

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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CASE No. 1/SM/2024

In the matter of
**Verification and Compliance of Renewable Purchase Obligation compliance targets for FY
2014-15 to FY 2019-20 by Captive Power Plant users in Maharashtra**

Coram

**Sanjay Kumar, Chairperson
Anand M. Limaye, Member
Surendra J. Biyani, Member**

ORDER

18 February 2025

1. Background

- 1.1 Under the MERC (Renewable Purchase Obligation, its Compliance and Implementation of REC framework) Regulations, ('RPO Regulations, 2010') and ('RPO Regulations, 2016'), the Commission has specified the Renewable Purchase Obligation (RPO) targets for Obligated Entities, i.e. Distribution Licensees, Open Access consumers and Captive Users in Maharashtra for FY 2014-15 to FY 2019-20.
- 1.2 The RPO targets, specified in Regulation 7.1 of RPO Regulations, 2010 and 2016 are as follows:

Year	Minimum Quantum of purchase (in %) from renewable energy sources (in terms of energy equivalent in kWh)		
	Solar	Non-Solar (other RE)	Total
RPO Regulations, 2010			
2010-11	0.25%	5.75%	6.0%
2011-12	0.25%	6.75%	7.0%
2012-13	0.25%	7.75%	8.0%

Year	Minimum Quantum of purchase (in %) from renewable energy sources (in terms of energy equivalent in kWh)		
	Solar	Non-Solar (other RE)	Total
RPO Regulations, 2010			
2013-14	0.50%	8.50%	9.0%
2014-15	0.50%	8.50%	9.0%
2015-16	0.50%	8.50%	9.0%
RPO Regulations, 2016			
2016-17	1.00%	10.00%	11.00%
2017-18	2.00%	10.50%	12.50%
2018-19	2.75%	11.00%	13.75%
2019-20	3.50%	11.50%	15.00%

1.3 Summary of the past proceedings/Orders, in which RPO compliance exercise is carried out and clarifications/timeline extension have been issued are depicted in table below:

Sr.No.	Case No. & Date of Order	Ruling of the Commission
1	Order in Case No. 6 of 2006 dated 16 August 2006	The Commission ruled that the minimum percentage of RE power procurement as proposed in the Order shall be applicable to all existing and future distribution Licensees in Maharashtra as well as to Open Access users & Captive consumers.
2	Order in Case No. 49 of 2013 dated 22 July 2013	The Commission carried out verification and compliance of RPO targets by CPP Users and OA Consumers for FY 2010-11 and FY 2011-12. The Commission observed difficulties owing to the lack of a proper mechanism for monitoring and verification of RPO. It further, directed formation of a Working Committee for developing such a mechanism vide its Order dated 22 July 2013. Considering the time required by the Working Committee, the Commission directed CPP Users and OA Consumers to fulfil their RPO targets for all four years, i.e., 2010-11, 2011-12, 2012-13 and 2013-14, cumulatively before 31 March, 2014
3	Order in Case No. 101 of 2017 dated 4 May 2018	The Commission carried out verification of compliance of RPO targets by CPP Users and OA Consumers in FY 2010-11 to FY 2013-14.

Sr.No.	Case No. & Date of Order	Ruling of the Commission
4	Order in Case No. 68 of 2019 dated 22 May 2019	Fossil fuel-based cogeneration plants are allowed to fulfill their cumulative RPO targets by March 2020 after the Commission completes the verification process for the years 2014-15 to 2016-17
5	Order in Case No. 130 of 2020 dated 5 October 2020	In exercise of power under Regulation 19 of RPO-REC Regulations 2016, the Commission ruled that the composite RPO targets for the CPPs commissioned before 1 April 2016 shall be 9% for the Operating Period of such Regulations, provided that in case of any augmentation of the Captive Generating Plant, the RPO target for augmented capacity shall be equal to the RPO target applicable for the year in which such augmented capacity has been commissioned. For the Projects commissioned on or after 1 April 2016, the composite RPO target shall be equal to the target applicable for the year in which project is commissioned, for the Operating Period of RPO-REC Regulations 2016 onwards.
6	Order in Case No. 111 of 2020 dated 6 October 2020	Fossil fuel-based cogeneration captive power plants are allowed to fulfill their cumulative Renewable Purchase Obligation targets by 31 March 2021.
7	Order in Case No. 203 of 2020 dated 6 February 2021	The Commission clarifies that CPPs commissioned before 1 April 2016 shall be subjected only to the composite RPO target of 9%.
8	Order in Case No. 67 of 2021 dated 6 August 2021	Captive power plants are allowed to fulfill their cumulative Renewable Purchase Obligation targets by 31 March 2022.

2. Regulatory framework, Public Consultation process and proceedings

2.1 Regulation 5 (5.1) of the RPO Regulations, 2010 specifies the applicability of the Regulations to Obligated Entities:

“5. Obligated Entities

5.1 The minimum percentage as specified under Regulation 7.1 shall be applicable to all Distribution Licensees in the State of Maharashtra as well as to open access consumers and captive users within the State of Maharashtra, subject to following conditions:

(a) Any person who owns a grid connected Captive Generating Plant with installed capacity of 1 MW and above (or such other capacity as may be stipulated from time to time) and consumes electricity generated from such plant for his own use; shall be subjected to minimum percentage of RPO to the extent of his consumption met through such captive source.

(b) Any person having a contract demand of not less than 1 MVA and who consumes electricity procured from conventional fossil fuel based generation through open access as per Section 42 (2) of the Act shall be subjected to minimum percentage of RPO to the extent of his consumption met through such open access source.

Provided that the State Commission may, by order, revise the minimum capacity referred to under sub-clause (a) and sub-clause (b) above from time to time.

Provided further that condition under sub-clause (a) above, shall not be applicable in case of Standby (or Emergency back-up) Captive Generating Plant facilities.”

Similar provision is made in RPO Regulations, 2016 except installed capacity limit of CPP. In 2016 Regulations 5 MW capacity has been referred to in respect of CPP.

- 2.2 The proviso to Regulation 11.3 of RPO Regulations, 2010 specifies the RPO exemption criteria for CPP Users and Open Access consumers. Further, Regulations 11.1 to 11.4 set out the provisions for compliance by CPP Users and Open Access consumers. Relevant Regulations read as under:

“11.1 Subject to fulfilment of conditions outlined under Regulation 5.1, every Captive User and Open Access Consumer shall submit necessary details regarding total consumption of electricity and power purchase from RE sources towards fulfilment of its RPO on monthly basis to the State Agency.

11.2 Captive User(s) and Open Access Consumer(s) shall purchase RE as stated in Regulation 7.1 and accordingly shall enter into long term arrangement to meet its RPO obligations.

11.3 If the Captive User(s) and Open Access Consumer(s) are unable to fulfil their obligation, they shall be liable to pay RPO Regulatory Charges as specified in Regulation 12.1.

Provided further that captive user(s) consuming power from grid connected fossil fuel based co-generation plants, are exempted from applicability of RPO target and other related conditions as specified in these Regulations.

11.4 Captive/Open Access Consumer(s)/User(s) may fulfil their RPO through procurement of the RE Certificate as provided in Regulation 8.”

RPO Regulations, 2016 has similar provisions.

- 2.3 Regulation 12 of RPO Regulations, 2010 empowers the Commission to deal with shortfalls by Obligated Entities in meeting their RPO targets.

“12. RPO Regulatory Charges

12.1 If the Obligated Entity fails to comply with the RPO target as provided in these Regulations during any year and fails to purchase the required quantum of RECs, the State Commission may direct the Obligated Entity to deposit into a separate fund, to be created and maintained by such Obligated Entity, such amount as the Commission may determine on the basis of the shortfall in units of RPO, RPO Regulatory Charges and the Forbearance Price decided by the Central Commission; separately in respect of solar and non-solar RPO:

Provided that RPO Regulatory Charges shall be equivalent to the highest applicable preferential tariff during the year for solar or non-solar RE generating sources, as the case may be, or any other rate as may be stipulated by the State Commission:

Provided further that the fund so created shall be utilised, as may be directed by the State Commission.”

Regulation 12 of RPO Regulations, 2016 empowers the Commission to deal with shortfalls by Obligated Entities in meeting their RPO targets.

“12. RPO Regulatory Charges

If an Obligated Entity fails to comply with the RPO target specified in these Regulations in any year and fails to purchase the required quantum of RECs, the State Commission may direct it to deposit into a separate Fund, to be created and maintained by such Obligated Entity, such amount as the State Commission may determine on the basis of the shortfall in units of RPO, RPO Regulatory Charges separately in respect of Solar and non-Solar RPO:

Provided that, in case of an Obligated Entity other than a Distribution Licensee, such Obligated Entity shall deposit the RPO Regulatory Charges in a Fund to be maintained and administered by the State Agency or as may be directed by State Commission.

Provided further that RPO Regulatory Charges shall be equivalent to the highest applicable preferential Tariff during the year for Solar or non-Solar RE generating sources, as the case may be, or Forbearance Price decided by the Central Commission, or any other rate as may be stipulated by the State Commission;

Provided further that the Fund so created shall be utilised as may be directed by the State Commission;

Provided also that the State Commission may not allow, upon considering the circumstances, all or part of the RPO Regulatory Charges and associated costs to be passed on to Consumers.”

- 2.4 Maharashtra Energy Development Agency (MEDA) being a State Nodal Agency, from time to time has submitted the yearly consolidated RPO compliance reports of Captive users and Open Access Consumers for period of FY 2014-15 to FY 2019-20.
- 2.5 On 1 January 2024, the Commission issued notices to CPP Users, for reconciliation of their power consumption and RE power purchase data with the report submitted by MEDA. They were also asked to submit supporting documents with regard to compliance of the RPO target; explain any shortfalls in meeting the RPO targets, and the efforts made for complying with them; and to provide supporting documents if they claimed to be exempted from RPO under the Regulations.
- 2.6 In response to the Commission's Notice, (23) CPP users submitted their responses. After evaluating such responses, these were mapped against report submitted by MEDA. Accordingly, consolidated RPO Statement has been prepared.
- 2.7 Through a Public Notice dated 19 October 2024 published in the Loksatta and Maharashtra Times (Marathi) and Times of India and Indian Express (English) daily newspapers, the Commission invited suggestions and objections considering the submissions of MEDA and CPP users with regard to the RPO compliance for the four years from FY 2014-15 to FY 2019-20 and indicated the date of Public Hearing. The last date for submission of comments/ suggestions/ objections was 22 November 2024.
- 2.8 During the e-Public Hearings held on 3 December 2024, six CPP Users made oral submissions. The list of persons who attended the Public Hearings is at Annexure I.

3. Status of Legal proceedings challenging the RPO Regulations, 2016/2019:

- 3.1 The Commission notes that RPO Regulations, 2016 and 2019 have been challenged by Captive Power Producers Association & Anr. before Hon'ble Bombay High Court (WP No.269 of 2019 and WP 2513 of 2021). The main contentious issue is with regards to applicability of RPO Regulations to fossile fuel-based cogeneration units.
- 3.2 It is pertinent to note that matter is heard by Hon'ble Bombay High Court on 6 January 2025 and ruled following:

“

1. *Mr. Milind Sathe, learned senior advocate for the petitioners has drawn our attention to a judgment and order dated 20 February 2024 passed in APL No.337 of 2023 and IA No.531 of 2023 by the Appellate Tribunal For Electricity (APTEL) at New Delhi in the case of M/s Tata Steel Ltd. Vs. Odisha Electricity Regulatory Commissioner (OERC) & Anr.*
2. *In such case a Division Bench of the APTEL was considering a similar cause as raised by the petitioners in present proceedings. In its order a reference has been made to a*

decision of a co-ordinate Bench of the APTEL, Century Rayon Vs. Maharashtra Electricity Regulatory Commission & Ors. 2010 SCC OnLine APTEL 37. It has also referred to the decision of the Full Bench of it in the case of Lloyds Metal & Energy Ltd Vs. Maharashtra Electricity Regulatory Commission & Ors., dated 23 September 2013.

3. *It appears that very the issue as canvased by the Petitioner in the present proceedings did not find favour in the decision of APTEL in the case of M/s Tata Steel (supra) as also in the decision of Full Bench in the case of Lloyds Metal & Energy Ltd. (supra) Mr. Sathe, learned senior Counsel has fairly stated that the proceedings against these decisions are now pending, in appeal, before the Supreme Court.*
 4. *As the issues as raised in the present petition are subject matter for consideration before the Supreme Court, in Civil Appeal No.6070 of 2024, M/s Tata Steel Ltd. Vs. Odisha Electricity Regulatory Commissioner (OERC) & Anr, we are inclined to adjourn the proceedings sine die, with liberty to the parties to apply after the decision is rendered by the Supreme Court on the said proceedings.”*
- 3.3 Hon’ble High Court in above Order has observed that basis on which RPO Regulations have been challenged has not been find favour in recent APTEL judgment in case of M/s Tata Steel Ltd Vs OERC and decision of full bench of APTEL. However, as said APTEL judgment has been challenged before the Supreme Court, Hon’ble High Court has decided to adjourn the proceeding *sine die*, with liberty to apply afresh after the decision is rendered by the Supreme Court in above said proceedings.
- 3.4 In view of above, it is important to note that MERC RPO Regulations 2016/2019 are in force and recent judgment of the Hon’ble APTEL in Tata Steel Ltd. Vs OERC is in favor of the said Regulations. Relevant part of the APTEL judgment is reproduced below:

“IX. CONCLUSION:

We summarize our conclusions as under:-

(i) The State Commission has been conferred the power, by Section 86(1)(e) of the Electricity Act, to frame Regulations specifying a minimum percentage of renewable energy to be purchased, from out of the total consumption of electricity by captive power consumers, as such Regulations promote generation of electricity from renewable sources of energy, protect the environment, and thereby prevent pollution. (Hindustan Zinc Ltd. v. Rajasthan Electricity Regulatory Commission, (2015) 12 SCC 611).

(ii) The Report of the Standing Committee on Energy (on the Electricity Bill presented to Lok Sabha on 19.12.2002) indicates the intention of the legislature, while enacting the Electricity Act, 2003, that generation from non-conventional and renewable sources should be promoted, and the Commissions may prescribe a minimum percentage of power to be purchased from such non-conventional and renewable sources. (Lloyds Metal & Energy Ltd).

(iii) *Electricity generated, from fossil fuel based co-generation plants, is not generation from non-conventional sources of energy or renewable sources of energy. (Lloyds Metal & Energy Ltd).*

(iv) *Determination by the State Commission, of appropriate differential prices of electricity, can only be with respect to non- conventional sources of energy. No obligation is placed on the Distribution Licensees to purchase electricity from co-generation based on fossil fuel. (Lloyds Metal & Energy Ltd).*

(v) *As thermal efficiency, of a co- generation plant based on fossil fuel, is higher compared to a fossil fuel based generating station of a similar size, there is also no requirement of determining appropriate differential prices, or to provide preferential tariff, for co-generation based on fossil fuel. (Lloyds Metal & Energy Ltd).*

(vi) *The Tariff Policy clearly indicates that, under Section 86(1)(e), the Commission is required to fix the minimum percentage of total consumption of Electricity by a captive consumer for purchase of energy from non-conventional and renewable sources of energy, including co-generation also from non- conventional and renewable sources. (Lloyds Metal & Energy Ltd).*

(vii) *“co- generation”, as defined in Section 2(12) of the Electricity Act, is only a process of generation of electricity and another form of energy, and cannot be termed as a source of electricity like renewable sources of energy. (Lloyds Metal & Energy Ltd).*

(viii) *A distribution licensee cannot be fastened with the obligation to purchase a percentage of its consumption from fossil fuel based cogeneration under Section 86(1)(e) of the Electricity Act, 2003; Such purchase obligation, under Section 86(1)(e), can be fastened only with respect to electricity generated from renewable sources of energy. (Lloyds Metal & Energy Ltd).*

(ix) *The State Commission can promote fossil fuel based co-generation by other measures such as facilitating sale of surplus electricity, available at such co-generation plants, in the interest of promoting energy efficiency and grid security, etc.*

(x) *The Regulations, made in consonance with the provisions of the Electricity Act, the National Electricity Policy and the Tariff Policy, neither place any obligation on the Distribution Licensee to, nor has preferential tariff been determined, for purchase of electricity from fossil fuel based co-generation.*

(xi) *In the two-member bench judgement of this Tribunal in **Century Rayon Ltd vs Maharashtra Electricity Regulatory Commission** (Order in Appeal No. 57 of 2009 dated 26.04.2010), and the judgements which followed it, it has been held that entities, owning and operating a co-generation based CPP irrespective of the fuel used, cannot be fastened with renewable purchase obligations as long as the electricity generated*

from its co-generation plant is in excess of the presumptive RPO target (qua its captive consumption) for the relevant years.

*(xii) These judgements run contrary to and fall foul of the Full Bench judgement (of three members) of this Tribunal in **Lloyds Metal & Energy Ltd.** Consequently, it is the judgement of the Full Bench of this Tribunal in **Lloyds Metal & Energy Ltd.** which is binding, and not the law declared in **Century Rayon Ltd** (Order in Appeal No. 57 of 2009 dated 26.04.2010), and the judgements of the two member benches of this Tribunal which followed it.*

(xiii) RPO obligations can, therefore, be fastened on captive power consumers. Such RPO obligations, to procure and consume power from renewable sources of energy, can neither be adjusted nor setoff against the quantum of power consumed from co-generation plants based on fossil fuel.

(xiv) As it is impermissible for any Court or Tribunal to add words into a statutory provision, the earlier judgments of two member benches of this Tribunal wherein it was held that the Commission was obligated to promote equally both “co-generation” and “generation of electricity from renewable sources of energy” would, in effect, require the word “equally” to be read into Section 86(1)(e) of the Electricity Act. As it would amount to judicial legislation, such a course is impermissible.

(xv) The 2021 RPO Regulations, made by the Respondent-Commission, are in accordance with the National Tariff Policy made and amended by the Government of India in the exercise of its powers under Section 3 of the Electricity Act.

(xvi) As the OERC has chosen to be guided by the Tariff Policy, in making the RPO Regulations which are in the nature of subordinate legislation, its validity cannot be examined in appellate proceedings under Section 111 of the Electricity Act.

(xvii) Exercise of the power either to read down statutory regulations or to ignore them on the premise that it falls foul of, or runs contrary to, the Parent Act amounts to exercise of the power of judicial review, which power is not available to be exercised by this Tribunal.”

In above judgment, the APTEL based on its Full Bench Judgment has ruled that two Members judgment exempting fossile fuel-based cogeneration projects from RPO can not be considered as law. Hon’ble APTEL in above judgment has clearly ruled that RPO obligation can be fasten on fossile fuel based co-generation projects.

3.5 However, above judgment of the Hon’ble APTEL is now before the Supreme Court. Hence, the Commission thinks it appropriate to wait till such issue is finally decided by the Hon’ble Suprme Court. Accordingly, for present RPO verification proceeding, the Commission is continued with the dispensation which was provided in view of then pendency Writ challenging validity of RPO Regulation 2016/2019 before the High Court.

4. Approach adopted by the Commission:

- 4.1 The scope of present exercise is only limited to verification of RPO compliance from FY 2014-15 to FY 2019-20. For past performance verification, the Commission has provided the detailed directives in its Order in Case No. 101 of 2017 dated 4 May 2018. Subsequently timeline of compliances have been extended by the Commission through various Order as mentioned in Para (1.3) above.
- 4.2 The Commission initially mapped the data submitted by MEDA along with submission made by the entities.
- 4.3 The Commission in its Order dated 6 February 2021 in Case No. 203 of 2020 clarified that CPPs commissioned before 1 April 2016 shall be subjected only to the composite RPO of 9%. Further, for the Projects commissioned on or after 1 April 2016, the composite RPO target shall be equal to the target applicable for the year in which project is commissioned. Considering the dispensation provided, the Commission verified the date of Commissioning of project and accordingly RPO targets have been decided.
- 4.4 For verification of actual RE power or REC procured, the Commission perused the affidavits and submissions made by MEDA and entities. In case of discrepancy in RE procurement data, actual data as submitted by entity has been considered based on documentary evidences such as certificates issued by Chartered Accountants and REC certificates. In absence of supporting data, MEDA's submission is considered as final.
- 4.5 The Commission, in its Order dated 22 May 2019 in Case No.68 of 2019 provided an alternative option to deposit amount equivalent to the REC floor prices of the shortfall units and further on year-to-year basis to meet its RPO, with MEDA till the Writ Petition (WP No. 269 of 2019) gets decided. If any entity has deposited an amount equivalent to such RE procurement backlog, then it is considered as interim compliance.

5. Entity-wise submissions and Commission's Analysis & Findings

5.1 Ultra Tech Cement Ltd. (UTCL)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar RE	Solar REC		Non-Solar RE	Non-Solar REC			
FY 14-15	71.000	245.824	22.124	1.229	0.000	0.594	20.895	0.000	20.895	22.124	21.489	0.635
FY 15-16	71.000	241.436	21.729	1.207	0.655	0.552	20.522	0.000	20.522	21.729	21.729	0.000
FY 16-17	84.220	201.642	22.181	2.016	0.000	1.088	20.164	0.000	15.653	22.181	16.741	5.440
FY 17-18	84.220	276.935	34.617	5.539	0.000	6.244	29.078	0.000	43.626	34.617	49.870	-15.253

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall		
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	Solar RE	Solar REC	MU	Non-Solar RE	Non-Solar REC	MU	MU	MU
FY 18-19	84.220	290.762	26.169		0.000	5.750		0.000	32.079	26.169	37.829	-11.660
FY 19-20	84.220	290.218	26.120		0.000	0.623		0.000	25.757	26.120	26.380	-0.260

B. Consumer's Submission

5.1.1 Ultra Tech Cement Ltd. has fulfilled its RPO compliance in subsequent years through consumption of Solar and Non-Solar energy and by purchase of RECs.

5.1.2 Its CPPs are commissioned before FY 2015-16. As per Ministry of Power's Order dated 1 October 2019, RPO for CPPs commissioned before 1 April 2016 shall be kept at the level for FY 2015-16. Accordingly, 9% RPO target is applicable to it.

Year	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall		
			Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MU	MU	MU	Solar RE	Solar REC	MU	Non-Solar RE	Non-Solar REC	MU	MU	MW
FY 10-11	100.770	6.046	0.252	0.000	0.000	5.794	0.000	0.000	6.046	0.000	6.046
FY 11-12	303.750	21.262	0.759	0.000	0.000	20.503	0.000	0.000	21.262	0.000	21.262
FY 12-13	283.710	22.696	0.709	0.490	0.000	21.987	0.000	0.000	22.696	0.490	22.206
FY 13-14	152.790	13.751	0.764	0.690	0.000	12.987	1.080	0.000	13.751	1.770	11.981
FY 14-15	245.820	22.124	1.229	0.640	0.594	20.895	38.850	20.895	22.124	60.979	-38.855
FY 15-16	241.440	21.729	1.207	0.660	0.552	20.522	53.420	20.522	21.729	75.154	-53.425
FY 16-17	289.320	26.039	1.447	1.080	1.291	24.592	53.890	16.157	26.039	72.418	-46.379
FY 17-18	311.310	28.018	1.557	0.890	1.035	26.461	52.880	51.860	28.018	106.665	-78.647
FY 18-19	315.790	28.421	1.579	2.580	15.684	26.842	56.250	103.280	28.421	177.794	-149.373
FY 19-20 [#]	468.360	42.153	2.342	2.810	1.654	39.811	54.710	33.417	42.153	92.591	-50.438

[#] During FY 2019-20, it acquired Century Textile and Industries Ltd. (Manikgarh Cement Works). Accordingly, RPO liability is carried forward and adjusted against the credits available in Awarpur, Hotgi and Nagpur.

C. Commission's Ruling

- 5.1.3 During public consultation exercise, data provided by MEDA and Ultra Tech Cement Works have been mapped and made available for comments and suggestions. Ultra Tech cement has not made any submission in response to public notice.
- 5.1.4 Upon analysis of the data provided by Ultra Tech Cement Ltd. vide its letter dated 29 January 2024, it is evident that From FY 2019-20 onwards it has considered Manikgarh Cement Work's total energy consumption for computing total energy consumption at group level.
- 5.1.5 The Commission identified following discrepancy in total energy consumption data for years under consideration, as reported by MEDA and Ultra Tech Cement Ltd.:

(In Mus)

Year	MEDA	Ultra Tech Cement Ltd	
		Awarpur Cement Works	Manikgarh Cement Work
FY 2014-15	245.824	245.82	-
FY 2015-16	241.436	241.44	-
FY 2016-17	201.642	289.32	-
FY 2017-18	276.935	311.31	-
FY 2018-19	290.762	315.79	-
FY 2019-20	290.218	326.11	142.25

- 5.1.6 Clearly, for FY 2014-15 and FY 2015-16 total energy consumption data matches Ultra Tech's submission but for subsequent period it does not match. Further, no supplementary data with regards to electricity bills have been submitted by it, for ascertainment of consumption. Further, for FY 2019-20 onwards, Ultra Tech has considered consumption of acquired unit for deriving total energy consumption. In short, Ultra Tech is requesting to meet RPO target on combined basis.
- 5.1.7 From submission on record, it is evident that UltraTech is intending to set of RE power/REC procurement at Awarpur, Manikgarh, Hotgi, Ratnagiri and Pune units for its Groups Companies RPO target. Unit wise RE/REC procurement details are as below:

	Unit	Solar		Non-Solar	
		RE	REC	RE	REC
FY 14-15	Awarpur	0.64	0.59	38.85	20.9
FY 15-16		0.64	0.55	53.42	20.52
FY 16-17		0.64	1.09	50.58	15.62
FY 17-18		0.76	0.98	52.88	39.82
FY 18-19		0.68	12.88	56.25	94.06
FY 19-20		0.69	1.32	54.71	25.66

	Unit	Solar		Non-Solar	
		RE	REC	RE	REC
FY 14-15		0	0	0	0

FY 15-16	Manikgarh, Hotgi, Nagpur, Ratnagiri, Pune	0	0	0	0
FY 16-17		0.44	0.2	3.31	0.53
FY 17-18		0.13	0.06	0	12.04
FY 18-19		1.9	2.81	0	9.22
FY 19-20		2.13	0.34	0	7.75

5.1.8 The Commission notes that a similar request was received at the time of framing RPO-REC Regulations 2019. Various stakeholders including Captive Power Producers Association (CPPA) requested to offset the RPO obligations of subsidiary and group companies against each other. The Commission has addressed the same in the Statement of Reasons (SOR) for RPO-REC Regulations 2019. Relevant part of the same is reproduced below:

“

4.2 Comments received

.....

CPPA has further suggested that RPO Obligation should be at legal entity level as a group of different consumers (in a state) as a whole and not at the project/site or unit level and RPO obligation of subsidiary and group companies should be allowed to be set off against each other.

4.3 Analysis and Commission’s Decision

.....

*Regarding the request for allowing group companies to meet their RPO target on combined basis, the Commission is of the view that such arrangement would require monitoring agencies to verify ownership of each of such subsidiary and keep track of any change on ownership. **As RPO is linked to consumption of Obligated Entity and each OA consumer is separate Obligated Entity, in the opinion of the Commission RPO needs to be monitored for each of such Obligated Entity separately.** However, for providing ease of complying with RPO, as explained in subsequent section, the Commission is allowing Obligated Entity other than Distribution Licensee to meet their RPO on composite basis instead of separate RPO for Solar and Non Solar.”*

[Emphasis Added]

Above dispensation is clearly applicable in Ultra Tech Cement’s Case also. Hence the Commission is not inclined to consider the RPO details at Group company level. Furthermore, Ultra Tech Cement has not furnished the details about its CPP like date of commissioning, its size, number of units and type of fuel etc.

5.1.9 MEDA while validating RPO data has considered CPP capacity as verified by Chief Electrical Inspector & GEC is taken from CA certificate submitted by CPP user. The Commission has considered the REC certificates provided by UltraTech cement for Awarpur works only. For FY 2018-19 onwards, composite targets have been considered for RPO compliance. Accordingly, the Commission has worked out RPO

targets and its compliance based on MEDA reported data excluding RE/REC procurement data for Manikgarh, Hotgi, Nagpur, Ratnagiri and Pune units as below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall/(Surplus)
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	Solar RE	Solar REC	MU	Non-Solar RE	Non-Solar REC	MU	MU	MU
FY 14-15	71.00	245.824	22.124	1.229	0.000	0.000	20.895	0.000	0.000	22.124	0.000	22.124
FY 15-16	71.00	241.436	21.729	1.207	0.000	1.145	20.522	0.000	41.402	21.729	42.547	(20.818)
FY 16-17	84.22	201.642	22.181	2.016	0.000	0.001	20.164	0.000	0.015	22.181	0.016	22.165
FY 17-18	84.22	276.935	34.617	5.539	0.000	0.978	29.078	0.000	39.821	34.617	40.799	(6.182)
FY 18-19	84.22	290.762	26.169		0.000	12.881		0.000	99.462	26.169	112.343	(86.174)
FY 19-20	84.22	290.218	26.120		2.580	1.592		0.000	25.662	26.120	29.834	(3.714)
Cummulative Shortfall/(Surplus)												(72.600)

5.2 Topworth Urja & Metals Ltd. (TUML)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	Solar REC	Solar RE	MU	Non-Solar REC	Non-Solar RE	MU	MU	MU
FY 14-15	30.000	85.700	7.713	0.429	0.000	0.000	7.285	0.000	0.000	7.713	0.000	7.713
FY 15-16	30.000	92.340	8.311	0.462	0.000	0.000	7.849	0.000	0.000	8.311	0.000	8.311
FY 16-17	30.000	52.100	5.731	0.521	0.000	0.000	5.210	0.000	0.000	5.731	0.000	5.731
FY 17-18	30.000	98.400	12.300	1.968	0.000	0.000	10.332	0.000	0.000	12.300	0.000	12.300
FY 18-19	30.000	129.940	17.867	3.573	0.000	0.000	14.293	0.000	0.000	17.867	0.000	17.867
FY 19-20	30.000	126.330		4.422	0.000	0.000	14.528	0.000	0.000	18.950	0.000	18.950

B. Consumer's Submission

5.2.1 TUML submitted that it is operating an embedded captive co-Generation plant having a capacity of 2x2 MW from Waste Heat Recovery Boilers (WHRB) and WHRB based generation capacity is less than 5 MW. Hence, do not fall under the ambit of RPO Obligations as the criteria is 5 MW and above. TUML also referred to the APTEL Judgements dated 2 January 2019 in Appal No. 278 of 2015 & IA No. 455

of 2015 & Ors. In the said Judgements, the Hon'ble APTEL ruled that the Appellants, M/s JSW Steel Ltd., Tamil Nadu Newsprint and Papers Limited & TANFAC Industries Ltd., being a Co-generation plant is not entitled / obligated to purchase Power from Renewable Energy Sources and hence, they do not come under the ambit of RPO.

5.2.2 Further, in its 2 x 100 TPD Capacity Sponge Iron process, an Industrial waste product called as 'Dolachar' is generated to the tune of 50 to 80 MT/day, which is unburnt or partially burnt coal particles and Dolomite particles (Industrial waste) having a GCV of about 2200 Kcal/Kg and the same is fully utilized by mixing with the coal used as fuel for 2 x 13 MW capacity Atmospheric Fluidized Bed Combustion (AFBC) Boilers. Sometimes, Topworth is also procuring industrial waste Dolachar from other Industries and utilizing the same along with its own Dolachar in AFBC Boilers. Thus, captive Co-generation is substantially based on waste by- products of the industry and hence it does not fall under the category of obligated entities for RPO.

5.2.3 Power consumption for the Financial Year 2014-15 to 2019-20 from 30MW Captive Co-generation power Plant is as below:

Year	Power Generation From 2X13 MW AFBC Boilers	Power Generation from 2X2 MW Cogeneration (WHR Boilers)	Total Power Generation	Total Power Export through Open Access to third party consumers & MSEDCL	Total Captive consumption	Total Captive Consumption	Co-generation from Waste Heat Recovery Boiler (B) against Total Captive Consumption (E)
	MWh	MWh	MWh	MWh	MWh	MU	
	(A)	(B)	A+B=C	(D)	E = C-D	F	
FY 14-15	123826.94	23250.36	147077.20	61376.69	85700.51	85.70	27.13%
FY 15-16	115417.90	16246.50	131664.40	39320.822	92343.578	92.34	17.59%
FY 16-17	66274.17	7534.23	73808.40	21707.839	52100.561	52.10	14.46%
FY 17-18	124460.12	19156.87	143616.98	45217.133	98399.85	98.40	19.47%
FY 18-19	207644.17	22803.34	230447.51	100510.84	129936.67	129.94	17.55%
FY 19-20	171145.26	20243.74	19389.00	65062.25	126326.75	126.33	16.02%

C. Commission's Ruling

5.2.4 After perusal of Certificate for Grid connected CPP issued by Public Works Department (PWD), Government of Maharashtra it is evident that Topworth is having installed capacity of 2 x 100 TPD Sponge Iron Plant coupled with 2 x 2 MW Waste Heat Recovery Boiler (WHRB) based Co-generation Power Plant and 2 x 13 MW Atmospheric Fluidized Bed Combustion (AFBC) Boiler based Captive Power Plant (Total 30 MW).

5.2.5 Topworth is contending that its WHRB based generation system is less than 5 MW and hence out of ambit of RPO Regulations. Furthermore, AFBC based CPP is

exempted in terms of APTEL Orders. The Commission at this stage clarifies that each CPP units in single facility cannot be treated differently and need to be considered combinedly. Accordingly, combined capacity of 30 MW is considered for RPO evaluation purpose.

- 5.2.6 The Commission notes that RPO Regulations, 2010, were notified on 7 June 2010. Proviso to Regulation 11.3 of RPO Regulations, 2010 categorically exempts captive users of grid-connected fossil fuel-based Co-generation Plants from RPO. The Regulations reads as below:

“ 11.3 If the Captive User(s) and Open Access consumer(s) are unable to fulfil their obligation, they shall be liable to pay RPO Regulatory Charges as specified in Regulation 12.1.

Provided further that captive user(s) consuming power from grid connected fossil fuel based co-generation plants, are exempted from applicability of RPO target and other related conditions as specified in these Regulations.” (Emphasis added)

Considering above, Topworth is exempted from RPO targets under RPO Regulations, 2010, which were applicable till FY 2015-16.

- 5.2.7 It is pertinent to note that from FY 2016-17 and onwards new RPO regime is started with RPO Regulations, 2016. As per said Regulations, Cogeneration facilities based on conventional fossil fuels are fastened with RPO applicability.

- 5.2.8 In this regards it is pertinent to note that Hon’ble APTEL in its Judgment dated 28 January 2020 in Appeal No 252 of 2018 (Century Rayon Vs MERC) has considered the fact that the Commission has notified its RPO Regulations based on provisions of Tariff Policy and further noted that such Regulations cannot be read down by the Appellate Court. Relevant part of the APTEL Judgment is reproduced below:

“4. The Appellant, feeling aggrieved by removal of the proviso (and consequent denial of exemption) made the following prayers before MERC:

- a. This Hon’ble Commission be pleased to suitably modify the RPO Regulations to maintain status quo and exempt captive user(s) consuming power from grid connected fossil fuel based cogeneration plants, from applicability of Renewable Purchase Obligation target and other related conditions as specified in these Regulations and make suitable and consequential modifications to the said Regulations;*
- b. In the alternate, this Hon’ble Commission be pleased to exercise the power under Regulation 16 to relax/waive Renewable Purchase Obligation for captive users consuming power from co-generation having capacity of more than 5 MW generating electricity based on conventional fossil fuel...*

5. The said petition of the Appellant, as indeed of the other entities seeking similar review or modification of MERC (RPO) Regulations 2016, was dismissed by MERC, by Order dated 28.03.2018, rejecting the contentions though granting some relief by observations in concluding para (no. 23) reading thus:

“23. However, having due regard to the pendency of these Petitions, the circumstances of the matter and the issues involved, the Commission may consider any consequent shortfall of such captive users of non-fossil fuel based CGPs in meeting their RPO targets in FY 2016-17 and FY 2017-18 to be met to FY 2018-19 in its compliance verification proceedings for those years.”

....

35. The prerogative to formulate, notify and enforce the National Electricity Policy, National Electricity Plan and Tariff Policy is within the domain and prerogative of the Central Government in terms of Section 3 of the Electricity Act, 2003. It is not for such adjudicatory authority as this Tribunal to sit in judgment on correctness of “policy” which subject is delineated and reserved for the executive branch of the State, also for the reason that this Tribunal does not have any advisory role. The State Electricity Regulatory Commission carries and discharges multifarious responsibilities and functions, one of which – under Section 86(1)(f) – is to “adjudicate upon the disputes”. In that sense of the frame work, the Electricity Regulatory Commission is an adjudicatory forum whose decisions are subject to correction in appeal by this Tribunal. But, it has to be remembered that State Electricity Regulatory Commissions, as indeed the Central Electricity Regulatory Commission, also perform (besides others) legislative functions. To frame and notify Regulations is a legislative function. **The Regulations framed by the State Electricity Regulatory Commissions in exercise of the power vested in them by Section 181, are in a nature of subordinate legislation and thus have the force of law.** It is well settled that challenge to the vires of the Regulations is not permitted before this Tribunal, it being a subject of judicial review, which power is vested elsewhere. For this, we only need to quote the decision of the Hon’ble Supreme Court reported as *PTC India Limited v Central Electricity Regulatory Commission* (2010) 4 SCC 603.

36. **We are not impressed by the submissions that the modified Regulations, 2016 being in teeth of the 2010 decision of this Tribunal in the case of Century Rayon (supra), the modification brought about by omission of the proviso existing in the preceding regulations be ignored or modified so as to have clause (b) “read down”. The decision of an adjudicatory authority cannot impinge upon power and prerogative of the statutory authority vested with the competence to lay down modified State Policy. The State Regulatory Commission while framing the regulations in discharge of its functions under Section 86 is statutorily “guided by” the National Electricity Policy, National Electricity Plan and Tariff Policy**

published under Section 3. If the said Policies, or Plan or the Regulations framed by the State Electricity Regulatory Commission under such guidance, fall foul of the letter and spirit of the statutory scheme, the validity can be challenged but only by way of judicial review before the appropriate Court of competence, definitely not before this Tribunal.

37. We are not persuaded in the present case to read down the modified regulations. So long as the modified Regulations of 2016 stand, no relief can be granted to the Appellant in terms of prayer clauses (a) & (b) in the appeal as quoted above.

....

39. At the hearing, it was pointed out that by prayer clause (b) in the petition before MERC, the Appellant had also requested for the power to relax/waive to be exercised by the State Commission in terms of Regulations, 2016. We note that the door for granting some relief has been opened by the Commission by observations in (para 23) the impugned decision as has been quoted earlier. We do not wish to interfere in the discretion exercised by the Commission in such regard by bringing in any further modification on that score.”

5.2.9 Thus, Hon’ble APTEL has clearly ruled that till RPO Regulations 2016 stands valid, no relaxation to fossil fuel-based cogeneration units from meeting RPO stipulated in the Regulations can be granted. Above Judgment of the APTEL was challenged by Century Rayon before the Hon’ble Supreme Court, but Supreme Court has refused to intervene in APTEL Judgment. Thereafter, M/s Century Rayon filed Writ Petition before the Bombay High Court challenging validity of the RPO Regulations framed by MERC. Said Writ Petition has been adjourn *sine die* as explained in para 3 above. Accordingly, the Commission has worked out RPO targets and its compliance based on MEDA reported data as below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Energy actually procured against target (A)		Energy actually procured against target (B)				
	MW	MU	MU	MU		MU		MU	MU	MU
				Solar REC	Solar RE	Non-Solar REC	Non-Solar RE			
FY 16-17	30.000	52.100	4.6890	0.000	0.000	0.000	0.000	4.6890	0.000	4.6890
FY 17-18	30.000	98.400	8.8560	0.000	0.000	0.000	0.000	8.8560	0.000	8.8560
FY 18-19	30.000	129.940	11.6946	0.000	0.000	0.000	0.000	11.6946	0.000	11.6946
FY 19-20	30.000	126.330	11.3697	0.000	0.000	0.000	0.000	11.3697	0.000	11.3697
Cummulative Shortfall/(Surplus)										36.6093

5.3 JSW Steel Coated Products Ltd. (JSWSCPL)

A. MEDA's Submission

Vasind Unit

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	MU
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 14-15	7.600	72.368	6.513	0.362	0.000	0.000	6.151	0.000	0.000	6.513	0.000	6.513
FY 15-16	7.600	72.893	6.560	0.364	0.000	0.379	6.196	0.000	6.442	6.560	6.821	-0.261
FY 16-17	7.600	0.113	0.012	0.001	0.000	0.002	0.011	0.000	0.025	0.012	0.027	-0.015
FY 17-18	7.500	0.113	0.014	0.002	0.000	0.002	0.012	0.000	0.012	0.014	0.014	0.000
FY 18-19	7.500	0.196	0.018		0.000	0.005		0.000	0.022	0.018	0.027	-0.009
FY 19-20	7.500	0.520	0.047		0.000	0.000		0.000	0.000	0.047	0.000	0.047

Tarapur Unit

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	MU
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 14-15	37.500	147.880	13.309	0.739	0.000	0.074	12.570	0.000	1.257	13.309	1.331	11.978
FY 15-16	37.500	138.770	12.489	0.694	0.000	0.694	11.795	0.000	11.795	12.489	12.489	0.000
FY 16-17	37.500	147.860	16.265	1.479	0.000	1.479	14.786	0.000	14.786	16.265	16.265	0.000
FY 17-18	30.000	93.150	11.644	1.863	0.000	1.863	9.781	0.000	8.827	11.644	10.690	0.954
FY 18-19	7.600	0.550	0.050		0.000	0.000		0.000	0.000	0.050	0.000	0.050
FY 19-20	7.600	0.410	0.037		0.000	0.000		0.000	0.000	0.037	0.000	0.037

B. Consumer's Submission

5.3.1 In response to Public Notice, JSWSCPL filed a detailed affidavit on 22 November 2024.

5.3.2 JSWSCPL is a 100% subsidiary of M/s. JSW Steel Limited (JSWSL) owns the steel producing units at Vashind and Tarapur. The Vasind and Tarapur units were previously directly owned by JSWSL and have now been vested with JSWSCPL. Power utilisation of (2) units are as below:

- Vasind Unit is drawing power partly from CPP of JSW Energy Ltd. Unit-2, 3 & 4 at Jaigarh, Ratnagiri, in house 7.6 MW DG Set and partly directly from MSEDCL.
- Tarapur Unit is drawing power partly from Captive Power Plant of JSW Energy Ltd. Unit-2, 3 & 4 at Jaigarh, Ratnagiri, in house 7.6 MW DG Set, In house 30 MW CPP and partly directly from MSEDCL.

5.3.3 JSWSCPL stated that, for the years FY 2014-15 to FY 2019-20 the data shared under Annexure A to the Public Notice is inconsistent with the data reported by JSWSCPL and REC's procured by JSWSCPL in compliance of its RPO obligations for the relevant years have not been considered. JSWSCPL submitted following compliance statement:

Vashind Unit

Year	Capacity	Total Energy Consumption	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
			Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU		MU	MU		MU	MU	
FY 14-15	22.700	72.360	0.362	0.000	0.360	6.151	0.000	6.110	6.512	6.470	0.042
FY 15-16	22.700	72.893	0.364	0.000	0.379	6.196	0.000	6.442	6.560	6.821	(0.261)
FY 16-17	19.100	84.691	0.000	0.000	0.461	7.622	0.000	8.431	7.622	8.892	(1.270)
FY 17-18	19.000	83.533	0.000	0.000	1.671	7.518	0.000	8.771	7.518	10.442	(2.924)
FY 18-19	19.000	80.770	0.000	0.000	2.030	8.119	0.000	7.934	8.119	9.964	(1.845)
FY 19-20	19.000	84.534	0.000	0.000	0.000	8.602	0.000	8.602	8.602	8.602	0.000
Total		478.781	0.726	0.000	4.901	44.208	0.000	46.290	44.934	51.191	(6.257)

Tarapur Unit

Year	Capacity	Total Energy Consumption	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
			Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU		MU	MU		MU	MU	
FY 14-15	37.5	147.880	0.739	0.000	0.740	12.570	0.000	12.570	13.309	13.310	(0.001)
FY 15-16	37.5	138.770	0.694	0.000	0.690	11.795	0.000	11.795	12.489	12.489	0.000
FY 16-17	37.5	147.860	0.000	0.000	1.479	13.307	0.000	14.786	13.307	16.265	(2.958)
FY 17-18	27.5	142.504	0.000	0.000	2.850	12.825	0.000	14.997	12.825	17.847	(5.022)

Year	Capacity	Total Energy Consumption	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
			Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	Solar REC	Solar RE	MU	Non-Solar REC	Non-Solar RE	MU	MU	MU
FY 18-19	27.5	163.200	0.000	0.000	4.110	16.405	0.000	16.485	16.405	20.595	(4.190)
FY 19-20	29.5	181.780	0.000	0.000	0.000	18.498	0.000	18.498	18.498	18.498	0.000
Total		921.994	1.433	0.000	9.873	85.401	0.000	89.131	86.834	99.004	(12.170)

5.3.4 With respect to FY 2018-19 & FY 2019-20, JSWSCPL stated that there has been a shortfall for 2019-20, however, the same was on account of suspension of trading of RECs by the Hon'ble APTEL from June 2020 to November 2021.

For the relevant years they have obtained Renewable Energy Certificates in the year 2023-24 pursuant to its RPO Obligations. Further, JSWSCPL had taken various initiatives for the renewable purchase obligation in lieu of the shortage of renewable energy certificates in power exchanges during the FY 2018-19, FY2019-20 & REC trading hold on power exchanges from June 2020 to November 2021, which are as below: -

- Installation of roof top solar projects in plant premises pursuant to the MERC Distribution of Open Access Regulations, 2019 (2nd Amendment).
- Sourcing of renewable power through open access in captive mode.
- JSWSCPL is working on a renewable energy project for sourcing of power through open access which proposes to contribute around 76% of renewable power in its total power mix and is expected to be operational by end of 2026.

C. Commission's Ruling

5.3.5 On analysis of the data provided by MEDA, it is evident that it has considered RPO target of 9.00% for FY 2014-15 to FY 2019-20. MEDA in its report highlighted that the CPP Commissioning year is in 2000.

5.3.6 JSWSCPL in its submission pointed out that it has comply with RPO target. For fulfillment of RPO, JSWSCPL has procured RECs.

5.3.7 Based on above, the Commission finds above submission satisfactory and worked out RPO targets for the period from FY 2016-17 to FY 2019-20 and its compliance, as below:

Vashind Unit

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall/(Surplus)
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 14-15	22.700	72.360	6.512	0.362	0.000	0.360	6.151	0.000	6.110	6.512	6.470	0.042
FY 15-16	22.700	72.893	6.560	0.364	0.000	0.379	6.196	0.000	6.442	6.560	6.821	(0.261)
FY 16-17	19.100	84.691	7.622		0.000	0.461		0.000	8.431	0.000	8.892	(8.892)
FY 17-18	19.000	83.533	7.518		0.000	1.671		0.000	8.771	0.000	10.442	(10.442)
FY 18-19	19.000	80.770	7.263		0.000	2.030		0.000	7.934	7.263	9.964	(2.701)
FY 19-20	19.000	84.534	7.608		0.000	0.000		0.000	8.602	7.608	8.602	(0.994)
Total												(23.247)

Tarapur Unit

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall/(Surplus)
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 14-15	37.5	147.880	13.363	0.793	0.000	0.740	12.570	0.000	12.570	13.363	13.310	0.053
FY 15-16	37.5	138.770	12.489	0.694	0.000	0.694	11.795	0.000	11.795	12.489	12.489	0.000
FY 16-17	37.5	147.860	13.307		0.000	1.479		0.000	0.000	13.307	1.479	11.828
FY 17-18	27.5	142.504	12.825		0.000	2.850		0.000	14.786	12.825	17.636	(4.811)
FY 18-19	27.5	163.200	14.688		0.000	4.110		0.000	14.997	14.688	19.107	(4.419)
FY 19-20	29.5	181.780	16.360		0.000	0.000		0.000	16.485	16.360	16.485	(0.125)
Total												2.527

5.3.8 The Commission directs the JSWSCPL -Tarapur Unit to fulfill its cumulative shortfall for the period from FY 2014-15 to FY 2019-20 by the end of FY 2025-26.

5.4 Uttam Value Steel Limited (formerly known as Lloyds Steel Industries Limited) (UVSL)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 14-15	85.000	316.490	28.484	1.582	0.000	0.000	26.902	0.000	0.000	28.484	0.000	28.484
FY 15-16	85.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FY 16-17	32.840	287.700	31.647	2.877	0.000	0.000	28.770	0.000	0.000	31.647	0.000	31.647
FY 17-18	32.840	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FY 18-19	85.000	253.540	22.819		0.000	0.000		0.000	0.000	22.819	0.000	22.819
FY 19-20	85.000	226.940	20.425		0.000	0.000		0.000	0.000	20.425	0.000	20.425

B. Consumer's Submission

5.4.1 No response was received from the CPP user to the Notices issued by the Commission.

C. Commission's Ruling

5.4.2 On analysis of the data provided by MEDA it is evident that MEDA has reported (0) energy consumption for FY 2017-18. Further, Uttam Value Steel Limited has not complied with the RPO Regulations, 2010 & 2016 and has not met its RPO target. The Commission directs the Uttam Value Steel Limited to fulfill its target cumulatively for the period from FY 2014-15 to FY 2019-20 by the end of FY 2025-26.

5.5 UltraTech Cement Limited (Formerly known as Manikgarh Cement Unit-II) (UTCL)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 14-15	60.000	95.802	8.622	0.479	0.000	0.000	8.143	0.000	8.143	8.622	8.143	0.479
FY 15-16	60.000	189.785	17.081	0.949	0.000	0.000	16.132	0.000	16.132	17.081	16.132	0.949
FY 16-17	60.000	214.942	23.644	2.149	0.000	1.036	21.494	0.000	10.366	23.644	11.402	12.242
FY 17-18	60.000	266.131	33.266	5.323	0.000	0.000	27.944	0.000	0.000	33.266	0.000	33.266
FY 18-19	60.000	298.379	26.854		0.000	3.809		0.000	4.319	26.854	8.128	18.726
FY 19-20	60.000	291.897	26.271		0.000	0.000		0.000	0.000	26.271	0.000	26.271

B. Consumer's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar RE	Solar REC		Non-Solar RE	Non-Solar REC			
FY 14-15	60.000	95.802	8.622	0.479	0.000	0.479	8.143	0.000	8.143	8.622	8.622	0.000
FY 15-16	60.000	189.785	17.081	0.949	0.000	0.949	16.132	0.000	16.132	17.081	17.081	0.000
FY 16-17	60.000	214.920	23.644	2.149	0.000	2.148	21.494	0.000	21.496	23.644	23.644	0.000
FY 17-18	60.000	266.131	33.266	5.323	0.000	5.321	27.944	0.000	27.944	33.266	33.265	0.001
FY 18-19	60.000	298.379	41.027	8.205	0.000	3.809	32.822	0.000	23.328	41.027	27.137	13.890
FY 19-20	60.000	275.579	32.802	5.378	0.000	0.000	27.424	0.000	0.000	32.802	0.000	32.802

5.5.1 After merger of Manikgarh Cement in Ultra Tech Cement Ltd. in October-2019, REC procurement is as follows:

FY 2018-19	REC Nos.
Solar	4399
Non-Solar	9494
FY 2019-20 H1	REC Nos.
Solar	4667
Non-Solar	15333

The above compliance was carried forward and fulfilled by UltraTech Cement Ltd. Unit Awarpur Cement Works.

C. Commission's Ruling

5.5.2 The Commission notes that in October-2019, Manikgarh Cement is merged in Ultra Tech Cement Ltd.

5.5.3 From data reported by MEDA and entity, it is evident that GEC is matching except FY 2019-20. Further, Manikgarh Cement has procured Solar and Non-Solar RECs for RPO compliances. Details of RECs procured by Manikgarh Cement are as below:

Year	Solar RECs	Non-Solar RECs
FY 2014-15	1428 REC Issued on 27.02.2019	24275 REC Issued on 28.11.2018
FY 2015-16		
FY 2016-17	458 REC Issued on 28.12.2016 578 REC Issued on 26.10.2016 1112 REC Issued on 26.04.2017	4583 REC Issued on 28.12.2016 5783 REC Issued on 26.10.2016 11130 REC Issued on 26.04.2017

Year	Solar RECs	Non-Solar RECs
FY 2017-18	9130 REC Issued on 29.05.2019	27944 REC Issued on 26.12.2018
FY 2018-19	Balance 4396 RECs complied by UTCL, Awarpur Cement Works	4319 REC Issued on 25.05.2019 19009 REC Issued on 28.08.2019 Balance 9494 RECs complied by UTCL, Awarpur Cement Works
FY 2019-20 (H1) & (H2)	RECs complied by UTCL, Awarpur Cement Works	

5.5.4 As noted in Para 5.1.8, the Commission has not considered the RPO details at Group company level. In Para 5.1.9, all REC procurement made by Awarpur Cement Works has been accounted only for itself and surplus RPO has been worked out. Here, the Commission is not considering RECs procured by UTCL, Awarpur Cement Works for compliance of RPO at Manikgarh Cement unit.

5.5.5 It is pertinent to note that the entity has informed MEDA that its CPP has been commissioned in September 2014. The same has been verified by the Chief Electrical Inspector. Based on above, the Commission has worked out RPO for FY 2014-15 and FY 2019-20, as below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar RE	Solar REC		Non-Solar RE	Non-Solar REC			
FY 14-15	60.000	95.802	8.622	0.479	0.000	0.479	8.143	0.000	8.143	8.622	8.622	0.000
FY 15-16	60.000	189.785	17.081	0.949	0.000	0.949	16.132	0.000	16.132	17.081	17.081	0.000
FY 16-17	60.000	214.942	19.345		0.000	2.148		0.000	21.496	19.345	23.644	-4.299
FY 17-18	60.000	266.131	23.952		0.000	9.130		0.000	27.944	23.952	37.074	-13.122
FY 18-19	60.000	298.379	26.854		0.000	0.000		0.000	0.000	26.854	0.000	26.854
FY 19-20	60.000	291.897	26.271		0.000	0.000		0.000	0.000	26.271	0.000	32.802
Cummulative Shortfall/(Surplus)												42.234

5.5.6 Considering above the Commission concludes that UltraTech Cement Limited (Formerly known as Manikgarh Cement Unit-II) has not complied with cumulative RPO target. The Commission directs the UltraTech Cement Limited (Formerly known as Manikgarh Cement Unit-II) to fulfill its cumulative target of 42.234 MUs by the end of FY 2025-26, as indicated in the table above.

5.6 UltraTech Cement Limited (Formerly known as Manikgarh Cement Works) (UTCL)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 14-15	15	80.008	0.000	0.000	0.000	0.000	0.000	0.000	6.801	0.000	6.801	-6.801
FY 15-16	15	40.238	3.621	0.201	0.000	0.000	3.420	0.000	3.420	3.621	3.420	0.201
FY 16-17	15	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FY 18-19	15	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FY 19-20	15	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000

B. Consumer's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 14-15	15	80.008	7.201	0.400	0.400	0.000	6.801	6.801	0.000	7.201	7.201	0.000
FY 15-16	15	40.238	3.621	0.201	0.201	0.000	3.420	3.420	0.000	3.621	3.621	0.000
FY 16-17	15	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FY 18-19	15	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FY 19-20	15	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000

5.6.1 CPP was not in the operation from FY 2016-17.

C. Commission's Ruling

5.6.2 MEDA in its report stated that the entity is operating (2) CPP units, which are commissioned in March 1994 (5 MW) and January 2005 (10MW). MEDA in its report stated that the capacity of CPP unit has been verified from Chief Electrical Inspector.

5.6.3 Further, Chief Electrical Inspector has indicated that plant has been closed. The Commission notes that for FY 2014-15 and FY 2015-16, the entity has fulfilled composite RPO target by procurement of Solar and Non-Solar RECs. Entity has provided REC certificates which have been verified. Entity has procured RECs in FY 2018-19. Based on above, the Commission concludes that Manikgarh Cements has

fulfilled its RPO for FY 2014-15 and FY 2015-16. Further, RPO for FY 2016-17 to FY 2019-20 stands nil.

5.7 Indorama Synthetics (IS)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 14-15	71.000	221.880	19.969	1.109	0.000	0.000	18.860	0.000	0.000	19.969	0.000	19.969
FY 15-16	71.000	249.330	22.440	1.247	0.000	0.000	21.193	0.000	0.000	22.440	0.000	22.440
FY 16-17	41.000	218.420	24.026	2.184	0.000	0.000	21.842	0.000	0.000	24.026	0.000	24.026
FY 17-18	41.000	179.480	22.435	3.590	0.000	0.000	18.845	0.000	0.000	22.435	0.000	22.435
FY 18-19	41.000	157.074	21.598	4.320	0.000	0.000	17.278	0.000	0.000	21.598	0.000	21.598
FY 19-20	41.000	258.246		9.039	0.000	0.000	29.698	0.000	0.000	38.737	0.000	38.737

B. Consumer's Submission

5.7.1 No response was received from the CPP user to the Notices issued by the Commission.

C. Commission's Ruling

5.7.2 On analysis of the data provided by MEDA, it is found that Indorama Synthetics has not complied with the RPO Regulations, 2010 & 2016 and has not met its RPO target. The Commission directs Indorama Synthetics to fulfill its target cumulatively for the period from FY 2014-15 to FY 2019-20 by the end of FY 2025-26.

5.8 ACC Cement (ACC)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	40.000	19.444	2.139	0.194	0.000	0.000	1.944	0.000	0.000	2.139	0.000	2.139

B. Consumer’s Submission

- 5.8.1 ACC Cement is operating 40 MW off-Grid CPP. Being an Off-Grid unit, it is not covered under definition of ‘Obligated Entities’ and hence exempted from RPO obligation.
- 5.8.2 To support its claim, ACC submitted the certificate issued by MEDA dated 12 March 2013.

C. Commission’s Ruling

- 5.8.3 The Commission notes that RPO Regulations, 2010/2016 clearly provides that any person who owns a grid-connected Captive Generating Plant based on conventional fossil fuel and consumes electricity generated from such Plant for his own use shall be subject to RPO to the extent of a percentage of his consumption met through such fossil fuel-based captive source.
- 5.8.4 Clearly off-grid CPP units are not covered by Regulations. Off-grid status of plant has been recognized by MEDA in its certificate dated 12 March 2013 and hence the Commission rules that ACC Cement’s offgrid CPP of 40 MW is exempted from RPO obligations.

5.9 Bharat Petroleum Corporation Ltd. (BPCL)

A. MEDA’s Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	68.810	602.772	66.305	6.028	0.000	6.028	60.277	0.000	60.278	66.305	66.306	-0.001
FY 17-18	73.690	664.686	83.086	13.294	0.000	13.294	69.792	0.000	69.797	83.086	83.091	-0.005
FY 18-19	73.690	659.998	59.400		0.000	0.000		0.000	59.400	59.400	59.400	0.000
FY 19-20	73.690	646.251	58.163		0.000	0.000		0.000	58.163	58.163	58.163	0.000

B. Consumer’s Submission

- 5.9.1 No response was received from the CPP user to the Notices issued by the Commission.

C. Commission’s Ruling

- 5.9.2 On analysis of the data provided by MEDA, it is evident that it has considered RPO target of 11.00%, 12.50%, 9.00% and 9.00% for FY 2016-17, FY 2017-18, FY 2018-

19 and FY 2019-20 respectively. Further, MEDA in its report confirmed the CPP commissioning dates as 07 September 1988, 17 October 1988 and 06 August 2001.

5.9.3 On analysis of the data provided by MEDA, it is found that BPCL has complied with RPO target and is in surplus position. The RPO compliance for the period from FY 2016-17 to FY 2019-20, as ascertained by the Commission is as below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall		
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar RE	Solar REC		Non-Solar RE	Non-Solar REC			
FY 16-17	68.810	602.772	54.249		0.000	6.028		0.000	60.278	54.249	66.306	(12.057)
FY 17-18	73.690	664.686	59.822		0.000	13.294		0.000	69.797	59.822	83.091	(23.269)
FY 18-19	73.690	659.998	59.400		0.000	0.000		0.000	59.400	59.400	59.400	0.000
FY 19-20	73.690	646.251	58.163		0.000	0.000		0.000	58.163	58.163	58.163	0.000
Cummulative Shortfall/(Surplus)											(35.326)	

5.10 TATA STEEL BSL LIMITED (formerly known as Bhushan Steel Limited) (TSBL)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall		
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	36.560	83.275	9.160	0.833	0.000	0.000	8.328	0.000	0.000	9.160	0.000	9.160
FY 17-18	36.560	160.330	20.041	3.207	0.000	0.000	16.835	0.000	0.000	20.041	0.000	20.041
FY 18-19	36.560	70.060	6.305		0.000	0.000		0.000	0.000	6.305	0.000	6.305
FY 19-20	36.560	62.820	5.654		0.000	0.000		0.000	0.000	5.654	0.000	5.654

B. Consumer's Submission

5.10.1 No response was received from the CPP user to the Notices issued by the Commission.

C. Commission's Ruling

5.10.2 On analysis of the data provided by MEDA, it is evident that it has considered RPO target of 11.00%, 12.50%, 9.00% and 9.00% for FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 respectively. Further, MEDA in its report confirmed the CPP commissioning dates as 02 August 2003.

5.10.3 On analysis of the data provided by MEDA, it is found that TSBL has not complied with the RPO Regulations, 2016 and has not met its RPO target. The Commission directs TSBL to fulfill its target cumulatively for the period from FY 2016-17 to FY 2019-20 by the end of FY 2025-26, as worked out below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	36.56	83.275	7.495		0.000	0.000		0.000	0.000	7.495	0.000	7.495
FY 17-18	36.56	160.330	14.430		0.000	0.000		0.000	0.000	14.430	0.000	14.430
FY 18-19	36.56	70.060	6.305		0.000	0.000		0.000	0.000	6.305	0.000	6.305
FY 19-20	36.56	62.820	5.654		0.000	0.000		0.000	0.000	5.654	0.000	5.654
Cummulative Shortfall/(Surplus)												33.884

5.11 Bilt Graphic Paper Products Ltd. (Unit-Ballarpur) (BGPPL-Ballarpur)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall/(Surplus)
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target GPP(B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	27.500	119.750	13.173	1.198	0.000	0.000	11.975	110.230	0.000	13.173	110.230	(97.058)
FY 17-18	67.5	171.680	21.460	3.434	0.000	0.000	18.026	200.870	0.000	21.460	200.870	(179.410)
FY 18-19	67.5	150.550	13.550		0.000	0.000		231.900	0.000	13.550	231.900	(218.351)
FY 19-20	67.5	142.960	12.866		0.000	0.000		226.531	0.000	12.866	226.531	(213.665)

B. Consumer's Submission

5.11.1 BGPPL-Ballarpur has commissioned its CPP prior to 1 April 2016. As per the Commission's Order in Case No. 203 of 2020 dated 6 February 2021, composite RPO target of 9% is applicable to it.

5.11.2 For justifying the RE procurement, BGPPL-Ballarpur has provided CA certificate.

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall/(Surplus)	
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	67.5	119.75	10.78		0.00	0.00		110.23	0.00	10.78	110.23	(99.45)
FY 17-18	67.5	171.68	15.45		0.00	0.00		200.87	0.00	15.45	200.87	(185.42)
FY 18-19	67.5	150.55	13.55		0.00	0.00		231.90	0.00	13.55	231.90	(218.35)
FY 19-20	67.5	142.96	12.87		0.00	0.00		226.53	0.00	12.87	226.53	(213.66)

C. Commission's Ruling

5.11.3 On analysis of the data provided by MEDA, it is evident that it has considered RPO target of 11.00%, 12.50%, 9.00% and 9.00% for FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 respectively. Further, MEDA in its report confirmed that BGCPL- Ballarpur has 4 CPP units and are commissioned in 1974, 1984, 1994 & 2009.

5.11.4 BGPPL- Ballarpur in its submission pointed out that it has complied with RPO target and is in surplus position. For supporting RE procurement, it has submitted CA certificate.

5.11.5 The Commission notes that MEDA in its report noted that BGPPL- Ballarpur has Biomass based plant (40MW) in ballarpur (Chandrapur) and annual generation from said biomass based plant has been considered towards RPO compliance. The Commission finds above submission satisfactory and worked out RPO targets for the period from FY 2016-17 to FY 2019-20 and its compliance, as below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall/(Surplus)
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	MU
					Solar RE	Solar REC		Non-Solar RE	Non-Solar REC			
FY 16-17	67.5	119.75	10.78		0.00	0.00		110.23	0.00	10.78	110.23	(99.45)
FY 17-18	67.5	171.68	15.45		0.00	0.00		200.87	0.00	15.45	200.87	(185.42)
FY 18-19	67.5	150.55	13.55		0.00	0.00		231.90	0.00	13.55	231.90	(218.35)
FY 19-20	67.5	142.96	12.87		0.00	0.00		226.53	0.00	12.87	226.53	(213.66)

5.12 Bilt Graphic Paper Products Ltd. (Unit-Bhigwan) (BGPPL-B)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall/(Surplus)
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	MU
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	60	100.160	11.018	1.002	0.000	0.000	10.016	0.000	0.000	11.018	0.000	11.018
FY 17-18	60	139.780	17.473	2.796	0.000	0.000	14.677	0.000	0.000	17.473	0.000	17.473
FY 18-19	60	208.630	18.777		0.000	0.000		0.000	0.000	18.777	0.000	18.777
FY 19-20	60	214.610	19.315		0.000	0.000		0.000	0.000	19.315	0.000	19.315

B. Consumer's Submission

- 5.12.1 BGPPL-B plant, being grid connected fossile fuel-based co-generation plant, is exempted from applicability of RPO target for the period FY 2014-15 to FY 2015-16.
- 5.12.2 BGPPL-B commissioned its CPP prior to 1 April 2016 therefore eligible for composite target @ 9% for the period of FY 2016-17 to FY 2019-20.
- 5.12.3 MEDA has estimated year wise shortfall of RE for FY 2016-17 and FY 2017-18 on higher side. Details of the same are as below:

(In MUs)

	As estimated by MEDA	BGPPL-B's submission

	GEC	Shortfall	GEC	Shortfall
FY 2016-17	100.16	11.0176	100.1650	9.0150
FY 2017-18	139.78	17.4725	139.7830	12.580

BGPPL-B submitted that total shortfall of renewable energy to be procured by BGPPL-B during FY 2016-17 to FY 2019-20 @ 9% (on composite basis) of gross energy consumption is 59.6870 MU.

- 5.12.4 BGPPL-B highlighted that it has deposited Rs.267.35 Lakhs with MEDA against compliance of the RPO shortfall for the period FY 2016-17 to FY 2019-20. BGPPL-B prayed to declare that in terms of the Order dated 22 May 2019 passed by the Commission in Case No.68 of 2019, BGPPL-B has complied with the RPO shortfall for the period FY 2016-17 to FY 2019-20.
- 5.12.5 BGPPL-B sought permission to switch over the option from depositing money with MEDA to purchase of REC to meet shortfall for the period of FY 2016-17 to FY 2019-20. In such situation MEDA may be directed to refund the amount deposited by BGPPL-B with MEDA. For said purpose BGPPL-B may be permitted to procure REC within 90 days from date of refund from MEDA.
- 5.12.6 BGPPL-B has referred to its Appeal DFR No.346 of 2021 pending with APTEL. The compliance is without prejudice to its rights and contentions raised in the said appeal.

C. Commission's Ruling

- 5.12.7 On analysis of the data provided by MEDA, it is evident that it has considered RPO target of 11.00%, 12.50%, 9.00% and 9.00% for FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 respectively. Further, MEDA in its report confirmed the CPP commissioning years as 1998 and 2009.
- 5.12.8 BGPPL-B in its submission pointed out that MEDA has computed RPO target on higher side for FY 2016-17 and FY 2017-18.
- 5.12.9 The Commission has worked out RPO targets for the period from FY 2016-17 to FY 2019-20, as below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall		
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU		
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	60	100.160	9.014		0.000	0.000		0.000	0.000	9.014	0.000	9.014
FY 17-18	60	139.780	12.580		0.000	0.000		0.000	0.000	12.580	0.000	12.580
FY 18-19	60	208.630	18.777		0.000	0.000		0.000	0.000	18.777	0.000	18.777

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall	
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 19-20	60	214.610	19.315		0.000	0.000		0.000	0.000	19.315	0.000	19.315
Cummulative Shortfall/(Surplus)											59.686	

5.12.10 BGPPL-B in its submission categorically highlighted that as per alternative provided by the Commission in its Order dated 22 May 2019 in Case No.68 of 2019, BGPPL has opted to deposit amount equivalent to the REC floor prices of the shortfall units and further on year-on-year basis to meet RPO, with MEDA till Writ Petitions filed by Captive Power Producers Association is decided by the Bombay High Court. Accordingly, BGPPL-B has deposited amount Rs.267.35 Lakhs with MEDA for meeting shortfall for the period of FY 2016-17 to FY 2019-20.

5.12.11 The Commission notes that BGPPL-B has paid out amount of Rs.267.35 Lakhs as an option for RPO procurement in view of pendency of Writ Petitions challenging RPO Regulations. Considering above, the Commission finds above compliance satisfactory in line with the Commission's directive in Case No.68 of 2019 dated 22 May 2019. Now, BGPPL-B has consented to purchase REC instead of depositing amounts with MEDA subject to condition that the amount may be refunded to it and post refund the REC procurement will be made.

5.12.12 The Commission hereby clarifies that BGPPL-B is also eligible to meet the RPO target by actual REC procurement instead of depositing amounts with MEDA. In such situations, BGPPL-B shall procure the REC to the tune of shortfall ascertained herein and submit the documentary evidences with MEDA. MEDA shall ascertain the compliance and release the amount deposited by BGPPL-B within (15) days of such submission.

5.13 **Birla Carbon India Pvt. Ltd. (Formerly known as SKI Carbon Black (India) (BCIPL)**

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	24.750	110.029	12.103	1.100	0.000	0.000	11.003	0.000	5.180	12.103	5.180	6.923
FY 17-18	24.750	116.333	14.542	2.327	0.000	0.000	12.215	0.000	0.000	14.542	0.000	14.542
FY 18-19	23.000	61.171	5.505		0.000	0.000		0.000	0.000	5.505	0.000	5.505
FY 19-20	23.000	43.928	3.954		0.000	0.000		0.000	0.000	3.954	0.000	3.954

B. Consumer’s Submission

5.13.1 No response was received from the CPP user to the Notices issued by the Commission.

C. Commission’s Ruling

5.13.2 On analysis of the data provided by MEDA, it is evident that it has considered RPO target of 11.00%, 12.50%, 9.00% and 9.00% for FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 respectively. Further, MEDA in its report confirmed the CPP commissioning dates as 26 February 2011 & 21 June 2010.

5.13.3 On analysis of the data provided by MEDA, it is found that BCIPL has not complied with the RPO Regulations, 2016 and has not met its RPO target. The Commission directs BCIPL to fulfill its target cumulatively for the period from FY 2016-17 to FY 2019-20 by the end of FY 2025-26, as worked out below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	24.750	110.029	9.903		0.000	0.000		0.000	5.180	9.903	5.180	4.723
FY 17-18	24.750	116.333	10.470		0.000	0.000		0.000	0.000	10.470	0.000	10.470
FY 18-19	23.000	61.171	5.505		0.000	0.000		0.000	0.000	5.505	0.000	5.505
FY 19-20	23.000	43.928	3.954		0.000	0.000		0.000	0.000	3.954	0.000	3.954
Cummulative Shortfall/(Surplus)											24.652	

5.14 **Century Rayon (Under the management & operation of Grasim Industries Ltd) (CR)**

A. MEDA Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	23.676	53.304	5.863	0.533	0.000	0.000	5.330	0.000	0.000	5.863	0.000	5.863
FY 17-18	23.676	53.205	6.651	1.064	0.000	0.000	5.587	0.000	0.000	6.651	0.000	6.651
FY 18-19	23.270	53.812	4.843		0.000	0.000		0.000	0.000	4.843	0.000	4.843
FY 19-20	10.570	43.240	3.892		0.000	0.000		0.000	0.000	3.892	0.000	3.892

B. Consumer's Submission

5.14.1. No response was received from the CPP user to the Notices issued by the Commission.

C. Commission's Ruling

5.14.2. On analysis of the data provided by MEDA, it is evident that it has considered RPO target of 11.00%, 12.50%, 9.00% and 9.00% for FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 respectively. Further, MEDA in its report confirmed the CPP commissioning years as 1962, 1967, 1969 & 2015.

5.14.3. On analysis of the data provided by MEDA, it is found that CR has not complied with the RPO Regulations, 2016 and has not met its RPO target. The Commission directs CR to fulfill its target cumulatively for the period from FY 2016-17 to FY 2019-20 by the end of FY 2025-26, as worked out below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	23.676	53.304	4.797		0.000	0.000		0.000	0.000	4.797	0.000	4.797
FY 17-18	23.676	53.205	4.788		0.000	0.000		0.000	0.000	4.788	0.000	4.788
FY 18-19	23.676	53.812	4.843		0.000	0.000		0.000	0.000	4.843	0.000	4.843
FY 19-20	23.676	43.240	3.892		0.000	0.000		0.000	0.000	3.892	0.000	3.892
Cummulative Shortfall/(Surplus)												18.321

5.15 **Deepak Fertilizers & Petrochemicals Corporation Ltd. (DFPCL)**

A. MEDA Submission

Units Commissioned before 2016:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	19.060	94.353	10.379	0.944	0.000	0.000	9.435	0.000	0.000	10.379	0.000	10.379
FY 17-18	19.060	101.548	12.694	2.031	0.000	0.000	10.663	0.000	0.000	12.694	0.000	12.694
FY 18-19	29.46	125.18	11.27		0.00	0.00		0.00	0.00	11.27	0.00	11.27
FY 19-20	29.46	113.89	10.25		0.00	0.00		0.00	0.00	10.25	0.00	10.25

Units Commissioned after 2016:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 18-19	10.200	17.290	2.377	0.475	0.000	0.000	1.902	0.000	0.000	2.377	0.000	2.377
FY 19-20	10.200	12.277		0.338	0.000	0.000	1.350	0.000	0.000	1.688	0.000	1.688

B. Consumer's Submission

5.15.1. DFPCL submitted following dates of commission for its CPP units:

Sr.No.	Description	Date of permission
1	4.5 MW Gas Turbine-1 (GT 1)	30.09.2004
2	4.5 MW Gas Turbine-2 (GT 2)	30.09.2005
3	3 MW Steam Turbine (STG)	07.05.2009
4	7.06 MW Gas Turbine (GT 5)	23.01.2012
5	10.2 MW Steam Turbine (STG)	06.09.2018
6	5.2 MW Gas Turbine- 3 (GT 3)	30.03.2011

Sr.No.	Description	Date of permission
7	5.2 MW Gas Turbine-4 (GT 4)	30.03.2011

5.15.2. As per ATEL Judgements co-generation units are exempted from RPO obligations. RPO applicability to its units is subject to the court cases related to exemption for Co-Gen plants.

5.15.3. Units Commissioned before 2016:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	19.060	94.353	8.492	0.472	0.000	0.000	8.020	0.000	0.000	8.492	0.000	8.492
FY 17-18	19.060	101.548	9.139	0.508	0.000	0.000	8.632	0.000	0.000	9.139	0.000	9.139
FY 18-19	29.460	125.176	11.266	0.626	0.000	0.000	10.640	0.000	0.000	11.266	0.000	11.266
FY 19-20	29.460	113.894	10.250	0.569	0.000	0.000	9.681	0.000	0.000	10.250	0.000	10.250

5.15.4. Units Commissioned after 2016:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 18-19	10.20	17.29	2.38	0.48	0.00	0.00	1.90	0.00	0.00	2.38	0.00	2.38
FY 19-20	10.20	12.28	1.69	0.34	0.00	0.00	1.35	0.00	0.00	1.69	0.00	1.69

C. Commission's Ruling

5.15.5. DFPCL has Captive Power Plants of 39.66 MW of which 29.46 was commissioned before 2016 & 10.2 MW was commissioned after 2016. Accordingly, RPO verification of Units of 29.46 MW & 10.2 MW having carried out separately.

5.15.6. On analysis of the data provided by MEDA, it is evident that it has considered RPO target of 11.00%, 12.50%, 9.00% and 9.00% for FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 respectively for units commissioned before 2016. For 10.2 MW

CPP, MEDA has considered RPO target of 13.75%. GEC data submitted by MEDA and DFPCL are matching.

5.15.7. DFPCL has not procured any RE for fulfillment of RPO, instead relied upon APTEL Judgements whereby Co-Generation units are exempted from RPO. The Commission has dealt with such contention in Para 3, part of the Order. The said dispensation is squarely applicable in DFPCL's case.

5.15.8. Accordingly, the Commission directs the DFPCL to fulfill its target cumulatively for the period from FY 2016-17 to FY 2019-20 by the end of FY 2025-26, as worked out below:

Units Commissioned before 2016:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	MU
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	29.460	94.353	8.492		0.000	0.000		0.000	0.000	8.492	0.000	8.492
FY 17-18	29.460	101.548	9.139		0.000	0.000		0.000	0.000	9.139	0.000	9.139
FY 18-19	29.460	125.176	11.266		0.000	0.000		0.000	0.000	11.266	0.000	11.266
FY 19-20	29.460	113.894	10.250		0.000	0.000		0.000	0.000	10.250	0.000	10.250
Cummulative Shortfall/(Surplus)												39.147

Units Commissioned after 2016:

Year	Capacity	Total Energy Consumption	Composite RPO target @ 13.75 %	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	MU
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 18-19	10.20	17.290	2.377		0.000	0.000		0.000	0.000	2.377	0.000	2.377
FY 19-20	10.20	12.277	1.688		0.000	0.000		0.000	0.000	1.688	0.000	1.688
Cummulative Shortfall/(Surplus)												4.065

5.16 **Finolex Industries Ltd.(FIL)**

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	43	211.502	23.265	2.115	0.000	0.000	21.150	0.000	0.000	23.265	0.000	23.265
FY 17-18	43	208.747	26.093	4.175	0.000	0.000	21.918	0.000	0.000	26.093	0.000	26.093
FY 18-19	43	158.706	14.284		0.000	0.000		0.000	0.000	14.284	0.000	14.284
FY 19-20	43	156.826	14.114		0.000	0.000		0.000	0.000	14.114	0.000	14.114

B. Consumer’s Submission

5.16.1. MEDA has considered total generation units in place of total energy consumption for FY16-17 & FY 17-18.

5.16.2. As per the Commission’s Order in Case No. 130 of 2020, composite RPO target of 9% is applicable for CPP commissioned on or before April 2016. FIL’s CPP was commissioned in December 2009 and operating without any augmentation in original capacity. Therefore 9% composite RPO is applicable.

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	43	153.663	13.829	0.768	0.000	0.000	13.061	0.000	0.000	13.829	0.000	13.829
FY 17-18	43	153.456	13.811	0.767	0.000	0.000	13.044	0.000	0.000	13.811	0.000	13.811
FY 18-19	43	158.706	14.284		0.000	0.000		0.000	0.000	14.284	0.000	14.284
FY 19-20	43	156.826	14.114		0.000	0.000		0.000	0.000	14.114	0.000	14.114

C. Commission’s Ruling

5.16.3. On analysis of the data provided by MEDA, it is evident that it has considered RPO target of 11.00%, 12.50%, 9.00% and 9.00% for FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 respectively.

5.16.4. FIL in its reply stated that its plant has been commissioned in December 2009. MEDA in its report confirmed the date of commissioning of CPP as 17 December 2009. Based on above 9% RPO target is applicable to FIL.

5.16.5. FIL has submitted the energy balance sheet for justifying the plant power consumption from CPP. Summary of energy balance is as below:

FY	Total Generation	CPP Aux Consumption	Net CPP Power Generation	PVC Plant Power Consumption	OA to URSE	Over Injected Units at Urse	Urse Plant Consumption
16-17	211.50	33.89	177.60	153.66	24.02	0.607	23.42
17-18	208.74	32.64	176.09	153.45	22.64	0.165	22.48

Further, FIL has submitted CA certificate for supporting claim.

5.16.6. From submission on record, it is evident that FIL has not met its RPO target. The Commission directs the LMEL to fulfill its target cumulatively for the period from FY 2016-17 to FY 2019-20 by the end of FY 2025-26, as worked out below:

Year	Capacity	Total Energy Consumption	Comp-osite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	43	153.663	13.830		0.000	0.000		0.000	0.000	13.830	0.000	13.830
FY 17-18	43	153.456	13.811		0.000	0.000		0.000	0.000	13.811	0.000	13.811
FY 18-19	43	158.706	14.284		0.000	0.000		0.000	0.000	14.284	0.000	14.284
FY 19-20	43	156.826	14.114		0.000	0.000		0.000	0.000	14.114	0.000	14.114
Cummulative Shortfall/(Surplus)												56.039

5.17 Gopani Iron & Power (India) Pvt. Ltd. (GIPIPL)

A. MEDA's Submisson

Year	Capacity	Total Energy Consumption	Comp-osite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	15	96.322	10.595	0.963	0.000	0.000	9.632	0.000	0.000	10.595	0.000	10.595
FY 17-18	15	117.130	14.641	2.343	0.000	0.000	12.299	0.000	0.000	14.641	0.000	14.641

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	MU
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 18-19	15	83.690	7.532		0.000	0.000		0.000	0.000	7.532	0.000	7.532
FY 19-20	15	94.940	8.545		0.000	0.000		0.000	0.000	8.545	0.000	8.545

B. Consumer's Submission

- 5.17.1. GIPIPL's power plant is a captive co-generation plant based on industrial solid waste and waste heat recovery boiler system (total 15 MW); it consumes its own power for captive use through owned internal electrical distribution system. It is not using any state/ national infrastructure for captive consumption.
- 5.17.2. Its power generation and consumption from waste heat recovery boiler and industrial solid waste (Dolochar Solid waste generated during sponge iron manufacturing plant) is more than RPO obligation and entity is not falling under RPO obligation.
- 5.17.3. For reference, it has referred to APTEL Judgement dated 9 April 2019 in Appeal No.322 of 2016 (M/s Ultratech Cement Ltd. Vs KERC).
- 5.17.4. For establishing date of commissioning of plant, GIPIPL submitted a certificate issued by Superintending Engineer, PWD, Nagpur dated 17 June 2013.

Year	Capacity	Total Energy Consumption	Composite RPO target	Net RE Procurement from WHRB	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
					Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU	MU		MU	MU		MU	MU	MU
						Solar RE	Solar REC		Non-Solar RE	Non-Solar REC			
FY 16-17	15	96.322	10.595	41.327	0.00	0.000	0.000	0.000	41.327	0.000	10.595	41.327	0.00
FY 17-18	15	100.842	12.605	40.245	0.00	0.000	0.000	0.000	40.245	0.000	14.641	40.245	0.00
FY 18-19	15	96.244	13.234	40.198	0.00	0.000	0.000	0.000	40.198	0.000	11.507	40.198	0.00
FY 19-20	15	94.943	14.241	36.362	0.00	0.000	0.000	0.000	36.362	0.000	14.241	36.362	0.00

C. Commission's Ruling

- 5.17.5. On analysis of the data provided by MEDA, it is evident that it has considered RPO target of 11.00%, 12.50%, 9.00% and 9.00% for FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 respectively.
- 5.17.6. GIPIPL submitted that their plant is not covered under RPO regime as it is using industrial waste for power generation as a raw material.
- 5.17.7. The Commission notes that certificate issued by Superintending Engineer, PWD specifically mention that GIPIPL has installed capacity of 15 MW coal based thermal power plant with 4x12 TPH Waste Heat recovery Boilers and 1x45 TPH AFBC Boiler.
- 5.17.8. The Commission notes that Waste Heat Recovery Boilers (WHRB) based cogeneration is neither recognized as Renewable Energy source in RPO Regulations, 2016 nor by Ministry of New and Renewable Energy (MNRE). Hence RPO is applicable to such cogeneration systems. Moreover, generation based on AFBC is a typical fossil fuel-based generation.
- 5.17.9. GIPIPL in its reply has furnished certificate 17 June 2013 issued by Superintending Engineer, PWD for establishing date of commissioning. Accordingly, the Commission has considered applicability of 9% RPO target.
- 5.17.10. Considering above, the Commission concludes that GIPIPL has not complied with the RPO Regulations, 2016 and has not met its RPO target. The Commission directs the GIPIPL to fulfill its target cumulatively for the period from FY 2016-17 to FY 2019-20 by the end of FY 2025-26, as worked out below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall	
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	15	96.322	8.669		0.000	0.000		0.000	0.000	8.669	0.000	8.669
FY 17-18	15	117.130	10.542		0.000	0.000		0.000	0.000	10.542	0.000	10.542
FY 18-19	15	83.690	7.532		0.000	0.000		0.000	0.000	7.532	0.000	7.532
FY 19-20	15	94.940	8.545		0.000	0.000		0.000	0.000	8.545	0.000	8.545
Cummulative Shortfall/(Surplus)												35.287

5.18 **M/s Sanvijay Alloys And Power Ltd. (Formerly known as M/s Grace Industries Ltd.) (SAPL)**

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	25.000	81.630	8.979	0.816	0.000	0.000	8.163	0.000	0.000	8.979	0.000	8.979
FY 17-18	8.000	22.873	2.859	0.457	0.000	0.000	2.402	0.000	0.000	2.859	0.000	2.859
FY 18-19	8.000	12.750	1.148		0.000	0.000		0.000	0.000	1.148	0.000	1.148
FY 19-20	8.000	11.343	1.021		0.000	0.000		0.000	0.000	1.021	0.000	1.021

B. Consumer’s Submission

5.18.1. No response was received from the CPP user to the Notices issued by the Commission.

C. Commission’s Ruling

5.18.2. On analysis of the data provided by MEDA, it is evident that only 8 MW generation is running on Waste Heat Recovery Boiler & 25MW Coal Based CPP has not been commissioned till 7 October 2020.

5.18.3. SAPL has synchronized WHRB on 02 Setember 2013 and declared its commercial operation on 28 July 2017. MEDA has considered 02 September 2013 as a commissioning date.

5.18.4. Further, MEDA has considered RPO target of 11.00%, 12.50%, 9.00% and 9.00% for FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 respectively.

5.18.5. Considering above, the Commission concludes that SAPL has not complied with the RPO Regulations, 2016 and has not met its RPO target. The Commission directs the SAPL to fulfill its target cumulatively for the period from FY 2016-17 to FY 2019-20 by the end of FY 2025-26, as worked out below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	8	81.630	7.347		0.000	0.000		0.000	0.000	7.347	0.000	7.347

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall		
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU		
FY 17-18	8	22.873	2.059		0.000	0.000		0.000	0.000	2.059	0.000	2.059
FY 18-19	8	12.750	1.148		0.000	0.000		0.000	0.000	1.148	0.000	1.148
FY 19-20	8	11.343	1.021		0.000	0.000		0.000	0.000	1.021	0.000	1.021
Cummulative Shortfall/(Surplus)											11.574	

5.19 Prism Johnson Ltd. (H & R Johnson (India) Division) (PJL)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall		
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU		
FY 17-18	5.000	2904.800	363.100	58.096	0.000	0.059	305.004	0.000	0.305	363.100	0.364	362.736
FY 18-19	5.000	0.389	0.035		0.000	0.000		0.000	0.000	0.035	0.000	0.035
FY 19-20	5.000	0.081	0.007		0.000	0.002		0.000	0.000	0.007	0.002	0.005

B. Consumer's Submission

- 5.19.1. PJL is operating a 5 MW gas turbine-based cogeneration unit at its ceramic tile manufacturing unit located in Pen, District-Raigad. This unit was synchronised with grid and runs parallel with MSEDCL grid. The power generated from this cogeneration system is used for captive consumption and the exhausted thermal energy of the gas turbine was used in manufacturing process replacing fossile fuels.
- 5.19.2. Use of this 5 MW unit is discontinued from August 2022. It is covered under RPO Regulations for CPP utilization.
- 5.19.3. It has procured the RECs to meet the RPO, but it is in shaorfall. Details of RPO compliance are as below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	5	317.610		3.176	0.003	0.000	31.760	0.032	0.000	34.936	0.035	
FY 17-18	5	2904.800		58.090	0.058	0.000	305.000	0.305	0.000	363.090	0.363	
FY 18-19	5	389.840		10.720	0.011	0.000	42.880	0.043	0.000	53.600	0.054	9 Solar
FY 19-20	5	81.180		0.812	0.003	0.000	9.340	0.010	0.000	10.152	0.013	3 (Solar)+ 10 (non-Solar)

C. Commission's Ruling

- 5.19.4. The Commission notes that MEDA has not collated the data for FY 2016-17. Further, data for FY 2018-19 and FY 2019-20 is appears to have a typo error. In view of this the Commission has considered GEC data as reported by PJL.
- 5.19.5. MEDA in its report mentioned that PJL's CPP unit secured final grid connectivity from erstwhile MSEB vide its letter dated 18 March 2005. MEDA has considered the same for establishing RPO targets.
- 5.19.6. Considering material placed on record, it is evident that PJL has fall short in meeting the RPO target, which are worked out as below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	5	317.610	28.585		0.003	0.000		0.032	0.000	28.585	0.035	28.550
FY 17-18	5	2904.800	261.432		0.058	0.000		0.305	0.000	261.432	0.363	261.069
FY 18-19	5	389.840	35.086		0.011	0.000		0.043	0.000	35.086	0.054	35.032
FY 19-20	5	81.180	7.306		0.003	0.000		0.010	0.000	7.306	0.013	7.293
Cummulative Shortfall/(Surplus)											331.944	

5.19.7. The Commission directs the PJJ to fulfill its target cumulatively of 331.944 Mus for the period from FY 2016-17 to FY 2019-20 by the end of FY 2025-26.

5.20 Hindustan Petroleum Corporation Ltd (HPCL)

MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 18-19	7.5	5.360	0.670	0.107	0.000	0.000	0.563	0.590	0.000	0.670	0.590	0.080
FY 19-20	7.5	12.270		0.245	0.000	0.000	1.288	1.410	0.000	1.534	1.410	0.124

Consumer's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 18-19	7.5	5.360	0.737	0.147	0.000	0.147	0.590	0.590	0.000	0.737	0.737	0.000
FY 19-20	7.5	12.270	1.840	0.429	0.000	0.429	1.140	1.410	0.000	1.840	1.840	0.000

Commission's Ruling

- 5.20.1. On analysis of the data provided by MEDA, it is evident that HPCL is operating 7.5 MW Back Pressure Steam Turbine Generator (BPSTG) and the units are commissioned on 5 May 2017.
- 5.20.2. Further, MEDA has considered RPO target of 12.50% for FY 2018-19, FY 2019-20. As project is commissioned in FY 2017-18, MEDA should have considered the financial year 2017-18 for RPO evaluation but the said data is not furnished by MEDA and HPCL.
- 5.20.3. Considering above, the Commission worked out RPO for the period from FY 2016-17 to FY 2019-20 by the end of FY 2025-26, as worked out below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall/(Surplus)		
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU		
					Solar RE	Solar REC	MU	Non-Solar RE	Non-Solar REC			
FY 18-19	7.5	5.360	0.670		0.000	0.147		0.590	0.000	0.670	0.737	(0.067)
FY 19-20	7.5	12.270	1.534		0.000	0.429		1.410	0.000	1.534	1.840	(0.306)
Cummulative Shortfall/(Surplus)												(0.373)

5.21 JSW Steel Limited (JSWSL- Dolvi)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall		
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU		
					Solar REC	Solar RE	MU	Non-Solar REC	Non-Solar RE			
FY 17-18	60.000	450.106	56.263	9.002	0.000	0.000	47.261	0.000	0.000	56.263	0.000	56.263
FY 18-19	53.500	339.353	30.542		0.000	0.000		0.000	0.000	30.542	0.000	30.542
FY 19-20	53.500	441.066	39.696		0.000	0.000		0.000	0.000	39.696	0.000	39.696

B. Consumer's Submission

- 5.21.1. JSWSL's steel manufacturing unit has established a Captive Power Plant(s) (CPP) at Dolvi which is a co-generation based captive plant utilizing the waste gas released from the steel manufacturing process and energy generated therefrom as a source to generate electricity.
- 5.21.2. JSWSL through various rounds of litigation sought exemption with respect to the applicable RPO Regulations for FY 2010-11 to FY 2013-14 as well as the subsequent years in view of JSWSL's consumption from its cogeneration plants or to hold and declare JSW's Dolvi Unit as not an obligated entity under the RPO Regulations.
- 5.21.3. Being aggrieved by the Order dated 29 August 2020 in Case No.335 of 2019, JSWSL approached the APTEL in Appeal No. 176 of 2020.

By its Judgement dated 02 August 2021, the APTEL has categorically held that JSWSL cannot be categorised as an ‘Obligated Entity’ as defined under the RPO Regulations as long as the electricity generated from its co-generation plant is in excess of its presumptive RPO targets for the relevant years.

- 5.21.4. Clearly the APTEL has dispensed JSWSL from the obligation of fulfilling its RPO targets under the 2010 Regulations as well as the 2016 Regulations as long as power from co-generation is in excess of the presumptive RPO targets. This Judgement has become final. There was no appeal filed against this Judgement. Hence, the position set out by the APTEL continues to remain valid and binding on the Commission.
- 5.21.5. It is further submitted that, in a recent Order of the Commission passed on 12 April 2024 in Case No. 125 of 2023, it has taken note of the APTEL Order in JSWSL’s favour observing that exemption granted to JSWSL was based on provisions of electricity act and not on the regulations. Hence, the position cited by Hon’ble APTEL vis-à-vis JSWSL has attained finality.
- 5.21.6. JSWSL submitted that, for the years FY 2014-15 to FY 2019-20 the Cogeneration based CPP, which are commissioned on 19 March 2013 has generated power in excess of JSWSL’s presumptive RPO targets. The details of the same are as below:

Year	Capacity	Total Energy Consumption (MU)	Total RPO Target (Solar+Non-Solar)	Total Energy Procured from Co-Generation Plant	Shortfall in RPO
FY 2014-15	260	1643.54	147.919	324.452	(176.533)
FY 2015-16	300	1429.87	128.688	132.04	(3.359)
FY 2016-17	300	1898.10	208.791	344.697	(135.906)
FY 2017-18	300	2007.04	250.880	389.535	(138.655)
FY 2018-19	300	2236.96	307.582	311.790	(4.208)
FY 2019-20	315	1766.34	179.743	442.117	(262.374)

C. Commission’s Ruling

- 5.21.7. The Commission notes that JSWSL vide its Petition in Case No.335 of 2019 approached the Commission seeking exemption from the requirement to meet Renewable Purchase Obligations targets to the extent of its consumption from its cogeneration plants at Dolvi. After hearing the parties, the Commission vide its Order dated 29 August 2020 rejected the Petition.
- 5.21.8. Being aggrieved by Order of the Commission JSWSL approached the APTEL and filed an Appeal No. 176 of 2020. The said Appeal is disposed of by APTEL vide Judgement dated 02 August 2021. In said Judgement, APTEL ruled following:

“

67. *In the light of the above discussion and reasoning, we totally agree with the contentions advanced by the Appellant that the impugned order over looked well settled position of law by this Tribunal and placed reliance on Century Rayon Case 2, where the issues adjudicated upon are entirely different from the controversy raised in the present appeal. Therefore, we are of the opinion that the Appellant is entitled for the relief sought in the appeal. Therefore, we pass the following order:*

- (i) *Appeal is allowed setting aside the impugned order dated 29.08.2020 in Case No.335 of 2019 passed by MERC;*
- (ii) *We hold and declare that the Appellant is exempted from the RPO obligation/targets in relation to its Dolvi unit for the period between FY 2010-11 to FY 2015-16 (period during which MERC RPO Regulations of 2010 were applicable) as long as the power from cogeneration is in excess of presumptive RPO targets, de hors the provisions of the relevant regulations.*
- (iii) *We also hold that Appellant is exempted from the RPO obligation for the subsequent years (period covered by the MERC RPO Regulations, 2016) as long as power from cogeneration is in excess of presumptive RPO targets.*
- (iv) *We also hold that irrespective of the type of fuel utilized in the cogeneration of CPPs of the Appellant (Dolvi Unit), the Appellant is entitled to set-off its presumptive RPO obligation vis-à-vis the open access consumption against the electricity generated and consumed from its cogeneration plants.”*

5.21.9. The above Judgement is not challenged by the Commission in Supreme Court and hence binding on the Commission.

At the same time the issue of RPO applicability to Co-Generation unit is under adjudication before Hon’ble Supreme Court of India. In view of pendency of matter before Supreme Court of India, Writ Petitions (WP No.269 of 2019 and WP No.2513 of 2021) pending before Bombay High Court are adjourned *sine die*.

Considering above, the Commission at this stage exempting JSWSL from RPO applicability, in line with APTEL Judgement. However, as explain in para 3 above, issue of applicability of RPO to fossile fuel based co-generation plant is now before the Hon’ble Supreme Court and any ruling in that matter may also become applicable to JSWSL as per Law.

5.21.10. It is observed that CPP capacity and GEC data submitted by MEDA and JSWSL are not matching and have vast variations. At this stage, from submission made by JSWSL it is evident that electricity generated from its co-generation plant is in excess of its presumptive RPO targets. Hence, JSWSL is directed to submit the revised data along with supporting documents to MEDA and reconcile the same. Within (15) days of this Order. The data will be subjected to verification test, if required post Order of the Supreme Court of India in above referred matter.

5.22 Lloyds Metal & Energy Ltd. (LMEL)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall	
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	23.000	206.207	22.683	2.062	0.000	0.000	20.621	0.000	0.000	22.683	0.000	22.683
FY 17-18	23.000	215.445	26.931	4.309	0.000	0.000	22.622	0.000	0.000	26.931	0.000	26.931
FY 18-19	30.000	18.550	1.670		0.000	0.000		0.000	0.000	1.670	0.000	1.670
FY 19-20	30.000	15.940	1.435		0.000	0.000		0.000	0.000	1.435	0.000	1.435

B. Consumer's Submission

5.22.1. LMEL submitted a certificate dated 20 August 2013 issued by Superintending Engineer, Public Works Department for 30 MW Co-Generation plant.

5.22.2. As per Government of Maharashtra's comprehensive policy for grid connected power projects based on new and renewable non-conventional energy sources-2015, LMEL is covered under Industrial Waste based power project.

Thus, LMEL is not in the ambit of the referred Regulation of MERC and shall be exempted from RPO achievement and data submission on MEDA's Portal.

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO Target	Non-Solar RPO
	MW	MU	MU	MU	MU
FY 16-17	30.000	17.668	1.060	0.044	1.016
FY 17-18	30.000	17.162	1.201	0.043	1.158
FY 18-19	30.000	18.547	1.484	0.046	1.437
FY 19-20	30.000	15.937	1.434	0.080	1.355

C. Commission's Ruling

5.22.3. On analysis of the data provided by MEDA, it is evident that it has considered RPO target of 11.00%, 12.50%, 9.00% and 9.00% for FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 respectively.

- 5.22.4. LMEL submitted that their plant is not covered under RPO regime as it is using industrial waste for power generation as a raw material.
- 5.22.5. The Commission notes that certificate issued by Superintending Engineer, PWD specifically mention that LMEL has installed capacity of 1x500 TDP & 4x100 TDP Sponge Iron Plant coupled with 1x55 TPH & 4x12 TPH Waste Heat Recovery Boilers (WHRB) based cogeneration power plant and 1x90 TPH Atmospheric Fluidized Bed Combustion (AFBC) Boiler to support variation in steam generation due to Waste heat to produce 30 MW power through co-generation.
- 5.22.6. The Commission notes that Waste Heat Recovery Boilers (WHRB) based cogeneration is neither recognized as Renewable Energy source in RPO Regulations, 2016 nor by Ministry of New and Renewable Energy (MNRE). Hence RPO is applicable to such cogeneration systems. Moreover, generation based on AFBC is a typical fossil fuel based generation.
- 5.22.7. LMEL in its reply has furnished certificate 20 August 2013 issued by Superintending Engineer, PWD for establishing date of commissioning. Accordingly, the Commission has considered applicability of 9% RPO target.
- 5.22.8. Considering above, the Commission concludes that LMEL has not complied with the RPO Regulations, 2016 and has not met its RPO target. The Commission directs the LMEL to fulfill its target cumulatively for the period from FY 2016-17 to FY 2019-20 by the end of FY 2025-26, as worked out below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall	
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	30	206.207	18.559		0.000	0.000		0.000	0.000	18.559	0.000	18.559
FY 17-18	30	215.445	19.390		0.000	0.000		0.000	0.000	19.390	0.000	19.390
FY 18-19	30	18.550	1.670		0.000	0.000		0.000	0.000	1.670	0.000	1.670
FY 19-20	30	15.940	1.435		0.000	0.000		0.000	0.000	1.435	0.000	1.435
Cummulative Shortfall/(Surplus)											41.053	

5.23 Oil And Natural Gas Corporation Ltd. (ONGC)

A. **MEDA's Submission**

Year	Capacity	Total Energy Consumption	Comp-osite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	59.200	390.655	42.972	3.907	0.000	3.897	39.065	0.000	38.965	42.972	42.862	0.110
FY 17-18	59.200	349.810	43.726	6.996	0.000	0.000	36.730	0.000	33.581	43.726	33.581	10.145
FY 18-19	59.200	380.329	34.230		0.000	0.000		0.000	35.036	34.230	35.036	-0.806
FY 19-20	59.200	339.941	30.595		0.000	0.000		0.000	0.000	0.000	0.000	0.000

B. Consumer’s Submission

5.23.1. No response was received from ONGC to the Notices issued by the Commission.

C. Commission’s Ruling

5.23.2. On analysis of the data provided by MEDA, it is evident that it has considered RPO target of 11%, 12%, 9% and 9% for FY 2016-17, FY 2017-18, FY 2018-19 and FY 2019-20 respectively.

5.23.3. MEDA’s report highlighted that ONGC has installed gas turbines in the 1984 and 2000. Accordingly, the Commission has considered applicability of 9% RPO target.

5.23.4. Considering the above, the Commission concludes that ONGC has not complied with the RPO Regulations, 2016 and has not met its RPO target. The Commission directs the ONGC to fulfill its target cumulatively for the period from FY 2016-17 to FY 2019-20 by the end of FY 2025-26, as worked out below:

Year	Capacity	Total Energy Consumption	Comp-osite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall/(Surplus)
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	59.2	390.655	35.159		0.000	3.897		0.000	38.965	35.159	42.862	-7.703
FY 17-18	59.2	349.810	31.483		0.000	0.000		0.000	33.581	31.483	33.581	-2.098
FY 18-19	59.2	380.329	34.230		0.000	0.000		0.000	35.036	34.230	35.036	-0.806

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall/(Surplus)	
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU		
FY 19-20	59.2	339.941	30.595		0.000	0.000		0.000	0.000	30.595	0.000	30.595
Cummulative Shortfall/(Surplus)											19.987	

5.24 **Rashtriya Chemical & Fertilizers Ltd. (RCF)**

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall	
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU		
FY 18-19	94	3344.490	459.867	91.973	0.000	0.000	367.894	0.000	0.000	459.867	0.000	459.867
FY 19-20	94	288.500		10.098	0.000	0.000	33.178	0.000	0.000	43.275	0.000	43.275

B. Consumer's Submission

5.24.1. RCF Thal plant mainly has Urea Plants with capacity of about 6060 MTPD. Urea is used as fertilizer and helps in achieving national mission of food security for country. Further, Urea manufacturing is supported by Government through subsidy allocation for fertilizers. Already subsidies are settled for the FY 2014-15 to 2019-20. Any additional burden to meet RPO obligation will not be reimbursed by Government to RCF.

5.24.2. RCF, Thal unit is having Grid connected CPP with Co-generation facility with 2 x 25 MW capacity Gas Turbine Generators (GTG) and 2 x 100 TPH Heat Recovery Steam Generation units and another co-generation plant with 2x 15 MW capacity Steam Turbo-generators (STG).

Presently only Gas Turbine Generators (GTG) are used for power production. Steam Turbo-generators are standby units.

The power produced in the above generators is used in-house at RCF, Thal Unit.

At RCF Thal, Solar Panels are installed at various locations i.e. on building terraces, water reservoir tops. Total capacity of installed solar panels at RCF Thal is 1.75 MWp. The details of solar power plants are as follows.

RCF Thal Locations	Kihim	ETP MC C	Kurul T/ship	ADM MC C	ADM-VIP Lift (N)	Resv-2	Resv-3	Resv-4 (50*100)	ADM-Lift 2	ETP Pond	SM1	SM2	SM3	SM4
Installed Capacity (KWp)	15	30	15	10	25	500	500	500	30	30	30	30	10	30
Installation Date	09.06.21	06.04.17	10.04.17	11.10.17	11.10.15	29.05.17	29.05.17	16.03.19	25.07.17	08.10.18	09.07.22	09.07.22	01.04.21	23.02.23

5.24.3. Total daily average power generation from all these plants is around 5.5 MWh which is fed directly in our power distribution system at 415V. This solar power reduces our consumption of power generated at Gas Turbine Generators (GTGs) which uses fossil fuel.

5.24.4. RCF submitted following RPO data:

Year	Capacity#	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	MU
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 18-19	50	338.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
FY 19-20	50	298.44	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

24 MWx 2 Gas Turbine Generators (GTG) are operational.

15 MWx 2 Steam Turbine Generators (TG) are in standby condition.

C. Commission's Ruling

5.24.5. From MEDA report, it is evident that RCF has not submitted any RPO compliance report to MEDA. Capacity and GEC verified by Chief Electrical Inspector and same are taken by MEDA

5.24.6. The Commission notes that there is a discrepancy in capacity of CPP units at RCF facility. Further GEC data is also not matching. Date of commissioning is neither mentioned in RCF submission nor in MEDA report. Hence, the Commission is not able to ascertain RPO target for RCF. MEDA in its report has considered RPO obligation at 13.75% and 15% for FY 2018-19 and FY 2019-20. The Commission

also notes that RCL has installed Rooftop Solar PV systems, but units generated from such system has not been provided by RCF.

5.24.7. In such situation, the Commission cannot proceed further, but in interim the Commission considers the submission of MEDA and directs RCF to meet shortfall of 503.142 MU by FY 2025-26. The Commission directs RCF to file separate Petition making MEDA as a party submitting correct data. In that proceeding, the Commission will re-evaluate the RPO compliance.

5.25 Reliance Industries Ltd.- Nagothane

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	MW
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	85.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FY 17-18	85.000	425.050	53.131	8.501	0.000	0.000	44.630	0.000	0.000	53.131	0.000	53.131
FY 18-19	85.000	471.028	42.393		0.000	0.000		0.000	0.000	42.393	0.000	42.393
FY 19-20	85.000	488.716	43.984		0.000	0.000		0.000	0.000	43.984	0.000	43.984

B. Consumer's Submission

5.25.1. RIL has a manufacturing plant located in Nagothane. The energy requirement of the plant is mainly met by captive generation from co-located captive plant. The said captive plant was set up in 1989. For supporting the claim RIL submitted a certificate issued by Chief Engineer (Elect), PWD, Maharashtra.

5.25.2. Under RPO Regulations, 2010, captive user consuming power from grid connected fossil fuel-based co-generation plants are exempted from RPO compliance. In view of the same, there is no data to be submitted for FY 2014-15 to FY 2015-16.

5.25.3. RIL referred to the Petition filed by Captive Power Producers Association (CPPA) (RIL is also member) bearing Case No.111 of 2020, wherein the Commission vide its Order dated 6 October 2020 allowed the fossile fuel based cogeneration captive power plants to fulfill their cumulative RPO targets by 31 March 2021.

5.25.4. In view of the Order dated 6 October 2020, RIL vide its letter dated 31 March 2021, submitted the RPO compliance report for FY 2016-17 to FY 2019-20.

5.25.5. As RIL's cogeneration CPP was commissioned in the year 1991, the composite RPO of 9% will be applicable as per the Commission's Order dated 5 October 2020.

Further, in Compliance of the Order dated 5 October 2020, RIL has deposited the following amount with MEDA so as to fulfil its RPO from FY 2016-17 till FY 2019-20.

Sr. No.	FY	Total RPO	RPO fulfilled	RPO Balance	Deposited amount
1	2016-17	42617	-	42617	2,13,08,587/-
2	2017-18	38255	-	38255	1,91,27,513/-
3	2018-19	42392	-	42392	2,11,96,206/-
4	2019-20	43984	-	43984	2,19,92,177/-
	Total				8,36,24,483/-

Total Deposited Amount for the period from FY 2016-17 till FY 2020-21 is Rs. 10,58,42,728/-

5.25.6. As per Orders dated 22 May 2019 and 6 October 2020 passed by the Commission, the option to deposit the amount is pending resolution of its grievance before High Court. Considering the same, the deposit of the amount towards RPO obligation is without prejudice to RIL's rights and contentions raised in the Writ Petitions (Writ Petition No. 269 of 2019 and Writ Petition No. 2516 of 2021) pending before the High Court and RIL reserves its right to seek refund of the amount deposited with MEDA based on the outcome of the said Writ Petitions.

5.25.7. In view of the aforesaid, RIL furnished following RPO settlement details for Solar, Non-Solar:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall#	
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar RE	Solar REC		Non-Solar RE	Non-Solar REC			
FY 16-17	85	473.524	42.617		0.000	0.000		0.000	0.000	42.617	42.617	0
FY 17-18	85	425.050	38.255		0.000	0.000		0.000	0.000	38.255	38.255	0
FY 18-19	85	471.028	42.393		0.000	0.000		0.000	0.000	42.393	42.393	0
FY 19-20	85	488.716	43.984		0.000	0.000		0.000	0.000	43.984	43.984	0

Payment deposited at MEDA as per the Commission's Order in Case No.130 of 2020 dated 5 October 2020.

C. Commission's Ruling

5.25.8. From MEDA report, it is evident that for FY 2017-18 zero status is reported by MEDA, which is contradictory to RIL's submission.

5.25.9. RIL in its submission has provided supporting documents related to permission for installation of captive power plant. From documents on record, it is evident that CPP got commissioned in 1989. Hence, RPO needs to be capped at 9%.

5.25.10. Considering above, the Commission has worked out RPO compliance for RIL for FY 2016-17 to FY 2019-20 as below:

Year	Capa- city	Total Energy Consu- mption	Comp- osite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procu- red as per RPO	Total RE procu- rement (Solar + Non- Solar) (A + B)	Shortfall		
				Solar RPO Tar- get	Energy actually procured against target (A)	Non- Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar RE	Solar REC		Non- Solar RE	Non- Solar REC			
FY 16-17	85	473.524	42.617		0.000	0.000		0.000	0.000	42.617	0.000	42.617
FY 17-18	85	425.050	38.255		0.000	0.000		0.000	0.000	38.255	0.000	38.255
FY 18-19	85	471.028	42.393		0.000	0.000		0.000	0.000	42.393	0.000	42.393
FY 19-20	85	488.716	43.984		0.000	0.000		0.000	0.000	43.984	0.000	43.984

5.25.11. For compensating the shortfall and inline with the Commission's directive in Order dated 22 May 2019 in Case No.68 of 2019, RIL has deposited following amounts with MEDA:

Sr. No.	FY	RPO Balance	Deposited amount
1	2016-17	42617	2,13,08,587/-
2	2017-18	38255	1,91,27,513/-
3	2018-19	42392	2,11,96,206/-
4	2019-20	43984	2,19,92,177/-
	Total		8,36,24,483/-

5.25.12. Clearly, RIL has paid out above amount as an option for RPO procurement in view of pendency of Writ Petitions challenging RPO Regulations. Considering above, the Commission finds above compliance satisfactory in line with the Commission's directive in Case No. in Case No.68 of 2019 dated 22 May 2019.

5.26 Reliance Industries Ltd. (RIL)- Patalganga

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall	
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 17-18	85.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
FY 18-19	92.34	234.177	21.076		0.000	0.000		0.000	0.000	21.076	0.000	21.076
FY 19-20	92.34	238.107	21.430		0.000	0.000		0.000	0.000	21.430	0.000	21.430

B. Consumer's Submission

- 5.26.1. RIL has a manufacturing plant located in Patalganga. The energy requirement of the plant is mainly met by captive generation either from co-located captive plant or from RIL's captive generation plant in Gujarat. Both these captive generating plants are fossile fuel based co-generation plants.
- 5.26.2. Under RPO Regulations, 2010, captive user consuming power from grid connected fossil fuel-based co-generation plants are exempted from RPO compliance. In view of the same, there is no data to be submitted for FY 2014-15 to FY 2015-16.
- 5.26.3. RIL referred to the Petition filed by Captive Power Producers Association (CPPA) (RIL is also member) bearing Case No.111 of 2020, wherein the Commission vide its Order dated 6 October 2020 allowed the fossile fuel based cogeneration captive power plants to fulfill their cumulative RPO targets by 31 March 2021.
- 5.26.4. In view of the Order dated 6 October 2020, RIL vide its letter dated 31 March 2021, submitted the RPO compliance report for FY 2016-17 to FY 2019-20.
- 5.26.5. As RIL's cogeneration CPP was commissioned in the year 1991, the composite RPO of 9% will be applicable as per the Commission's Order dated 5 October 2020. Further, in Compliance of the Order dated 5 October 2020, RIL has deposited the following amount with MEDA so as to fulfil its RPO from FY 2016-17 till FY 2019-20.

Sr. No.	FY	Total RPO	RPO fulfilled	RPO Balance	Deposited amount
1	2016-17	25,661	-	25,661	12,830,730
2	2017-18	24, 863	1,554	23,309	11,654,622
3	2018-19	22,318	1,822	20,496	10,248,100
4	2019-20	23,846	4,218	19,628	9,813,982
	Total				4,45,474,35

Total Deposited Amount for the period from FY 2016-17 till FY 2020-21 is Rs. 5,16,35,344.

5.26.6. As per Orders dated 22 May 2019 and 6 October 2020 passed by the Commission, the option to deposit the amount is pending resolution of its grievance before High Court. Considering the same, the deposit of the amount towards RPO obligation is without prejudice to RIL's rights and contentions raised in the Writ Petitions (Writ Petition No. 269 of 2019 and Writ Petition No. 2516 of 2021) pending before the High Court and RIL reserves its right to seek refund of the amount deposited with MEDA based on the outcome of the said Writ Petitions.

5.26.7. In view of the aforesaid, RIL furnished following RPO settlement details for Solar, Non-Solar:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall#		
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar RE	Solar REC		Non-Solar RE	Non-Solar REC			
FY 16-17	85	285.127	25.661		0.000	0.000		0.000	0.000	25.661	25.661	0.000
FY 17-18	85	276.258	24.863		0.000	0.000		0.000	1.554	23.309	23.309	0.000
FY 18-19	92.34	247.980	22.318		0.000	0.169		0.000	1.653	20.496	20.496	0.000
FY 19-20	92.34	264.955	23.856		0.000	0.380		0.000	3.838	19.628	19.628	0.000

Payment deposited at MEDA as per the Commission's Order in Case No.130 of 2020 dated 5 October 2020.

C. Commission's Ruling

5.26.8. From MEDA report, it is evident that it has not considered RPO compliance for FY 2016-17. Further, for FY 2017-18, it is stated that plant is not covered in Chief Electrical Inspector Report. Accordingly, for FY 2017-18 zero status is reported by MEDA, which is contradictory to RIL's submission. Further for FY 2018-19 and FY 2019-20, GEC data is under reported.

5.26.9. RIL in its submission has provided supporting documents related to permission for installation of captive power plant of 24 MW. Further, RIL submitted that power wheeled from Reliance Industries Ltd.-Vadodara Gujrat Plant is also a co-generation plant and it got commissioned in FY 1987-88. Considering the same RPO needs to be capped at 9%.

5.26.10. Considering above, the Commission has worked out RPO compliance for RIL for FY 2016-17 to FY 2019-20 as below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	85	285.127	25.661		0.000	0.000		0.000	0.000	25.661	25.661	25.661
FY 17-18	85	276.258	24.863		0.000	0.000		0.000	1.554	23.309	23.309	23.309
FY 18-19	92.34	247.980	22.318		0.000	0.169		0.000	1.653	20.496	20.496	20.496
FY 19-20	92.34	264.955	23.856		0.000	0.380		0.000	3.838	19.628	19.628	19.628

5.26.11. For compensating the shortfall RIL has deposited following amounts with MEDA:

Sr. No.	FY	RPO Balance	Deposited amount
1	2016-17	25,661	12,830,730
2	2017-18	23,309	11,654,622
3	2018-19	20,496	10,248,100
4	2019-20	19,628	9,813,982
	Total		4,45,474,35

5.26.12. Clearly, RIL has paid out above amount as an option for RPO procurement in view of pendency of Writ Petitions challenging RPO Regulations. Considering above, the Commission finds above compliance satisfactory in line with the Commission's directive in Case No. 68 of 2019 dated 22 May 2019.

5.27 **Sun Flag Iron & Steel Co. Ltd. (SFISCL)**

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MW	
FY 16-17	30.000	167.471	18.422	1.675	0.000	0.000	16.747	0.000	0.000	18.422	0.000	18.422
FY 17-18	30.000	298.790	37.349	5.976	0.000	0.000	31.373	0.000	0.000	37.349	0.000	37.349
FY 18-19	30.000	197.146	17.743		0.000	0.000		0.000	0.000	17.743	0.000	17.743
FY 19-20	30.000	174.735	15.726		0.000	0.000		0.000	0.000	15.726	0.000	15.726

B. Consumer's Submission

5.27.1. SFISCL submitted following RPO compliance matrix vide its letter dated 14 February 2024:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall	Composite Target 9 %	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)						
	MW	MU	MU	MU	MU		MU	MU						
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE					
FY 16-17	30	80.977	8.907	0.810	0.000	0.000	8.098	0.000	64.527	8.907	64.527	0.00	7.288	0.00
FY 17-18	30	80.737	10.092	1.615	0.000	0.000	8.477	0.000	77.393	10.092	77.393	0.00	7.266	0.00
FY 18-19	30	92.779	12.757	2.551	0.000	0.000	10.206	0.000	82.816	12.757	82.816	0.00	8.350	0.00
FY 19-20	30	133.030	19.954	4.656	0.000	0.000	15.298	0.000	25.860	15.954	25.860	0.00	11.973	0.00

C. Commission's Ruling

5.27.2. MEDA in its report stated that Capacity and GEC verified by Chief Electrical Inspector. Wherever discrepancy in GEC data, MEDA has considered the figures reported by SFISCL. Further, SFISCL has reported that it has commence operation of CPP units on 28 October 1997 and 04 November 2005.

5.27.3. SFISCL in reply to Commission's Notice submitted the following energy balance statement in its reply:

FY	FBC Generation	Combustor Generation	HRS-1 Generation	HRS-2 Generation	Total Generation	FBC Aux Power	HRS-1 Aux Power	Power Export to MSEDCL Grid	Net FBC Generation	Net HRS-1 & 2 Generation
	MU	MU	MU	MU	MU	MU	MU	MU	MU	MU
FY16-17	95.185	0.000	17.370	54.905	167.459	10.376	7.748	3.832	80.977	64.527
FY17-18	91.480	2.322	20.628	64.920	179.349	9.864	8.155	3.201	80.737	77.393
FY18-19	100.140	5.710	33.725	57.624	197.199	10.404	8.534	2.667	92.779	82.816
FY19-20	96.305	49.202	1.092	27.972	174.571	11.303	3.204	1.174	133.030	25.860

5.27.4. The Commission notes that, while considering GEC MEDA has considered total generation but SFISCL has only considered generation from fluidized bed combustion technology (FBC). For computing GEC, it is necessary to consider net generation excluding auxiliary generation and export to MSEDCL. The Commission has considered following GEC for computing RPO compliance:

FY	GEC
	MU
FY16-17	145.503
FY17-18	158.129
FY18-19	175.594
FY19-20	158.890

- 5.27.5. As CPP units have been commissioned before 1 April 2016 and composite RPO target of 9% is applicable to SCML.
- 5.27.6. The Commission notes that SFISCL is exempted from RPO target for FY 2014-15 and FY 2015-16 under RPO Regulations, 2010. SFISCL has considered generation form co-generation units for compliance of RPO. But for future period i.e. FY 2016-17 to FY 2019-20, RPO compliance is mandated to grid connected co-generation facilities based on conventional fuel; under RPO Regulations, 2016.
- 5.27.7. Considering the above, the Commission concludes that SFISCL has not complied with the RPO Regulations, 2016 and has not met its RPO target. The Commission directs the SFISCL to fulfill its target as provided below cumulatively by the end of FY 2025-26:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall		
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU	MU			
					Solar REC	Solar RE	MU	Non-Solar REC	Non-Solar RE			
FY 16-17	30.000	145.503	13.095		0.000	0.000		0.000	0.000	13.095	0.000	13.095
FY 17-18	30.000	158.129	14.232		0.000	0.000		0.000	0.000	14.232	0.000	14.232
FY 18-19	30.000	175.594	15.803		0.000	0.000		0.000	0.000	15.803	0.000	15.803
FY 19-20	30.000	158.890	14.300		0.000	0.000		0.000	0.000	14.300	0.000	14.300
Cummulative Shortfall/(Surplus)											57.43	

5.28 **Suryalaxmi Cotton Mills Ltd (SCML)**

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	MW
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	25.000	81.630	8.979	0.816	0.000	0.000	8.163	0.000	0.000	8.979	0.000	8.979
FY 17-18	25.000	70.379	8.797	1.408	0.000	0.000	7.390	0.000	0.000	8.797	0.000	8.797
FY 18-19	25.000	587.240	80.746	16.149	0.000	0.000	64.596	0.000	0.000	80.746	0.000	80.746
FY 19-20	25.000	55.070		1.927	0.000	0.000	6.333	0.000	0.000	8.261	0.000	8.261

B. Consumer’s Submission

- 5.28.1. SCML was having grid connected captive power plant which was co-generation unit.
- 5.28.2. SCML stated that it is exempted from applicability of RPO target and other related conditions as specified in RPO Regulations, 2010.
- 5.28.3. SCML has closed the operation of Co-generation unit from 01 September 2019 and sold off the entire power plant. Presently power plant does not exist in SCML’s premises.

C. Commission’s Ruling

- 5.28.4. MEDA in its report stated that the entity has not reported the RPO compliance. SCML’s CPP capacity and GEC have been verified by Chief Electrical Inspector and the same has been considered by MEDA for working out RPO targets.
- 5.28.5. SCML in reply to Commission’s Notice submitted a certificate for grid connected CPP having co-generation facility dated 25 January 2016 issued by Superintending Engineer, Nagpur Region Electrical Inspection Circle, Government of Maharashtra. From above certificate it is clear that the CPP has been commission before 1 April 2016 and composite RPO target of 9% is applicable to SCML.
- 5.28.6. The Commission notes that SCML is exempted from RPO target for FY 2014-15 and FY 2015-16 under RPO Regulations, 2010. But for future period i.e. FY 2016-17 to FY 2019-20, RPO compliance is mandated to grid connected co-generation facilities based on conventional fuel; under RPO Regulations, 2016.
- 5.28.7. Considering above, the Commission concludes that SCML has not complied with the RPO Regulations, 2016 and has not met its RPO target. The Commission directs the SCML to fulfill its target as provided below cumulatively by the end of FY 2025-26:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	25.000	81.630	7.347		0.000	0.000		0.000	0.000	7.347	0.000	7.347
FY 17-18	25.000	70.379	6.334		0.000	0.000		0.000	0.000	6.334	0.000	6.334
FY 18-19	25.000	587.240	52.852		0.000	0.000		0.000	0.000	52.852	0.000	52.852
FY 19-20	25.000	55.070	4.956		0.000	0.000		0.000	0.000	4.956	0.000	4.956
Cummulative Shortfall/(Surplus)												71.489

5.28.8. The Commission also notes that SCML's generation capacity is closed from 01 September 2019. In such situation, it is necessary that MEDA shall take appropriate steps to enforce compliance in time bound manner.

5.29 Technocraft Industries (India) Ltd. (TIIL)

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MW	
FY 16-17	15.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FY 17-18	15.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FY 18-19	15.000	64.680	8.894	1.779	0.000	0.000	7.115	0.000	0.000	8.894	0.000	8.894
FY 19-20	15.000	70.900		1.950	0.000	0.000	7.799	0.000	0.000	9.749	0.000	9.749

B. TIIL's Submission

5.29.1. TIIL operated a cogeneration power plant at village Dhanivali, Taluka-Murbad, District-Thane from 2010 to 19 March 2020.

5.29.2. On 19 March 2020, Government of India imposed a lock down due to outbreak of Covid-19. In absence of demand, TIIL decided to shut down the plant. Post lockdown, TIIL has initiated the process of closure of power plant in accordance with the provisions of the Industrial Dispute Act, 1947.

- 5.29.3. By virtue of Regulation 11.3 of RPO Regulations, 2010, fossile fuel-based co-generation plants are exempted from applicability of RPO. Hence, there is no requirement to submit the data for the period of FY 2014-15 to FY 2015-16. Further, from year 2020 onwards, the co-generation unit is shut down.
- 5.29.4. As regards to period 01 April 2016 to 31 March 2020 is concerned, Captive Power Producers Association has filed a Writ Petition (WP No.269 of 2019 and 2513 of 2021) challenging RPO Regulations, 2016 and 2019. TIIL is waiting for the final Judgement from Bombay High Court on the legality of Regulations.
- 5.29.5. TIIL submitted that co-generation plants cannot be fastened with RPO as same would be contrary to Section 86 (1) (e) of the Electricity Act, 2003. For sufficing the claim, TIIL relied upon APTEL Judgements in Appeal No.176 of 2020.

C. Commission's Ruling

- 5.29.6. The Commission notes that TIIL has not submitted any data with regards to GEC and capacity of its CPP. With regards to applicability of RPO to co-generation units is concerned, the Ruling in Para 3. is squarely applicable in this case.
- 5.29.7. From data submitted by MEDA, it is evident that plant is not having any consumption from its CPP units for FY 2016-17 and FY 2017-18. Reasons for the same is not on record.
- 5.29.8. Considering documents on record, it is found that TIIL has not complied with the RPO Regulations, 2016 and has not met its RPO target. The Commission directs the TIIL to fulfill its target as provided below cumulatively by the end of FY 2025-26:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MW	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	15.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FY 17-18	15.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FY 18-19	15.000	64.680	5.821		0.000	0.000		0.000	0.000	5.821	0.000	5.821
FY 19-20	15.000	70.900	6.381		0.000	0.000		0.000	0.000	6.381	0.000	6.381
Cummulative Shortfall/(Surplus)												12.202

- 5.29.9. Further, MEDA is directed to again ascertain/examine the GEC of TIIL's unit for FY 2016-17 and FY 2017-18. Any adjustment on account of revision in GEC, if any shall be appropriately factored into next RPO verification exercise.

5.30 **Uttam Galva Metallics Ltd. (UGML)**

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU		MU	MU		MU	MU			
				Solar REC		Solar RE	MU		Non-Solar REC	Non-Solar RE	MU	MU
FY 16-17	85.000	287.700	31.647	2.877	0.000	0.000	28.770	0.000	0.000	31.647	0.000	31.647
FY 17-18	15.000	124.750	15.594	2.495	0.000	0.000	13.099	0.000	0.000	15.594	0.000	15.594
FY 18-19	15.000	112.540	10.129		0.000	0.000		0.000	0.000	10.129	0.000	10.129
FY 19-20	15.000	99.530	8.958		0.000	0.000		0.000	0.000	8.958	0.000	8.958

B. Consumer's Submission

5.30.1. No response was received from the CPP user to the Notices issued by the Commission.

C. Commission's Ruling

5.30.2. MEDA in its report stated that the entity has claimed timeline exemption for meeting RPO as per the Commission's Order dated 22 May 2019 in Case No.68 of 2019 till March 2020. Further, CPP is commissioned on 19 May 2011 and is having capacity of 15 MW. MEDA in its report also highlighted that Uttam Galva Metallics Ltd. vide its letter dated 04 November 2020 has intimated about change in control/management of the company.

5.30.3. The Commission notes that MEDA has worked out RPO target for FY 2016-17 and FY 2017-18 by considering RPO targets of 11% (Solar- 1% & Non-Solar-10%) and 12.50% (Solar- 2% & Non-Solar-10.5%) respectively. For subsequent years, MEDA has worked out composite RPO target at 9%. After perusal of CPP capacity it is evident that MEDA has reported a capacity of 85 MW for FY 2016-17 and then 15 MW for remaining years. The Commission acknowledges that vide Order dated 22 May 2019 in Case No.68 of 2019 till March 2020, it has extended the timeline for RPO compliance, but RPO has not been met by Uttam Galva Metallics Ltd.

5.30.4. Considering above the Commission concludes that Uttam Galva Metallics Ltd. has not complied with the RPO Regulations, 2016 and has not met its RPO target. As the data has not been reported by Uttam Galva Metallics Ltd., the Commission has worked out RPO targets based on MEDA's data. For FY 2016-17, it is not on record whether Uttam Galva Metallics Ltd. has source power under Open Access from its

other CPP units or otherwise. Reasoning for considering CPP capacity of 85 MW is unknown. In such scenario, for FY 2016-17 standalone RPO targets have been considered.

5.30.5. Accordingly, the Commission directs the Uttam Galva Metallics Ltd. to fulfill its target cumulatively for the period from FY 2018-19 and FY 2019-20 by the end of FY 2025-26, as indicated in table below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 16-17	85.000	287.700	31.647	2.877	0.000	0.000	28.770	0.000	0.000	31.647	0.000	31.647
FY 17-18	15.000	124.750	11.228		0.000	0.000		0.000	0.000	11.228	0.000	11.228
FY 18-19	15.000	112.540	10.129		0.000	0.000		0.000	0.000	10.129	0.000	10.129
FY 19-20	15.000	99.530	8.958		0.000	0.000		0.000	0.000	8.958	0.000	8.958
Cummulative Shortfall/(Surplus)												61.961

5.31 Uttam Galva Steels Ltd. (UGSL)

A. **MEDA's Submission**

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
FY 18-19	60.000	241.860	33.256	6.651	0.000	0.000	26.605	0.000	0.000	33.256	0.000	33.256
FY 19-20	60.000	60.290		2.110	0.000	0.000	6.933	0.000	0.000	9.044	0.000	9.044

B. **Consumer's Submission**

5.31.1. No response was received from the CPP user to the Notices issued by the Commission.

C. **Commission's Ruling**

- 5.31.2. MEDA in its report stated that the entity has not reported RPO compliance. MEDA has considered CPP capacity and GEC as verified by Chief Electrical Inspector.
- 5.31.3. The Commission notes that no data with regards to CPP commissioning date has been provided by entity to MEDA and MEDA has worked out RPO compliance targets without any pegging of RPO target as per the Commission’s Order dated 5 October 2020 in Case No.130 of 2020 and subsequent clarification given in Order in Case No.203 of 2020 dated 6 February 2021.
- 5.31.4. Considering the above the Commission concludes that Uttam Galva Metallics Ltd. has not complied with the RPO Regulations, 2016 and has not met its RPO target. As the data has not been reported by Uttam Galva Metallics Ltd., the Commission deems it fit to consider MEDA’s working of RPO target without any pegging it with date of commissioning.
- 5.31.5. Accordingly, the Commission directs the Uttam Galva Metallics Ltd. to fulfill its target cumulatively for the period from FY 2018-19 and FY 2019-20 by the end of FY 2025-26, as indicated above.

5.32 Vinati Organics Ltd. (VOL)

A. MEDA’s Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO			Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall
				Solar RPO Target	Energy actually procured against target (A)		Non-Solar RPO Target	Energy actually procured against target (B)				
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 16-17	8.72	0.031	0.003	0.000	0.000	0.000	0.003	0.000	0.000	0.003	0.000	0.003
FY 17-18	8.72	20.840	2.605	0.417	0.000	0.000	2.188	0.000	0.000	2.605	0.000	2.605
FY 18-19	8.72	41.608	5.201	0.832	0.000	0.000	4.369	0.000	0.000	5.201	0.000	5.201
FY 19-20	8.72	40.020	5.002	0.800	0.000	0.000	4.202	0.000	0.000	5.003	0.000	5.003

B. Consumer’s Submission

- 5.32.1. VOL is operating 8.72 MW Cogeneration facility and is based on conventional power and thus is an Obligated Entity and is subject to minimum percentage of RPO to the extent of its consumption met through CPP source as per Regulation 7.1 of MERC RPO Regulations, 2016.
- 5.32.2. As per VOL, in FY 2018-19, MEDA has considered slightly higher GEC data. GEC data for FY 2016-17 to FY 2019-20 is as below:

Year	Gross Energy Consumption (In MU)		
	As per MERC Excel (a)	Actual as per VOL (b)	Difference c = b-a
2016-17	0.0310	0.0313	0.00
2017-18	20.840	20.840	0.00
2018-19	41.608	39.6688	(1.94)
2019-20	40.020	40.020	0.00

5.32.3. VOL has already commissioned (4) nos of captive solar power plants at Solapur and Tuljapur with 100% investment and 100% Solar power consumption.

Details of Solar power plant injection and drawl point are as below:

Sr.No.	Solar Power Plant Capacity	Commissioning Month	HT Consumer No. at Drawl end	Injecting Location	Drawl Location
1	5 MW _{AC}	October-2021	221029009570	Solapur	220/33 kV LTE Ratnagiri
2	5 MW _{AC}	March-2022		Tuljapur	
3	7.5 MW _{AC}	August-2023		Tuljapur	
4	4.6 MW _{AC}	April-2024		Tuljapur	

VOL is using Solar power for its operations since commissioning of first plant at Solapur. Subsequently, solar power quantum has increased. Till April 2024, VOL consumed 43.94236 MU from its own Solar power plant.

5.32.4. VOL's CPP got commissioned in March-2017. As per the Commission's Order dated 5 October 2020 in Case No.130 of 2020, composite RPO target of 11% is applicable throughout the control period.

5.32.5. Based on above, VOL has worked out RPO compliance matrix after considering consumption from its Solar plants up-to April-2024, as follows:

	Gross Energy Consumption (MU)	Composite RPO target (in MUs) @11% (a)	Total RE actually procured (in MU) (b)	Shortfall/Surplus c = a-b
2016-17	0.031	0.00345	0	0.00345
2017-18	20.84	2.292427	0	2.292427
2018-19	39.669	4.363573	0	4.363573
2019-20	40.018	4.40203	0	4.40203
2020-21	34.247	3.767117	0	3.767117
2021-22	44.523	4.897488	3.17766	1.719828
2022-23	46.477	5.11247	15.0418	-9.92933
2023-24	30.126	3.313889	23.10261	-19.788723
As per 1 st Amendment to RPO Regulations				
		Composite RPO target (in		

		MUs) @29.91% (a)		
2024-25 (Up to April 2024)	2.916	0.872175	2.620291	-1.748115
Total		29.02462	43.94236	-14.91774

After perusal of above RPO compliance matrix, it is evident that VOL has fulfilled its obligations cumulatively and it is in surplus situation as on April 2024.

5.32.6. VOL highlighted that the Commission in its Order dated 6 August 2021 in Case No. 67 of 2021 allowed CPP users to fulfil their Cumulative RPO targets by 31 March 2022.

5.32.7. For delayed compliance of RPO, VOL mentioned about suspension of REC Trading:

- REC trading had been suspended by APTEL vide its Order dated 24 July 2020 in Appeal No.113 of 2020 & Batch. The stay continued till 09 November 2021.
- There was uncertainty in the market and due to stay, obligated entities could not perform.

5.32.8. Covid-19 Pandemic:

- Due to Covid-19 pandemic situation, many RE projects got delayed including VOL. But due to professional efforts it has managed to Commission our solar plants well in time.
- Due to Covid-19 pandemic situation, industry has suffered a lot and hence it is necessary to consider roll-over of the RPO targets and consider the fulfilment on Cumulative basis. The Commission has already allowed roll-over of RPO targets to Distribution Licensees, the same dispensation may be extended to VOL.

5.32.9. Amount deposited by VOL in Compliance to the Commission's Order dated 22 May 2019 in Case No. 68 of 2019:

- The Commission in its Order dated 22 May 2019 in Case No.68 of 2019 directed following interim dispensation:

*“12. Alternately, as highlighted in para 10 above, the Commission will be initiating the RPO Compliance verification process for FY 2014-15 to FY 2016-17 for CPP users and OA Consumers. After crystallization of the verification process is completed by the Commission, the shortfall (if any) will be ascertained, and **the petitioner shall deposit the amount equivalent to the REC floor prices of the shortfall units and further on year to year basis to meet its RPO, with the MEDA till such time the writ petition is decided by the High Court.** The Commission opines that this alternative option will address the concerns of the petitioner about the possible hardship in case it succeeds in the High Court.”*

(Emphasis added)

- In compliance with above Order and based on MEDA’s intimation, VOL has made payment of Rs. 97,72,578/- on 31 March 2022. Payments have been made by calculating average floor price and forbearance price.
- Now, VOL has already fulfilled RPO compliance and is hereby in future bound to fulfil the targets. Hence, the amount deposited may be refunded to us along with appropriate interest.

C. Commission’s Ruling

5.32.10. As per MEDA report, VOL is an obligated entity and has not fulfilled RPO target, till FY 2019-20. MEDA categorically highlighted that GEC and capacity have been verified by Chief Electrical Inspector and are based on CA’s certificates furnished by VOL.

5.32.11. The Commission notes that VOL has filed a detailed affidavit on 16 December 2024. From documents on record, it is evident that VOL’s CPP got commissioned in March-2017. Inline with dispensation provided by the Commission vide its Order dated 5 October 2020 in Case No.130 of 2020, composite RPO target of 11% is applicable.

5.32.12. VOL in its submission highlighted that it has met RPO target on cumulative basis and mentioned suspension of REC trading and Covid-19 pandemic situation for not complying within the timeline. It is prayed that timeline may be extended for RPO compliance, inline with that of Distribution Licensees.

5.32.13. To meet RPO target, VOL has commissioned (4) solar plants with cumulative capacity of 22.1 MW in Solapur and Tuljapur. It is scheduling power under Open Access arrangement for its own use. For supporting its claim VOL has furnished copies of electricity bills (for ascertaining units of solar power), registration certificate of solar power plant issued by MEDA and commissioning certificate of solar power plants issued by MSEDCL.

5.32.14. Based on above, the Commission has worked out RPO for FY 2014-15 to FY 2019-20 and for subsequent period up to FY 2023-24, as below:

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall/(Surplus)		
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU	MU			
					Solar RE	Solar REC	MU	Non-Solar RE	Non-Solar REC			
FY 16-17	8.72	0.031	0.003		0.000	0.000		0.000	0.000	0.003	0.000	0.003

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO		Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall/(Surplus)		
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar RE	Solar REC		Non-Solar RE	Non-Solar REC			
FY 17-18	8.72	20.840	2.292		0.000	0.000		0.000	0.000	2.292	0.000	2.292
FY 18-19	8.72	41.608	4.577		0.000	0.000		0.000	0.000	4.577	0.000	4.577
FY 19-20	8.720	40.020	4.402		0.000	0.000		0.000	0.000	4.402	0.000	4.402
FY 20-21	8.720	34.247	3.767		0.000	0.000		0.000	0.000	3.767	0.000	3.767
FY 21-22	8.720	44.523	4.898		3.178	0.000		0.000	0.000	4.898	3.178	1.720
FY 22-23	8.720	46.477	5.112		15.042	0.000		0.000	0.000	5.112	15.042	(9.929)
FY 23-24	8.720	30.126	3.314		23.103	0.000		0.000	0.000	3.314	23.103	(19.789)
Cummulative Shortfall/(Surplus)												(12.956)

From above table, it is evident that VOL has fulfilled its RPO target cumulatively by installing Solar projects.

5.32.15. VOL in its submission pointed out that in compliance to the Commission's directive in Case No. 68 of 2019 dated 22 May 2019, it has deposited Rs. 97,72,578/- on 31 March 2022. Now VOL has already fulfilled RPO compliance. Hence, VOL prayed that the amount deposited may be refunded with appropriate interest.

5.32.16. The Commission notes that the Commission in its Order dated 22 May 2019 in Case No.68 of 2019 provided that option of depositing amounts equivalent to RPO compliance in lieu of actual purchase of RE power/REC during the pendency of Writ Petitions challenging RPO Regulations. Now as VOL has fulfilled its RPO and fulfilled its RPO, amount deposited towards RPO compliance needs to be refunded. Hence, the Commission directs MEDA to refund the amount Rs. 97,72,578/- (without interest) deposited by VOL within (15) days of this Order, however without any interest.

5.33 VVF India Limited

A. MEDA's Submission

Year	Capacity	Total Energy Consumption	Composite RPO target	Solar RPO		Non-Solar RPO			Total energy to be procured as per RPO	Total RE procurement (Solar + Non-Solar) (A + B)	Shortfall	
				Solar RPO Target	Energy actually procured against target (A)	Non-Solar RPO Target	Energy actually procured against target (B)					
	MW	MU	MU	MU	MU		MU	MU		MU	MU	
					Solar REC	Solar RE		Non-Solar REC	Non-Solar RE			
FY 18-19	7.500	29.185	2.627		0.000	0.000		0.000	0.000	2.627	0.000	2.627
FY 19-20	7.500	46.684	4.202		0.000	0.000		0.000	0.000	4.202	0.000	4.202

B. Consumer’s Submission

5.33.1. No response was received from the CPP user to the Notices issued by the Commission.

C. Commission’s Ruling

5.33.2. MEDA in its report stated that the entity vide its letter dated 30 April 2021 informed that it is an obligated entity and has not fulfilled the RPO target. Entity provided commissioning date as 25 April 2012 with supporting documents. MEDA has considered the same for deciding RPO.

5.33.3. Considering above, the Commission concludes that VVF India Limited has not complied with the RPO Regulations, 2016 and has not met its RPO target. The Commission directs the VVF India Limited to fulfill its target (6.829 MU) cumulatively for the period from FY 2018-19 and FY 2019-20 by the end of FY 2025-26.

6. Way Forward and general directions to MEDA:

6.1 Considering the Covid-19 pandemic situation and suspension of REC trading, the Commission has decided to roll over the RPO targets fulfillment timeline to FY 2025-26.

6.2 The Commission vide its Order dated 22 May 2019 in Case No.68 of 2019 provided an alternative option to deposit amount equivalent to the REC floor prices of the shortfall units and further on year-to-year basis to meet its RPO, with MEDA till the Writ Petition (WP No. 269 of 2019) gets decided. Considering ongoing legal proceedings, the Commission extends the option in this case also. The entities are free to opt for the option of depositing an equivalent amount to MEDA.

6.3 Few entities have requested to switch to REC procurement now. Such entities may opt such option. Upon fulfillment of RPO obligations, MEDA shall refund the amounts deposited by such entities (without interest) within (15) days after receipt of application.

For those which have complied with RPO target but deposited the amounts with MEDA, to such entities, amounts be refunded (without interest) within (15) days after date of the Order.


ORDER

1. In view of the foregoing, subject to the further validations where required as set out earlier paras, and considering the enabling provisions of the RPO Regulations in this regard, the Commission directs the compliance of any cumulative RPO shortfall found for the period from FY 2014-15 to FY 2019-20, to the extent that it has not so far been met in subsequent years, by RE procurement or purchase of RECs by the end of FY 2025-26.
2. In Para (5) of this Order, the Commission has given its ruling, with specific directions where relevant, in respect of each individual entity examined in these proceedings.
3. Any surplus RE power purchase and/or REC purchase undertaken against the cumulative RPO targets upto FY 2019-20 may be carried forward against the RPO for subsequent years.
4. Case No. 1/SM/2024 stands disposed of accordingly.

Sd/-
(Surendra J. Biyani)
Member

Sd/-
(Anand M. Limaye)
Member

Sd/-
(Sanjay Kumar)
Chairperson


(Dr. Rajendra G. Ambekar)
Secretary



ANNEXURE I: List of attendees at the Public Hearings on 03 December 2024.

Sr. No.	Name of Advocate/Representatives of Entities
1	Mr. Manoj Pise, Maharashtra Energy Development Agency (MEDA)
2	Mr. Sandesh Patil, Vinati Organics Ltd.
3	Ms. Vaidehi Naik, JSW Ltd.
4	Mr. Amardeep Singh, JSW Steel Coated Products Ltd.