



नई दिल्ली
NEW DELHI

याचिका संख्या. / Petition No. 234/MP/2023

कोरम/ Coram:

श्री जिशु बरुआ, अध्यक्ष/Shri Jishnu Barua, Chairperson
श्री रमेश बाबू वी., सदस्य/Shri Ramesh Babu V., Member
श्री हरीश दुदानी, सदस्य/Shri Harish Dudani, Member

आदेश दिनांक/ Date of Order: 14th September, 2026

IN THE MATTER OF:

Petition under Section 66 and 79 of the Electricity Act, 2003, read with Regulation 15 of the Central Electricity Regulatory Commission (Terms and Conditions for Recognition and Issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010, thereby imploring this Commission for setting aside the communication dated 13.03.2023 issued by Respondent No.1 rejecting the Renewable Energy Certificate for the month of July, 2022 and by relaxing the timeline provided in Regulation 7 of the Central Electricity Regulatory Commission (Terms and Conditions for Recognition and Issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 and direct the Respondent No.1 to issue REC to the Petitioner corresponding to the generation of power for the month of July, 2022.

AND IN THE MATTER OF:

M/s Tadas Wind Energy Limited

IL&FS Financial Centre, Plot C-22,
G- Block, Bandra- Kurla complex,
Bandra (East),
Mumbai- 400051, Maharashtra

...PETITIONER

VERSUS

1. National Load Despatch Centre

Nodal Officer, REC Mechanism,
1st Floor, NLDC Office,
B-9, Qutab Institutional Area,
Katwaria Sarai,
New Delhi- 110016

2. Karnataka Power Transmission Company Limited

State Load Despatch Centre
Through Superintending Engineer,
SLDC, Racecourse CROSS road,
Anand Rao Circle,
Bengaluru- 560 009

3. Hubli Electricity Supply Company Limited

P.B Road, Navanagar,
Hubbali- 580 025
Karnataka

...RESPONDENTS

Parties Present: Shri Sourav Roy, Advocate, TWEL
Ms. Nehul Sharma, Advocate, TWEL
Ms. Lavanya Panwar, Advocate, TWEL
Shri V. M. Kannan, Advocate, KPTCL
Shri Shahbaaz Hussain, Advocate, KPTCL
Shri Stephania Pinto, Advocate, KPTCL
Ms. Diksha Pherwani, Advocate, KPTCL
Shri Harimohana N., Advocate, KPTCL
Shri Mayank Singh, Advocate, KPTCL
Shri Sumanth Gowda, Advocate, KPTCL
Shri Sindhu G Koushik, Advocate, KPTCL
Shri Gajendra Sinh Vasava, NLDC

आदेश/ ORDER

The Petitioner, M/s Tadas Wind Energy Private Limited (TWEPL), is a company incorporated under the Companies Act, 1956 and has developed 100MW wind power projects in the early part of 2012, of different capacities within the limits of Shiggaon and Kundagol taluks of Haveri district, Karnataka.

2. Respondent No.1, National Load Dispatch Centre (NLDC), operated by Grid-India, is designated as the Central Agency under the Central Electricity Regulatory Commission (Terms and Conditions for Recognition and Issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 (CERC REC Regulations, 2010) and CERC REC Regulations, 2022 and is entrusted with the functions of granting registration and issuance and monitoring of RECs as per the said REC Regulations.
3. Respondent No.2, Karnataka Power Transmission Company Limited (KPTCL) is the State Load Despatch Centre (SLDC) for the State of Karnataka in terms of Sections 31 and 32 of the Electricity Act, 2003.
4. Respondent No.3, Hubli Electricity Supply Company Limited (HESCOM) is a distribution licensee and procurer of power from the Petitioner.
5. The Petitioner, M/s Tadas Wind Energy Private Limited, has filed the present Petition for setting aside the communication dated 13.3.2023 issued by Respondent No. 1, National Load Despatch Centre (NLDC), denying the issuance of the Renewable Energy Certificates (REC) for the month of July 2022. Further, the Petition has been filed under Sections 66 and 79 of the Electricity Act, 2003, read with Regulations 15 of the Central Electricity Regulatory Commission (Terms and Conditions for Recognition and Issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 (REC Regulations, 2010), seeking relaxation of the timeline prescribed under Regulation 7 for submission of a complete application for issuance of RECs. The Petitioner further seeks directions to NLDC to issue RECs corresponding to the generation of power for the month of July, 2022.
6. The Petitioner has made the following prayers:
 - (a) *Set aside the impugned email dated 13.03.2023 issued by Respondent No.1 wherein the issuance of RECs was denied to the Petitioner, as being unfair, unreasonable and unlawful in the facts and circumstances of the present case stated hereinabove;*
 - (b) *Relax the timeline for the Petitioner for filing Application for REC as provided in Regulation 7 of the Central Electricity Regulatory Commission (Terms and Conditions*

for Recognition and Issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 in the present matter considering the facts and circumstances stated hereinabove; and further direct Respondent No.1 to consider the underlying application dated 20.11.2022 preferred by the Petitioner for issuance of RECs unaffected by the delay in submitting Energy Injection Report and issue Renewable Energy Certificates to the Petitioner for the month of July-2022; and

(c) Issue such further orders and grant such further reliefs as may be deemed appropriate by this Hon'ble Commission.

Submission by the Petitioner, M/s Tadas Wind Energy Private Limited (TWEPL)

7. The Petitioner, M/s Tadas Wind Energy Private Limited, has submitted the following:
- (a) The Petitioner developed wind power projects aggregating to 100 MW capacity in Karnataka in 2012 and had an option to either sell the wind energy to the distribution licensee by executing a Power Purchase Agreement (PPA) at the generic tariff determined by the Commission or by executing the Memorandum of Understanding (MoU) opting for REC scheme, at the “Pooled Cost of Power Purchase of the State”.
 - (b) As per the prevalent REC scheme, the Petitioner entered into eight (8) MoUs with Respondent No.3, for the purpose of sale of wind energy at APPC rate from different Wind Projects totally amounting to 100MW capacity. The details whereof are provided hereinbelow:
 - (i) MoU dated 29.03.2012 (19.2MW);
 - (ii) MoU dated 31.03.2012 (16.8 MW);
 - (iii) MoU dated 09.04.2012 (31.2MW);
 - (iv) MoU dated 04.05.2012 (16MW);
 - (v) MoU dated 04.05.2012 (6.4MW);
 - (vi) MoU dated 04.05.2012 (5.6MW);
 - (vii) MoU dated 14.05.2012 (4.8 MW); and
 - (viii) MoU dated 22.10.2012 (4.8 MW)
 - (c) The majority of the projects were commissioned within 1-2 months from the dates of execution of the MoUs and a small portion of the capacity of these MoUs was commissioned subsequently up to November, 2012

(d) In 2022, an inter-se dispute arose between the Petitioner and HESCOM, relating to the validity of MoUs and the obligation of HESCOM to purchase power from the Petitioner till the validity of REC accreditation granted to the Petitioner's generating stations, i.e., at least until 29.01.2024 in terms of Regulation 5(a) of the REC Regulations, 2010. In this regard, the brief facts to the abovementioned dispute are as under:

- (i) In respect of all the MoUs except the MoU dated 22.10.2012, the Petitioner obtained Certificates of Accreditation from Respondent No. 2 under Regulation 7 of the KERC (Procurement of Energy from Renewable Sources) Regulations, 2011, which were subsequently renewed for a further period of five years up to 14.05.2022. In respect of the MoU dated 22.10.2012, the Certificate of Accreditation was valid up to 12.12.2017 and was thereafter renewed up to 05.10.2022.
- (ii) Following the change in the Petitioner's name from "Tadas Wind Energy Limited" to "Tadas Wind Energy Private Limited", the revised Supplemental MoUs incorporating a 10-year term from the CoD were approved by KERC vide letter dated 31.12.2018.
- (iii) The Petitioner again obtained the Certificates of Accreditation dated 07.02.2019 in respect of all eight Wind Power Projects for which MoUs were executed, with validity period from 30.01.2019 to 29.01.2024.
- (iv) As the MoUs were due to expire on 14.05.2022, the Petitioner, vide letter dated 09.02.2022, requested HESCOM to facilitate their continuation beyond the expiry date. In response, HESCOM replied that the REC accreditation of all the eight projects was going to expire on 14.05.2022 and, therefore, the existing MoUs and Supplemental MoUs could not be extended, and intimated that it would not be responsible for payment of energy injected on or after 15.05.2022. However, this was contrary to the validity of the Accreditation granted to the Petitioner up to 29.01.2024.
- (v) On receiving such reply, the Petitioner filed the Petition being Petition No. 14/2022 before the KERC on 06.05.2022 wherein, on 11.05.2022, an interim relief permitting the injection of power by the Petitioner with direction to

HESCOM to pay at the existing tariff for the energy injected, was granted in favour of the Petitioner till the next date of hearing.

(vi) The abovementioned interim relief granted by the KERC was challenged by HESCOM before the High Court of Karnataka, vide WP No.9909/2022. The said petition was disposed of by the High Court vide its Order dated 26.05.2022 with a direction to the KERC to conclude the hearing in the Petition No. 14/2022 on the next date of hearing and pass an appropriate order on or before 07.05.2022.

(vii) Subsequently, the KERC took up the above-mentioned case on 31.05.2022 and after considering the parties' submissions, suggested the parties to negotiate for entering into fresh MoUs with new terms regarding tariff and further directed that *"till such time Petitioner is at liberty to inject power. However, payment of the bills is subject to outcome of the Petition as ordered by the Hon'ble High Court of Karnataka"*.

(viii) Thereafter, the Petitioner filed an Affidavit before the KERC wherein it was stated that HESCOM had agreed to enter into PPA on the ground that it was green energy, quality power with lower tariff and the same was taken on record.

(ix) Pertinently, the adjudication of the matter was prolonged.

(e) During the pendency of adjudication of the abovementioned proceedings before the KERC, the Petitioner was supplying power to HESCOM. Accordingly, for the purpose of issuance of RECs by Respondent No.1, corresponding to the generation in the month of July, 2022.

(f) The dates of events relating to the filing of the application for issuance of RECs are set out below:

Date	Event
20.09.2022	Petitioner requested HESCOM to continue issuing the B-Forms for the Petitioner's 100MW Project as it had been doing in the past.
06.10.2022 and 14.10.2022	Reminder letter sent by the Petitioner to HESCOM about the issue of non-issuance of B-Forms

20.11.2022	Owing to no response at HESCOM's end, Petitioner applied for issuance of RECs for the months of July-2022 to October-2022 on the REC Registry, based on the available data.
20.11.2022	Petitioner approached Respondent No.2, KPTCL, with its grievance pertaining to non-issuance of B-Forms.
13.12.2022	Due to non-issuance of signed copies of Joint Meter Readings, the Petitioner requested HESCOM to issue the B-Forms as well as Joint Meter Readings, as non-issuance of the same would result in non-issuance of RECs.
09.01.2023	Petitioner submits the 1 st Undertaking to HESCOM, wherein it was undertaken that the issuance of B-Form by HESCOM would not imply a change in stance of HESCOM.
23.01.2023	Since HESCOM still did not issue the B-Form, the Petitioner sent a letter reminding HESCOM to issue B-Forms.
24.01.2023	Petitioner requested Respondent No.2 to issue Energy Injection Reports for July-2022 to October-2022, based on the request already submitted on 20.11.2022.
31.01.2023	Based on HESCOM's instructions, Petitioner issued another undertaking to HESCOM on stamp paper. B-Form was issued by HESCOM and the soft copy of the same was submitted to Respondent No.2 on the same date.
06.02.2023	Physical copy of B-Form for July-2022 was issued by HESCOM, which was immediately shared with Respondent No.2.
18.02.2023	Based on the physical copy of B-Form, Respondent No.2 issued the Energy Injection Report, and the same was uploaded on the same date on the REC Registry web portal.

(g) The Petitioner communicated the EIR to Respondent No.1 for the purpose of obtaining RECs for July, 2022.

(h) Respondent No.1 vide its email dated 13.03.2023, informed its rejection of the application made by the Petitioner for issuance of RECs for the month of July-2022, in view of the expiry of the 6-month timeline as envisaged in the REC Regulations, 2010 in filing the complete Application. In response thereto, the Petitioner, by way of a letter dated 18.03.2023, provided a clarification against the above email dated 13.03.2023 issued by Respondent No.1. In its response, Respondent No. 1, vide its email dated 24.03.2023, again communicated its rejection of the Application preferred by the Petitioner seeking issuance of RECs for July-2022.

(i) In the meantime, the issue pending in Petition No. 14 of 2022 before the KERC was adjudicated. The KERC, by way of its Order dated 02.05.2023 passed in O.P No. 14/2022, has, inter alia, observed the following:

- (i) As per the relevant agreements, the parties had agreed to supply and purchase power at the agreed price for a term of ten years from the respective dates of Commercial Operation of the Projects. Subsequent to that term, there is no agreement for supply and purchase of power;
- (ii) TWEPL should be allowed a reasonable time to make its own arrangement for selling wind energy under Open Access to 3rd parties and be allowed to inject energy into the Grid till the end of May, 2023, to the account of HESCOM at the price of INR 3.70 per unit.

Hearing dated 19.01.2024:

8. In course of the hearing, the counsel for the Petitioner submitted that the present Petition has been filed, inter-alia, for setting aside the communication dated 13.3.2023 issued by Respondent No.1, NLDC denying the issuance of the REC for the month of July 2022 and further for seeking relaxation of the timeline provided under Regulation 7 of the CERC, REC Regulations, 2010 for submission of the complete application for the issuance of RECs. The representative of the NLDC submitted that NLDC does not have any objection towards the prayers made by the Petitioner. After hearing the counsel for the Petitioner, the Commission admitted the Petition and directed the Respondents to file their reply and the Petitioner to file the rejoinder, if any.

Reply by Respondent No. 2, Karnataka Power Transmission Corporation Limited (KPTCL) dated 19.02.2024 in compliance with the Record of Proceedings (ROP) of the hearing dated 19.01.2024

9. The Respondent No.2, KPTCL, submitted as under:
- (a) KPTCL in its reply submitted that Petitioner's contention regarding delay in grant of REC is false and erroneous.
 - (b) The Petitioner requested the SLDC (KPTCL) to issue an EIR through its letter dated 20.11.2022, which was received by SLDC on 06.12.2022. On the same day, SLDC orally intimated the HESCOM and the Petitioner regarding the need for signed B-forms and

Joint Meter Readings. However, as the B-forms received were unsigned, SLDC could not issue the EIR.

- (c) To facilitate the issuance of RECs, the SLDC sought clarity on non-receipt of B-forms by the Petitioner vide letter dated 26.12.2022 addressed to HESCOM.
- (d) Soft copy of the B-forms was received by SLDC on 31.01.2023 and a hard copy was sought for on 01.02.2023 from the Petitioner.
- (e) The SLDC received a hard copy of the B-forms only on 07.02.2023. Thereafter, the EIR was processed and sent to the NLDC on 09.02.2023.
- (f) The NLDC rejected the application of the Petitioner on 13.03.2023 as the complete application along with EIR was not made within 6 months from the corresponding generation month.

Reply by the Respondent No. 3, Hubli Electricity Supply Company Ltd (HESCOM) dated 19.02.2024 in compliance with the ROP of the hearing dated 19.01.2024:

10. The Respondent 3, HESCOM, submitted as under:

- (a) The Petitioner and the Respondent No. 3 entered into 8 separate MOUs for sale of power. The Petitioner had no authority to inject power into the grid as the MOUs for supply of power expired on 14.05.2022. However, the Petitioner claimed that the MOUs executed with HESCOM would expire only on 29.01.2024. Vide letter dated 14.03.2022, HESCOM contended that as per Article 9.1 of the MOU, the Agreements were bound to expire on 14.05.2022.
- (b) The Petitioner challenged the letter dated 14.03.2022 vide OP 14/22 before the KERC. The KERC issued an ex-parte interim Order on 11.05.2022 permitting the Petitioners to continue injecting energy without expressing any opinion on the merits of the matter.
- (c) HESCOM challenged the Order dated 11.05.2022 in OP 14/22 before the High Court of Karnataka vide WP No. 9909/22 and obtained an interim Order on 24.05.2022, staying the operation and effect of the Order dated 11.05.2022, wherefore, the Petitioner was restrained from injecting any energy into the grid on account of expiry of the MOUs.
- (d) The Petitioner filed an Application for vacation of stay dated 24.05.2022 before the High Court of Karnataka and sought leave to inject power and receive payment for the same. The High Court disposed of WP No. 9909/22 vide Order dated 26.05.2022 by permitting the Petitioner to inject energy into the grid; however, the Court observed that the Petitioner would not be entitled to payment towards the energy injected if it does not

succeed before the KERC. If the MOUs would stand to expire as per the Petitioner's contention, i.e., in 2024, HESCOM would be liable to make payment for the same as per the terms of the MOUs. The KERC was directed to conclude the hearing in OP 14/22 and pass Orders on or before 07.06.2022. The KERC disposed of the Petition on 02.05.2023 holding that the MOUs had expired on 14.05.2022. Despite holding that the MOUs expired on 14.05.2022, KERC permitted payment for energy injected until 31.05.2023 to the detriment of the Petitioner. Further, KERC in its Order stipulated that payment should be made to the Generator up to 31.05.2023 because of delay in adjudication of the matter by KERC due to regulatory works. Therefore, no delay was attributable to HESCOM.

- (e) The obligation to take monthly meter readings and release the B-forms emerges from Clause 7.3 of the MOUs, and it is clear from Clause 7.3 and the chain of events stipulated above that the MOUs had expired on 14.05.2022. Accordingly, HESCOM was under no obligation to release the B-forms.

Rejoinder by the Petitioner, Tadas Wind Energy Limited, dated 13.03.2024, on the Reply submitted by the KPTCL dated 19.02.2024

11. Vide Rejoinder, the Petitioner reiterated its submissions made in the pleadings and as such the same are not reproduced herewith for the sake of brevity.

Rejoinder by the Petitioner, Tadas Wind Energy Limited, dated 13.03.2024, on the Reply submitted by the HESCOM dated 19.02.2024

12. The Petitioner reiterated the submissions already made in the plaint and as such the same are not reiterated for the sake of brevity. Additionally, the Petitioner has submitted as under:

- (a) Through its Reply, HESCOM erroneously relied on clause 7.3 of the MoUs to state that since the obligation to issue B-Forms arose from the said clause, and the said MoUs expired on 14.05.2022, HESCOM was under no obligation to release the B-Forms. In this regard, it is stated that the above contention raised by HESCOM is erroneous. HESCOM failed to consider that, regardless of the validity of MoUs, the KERC, through its interim Order dated 11.05.2022, permitted the Petitioner to inject energy into the grid, which was thereafter also permitted by the Karnataka High Court through its Order dated 26.05.2022. Further, the said injection of energy until May, 2023 was validated by the KERC through its Final Order dated 02.05.2023, and as such, energy

injected by the Petitioner (payment for which was to be made at the APPC rate) was eligible for issuance of RECs under the REC regime;

(b) Further, vide Order dated 26.05.2022, the KERC directed the Petitioner to inject energy, and the payment for the same was subject to the outcome of the pending Petition. As such, it was in furtherance of the afore-mentioned Order that the Petitioner was injecting energy into the grid. Further, considering that the B-Form was a mere statement of energy injected into the grid, the Respondent No.3 was bound to issue the same, notwithstanding that the main issue regarding expiry of MoUs was pending adjudication before the KERC.

Hearing dated 17.02.2026

13. In course of the hearing, the representative of the Respondent, NLDC, submitted that NLDC does not have any objection towards the prayers made by the Petitioner and also does not wish to file any reply in the matter. Further, at the request of the counsels for the parties, the Commission permitted them to file their respective written submissions, if any. Subject to this, the matter was reserved for order.
14. In compliance with the ROP dated 17.02.2026, the Petitioner filed its written submission on 02.03.2026, reiterating its earlier submissions and highlighting that in terms of the Order dated 02.05.2023 passed by the KERC, the tariff of Rs. 3.70/unit was lower than the applicable APPC of Rs. 4.25/unit for FY 2022-23.

Analysis and Decision

15. The Commission has heard the learned counsels for the Petitioner and the Respondents and has carefully perused the records.
16. The brief facts of the case: The Petitioner, TWEPL, developed 100MW wind power projects in the early part of 2012, within the limits of Shiggaon and Kundagol taluks of Haveri district and entered into eight MoUs with HESCOM under the REC scheme for sale of power at APPC Rate. Certificates of Accreditation were issued and renewed over time, with validity up to 14.05.2022 (for seven projects) and up to 29.01.2024 (for one project). Upon HESCOM's letter dated 14.03.2022 asserting that the MoUs would expire on 14.05.2022, the Petitioner filed O.P. No.14/2022 before KERC and obtained an interim Order dated

11.05.2022 permitting continued injection of power and directing HESCOM to pay at the existing tariff. HESCOM challenged the Order in W.P. No.9909/2022 in the Karnataka High Court. Vide final Order dated 26.05.2022, the High Court permitted continued injection of power subject to the outcome before KERC and directed expeditious disposal of the matter. During pendency of the proceedings and while supplying power to HESCOM, the Petitioner sought issuance of B-Forms for July 2022 generation through letters dated 20.09.2022, 06.10.2022, 14.10.2022, 13.12.2022 and 23.01.2023, and approached KPTCL on 20.11.2022 and again on 24.01.2023 for issuance of EIR in the absence of B-Forms. Since 31.01.2023 was the last date under the six-month timeline for July 2022 REC applications, HESCOM finally issued the B-Form on 31.01.2023, which was forwarded to KPTCL on the same day; while the EIR was ultimately issued on 18.02.2023. NLDC rejected the Petitioner's REC application for July 2022 vide email dated 13.03.2023 on the ground that a complete application was not filed within six months. Meanwhile, KERC vide final Order dated 02.05.2023 in O.P. No.14/2022 held that the MoUs had expired on 14.05.2022 but directed that energy injected up to 31.05.2023 be purchased by HESCOM at Rs.3.70/kWh. Therefore, the present petition is filed for setting aside the communication dated 13.03.2023 issued by NLDC denying the issuance of REC for the month of July, 2022. The Petitioner further seeks relaxation of the timeline provided in Regulation 7 of CERC REC Regulations, 2010 for submission of a complete application for issuance of RECs.

17. From the above, we note that the only issue involved is **whether the delay in application for issuance of RECs for the period from July 2022 may be condoned and whether the Respondent may be directed to issue equivalent RECs for the energy injected?**

18. Regulation 7 of the REC Regulations, 2010 provides as under:

“7. Denomination and issuance of Certificates

(1) *The eligible entity (other than distribution licensee) shall apply to the Central Agency for certificates within six months from the corresponding generation from eligible renewable energy projects:*

Provided that the application for issuance of certificates may be made on the 10th, 20th and last day of the month.

....”

19. Regulation 10 of the REC Regulations, 2022 provides as under:

“10. Issuance of Certificates

.....

(2) Application for issuance of Certificates shall be made by an eligible entity being a renewable energy generating station or a captive generating station based on renewable energy sources, to the Central Agency within six months from the corresponding generation by the eligible entity:

Provided that no Certificate shall be issued in case the application is made beyond the period of six months from the corresponding generation.

.....”

20. From the above, the Commission observes that as per the mandate of the REC Regulations, 2010, its subsequent amendments, the eligible entity has to make a Web-Based Application for issuance of REC as per the details given in the Energy Injection Report and has to also submit the same information in physical form with the Central Agency (NLDC) within six months. The Central Agency has to verify the application in terms of the Energy Injection Reports issued by the concerned SLDC.
21. The Commission observes that the Petitioner has requested KPTCL for Energy Injection Reports for July 2022 to October 2022, based on the application submitted on 20.11.2022. On 06.02.2023, HESCOM issued the physical copy of B-Form for July 2022. Further, on 18.02.2023, based on the physical copy of B-Form, KPTCL issued the Energy Injection Report, and the same was uploaded on the REC Registry web portal on the same date. But NLDC rejected the Petitioner's REC application for July 2022 vide email dated 13.03.2023 on the ground that a complete application was not filed within six months.
22. As submitted by the counsel of the Petitioner, due to the reasons highlighted in the petition, there was delay in submission of the application for issuance of REC. The Petitioner prayed for setting aside the communication dated 13.03.2023 issued by Respondent No.1 rejecting the Renewable Energy Certificate for the month of July, 2022, and relaxing the timeline provided in Regulation 7 of the CERC Regulations, 2010, and for directing NLDC to issue RECs for the aforesaid period. During the hearings held on 19.01.2024 and 17.02.2026, Respondent No.1, NLDC, stated that it has no objection to the Petition filed by the Petitioner and that the Commission may pass an appropriate Order in the matter.
23. In our view, the delay in the application for issuance of REC is procedural in nature due to the reasons stated by the Petitioner and is not going to prejudice any of the stakeholders, including the Respondents.
24. The relevant provisions of the REC Regulations, 2010 stipulate as under:

“14. Power to give directions

The Commission may from time to time issue such directions and orders as considered appropriate for the implementation of these regulations and for the development of market in power for Renewable Energy Sources.

15. Power to Relax

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

25. The relevant provisions of REC Regulations, 2022 stipulate as under:

“17. Power to give directions

The Commission may, from time to time, issue such practice directions and orders as considered appropriate for the implementation of these regulations

18. Power to Relax

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

19. Repeal and Savings

(1) Save as otherwise provided in these regulations, the REC Regulations, 2010 and all subsequent amendments thereto and Procedures thereof shall stand repealed from the date of coming into force of these regulations.

(2) Notwithstanding such repeal:

(a) anything done or any action taken or purported to have been done or taken or any accreditation or registration or permission granted or any document or instrument executed or any direction given under the repealed regulations shall, in so far as it is not inconsistent with the provisions of these regulations, be deemed to have been done or taken under the corresponding provisions of these regulations;”

26. From the above, we note that the REC Regulations, 2010 have been repealed by the REC Regulations 2022. By virtue of the saving clause, in terms of Regulation 19 (2) of the REC Regulations 2022, anything done or any action taken under the repealed REC Regulations 2010 shall be deemed to have been done or taken under the REC Regulations, 2022. It is pertinent to note that both the REC Regulations, 2010 and the REC Regulations, 2022 have provisions for the ‘Power to Relax’ and ‘Power to give directions’.

27. As per the principle laid down for the grant of RECs, if the Petitioner is engaged in the generation of electricity from renewable energy sources, it shall be eligible for issuance of RECs subject to the eligibility criteria. The main objective of the REC Regulations is to

promote the generation of renewable energy. Therefore, we are inclined to exercise the “Power to relax” under Regulation 18 of the REC Regulations, 2022, in order to achieve the object of the regulations.

28. The Commission condones the delay and relaxes the time limit. The NLDC is directed to issue the RECs for the month of July 2022 after due verification and satisfying that the project meets all conditions and the Petitioner has submitted all required documents for issuance of RECs.

29. Petition No. 234/MP/2023 is disposed of in terms of the above.

Sd/-
हरीश दुदानी
सदस्य

Sd/-
रमेश बाबू वी.
सदस्य

Sd/-
जिश्नु बरुआ
अध्यक्ष