

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005  
Tel. 022 22163964/65/69 Fax 22163976  
Email: [mercindia@merc.gov.in](mailto:mercindia@merc.gov.in)  
Website: [www.mercindia.org.in](http://www.mercindia.org.in) / [www.merc.gov.in](http://www.merc.gov.in)

**Case No.93 of 2015**

**Date: 29 February, 2016**

**CORAM:** Shri. Azeez M. Khan, Member  
Shri. Deepak Lad, Member

**Petition of M/s Green energy Association for Non-Compliance of Solar RPO for the FY 2014-15 by the MSEDCL specified in MERC (Renewable Purchase Obligation, Its Compliance and Implementation of REC Framework) Regulations, 2010.**

M/s Green Energy Association ..... Petitioner

Maharashtra State Electricity Distribution Co.Ltd. (MSEDCL)

Maharashtra Energy Development Agency (MEDA) ..... Respondents

**Present During the hearing**

For the Petitioner : Ms. Dipali Sheth (Adv)

For the Respondents : Shri D.H.Kulkarni (Rep), MSEDCL  
: Shri P.C.Diwakar (Rep), MEDA

For Consumer Representative : Dr. Ashok Pendse (TBIA)

**Daily Order**

Heard the Advocate / Representatives of the Petitioner, Respondent and Consumer Representative.

Green Energy Association stated that:

- a) The Commission has specified Renewable Purchase Obligation (RPO) target for the Obligated Entities as per the provisions of MERC (Renewable Purchase Obligations, its Compliance and Implementation of REC Framework) Regulations 2010 (RPO-REC Regulations). As per Regulation 7.1 of RPO REC Regulations, 0.5% of Solar REs to be met for FY 2014-15.
- b) MSEDCL has not fulfilled its Solar RPO target for FY 2014-15 and has shortfall of approximately 247.45 MUs.

- c) ATE in its Judgment in O.P. No. 1 of 2013 & IA No. 291 & IA No. 420 of 2013, O.P. No. 2 of 2013 & O.P. No. 4 of 2013 dated 20 April, 2015 has stated that, in case of default in fulfillment of RPO by Obligated Entities, the penal provisions as provided for in the Regulations should be exercised.
- d) In another Judgment in Appeal No. 258 of 2013 & Appeal No. 21 of 2014 & IA-28 of 2014 dated 16 April, 2015, ATE has stated that Renewable Energy Certificate (REC) is a valid instrument for fulfilling RPO cast upon the Obligated Entities, and purchase of RECs would be deemed as purchase of energy from Renewable Energy source for fulfilling RPO.
- e) There are solar generators in the State who are ready to sell their power at preferential tariff to MSEDCL. However, MSEDCL is not buying that power and not fulfilling its solar RPO target.
- f) The Commission vide Order dated 4 August, 2015 in Case No. 190 of 2014 directed MSEDCL for creation of a separate RPO Regulatory Charges Fund to purchase Solar and Non-Solar RECs and/or to procure power so as to fully meet the shortfall against RPO targets. However, MSEDCL has neither created the RPO Regulatory Charges Fund nor fulfilled its Solar RPO targets.

MSEDCL stated that:-

- a) No separate Petition is required to be filed for non compliance of Solar RPO targets by MSEDCL for 2014-15 as the Commission conducts suo moto proceedings for verification of RPO targets.
- b) MSEDCL has executed long term Power Purchase Agreements (PPA) for a total capacity of 827 MW as on date to meet the Solar RPO target from FY 2010-11 onwards under JNNSM of Government of India and MSPGCL.
- c) The Commission vide its Order dated 24 December, 2012, in Case No.102 of 2012 has granted liberty to all Obligated Entities to carry forward their Solar RPO shortfall to subsequent years and to fulfill the solar RPO on cumulative basis by FY 2015-16. In view of the above, the demand of the Petitioner for initiating action under Sections 142 and 146 is premature and is not tenable, and is to be rejected.

The Commission directed the Petitioner to file its Rejoinder, if any, within a week.

**Case is reserved for Order.**

**Sd/-  
(Deepak Lad)  
Member**

**Sd/-  
(Azeez M. Khan)  
Member**