

Address: Sardar Patel Vidyut Bhavan,
Race Course, Vadodara 390007
Through Managing Director

2. Uttar Gujarat Vij Company Limited

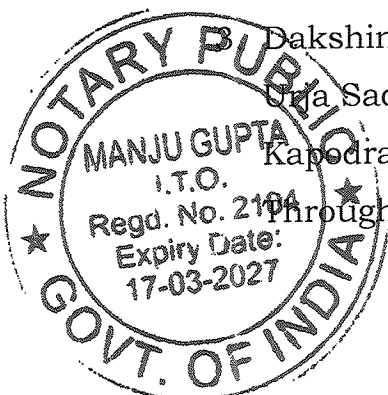
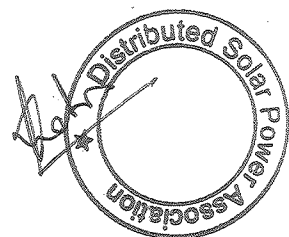
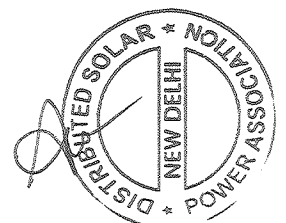
Address: Visnagar Road,
Mehsana- 384001

Through Managing Director

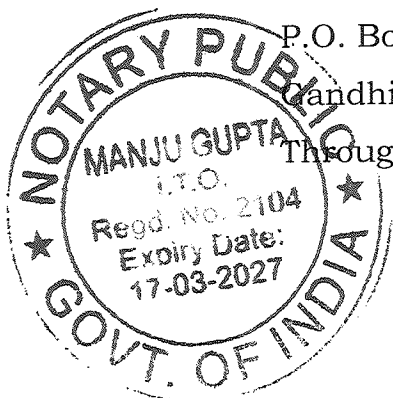
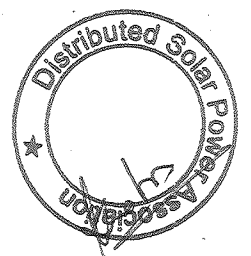
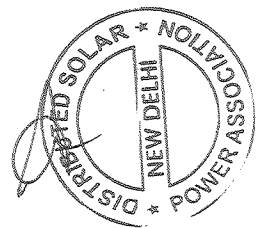
Dakshin Gujarat Vij Company Limited

Urja Sadan, Nana Varchha Road,
Kapodra, Surat- 395006, Gujarat.

Through Managing Director



4. Paschim Gujarat Vij Company Limited
Paschim Gujarat Vij Seva Sadan
Off. Nana Mava Main Road, Laxminagar
Rajkot – 360004, Gujarat
Through Managing Director
5. Madhya Gujarat Vij Company Limited
Sardar Patel Vidyut Bhavan,
Race Course, Vadodara-390007
Through Managing Director
6. Gujarat Energy Development Agency
4th floor, Block No. 11 & 12
Udyog Bhavan, Sector -11,
Gandhinagar-382017, Gujarat
Through Chairman
7. Gujarat Energy Transmission Corporation Limited
Sardar Patel Vidyut Bhavan, Race Course,
Vadodara-390007, Gujarat
Through Managing Director
8. State Load Despatch Centre – Gujarat
132kV Gotri Sub Station Compound,
Near T.B. Hospital, Gotri Road,
Vadodara 390021, Gujarat
Through Chief Engineer
9. Energy & Petrochemicals Department, Government of Gujarat
Block No. 5, 5th Floor,
Sachivalaya, Gandhinagar
Through Principal Secretary
10. Deendayal Port Trust
Kandla Port Trust,
Business Development Cell,
P.O. Box 50, Administrative Building,
Gandhidham, Kutch-370201,
Through its Chairman



11. MPSEZ Utilities Pvt. Ltd.

Adani House, Near Mithakhali Circle,
Navrangpura, Ahmedabad-380009
Through Managing Director

12. AspenPark Infra Vadodra Private Limited (Formerly known as Aspen Infrastructure Limited)

Survey No. 26, Village Pipaliya, Waghodiya,
Vadodara, Gujarat- 391760
Through Managing Director

13. Jubilant Infrastructure Pvt. Ltd.

Plot No.5, Vilayat Industrial Estate, Ta:Vagra,
District-Bharuch, Gujarat-392012
Through Managing Director

14. Torrent Power Limited- Ahmedabad

Narayanpura Office AEC Cross Road,
Behind AEC Bus Stop, Sola Rd,
Vijay Char Rasta, Naranpura,
Ahmedabad, Gujarat-380013
Through its Managing Director

15. Torrent Power Limited- Surat

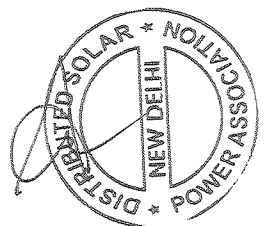
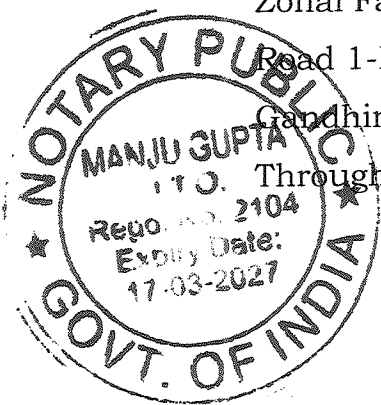
Torrent House, Station Road,
Raghunathpura Station Road,
Lal Darwaja, Surat, Gujarat-395003
Through its Managing Director

16. Torrent Power Limited- Dahej

Plot No. Z/21, Phase-1,
SEZ, At Dahej, Tal Vagra,
Dahej, Gujarat 392130
Through Manging Director

17. GIFT Power Company Limited

Zonal Facility Centre,Block-12,
Road 1-D, Zone-I, GIFT SEZ,
Gandhinagar, Gujarat- 382355.
Through its Managing Director



BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION

GANDHINAGAR

PETITION NO. 2128 OF 2022

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION & ORS. PETITIONERS

Versus

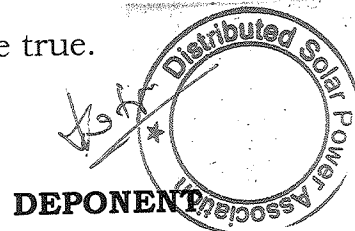
GUVNL & ORS.

.....RESPONDENTS

AFFIDAVIT

I, Jyotsna Khatri, daughter of Mr. Suresh Khatri, aged about 29 years working for gains at the Petitioner No.1, having its office at 309, Rectangle One, behind Sheraton Hotel, Saket, New Delhi, Delhi 110017, presently at New Delhi, do hereby solemnly affirm and state as follows:

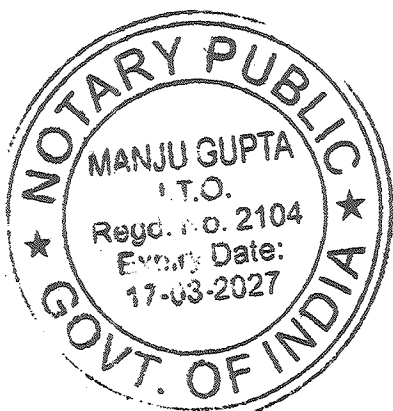
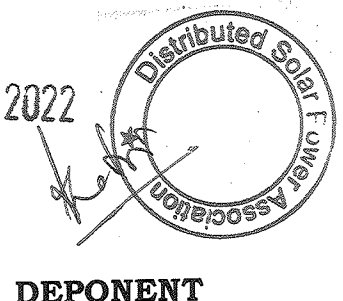
1. I am the Authorized Representative of the Petitioner No.1 in the above matter and am duly authorized by the said Petitioner to make this affidavit on its behalf.
2. I have read the amended Memo of Parties and details mentioned therein are based on the records information and I believe them to be true.



VERIFICATION:

I deponent, do hereby verify that the contents of my above affidavit are true to my knowledge and belief; no part of it is false and nothing material has been concealed there from.

Verified at on the day of 07 NOV 2022



ATTESTED
NOTARY PUBLIC
DELHI

07 NOV 2022

I Identify

Name... Jyotsna

Address.....

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR
PETITION NO. 2128 OF 2022

IN THE MATTER OF:

DISTRIBUTED SOLAR POWER ASSOCIATION & ORS. PETITIONERS

Versus

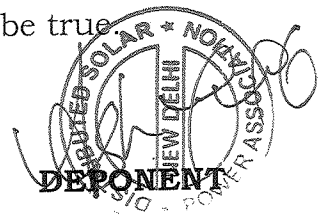
GUVNL & ORS.

.....RESPONDENTS

AFFIDAVIT

I, Ashu Gupta, son of Kunj Behari Lal Gupta, aged about 44 years working for gains at the Petitioner No.2 having its office at 13 A Floor- 13, Plot- 400, The Prestige Apartment, Kismat Cinema, Prabhadevi, Mumbai, Maharashtra 400025, presently at New Delhi, do hereby solemnly affirm and state as follows:

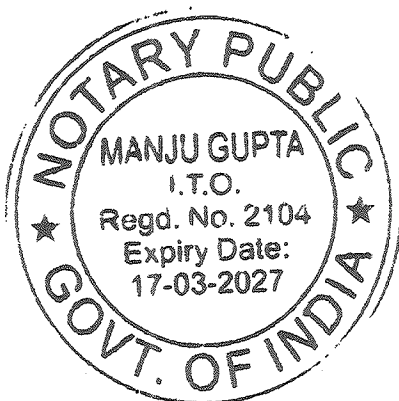
1. I am the Authorized Representative of the Petitioner No. 2 in the above matter and am duly authorized by the said Petitioner to make this affidavit on its behalf.
2. I have read the amended Memo of Parties and details mentioned therein are based on the records information and I believe them to be true



VERIFICATION:

I deponent, do hereby verify that the contents of my above affidavit are true to my knowledge and belief; no part of it is false and nothing material has been concealed there from.

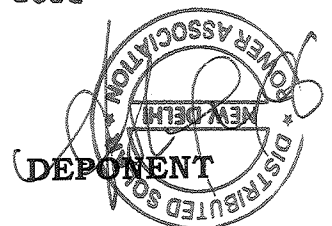
Verified at on the day of...07...NOV 2022



ATTESTED

NOTARY PUBLIC
DELHI

07 NOV 2022



I identify
Name...
Address... ..