

**BEFORE THE HONORABLE GUJARAT ELECTRICITY REGULATORY COMMISSION
AT GANDHINAGAR**

Case No.

Filing No.

IN THE MATTER OF Petition under GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and amendments thereto for revision in Renewable Power Purchase Obligation (RPO) in case of four subsidiary Distribution Companies of GUVNL for FY 2021-22.

PETITIONER Gujarat Urja Vikas Nigam Limited
Sardar Patel Vidyut Bhavan
Race Course
Vadodara - 390 007



AND

CO-PETITIONERS

1. Madhya Gujarat Vij Company Ltd (MGVCL) Vadodara
2. Uttar Gujarat Vij Company Ltd (UGVCL) Mehsana
3. Paschim Gujarat Vij Company Ltd (PGVCL) Rajkot
4. Dakshin Gujarat Vij Company Ltd (DGVCL) Surat

MOST RESPECTFULLY SHOWETH

1.0 PREAMBLE

1.1 The erstwhile Gujarat Electricity Board has been unbundled into seven functional entities under the Gujarat Electricity Industry Reorganization and Comprehensive Transfer Scheme, 2003 notified under the Gujarat Electricity Industry (Reorganization and Regulation) Act 2003. The activities of generation, transmission, distribution, bulk power purchase and supply undertaken by erstwhile Gujarat Electricity Board (GEB) has been entrusted to separate seven functional entities. The generation activity is assigned to Gujarat State Electricity Corporation Ltd (GSECL), the transmission activity is assigned to Gujarat Energy Transmission Corporation Ltd (GETCO) and the distribution activity is assigned to four Distribution companies viz. Uttar Gujarat Vij Company Ltd (UGVCL),

Madhya Gujarat Vij Company Ltd (MGVCL), Dakshin Gujarat Vij Company Ltd (DGVCL) and Paschim Gujarat Vij Company Ltd. (PGVCL). Further, the function of bulk purchase and bulk sale of power is assigned to Gujarat Urja Vikas Nigam Ltd (GUVNL) as per the re-organization scheme.

1.2 Accordingly, on behalf of its four subsidiary Distribution Companies, GUVNL is carrying the activity of bulk purchase & bulk sale of power.

1.3 The Electricity Act (EA) 2003, National Electricity Policy (NEP) 2005 and Tariff Policy 2016 envisages promotion of Renewable Energy Sources and Co-generation based generation.

1.4 The following provisions of EA 2003 provide enabling legal framework for promotion of Renewable Energy Sources by the State Electricity Regulatory Commission (SERC).

- **Section 3 (1) of the EA 2003** requires the Central Government to formulate, National Electricity Policy in consultation with CEA and State Governments for inter alia, development of renewable sources of energy.
- **Section 61 (h) of the EA 2003** mandates SERCs to specify the terms and conditions for the determination of tariff bearing in mind the promotion of co-generation and generation of electricity from renewable sources of energy.
- **Section 86 (1) (e) of the EA 2003** mandates SERCs to promote co-generation and generation of electricity from Renewable Energy Sources.

1.5 In compliance with the provisions u/s 3 of the EA 2003, the Central Government has notified NEP 2005 and Tariff Policy 2016 elaborating the role of Regulatory Commissions, mechanism for promotion and harnessing of renewable sources of energy, time-frame for implementation, etc.

- **Para 5.12 of the NEP 2005** recognizes the urgent need for promotion of generation of electricity from non-conventional and renewable sources of energy, being the most environment friendly.



- **Para 4 (e) of the Tariff Policy** provide for promotion of generation of electricity from Renewable Energy Sources.
- **Para 6.4 (1) of the Tariff Policy** provides for various aspects associated with promotion & harnessing of renewable sources of energy including fixation of minimum purchase of energy from RE sources as a percentage of total consumption of electricity in the area of a Distribution Licensee taking into account availability of such resources and its impact on retail tariffs.

The aforesaid Para 6.4 of the Tariff Policy also provides that the SERCs shall also reserve a minimum percentage for purchase of solar energy 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.

- Further, **Para 6.4 (2) of the Tariff Policy** provides that States shall endeavour to procure power from renewable energy sources through Competitive Bidding Process to keep the tariff low, except from the waste to energy plants.

1.6 In consideration of above aspects, Hon'ble GERC through Notification dated 17.04.2010 had notified GERC (Procurement of energy from Renewable Energy sources) Regulations 2010 and subsequent Amendments through Notifications dated 04.03.2014 (1st Amendment Regulations) and 21.04.2018 (2nd Amendment Regulations). All these Regulations shall be hereinafter collectively referred as RPO Regulations.



- As per **Regulation 4.1 of the RPO Regulations**, each Distribution Licensee is required to purchase minimum stipulated percentage of the total consumption of its consumers including T&D losses during a year from RE sources.
- Further, as per **Para 2 of Regulation 4.1 of the RPO Regulations**, if the prescribed minimum quantum of power purchase either from solar or Wind or Others (including Biomass, Bagasse, MSW, etc.) is not available in a particular year, then in such cases, additional renewable energy available from solar or wind or other energy sources over and above the prescribed % shall be utilized towards

fulfilment of the Renewable Power Purchase Obligation (RPO) in accordance with the total RPO% prescribed during the particular year.

- Furthermore, as per **Regulation 4.2**, the Commission has powers to give relaxation as may be deemed necessary in the scenario of RE supply constraints or other factors not attributable to Distribution Licensees and revise the RPO targets (upon request / application from an Obligated Entity or on suo-motu basis.
- Moreover, as per **Regulation 7.2**, a Distribution Licensee is liable to pay compensation (in accordance with Regulation 9), if it defaults / does not fulfill its stipulated RPO, despite availability of RE Sources.
- As per **Regulation 9** - “Consequences of Default”, Hon’ble Commission may direct the defaulting Distribution Licensees to procure RECs from Power Exchange or deposit into a separate fund, an amount towards regulatory charges equivalent to forbearance price of RECs, in cases where the Distribution Licensee have defaulted in RPO Compliance despite availability of RE sources and/or RECs in the Market.
- As per **Regulation 12** - “Power to remove difficulty”, the Commission can suo-motu or on an application from any person generating electricity (from RE sources) or a distribution licensee or captive user or open access consumer may review, add, amend or alter these Regulations and pass appropriate orders to remove any difficulty in exercising the provisions of the RPO Regulations.



1.7The minimum percentages as prescribed by Hon’ble Commission in the RPO regulations (and subsequent amendments) are tabulated below:-

Particulars	Year	RPO%	Non Solar		Solar
			Wind	Others	
RPO regulations, 2010	2010-11	5.00%	4.50%	0.25%	0.25%
	2011-12	6.00%	5.00%	0.50%	0.50%
	2012-13	7.00%	5.50%	0.50%	1.00%

1st Amendment Regulations, 2014	2013-14	7.00%	5.50%	0.50%	1.00%
	2014-15	8.00%	6.25%	0.50%	1.25%
	2015-16	9.00%	7.00%	0.50%	1.50%
	2016-17	10.00%	7.75%	0.50%	1.75%
2nd Amendment Regulations, 2018	2017-18	10.00%	7.75%	0.50%	1.75%
	2018-19	12.70%	7.95%	0.50%	4.25%
	2019-20	14.30%	8.05%	0.75%	5.50%
	2020-21	15.65%	8.15%	0.75%	6.75%
	2021-22	17.00%	8.25%	0.75%	8.00%

1.8 It is evident from the table above that initially Hon'ble GERC vide stipulating RPO Regulations had been specifying yearly RPO% in a gradual incremental manner but there was a steep and abrupt rise in RPO% notified in 2nd Amendment Regulations, 2018 on 21.04.2018 especially solar RPO%.

1.9 It is noteworthy that after knowing the prescribed RPO%, the Obligated Entities need at least 6 - 8 months' time to plan their capacity tie-up arrangements and implement tendering process for procurement of power from Wind and/or Solar Projects by floating tender(s), conducting pre-bid meeting(s), technical bid opening, financial bid opening & e-reverse auction and thereafter issue letters of intent (LoI) & execute Power Purchase Agreements (PPAs) with the Successful Bidders. Thereafter, the Successful Bidders require 18 - 24 months' period to set up the Projects awarded to them.

1.10 Thus, inspite of making efforts for aggressive capacity tie-up, such sudden increase in RPO% cannot be complied by any Distribution Licensees, since capacity and generation therefrom would only be available after the lapse of almost two - three years.

2.0 SUBMISSION

2.1 Hon'ble Commission had been determining preferential tariff for procurement of power by Distribution Licensees from various Renewable Energy (RE) Sources for meeting of Renewable Power Purchase Obligation (RPO) from time to time. In order to meet the RPO of its Distribution



Companies, GUVNL had been purchasing power from various RE Sources by entering into PPAs at the tariff determined by Hon'ble Commission.

2.2 Pursuant to the directives of Hon'ble Commission vide letter dated 18.03.2017 for procurement of power from Wind and Solar projects only through Competitive Bidding, GUVNL started procuring power from Wind and Solar PV Projects by conducting Competitive Bidding and by obtaining approval of Hon'ble Commission for adoption of tariff discovered thereunder.

2.3 Hon'ble GERC vide letters dated 29.04.2022 and 01.09.2022 has directed the Distribution Licensees to file Petition with necessary details / documents for RPO Compliance for FY 2021-22 as per the GERC (Conduct of Business) Regulations, 2004 and pay the requisite fees as per GERC (Fees, Fines and Charges), Regulations 2005. In response, the Petitioner vide letter dated 12.09.2022 had clarified that GUVNL / DISCOMs are yet to finalize accounts and once the same are finalized, GUVNL shall be filing the requisite Petition as per the directives of Hon'ble GERC.

2.4 Accordingly, taking into consideration the revisions in State Energy Accounts (SEA) / Regional Energy Accounts (REA) and annual accounts of GUVNL & DISCOMs, the Petitioner hereby submits the status of RPO compliance for FY 2021-22 by way of this present Petition, which is tabulated as under:

RPO Compliance for FY 2021-22	Wind	Solar	Others*	Total
Actual Total Consumption (MUs)				108289
Less: Hydro Power Purchase (MUs)				1086
Actual Consumption excl. hydro (MUs)				107203
Target RPO% notified by Commission	8.25%	8.00%	0.75%	17.00%
Target RPO (MUs)	8844	8576	804	18225
Actual RE Purchase (MUs)	8686	7247	211	16145
Achieved RPO%	8.10%	6.76%	0.20%	15.06%
Shortfall (-) / Excess (+) (MUs)	(158)	(1,329)	(593)	(2,080)
Shortfall (-) / Excess (+) (%)	-0.15%	-1.24%	-0.55%	-1.94%

* Includes Mini-Hydel, Biomass co-firing, RE Attributes from Waste to Energy Projects



2.5 As regard to the **Non-Solar RPO** of FY 2021-22, it is to humbly submit that GUVNL / DISCOMs have purchased 8897 MUs non-solar energy i.e. 8.30 % as against the requirement of 9648 MUs i.e. 9.00% stipulated non-solar RPO%.

2.6 As regard to the **Solar RPO** of FY 2021-22, GUVNL / DISCOMs have purchased 7247 MUs solar energy i.e. 6.76 % against requirement of 8576 MUs to meet the stipulated solar RPO of 8.00%.

2.7 Thus, the net shortfall in compliance of total RPO compliance for FY 2021-22 is 2080 MUs i.e. 1.94 %.

2.8 As regard to the shortfall in RPO Compliance during FY 2021-22, it is pertinent to submit the following before Hon'ble Commission:-

A. Constraints in availability of Renewable Energy / Delay in commissioning / Inadequate capacity addition despite tie-up

- a) At the outset, it is to submit that GUVNL has undertaken Competitive Bidding Process through numerous Tenders for procurement of wind and solar power, since 2017. A detailed statement enlisting the Tenders invited by GUVNL for procurement of wind and solar power is enclosed herewith as **Annexure A**.

It is to humbly submit that GUVNL has been making consistent efforts towards promotion of RE and for meeting the increasing RPO targets by tying up RE Capacity through Competitive Bidding. However, there have been instances of delay in concluding tender(s) on account of reasons beyond control of GUVNL viz. extension in bid-deadlines based on Bidders requests, requirement of modifying Bid Security / Performance Bank Guarantees in the interest of Bidders' participation, etc. Besides, at certain times, GUVNL had to undergo scrapping of tenders and re-tendering process on account of reasons viz. discovery of higher tariffs, low participation / bid-submission by single bidder, requirement of modifying tender conditions in the interest of Bidders' participation & competition, etc. GUVNL had to undertake re-tendering for 700 MW Solar capacity to be set up at Dholera Solar Park and 100 MW at Raghnesda Solar Park. It is to submit that the aforesaid tendering process for procurement of 700



MW power has been challenged before APTEL and is stalled in wake of pendency of legal proceedings.

It is imperative to mention that a couple of Bidding Processes initiated by GUVNL have been deferred a number of times due to various reasons beyond control and factors not attributable to GUVNL. Had the same been concluded on time, GUVNL could have attained the benefit of additional generation from such procurement processes and helped mitigate RPO Compliance.

- b) Moreover, it is to humbly submit that inspite of tying up capacity with certain RE Projects as mentioned hereinbelow, GUVNL could not avail the anticipated generation on account of factors solely attributable to such RE Generators and not attributable to GUVNL.

→ GUVNL had signed PPAs with the Bagasse based Co-Generation Projects (viz. 60.2 MW Project with Nitash Co-Generation Pvt Ltd and 16.8 MW Project with Vasu Bioenergy Pvt) which were not set up by the Project Developers, which otherwise could have contributed to an additional generation of **472 MUs** (@ normative CUF of 70%) and helped in RPO Compliance of GUVNL / DISCOMs.

→ The SCoD of M/s Cargo Power & Infrastructure Pvt Ltd's 25 MW Solar Thermal Project has been extended by Hon'ble Commission time and again and the project has not been set up till date. Timely execution of the Project could have entailed annual generation of **42 MUs** (@ normative CUF of 19%) and helped in RPO Compliance of GUVNL / DISCOMs.

→ Some of the PPAs executed by GUVNL for Waste to Energy (Municipal Solid Waste based) Projects have not been developed by the Project Developers and hence terminated by GUVNL on account of default on their part. Execution of 11.5 MW Project of RGE Surat Pvt Ltd could have entailed generation benefit of **86 MUs** (@ contracted PLF of 85%) and 4 MW Project of Junagadh WTE Pvt Ltd could have benefitted generation of **28 MUs** (@ normative PLF of 80%). Thus, these Projects could have attained



generation of **114 MUs** and helped in RPO Compliance of GUVNL / DISCOMs.

- GUVNL was constrained to terminate a 30 MW Wind Project executed through Competitive Bidding (Phase-I) on account of default on part of the Wind Developer viz. M/s Evergreen Mahuva Windfarms Pvt Ltd, which could have otherwise added generation of **65 MUs** (@ normative CUF of 24.5%).
- M/s Anisha Power Projects Pvt. Ltd's 40 MW Wind Project got (Competitive Bidding (Phase-II) delayed inordinately (even beyond Revised SCOD of 05.10.2021) and resultantly GUVNL was constrained to issue a Default Notice to them. The aforesaid Project could have otherwise added generation of **68 MUs** (@ normative CUF of 40% as contracted under the PPA) from their Revised SCOD.
- There were also instances of delayed commissioning (even after giving 5 to 7.5 months' extension on account of Force Majeure of COVID). Had the same been commissioned as per their revised SCODs i.e. not been delayed by the Generators, GUVNL could have availed generation benefit from the same.
- It is to submit that GUVNL could have at least availed generation benefit aggregating to **382.64 MUs** (considering normative generation @ 65% PLF from the Waste to Energy Projects tied-up by GUVNL which were scheduled to be commissioned before FY 2021-22. Against this, only 1 WTE Project has been commissioned so far and generated meagerly 1.13 MUs in FY 2021-22. Thus, GUVNL was deprived of aggregate generation of approx. **380 MUs** which could have otherwise contributed in the RPO Compliance of GUVNL / DISCOMs.
- M/s Vena Energy Shivalik Wind Power Pvt Ltd's 17.6 MW capacity (out of the total 96.8 MW project capacity) was commissioned late depriving GUVNL from the benefit of higher generation during the windy season. Similarly, M/s Avaada Sunrise Energy Pvt Ltd's 225 MW capacity (out of the total 300 MW project capacity) was delayed on account of the Generator. Considering



the generation @ contracted CUF as committed by them in the PPA, it can be perceived that there was generation loss of around 75 MUs solely on account of their delay.

→ The 500 MW Solar Projects set up at Raghanesda Solar Park and 300 MW Dholera Solar Park were scheduled to be commissioned in April-2021 and Sept/Dec-2021 respectively. These Solar Projects were ready for charging of Plant & associated equipments but could not get commissioned on account of Force Majeure conditions of non-availability of evacuation infrastructure until August-2021 and March-2022 respectively. Had the same been commissioned on time, GUVNL could have availed generation benefit of around 830 MUs from the same.

c) Apart from above, it is to humbly submit that the State DISCOMs - MGVL, UGVCL, PGVCL & DGVCL had executed PPAs aggregating to **2497 MW** capacity under the Govt. of Gujarat's "Policy for Development of Small Scale Distributed Solar Projects 2019", out of which SCODs for 320 MW capacity was within FY 2021-22. Against this, around only 45 MW capacity got commissioned during FY 2021-22. Had these Projects been commissioned on time, the DISCOMs could have availed generation benefit of around 45 MUs from the same. Besides, subsequently, various Solar Project Developers aggregating had exercised the "Exit Option" and presently the State DISCOMs are having PPAs of only **359 MW** capacity.

d) To sum up, it can be deduced that GUVNL has remained deprived from the generation benefit equivalent to more than 2000 MUs from the abovementioned Projects on account of inadequate capacity addition / supply constraints in availability of RE sources and delayed commissioning. The above generation could have otherwise helped mitigate RPO Compliance of GUVNL / DISCOMs.



B. Force Majeure on account of unforeseen outbreak of COVID pandemic

a) It is to highlight that MNRE vide its Office Memorandum had decided that a blanket extension of 5 months' time may be granted to all the RE Projects under implementation, on account of Force Majeure due

to disruption in supply-chains and nationwide lockdown because of outbreak of COVID-19 pandemic. MNRE vide its subsequent Office Memorandum had decided that a blanket extension of 2.5 months' time may be granted to all the RE Projects on account of resurgence of COVID pandemic.

- b) In light of the same, GUVNL had granted a time-extension to several RE Projects under implementation viz. 15 no. of Solar Power Projects aggregating to 1900 MW capacity, 2 no. of Wind Projects aggregating to 140 MW capacity and 5 no. of MSW based Projects aggregating to 67.2 MW Projects.
- c) Resultantly, substantial capacity has been deferred. It is to highlight that the abovementioned Projects could have entailed generation benefit of **approx. 666 MUs** (considering their contracted CUF% or normative CUF% as the case may be) during FY 2021-22, which GUVNL was deprived of, in wake of the time-extension relief granted to abovementioned Projects on account of Force Majeure event of COVID pandemic.
- d) Thus from the above, it is evident that there was significant non-availability of RE sources on account of Force Majeure event of unforeseen outbreak of COVID pandemic and incidental time-extension granted to RE Developers.

C. Actual RE generation below normative generation

- a) It is to submit that the 3 Biomass Projects (aggregating to 30 MW capacity) have completely stopped generation since Aug-2020, in wake of dispute with regard to non-operation of Projects as per Grid Code. It is to further submit that generation from these Projects during FY 2021-22 was 'nil' against the normative PLF of 80% which could have entailed generation of 210.24 MUs.
- b) It is to mention that M/s Vena Energy Shivalik Pvt Ltd had generated 20 MUs lower as compared to their minimum contracted CUF during FY 2021-22.
- c) Similarly, M/s Paryapt Solar Energy Pvt Ltd, M/s GSECL, M/s Juniper Green Three Pvt Ltd & M/s Tata Power Renewable Energy Ltd had



also generated lower as compared to their contracted CUF and resultantly there was shortfall to the tune of around 72 MUs during FY 2021-22.

- d) It is to further submit that the overall wind generation during FY 2021-22 was reasonably low, impacting the overall / yearly RPO Compliance. It is to point out that, the average CUF% attained during FY 2021-22 by the Wind Projects was 20.73%.

It is to highlight that there is substantial difference between the actual CUF% and normative CUF% of 24.5% (as recognized by Hon'ble Commission in their Tariff Order), which has led to an overall deficit of wind generation of 1412 MUs during the year FY 2021-22.

- e) From the above, it is clearly evident that there was substantial shortfall of more than 1700 MUs on account of under-operationalization of RE Projects.

D. Increase in energy consumption by DISCOMs and energy requirement compared to the previous year

- a) There has been steep rise in energy consumption by DISCOMs during FY 2021-22 as compared to previous year, even inspite of Force Majeure on account of outbreak of COVID pandemic.
- b) The details of energy sales and energy requirement during FY 2020-21 (Approved Trued-up) and FY 2021-22 (as per Truing-up Petitions filed by DISCOMs) are tabulated below:-



Particulars	FY 2020-21 (As per GERC's Order dated 31.03.2022)	FY 2021-22 (As per DISCOMs' Petition for True-Up)
Energy Sales	78260	92993
Energy Requirement	93161	108289

- c) Resultantly, the requirement of RE purchase (MUs) to meet the RPO Compliance by GUVNL / DISCOMs during FY 2021-22 was significantly higher making it difficult to achieve. Hon'ble Commission is humbly requested to give due consideration to the incremental consumption

which is beyond control of the Petitioner, towards shortfall in RPO compliance.

E. Efforts made by GUVNL towards RPO Compliance

- a) GUVNL has been proactively promoting RE Sources since inception of the first Solar Power Policy notified by Govt. of Gujarat in 2009 when the concept of solar energy and solar technology was at nascent stage of development in India as a whole and was not considered to be a proven technology for power generation in comparison to other RE sources like Wind, Small Hydel, Biomass, etc. Since then, GUVNL has been making all-out efforts towards using non-conventional energy sources for surmounting the issues of carbon emissions and its related impacts on climatic change.
- b) Pursuant to the GoG Solar Power Policy 2009, GUVNL had tied up 886 MW capacity (out of which 861 MW capacity has been available since FY 2011-12, while commissioning schedule of 25 MW capacity of M/s Cargo has been delayed inordinately).
- c) Taking into consideration the increasing trend of Solar RPO during ensuing years, GUVNL tied up 250 MW capacity in 2017 under SECI's Competitive Bidding under Phase -II, Batch- IV of Jawaharlal Nehru National Solar Mission (JNNSM) of Government of India.
- d) Thereafter, since FY 2017-18, GUVNL has been persistently undertaking tendering processes and aggressively tying up RE Power to meet the increasing RPO targets. GUVNL tied up 7572 MW RE power - comprising of 700 MW Wind power and 5870 MW Solar Power through Competitive Bidding.
- e) Further, DISCOMs have recently tied-up about 359 MW capacity under the GoG's Policy for development of Small Scale Distributed Solar Projects, generation benefit of which would be available in phased manner during FY 2022-23.



- f) Moreover, GUVNL envisages procurement of solar power from GSECL under GoG's policy for allocation of revenue wasteland on token rate in the vicinity of existing GETCO sub-stations.
- g) GUVNL through Govt. of Gujarat has requested Govt. of India for allocation of power from upcoming Hydro Projects of M/s NHPC Ltd to the tune of 1838 MW capacity.
- h) Govt. of Gujarat has given in-principle approval to Govt. of India for procurement of power from Offshore Wind Projects of 2000 MW capacity.
- i) Furthermore, GUVNL envisages buying power from Solar / Wind / Hybrid Projects to be developed at the Khavda RE Park.
- j) The present RE Capacity tied up by GUVNL is as under:-

Source	Capacity (MW) tied up as on 31.12.2022
Wind [#] (incl. REC PPAs)	5315.3
Solar [*]	7002.2
Biomass	30
Bagasse	10
Small Hydel	20.6
Municipal Solid Waste	67.2
Total	12445.3



[#] Includes 440 MW capacity for which LOI has been issued; PPA yet to be signed

^{*} Additionally, 1537 MW solar capacity (off-grid pumps, off-grid solar-lights, rooftop - SURYA Scheme, SKY Scheme, etc.);

^{*} Additionally, 359 MW tied-up by DISCOMs under SSDSP Policy (184 commissioned)

- k) It is to highlight that during the current year, GUVNL has undertaken below mentioned RE tenders / tie-up initiatives to meet the increasing RPO requirement.

Sr.	Tenders Concluded - RE Tied-up Capacity	Capacity
1	Solar PPAs @ Rs. 2.29 / unit	500 MW
2	Solar PPAs @ Rs. 2.30 - 2.31 / unit	1000 MW
3	Offshore Wind - In-principle Approval @ Rs. 4 / unit	2000 MW
4	Hydro - In-principle Approval	1838 MW
5	Wind @ Rs. 2.84 - 2.90 / unit (560 MW PPA; 440 MW LOI)	1000 MW
6	Solar PPAs @ Rs. 2.49 / unit	520 MW
		6858 MW

Sr.	On-going Tenders	Capacity
1	Wind Tender (300 + 300 Green-shoe)	600 MW
2	RE + Storage (500)	500 MW
3	Standalone Battery Energy Storage	500 MW / 1000 MWh
4	Solar Tender (500 + 500 Green-shoe)	1000 MW
5	Khavda Solar (GSECL Phase I) (600 + 600 Green-shoe)	1200 MW
		3800 MW

I) From all the above, it is evident that GUVNL / DISCOMs have been adding significant RE Capacity. Hon'ble Commission is therefore humbly requested to recognize that GUVNL / DISCOMs have been making all possible efforts exercising commercial prudence towards promotion of renewable energy and compliance of RPO Obligation of GUVNL / DISCOMs.

2.9 As enumerated hereinabove, it is to humbly submit that the cumulative effect of the following factors have severely affected the RPO Compliance of GUVNL / DISCOMs.

- Supply constraints due to delay in project commissioning on account of Force Majeure (COVID Pandemic)
- Constraints in RE availability / Inadequate capacity addition on account of factors attributable to RE Generators
- Under-Operationalization of RE Plants / Actual RE generation below normative generation
- Steep increase in energy consumption of State DISCOMs



It is to humbly submit that the above factors were beyond the control of GUVNL / Distribution Companies and there has been no willful default or failure on the part of GUVNL / Distribution Companies for shortfall in compliance of RPO for FY 2021-22.

2.10 It is also to humbly submit that the Regulation 4.2 of RPO Regulations empower Hon'ble Commission for revising the RPO targets in case of supply constraints or factors beyond control of the concerned distribution licensee. Under the RPO Regulations, Hon'ble Commission has the inherent power to give relaxation as may be deemed necessary in the scenario of non-availability of RE Sources and/or RECs or non-compliance.

of RPO due to genuine difficulty and factors not attributable to the distribution licensee.

2.11 It is also to humbly submit that Hon'ble APTEL has made explicitly clear that State Commission can revise the RPO before or during a year or after passing of year under Regulation 4.2 of RPO Regulations ensuring that such revision does not defeat the object of the EA 2003 and the Regulations. The relevant extracts from APTEL's Judgments dated 25.04.2014 in Appeal No. 24 of 2013 and Judgment dated 16.04.2015 in Appeals No. 258 of 2013 and 21 of 2014 & IA-28 of 2014 are reproduced herein below:-

"49. The State Commission may also revise the targets after the completion of financial year under Regulation 4.2 due to supply constraints or factors beyond the control of the licensee which may be due to reasons such as:

- i) Actual renewable energy generation is below normative generation from tied up renewable energy sources due to reasons beyond the control of the distribution licensee.*
- ii) Force majeure such as natural calamity resulting in supply constraints.*
- iii) Inadequate capacity addition in the State and RECs could not be purchased due to non-availability of REC despite efforts made by the distribution licensee. In a resource rich State where the State Commission had set up RPO targets keeping in view the anticipated capacity addition in the State, the State Commission may also revise the targets due to inadequate renewable capacity addition in the State.*
- iv) Minimum energy purchase obligation for renewable sources of energy was fixed on estimated energy consumption of the licensee in the ARR based on estimated growth but the actual consumption has been much lower due to slow growth or negative growth or due to forced majeure. Thus, percentage RPO on actual energy consumption was met but minimum energy purchase target fixed in the ARR based on anticipated energy consumption could not be met.*



v) A distribution licensee has proposed to meet a part or full RPO by purchase of REC but REC could not be purchased, despite efforts made by the licensee, due to non-availability of REC."

2.12 It is to further submit that Hon'ble Commission in their various Orders have acknowledged the fact that purchase of RECs by Distribution Licensees / Obligated Entities needs to be considered keeping in view various factors and its impact on the consumer tariff. Hon'ble Commission has rightly acknowledged that unnecessary purchase of RECs results in increase in the cost of power purchase of the Obligated Entities without any increase in the physical component of electricity purchased and leads to financial burden on the end consumers of the State. It is furthermore submitted that Hon'ble APTEL has also held that the State Commission is empowered to revise the RPO Targets specified under Regulations due to inadequate Renewable Capacity Addition in the State and reasons beyond control of Distribution Licensee irrespective of the fact that whether Renewable Energy Certificate (RECs) are available or not. The relevant extracts from APTEL's Judgments dated 25.04.2014 in Appeal No. 24 of 2013 and Judgment dated 16.04.2015 in Appeals No. 258 of 2013 and 21 of 2014 & IA-28 of 2014 are reproduced herein below:-

"51. We want to add that non-availability of REC may not always be a pre-condition for exercise of power to revise under Regulation 4.2. For Example, if the distribution licensees had tied up adequate capacity at preferential tariff but due to actual generation being lower than the normative generation due to reasons beyond the control of the distribution licensee or there is natural calamity in the State and energy consumption in the State has gone down or renewable energy generation in the State has been affected due to natural calamity then shortage of REC may not be a pre-condition to revise RPO targets set up under Regulation 4.1. Further, if in a resource rich State the State Commission has set up RPO targets keeping in view anticipation of capacity addition in the State, the State Commission may also revise the targets due to inadequate capacity addition in the State due to reasons beyond the control of the distribution licensee."



- 2.13 In view of above and as submitted in the foregoing paras, considering the genuine difficulty arising on account of constraints in availability of renewable energy / inadequate capacity addition despite tie-up, delay in project commissioning due to unforeseen outbreak of COVID pandemic, steep increase in energy consumption, factors beyond control of GUVNL, etc. Hon'ble Commission is humbly requested to kindly exercise their power under Regulation 4.2 and revise the RPO targets for FY 2021-22 as per actual RPO compliance of GUVNL / DISCOMs.
- 2.14 It is to further submit that as per Regulation 7.2, the Regulation 9 "Consequences of Default" can be invoked in case a Distribution Licensee fails to meet the RPO, despite availability of renewable energy sources. Thus, Regulation 7.2 which is the pre-condition for invocation of Regulation 9 is not applicable in the present case, in light of the constraints / non-availability of renewable energy as enumerated in foregoing para(s) hereinabove.
- 2.15 Furthermore, it is to humbly submit that invocation of Regulation 9 and levy of regulatory charge shall put unwarranted burden on GUVNL / DISCOMs and eventually on the end-consumers of State.
- 2.16 It is pertinent to mention that the preamble of EA 2003, NEP 2005 and Tariff Policy 2006 & Amendments thereto lay emphasis on both promotion of renewable energy as well as safeguarding the interest of the consumers. It is also to highlight that Section 61 (d) of the EA 2003 read with objectives of the EA 2003 and para 4 of the Tariff Policy mandates the Hon'ble Commission to safeguard consumers' interest. The para 6.4 (1) of the Tariff Policy expressly provides that RPO targets shall be fixed by an Appropriate Commissions *inter alia* considering its impact on retail tariff. Accordingly, it is imperative that RE cannot be promoted in disregard to the consumers' interests. It is a settled principle of law that while discharging its functions, the Hon'ble Commission is required to balance the interests of all stakeholders.
- 2.17 In the above background, Hon'ble Commission is humbly requested not to invoke Regulation 9 and exempt GUVNL / DISCOMs from consequences thereof by waiving off the shortfall in RPO Compliance of GUVNL / DISCOMs for FY 2021-22 and exercise their powers vested under

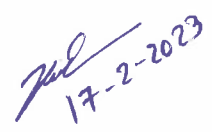


Regulation 4.2 by revising the RPO Targets as per Actual RPO achieved by GUVNL / DISCOMs for FY 2021-22.

3.0 PRAYER:

The Petitioner hereby most respectfully submits and prays as under:-

- i. Hon'ble Commission may kindly exercise their inherent power and give relaxation from the consequences of Regulation 9 by waiving-off the shortfall in RPO Compliance of GUVNL / DISCOMs for FY 2021-22, the same being due to genuine difficulty arising on account of non-availability of renewable energy, inadequate capacity addition, under-operationalization of RE Plants, delay in project commissioning due to unforeseen outbreak of COVID pandemic, steep increase in energy consumption and factors not attributable to GUVNL / Distribution Companies.
- ii. Hon'ble Commission may kindly exercise their powers under Regulation 4.2 and revise the RPO percentage targets as per Actuals, in light of the constraints in renewable energy and other factors beyond control of GUVNL / Distribution Companies.
- iii. Pass any other order which Hon'ble Commission may deem fit.


GUJARAT URJA VIKAS NIGAM LIMITED
- PETITIONER

DATE : 17.02.2023

PLACE: VADODARA



DECLARATION

Declaration that the subject matter of present 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 order in relation thereto.



17-02-2023

GUJARAT URJA VIKAS NIGAM LIMITED
PETITIONER

DATE : 17.02.2023

PLACE: VADODARA



**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
AT GANDHINAGAR**

PETITION NO:

IN THE MATTER OF:

Petition under GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and amendments thereto for revision in Renewable Power Purchase Obligation (RPO) in case of four subsidiary Distribution Companies of GUVNL for FY 2021-22.

AFFIDAVIT

Regd. No.: 3670
Date: 17/02/2023

I, Kishor Lakhani, aged about 34 years, resident of Vadodara, do hereby solemnly affirm and state as under:

1. I say that I am Junior Engineer in GUVNL and am competent to swear the present affidavit.
2. I say that I have read the contents of the above Petition and I have understood the contents of the same.
3. I say that the above contents of Petition are based on the information available with the Petitioner Company in the normal course of business and believed by me to be true.

17-02-2023
DEPONENT

VERIFICATION

I, the deponent above-named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Vadodara on this 17th day of February, 2023

My Commission Expires
on 04/07/2023

17-02-2023
DEPONENT

Solemnly Affirmed/Declared
Sworn Before me by Kishor Lakhani
H. J. ZALA
NOTARY (Govt. of India)



ANNEXURE A

Details of tenders undertaken by GUVNL for procurement of power from wind and solar projects depicting efforts made by GUVNL

Sr. No.	Tender Advertised			e-RA date	Tied-up Capacity (MW)	Details
	Particulars	Date of Tender	Tender Capacity			
1	Solar (Phase I)	15.06.2017	500 MW	19.09.2017	500	PPAs signed for 500 MW at Rs. 2.65 - 2.67 per unit
2	Wind (Phase I)	15.06.2017	500 MW	20.12.2017	500	PPAs signed for 500 MW at Rs. 2.43 - 2.45 per unit; 470 Commissioned; 30 MW Terminated
3	Solar (Phase II)	08.02.2018	500 + 500 G.S.	28.03.2018	-	Tariffs in the range of Rs. 2.98 - 3.06 per unit; Scrapped & retendered in wake of high tariffs
4	Wind (Phase II)	23.02.2018	500 + 500 G.S.	Scrapped and re-tendered after Incorporating modifications		
5	Solar (Phase II-R)	28.06.2018	500 MW	17.09.2018	500	PPAs signed for 500 MW at Rs. 2.44 per unit
6	Solar (Phase III) Raghnesda	28.09.2018	700 MW	21.12.2018	-	Tariffs in the range of Rs. 2.84 - 2.89 per unit; Scrapped & retendered
7	Solar (Phase IV)	29.12.2018	500 MW	14.02.2019	500	PPAs signed for 500 MW at Rs. 2.55 - 2.68 per unit
8	Solar (Phase III-R) Raghnesda	06.03.2019	700 MW	13.05.2019	500	PPAs signed for 500 MW at Rs. 2.65 - 2.70 per unit; retendered for 200 MW
9	Solar (Phase V) Dholera	16.01.2019	1000 MW	13.05.2019	250	PPAs signed for 250 MW at Rs. 2.75 per unit; retendered for 750 MW
10	Wind (Phase II-R)	01.03.2019	1000 MW	13.05.2019	202.6	PPAs signed for 202.6 MW (190.6 MW at Rs. 2.80 per unit; and 12 MW CPSU at Rs. 2.43 per unit)
11	Solar (Phase VI) Raghnesda	24.06.2019	200 MW	16.08.2019	100	PPA signed for 100 MW at Rs. 2.65 per unit
12	Solar (Phase VII) Dholera	24.06.2019	750 MW	16.08.2019	50	PPAs signed for 50 MW at Rs. 2.75 per unit
13	Solar (Phase VIII)	07.02.2020	500 MW	18.03.2020	350	PPAs signed for 350 MW at Rs. 2.61 - 2.64 per unit
14	Solar (Phase IX) Dholera	18.03.2020	700 MW	13.08.2020	-	Tariffs in the range of Rs. 2.78 - 2.81 per unit; Retendered in wake of high tariffs (compared to Rs. 1.99)
15	Solar (Phase X) Raghnesda	15.07.2020	100 MW	24.08.2020	-	Single Bid received; Scrapped & retendered (higher tariff compared to Rs. 1.99)
16	Solar (Phase XI)	28.09.2020	500 MW	19.12.2020	500	PPAs signed at Rs. 1.99 per unit
17	Solar (Phase XII)	23.01.2021	500 MW	22.03.2021	500	PPAs signed at Rs. 2.20 - 2.21 per unit
18	Solar (Phase X-R) Raghnesda	15.03.2021	100 MW	07.05.2021	100	LoA issued at Rs. 2.64 per unit
19	Solar (Phase IX-R) Dholera	15.03.2021	700 MW	Challenged before APTEL by some of the Solar Project Developers; Status-Quo Order by APTEL		
20	Solar (Phase XIII)	03.01.2022	500 MW	16.03.2022	500	PPAs signed at Rs. 2.29 per unit
21	Solar (Phase XIV)	16.04.2022	1000 MW	10.06.2022	1000	PPAs signed at Rs. 2.30-2.31 per unit
22	Wind (Phase III)	09.05.2022	1000 MW	15.07.2022	1000	LOI (440 MW) / PPAs (560 MW) at Rs. 2.84 -2.90 per unit
23	RE with ESS (Phase XV)	14.06.2022	500 MW	Bid-submission deadline - 01.03.2023		
24	Solar (Phase XVI)	12.07.2022	1500 MW	19.09.2022	520	PPAs signed at Rs. 2.49 per unit
25	BESS (Phase I)	10.08.2022	500 MW / 1000 MWh	Bid-submission deadline - 01.03.2023		
26	Solar (Phase XVII) - Khavda Stage-I	29.09.2022	1200 MW	Bid-submission deadline - 01.03.2023		
27	Wind (Phase IV)	18.10.2022	600 MW	30.01.2023	LOA issuance under consideration	
28	Solar (Phase XVIII)	21.10.2022	1000 MW	31.01.2023	LOA issuance under consideration	
29	Solar (Phase XIX)	04.02.2023	1000 MW	Bid-submission deadline - 13.03.2023		
				Total	7572.6	

BEFORE THE HONORABLE GUJARAT ELECTRICITY REGULATORY COMMISSION
AT GANDHINAGAR

Case No. Petition No. 2196/2023.

Filing No.

IN THE MATTER OF Petition under GERC (Procurement of Energy-from Renewable Sources) Regulations, 2010 and amendments thereto for revision in Renewable Power Purchase Obligation (RPO) in case of four subsidiary Distribution Companies of GUVNL for FY 2021-22.

PETITIONER Gujarat Urja Vikas Nigam Limited
Sardar Patel Vidyut Bhavan
Race Course
Vadodara – 390007.

AND

CO-PETITIONER 1. Madhya Gujarat Vij Company Ltd (MGVCL) Vadodara
2. Uttar Gujarat Vij Company Ltd (UGVCL) Mehsana
3. Paschim Gujarat Vij Company Ltd (PGVCL) Rajkot
4. Dakshin Gujarat Vij Company Ltd (DGVCL) Surat

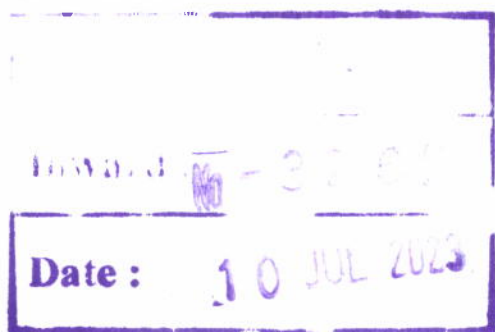
Submission in Compliance of Hon'ble Commission's directives vide Oral Order
Dated 26.06.2023:

- 1) In pursuance with Hon'ble Commission's directives vide Oral Order dated 26.06.2023, the Petitioner has issued Public Notices in two daily Gujarati Newspapers and one English Newspaper having wide circulation in the State stating that GUVNL has filed Petition No. 2196/2023 before GERC for revision in Renewable Power Purchase Obligation (RPO) in case of four subsidiary Distribution Companies of GUVNL for FY 2021-22 and that stakeholders are required to file their comments / suggestions in-the Petition to the Secretary of the Commission in five copies along with affidavit in support of their submissions within 30 days from the date of issuance of the Public Notice.
- 2) A copy of Public Notice(s) published in two daily Gujarati Newspapers viz. Divya Bhaskar and Sandesh, one English Newspaper viz. Indian Express on 02.07.2023 is annexed herewith as Annexure A.
- 3) Further, the Petitioner has also uploaded the present Petition in the-Notice Section of its website www.guvnl.com to enable the interested Stakeholders to download it and file their comments / suggestions to the Petition, if any.

GUJARAT URJA VIKAS NIGAM LIMITED
PETITIONER

DATE: 07.07.2023

PLACE: VADODARA



23



BEFORE THE HONORABLE GUJARAT ELECTRICITY REGULATORY COMMISSION

AT GANDHINAGAR

PETITION No. 2196/2023



IN THE MATTER OF

Petition under GERC (Procurement of Energy-from Renewable Sources) Regulations, 2010 and amendments thereto for revision in Renewable Power Purchase Obligation (RPO) in case of four subsidiary Distribution Companies of GUVNL for FY 2021-22.

AFFIDAVIT

Regd. No.: 15208
Date: 07/07/2023

I, Rahul S. Pareek, aged about 31 years, resident of Vadodara, do hereby solemnly affirm and state as under:

1. I say that I am Deputy Engineer in GUVNL and am competent to swear the present affidavit.
2. I say that I have read the contents of the above compliances and I have understood the contents of the same.
3. I say that the above contents of compliance are based on the available with the Company of Respondent in the normal course of business and believed by me to be true.

DEPONENT

VERIFICATION

I, the deponent above-named, do hereby verify the contents of the above affidavit to be true to the best of my knowledge, no part of it is false and nothing material has been concealed therefrom.

Verified at Vadodara on this DATE 07.07.2023.

DEPONENT



Solemnly Affirmed/Declared
Sworn Before me by R.S. Pareek
H. J. ZALA
NOTARY (Govt. of India)



લોનનો હપ્તો ભર્યા બાદ કોલેજની રૂમમાં ફાંસો ખાધો
બહેનના લગ્નની લોનના હપ્તા
નહીં ભરાતા ભાઈની આત્મહત્યા

વાળીયોડી તાલુકાના સિકંદરપુરા ગામમાં રહેતો શૈલેષ સનમભાઈ બારિયા (ઉ.વ.૨૧) સિકંદરપુરા પાસે આવેલી વાપોનિયસ કોલેજના પટાવાળા તરીકે નોકરી કરતો હતો. બંદનના બંને ખાટે તેને બાનની કાપનાન્સ કંપનીમાંથી ચાર મિત્રો પાસેથી તેને રૂ. ૧૮,૦૦૦ ભેગા કર્યા હતા. આ રકમનો તેને હપ્તો કરવાનો હતો. જ્યારે શૈલેષ દિવસે તેને ચાર મિત્રોને આપી દેવાની તેને વાતચટ કરી હતી. દરમિયાનમાં મુકદ્દમા સિકંદરપુરા પાસેના વાપોનિયસ કોલેજના આયુર્વેદી પુનિટના પ્રથમ

પરિવારના વાહનની પાસેના લોકો લીધી પરી અને લોકોનાં હાથને વધેડી રોકાડોના નાનો. આથી શૈયીય ચીટીની થઈ ગયો હતો. આખરે તેની સાથે નીકડી કરતા

દુમાડા ચોકડો પાસે રોડ કોસે કરનારુ વાહનની

વહેરડા : દુમાડા ચોકડો પાસે તુલિય લોકેટ થાય છે. કોસ કરનારની અજાણ થાયને અકડકડી થાય તેને મુખ નિપજવુંવું હતું. તેમને નકકર વાહનની આગના અકડકડાવાનો અનોખો અનુભવ થયો. આમનિયત થયેલા અનિયત ક્રિયા (દુર્ઘટના) મુજબ કમ્પાર્ટમેન્ટમાંથી જાનની કમીનાથી નીકળી રહે છે. આવાથી માંથી સાંચો નીકળે છે. આથી કુદરતે તેને જાત થઈ જાય છે. દુમાડા ચોકડો પાસે રોડ કોસ કરનાર લોકો અત્યંત અજાણ થાય છે. તેમને કોઈ અનુભવ નથી. આથી તેમને અજાણ થાય છે.

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દૈવીલાલ
પદ્મવિભૂષણ પુરસ્કૃત
જન્મ. ૧૪-૦૧-૧૯૧૮

• ડૉ. ૧૧ મે. ૧૯૬૨ • ડૉ. ૬૮વી વી. ૧૯૬૨
• ૬૧વી ૮. ૧૯૬૨ • અગ્રના તી. ગોપી

લાલકી અધ્યાજીવી

શ્રુતના અગ્રના તી પંડા સુધી અગ્રના તી આરે
અગ્રના તી શ્રુતના તી પંડા સુધી આરે. અગ્રના તી
શ્રુતના તી પંડા સુધી આરે. અગ્રના તી પંડા સુધી
આરે. અગ્રના તી પંડા સુધી આરે. અગ્રના તી
પંડા સુધી આરે. અગ્રના તી પંડા સુધી આરે.



દૈવીલાલ
પદ્મવિભૂષણ પુરસ્કૃત
જન્મ. ૧૪-૦૧-૧૯૧૮

• ડૉ. ૧૧ મે. ૧૯૬૨ • ડૉ. ૬૮વી વી. ૧૯૬૨
• ૬૧વી ૮. ૧૯૬૨ • અગ્રના તી. ગોપી

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