केन्द्रीय विद्युत विनियामक आयोग
CENTRAL ELECTRICITY REGULATORY COMMISSION

नई दिल्ली
NEW DELHI

याचिका संख्या./ Petition No. 4/MP/2021 along with 65/IA/2023

कोरम/ Coram:

श्री जिश्नु बरुआ, अध्यक्ष/ Shri Jishnu Barua, Chairperson
श्री रमेश बाबू वी., सदस्य/ Shri Ramesh Babu V., Member
श्री हरीश दुदानी, सदस्य/ Shri Harish Dudani, Member
श्री रविंदर सिंह ढिल्लों, सदस्य/ Shri Ravinder Singh Dhillon, Member

आदेश दिनांक/ Date of Order: 10th April, 2026

IN THE MATTER OF:

Petition filed under Section 66 & 79 of the Electricity Act, 2003 read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 read with Regulations 14 of Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010, seeking directions to the Respondent for issuance of Renewable Energy Certificates.

AND IN THE MATTER OF:

M/s Roshni Powertech Pvt. Ltd. (RPPL)
Plot No. 8-2-293/82/A/1131A,
Road No. 36, Jubilee Hills, Hyderabad,
Telangana-500033

...**Petitioner**

Versus

National Load Despatch Centre (NLDC)
B-9, Qutab Institutional Area,

Katwaria Sarai, New Delhi,
Delhi 110016 **…Respondents**

Parties Present: Shri Hemant Singh, Advocate, RPPL
Ms. Alchi Thapliyal, Advocate, RPPL
Shri Chetan Garg, Advocate, RPPL
Shri Jay Lal, Advocate, RPPL
Shri Arun Lal, Advocate, RPPL
Shri Gajendra Sinh Vasava, NLDC
Ms. Himani Dutta, NLDC
Shri Ashok Rajan, NLDC
Shri Alok Mishra, NLDC
Ms. Anisha Chopra, NLDC
Shri Abhishek Jain, NLDC

आदेश/ ORDER

The Petitioner, M/s. Roshni Powertech Pvt. Ltd. (RPPL) is a Generating Company within the meaning of Section 2(28) of the Electricity Act, 2003 ('Act'). It is a Renewable Energy (RE) Generator that has set up a 6 MW power plant at Ayyanki Village, Movva Mandal, Krishna District, Andhra Pradesh, using agricultural waste as fuel.

2. The Respondent, National Load Dispatch Centre (NLDC), as defined under Section 26 of the Act, is the nodal agency for issuance of RECs as provided in Regulation 3 of the REC Regulations.

3. The present Petition is filed in terms of Section 66 & 79 of the Act read with Regulation 111 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 read with Regulations 14 of Central Electricity Regulatory Commission (Terms and Conditions for Recognition and Issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 (REC Regulations, 2010), requesting issuance of appropriate directions to the National Load Despatch Centre (NLDC) for grant of 77,922 Renewable Energy Certificates (RECs) from the period commencing from August 2012 to May 2014.

4. The Petitioner has made the following prayers in Petition No.4/MP/2021:

(a)Admit the Petition;

(b)Direct Respondent to issue 77,922 RECs to the Petitioner for the period commencing from August, 2012 to May, 2014 at the floor price of Rs. 1500/ MWh as determined by the Hon'ble Commission in its Order dated 23.08.2011 passed in Suo Motu Petition No. 142/2011 at the earliest; and

(c)Pass such further order(s) as this Hon'ble Commission may deem just and proper in the fact and circumstances of the case and in the interest of justice.

5. The petition was dismissed for non-prosecution of the matter, as, despite notice, the Petitioner or its counsel was not available in person when the matter was called out on 10.05.2023. The Petitioner later filed an Interlocutory Application (IA), No. 65/IA/2023, in Petition No. 4/MP/2021 to recall the said Order dated 11.05.2023 passed by the Commission.

6. The prayers of the Interlocutory Application, 65/IA/2023 in Petition No. 4/MP/2021 are as follows:

(a) Recall the order dated 11.05.2023 passed by this Hon'ble Commission in 4/MP/2021;

(b) Restore the captioned petition back to the original file of this Hon'ble Commission; and

(c) To pass such or further order(s) as this Hon'ble Tribunal may deem appropriate.

Submission by the Petitioner, RPPL

7. The Petitioner submitted the following:

(a) The Petitioner set up a 6 MW biomass-based renewable energy power plant using agricultural waste as fuel in 2001. The Petitioner has been selling power under Open Access through PTC India Limited under a Power Trading Agreement (PTA) since October 2008, following the termination of the Power Purchase Agreement (PPA) with APSPDCL.

(b) The Petitioner's Project was accredited with Accreditation No. AP0NSGREEN001A131217 by APSLDC on 13.12.2017 and registered by the NLDC with Registration No AP0NSGREEN001A131217 on 02.02.2018 under the REC mechanism based on the Order of this Commission in Petition No 76 of 2016 for registration with retrospective dates in view of the Judgment of the Hon'ble Appellate Tribunal in Appeal No 280 of 2014 on 13.10.2015 upholding the APERC order in O.P. No 56 of 2013.

(c) Accordingly, the APSLDC, vide letter dated 05.02.2019, provided the Energy Injection Report (EIR) for the energy injected during the period August 2012-May 2014 to the NLDC.

(d) Meanwhile, the Commission determined the forbearance and floor prices for the control period from 01.04.2012 to 31.03.2017 vide order dated 23.08.2011. As per the Order dated 28.03.2011 passed by the Commission, the floor price for Non-Solar REC was determined as Rs. 1500/MWh for the period from April 2012 to March 2017. The Order passed by the Commission conferred an obligation upon the Respondent, NLDC, to issue RECs in terms of the said order to the Petitioner for the period commencing from 1.4.2012 for a period of 5 years.

(e) Further, NLDC vide its email dated 02.04.2019 apprised the Petitioner that in accordance with the Order dated 20.09.2016 passed in Petition No. 76/MP/2016 and EIR received from APSLDC, it has issued 51,948 RECs together in the month of January 2019 to the account of the RPPL.

(f) In response to the email dated 02.04.2019 from NLDC, the Petitioner submitted that although APSLDC issued EIR for the month of July 2013, the corresponding RECs were not issued by NLDC on the ground that the power was transacted through IEX and also contended that the NLDC did not grant RECs in accordance with the applicable floor price determined by the Commission. The Petitioner contended that no communication on this behalf was received from NLDC.

(g) On 04.04.2019, RPPL issued a letter to APTRANSCO and requested the issuance of the balance of EIRs for the period commencing from June 2014 to March 2016.

(h) The Petitioner further submitted that NLDC acted contrary to the Order of the Commission dated 23.08.2011 and issued the RECs to RPPL at the floor price to the tune of Rs. 1000/MWh instead of Rs. 1500/MWh.

(i) Therefore, the Petitioner requested the Commission to issue appropriate directions to the NLDC to grant 77,922 RECs from the period commencing from August, 2012 to May, 2014 in terms of the following:

  (i) The Order dated 23.08.2011 passed in Suo Motu Petition No. 142/2011, where the Commission determined/fixed the floor price to the tune of Rs. 1500/MWh; read with

  (ii) The Order dated 20.09.2016 passed by the Commission in Petition No. 76/MP/2016, where the Commission directed the Respondent to implement the Judgment of the Tribunal dated 13.10.2015 in Appeal No. 280 of 2014; read with

(iii) Judgment of the APTEL judgment dated 13.10.2015, passed in Appeal No. 280 of 2014, wherein the Tribunal affirmed the registration of the Petitioner as a REC generator.

Hearing dated 28.05.2021

8. The counsel for the Petitioner submitted that the petition was filed to seek direction to the Respondent, NLDC, to issue 77,922 RECs to the Petitioner for the period from August 2012 to May 2014 at the floor price of Rs. 1500/MWh as determined by the Commission in its Order dated 23.8.2011 in Suo Motu Petition No. 142/2011. After hearing the counsel of the Petitioner, the Petition was admitted, and the Respondent was asked to file its reply and the Petitioner to file its rejoinder, if any.

Reply of the Respondent, NLDC, on 21.6.2021 in compliance with the Record of Proceedings (ROP) of the hearing dated 28.05.2021

9. The Respondent, NLDC, submitted the following:

(a) The number of RECs issued is based on the Energy Injection Report (EIR) provided by respective SLDCs/RLDCs and has no link with the floor price or forbearance price.

(b) The project was registered by the Central Agency under the REC Mechanism on 02.02.2018 with Registration Number: AP0NSGREEN001R02022018. The Petitioner was therefore registered/ accredited for the off-take route as a power sale to the DISCOM. NLDC did not issue RECs to the Petitioner for the period 15.07.2013 to 19.07.2013, as the Petitioner sold power to IEX during this period, and there was no specific provision for switching the mode (from DISCOM to IEX) in the CERC REC Regulations. The same was also informed to APSLDC on 20.9.2018.

(c) NLDC sent a Reply to the Petitioner vide email dated 09.04.2019 and informed the Petitioner that RECs were issued as per CERC Order passed in Petition No. 76/MP/2016 dated 20.09.2016 and EIR received from APSLDC. Therefore, the Petitioner's allegation that it has not received any concrete response from the Respondents was incorrect. The allegation of the Petitioner that the Respondent, while issuing the REC to the Petitioner, considered the Floor Price applicable on the date of issuance at Rs. 1000/MWh, rather than the applicable Floor Price (i.e., Rs. 1500/MWh) at the time the power was generated, was also incorrect and misleading.

Order in Petition No.4/MP/2021 dated 11.05.2023

10. The case was called out for hearing on 10.5.2023. Despite notice, the Petitioner did not appear either in person or through counsel. Accordingly, the Petition was dismissed for non-prosecution.

Submissions of Petitioner in 65/IA/2023 in Petition No.4/MP/2021

11. The Petitioner registered the IA with the Commission on 11.09.2023 and submitted the following:

(a) The Petitioner filed the present application to recall the order in Petition No.4/MP/2021 dated 11.05.2023, passed by the Commission.

(b) Pursuant to the first hearing held on 28.05.2021, the captioned petition was never listed before the Commission. Furthermore, the Petitioner did not file its Rejoinder to the Respondent/NLDC's Reply dated 21.06.2021. When the matter was listed before the Commission on 11.05.2023, the Petitioner was under the apprehension that the counsel entrusted with the matter would appear and seek some more time to file the Rejoinder to the Reply filed by the Respondent.

(c) However, due to some personal emergency, the counsel for the Petitioner could not be present before the Commission.

(d) The inadvertence of the counsel of the Petitioner may be ignored by the Commission, and a lenient view needs to be taken in the interest of protecting the rights of the Petitioner in getting its claim adjudicated upon.

(e) The present case was a fit case for recall, as it had a strong prima facie case, and to recall the order dated 11.05.2023 would be just and proper in the circumstances to meet the ends of justice, and that in the event the prayers were not granted, the Petitioner would suffer irreparable loss and injury.

Hearing held on 27.02.2025

12. During the course of the hearing, the counsel for the Petitioner submitted that the IA in 65/2023 in Petition No. 4/MP/2021 was filed to recall the order dated 11.5.2023 passed by the Commission, but the said Petition was dismissed for non-prosecution of the matter. Considering the submissions made by the counsel for the Petitioner, the Commission directed the Respondent

to file its reply to the IA, including on its maintainability, and the Petitioner to file the rejoinder, if any.

Hearing held on 22.05.2025

13. During the course of the hearing, in response to the Commission's observation that the present IA seeking recall of the order dated 11.5.2023 was filed after the expiry of the permissible period of 30 days from the date of its dismissal, the counsel for the Petitioner admitted the delay in filing the IA. The counsel submitted that the delay was unintentional and was due to a change of counsel and another related matter. After hearing the counsel for the Petitioner, the Commission imposed a cost of Rs. 20,000/- on the Petitioner for the delay in approaching the Commission, and directed the Petitioner to deposit the amount within 15 days from the issuance of the ROP.

14. **Accordingly, the Commission restored the original Petition No. 4/MP/2021 and disposed of the IA No.65/2023**.

Hearing held on 16.09.2025

15. During the course of the hearing, on the request of the counsel for the Petitioner, the Commission permitted the Petitioner to file its rejoinder.

Hearing held on 25.11.2025

16. During the course of the hearing, the counsel for the Petitioner prayed for another opportunity to file the rejoinder. In light of the said request, the Commission permitted the Petitioner to file its rejoinder.

Rejoinder by the Petitioner, RPPL dated 18.12.2025, in compliance with the ROP of the hearing dated 25.11.2025

17. The Petitioner denied the contentions and averments made by the Respondent, NLDC, in its Reply dated 21.06.2021. Further, the Petitioner submitted the following:

(a) NLDC failed to justify its action of issuing RECs to the Petitioner based on the Floor Price applicable on the date of issuance, i.e. January 2019 (Rs. 1000/MWh), instead of the applicable Floor Price of Rs. 1500/MWh prevailing when the power was generated, as per the Order dated 23.08.2011 passed in Suo Motu Petition No. 142/2011 read with Order passed in Petition No. 76/MP/2016 dated 20.09.2016.

(b) With regard to the submission of the NLDC, that the Petitioner was not entitled to receive RECs on account of power being sold through open access in Power Exchange (IEX) during the period from 15.07.2013 to 19.07.2013, the Petitioner submitted that it was entitled to get the RECs, despite power being transacted through the Power Exchange for the aforesaid period. In this context, RPPL referred to Regulation 5(1)(c) of the REC Regulations, 2010, as amended vide various amendments up to 2016 and submitted that the said Regulations do not bar issuance of RECs for power sold through the Power Exchange. The Petitioner submitted that the Respondent's contention was erroneous and that the Petitioner ought to be granted RECs for the period from 15.07.2013 to 19.07.2013.

Hearing held on 15.01.2026

18. During the course of the hearing, at the request of the counsel for the Petitioner, the Commission permitted the Petitioner to file its written submissions. Subject to the above, the Commission reserved the matter for order.

Submission by the Petitioner dated 26.1.2026 in compliance with the RoP dated 15.01.2026

19. The Petitioner, in its submissions dated 26.01.2026, reiterated the contentions made in the Petition as well as in the rejoinder and further made the following submissions:

(a) The Petitioner submitted that the applicable Floor Price for the relevant control period when the power was generated by the Petitioner, i.e., from 01.04.2012, was Rs. 1500/MWh as per the Order dated 23.08.2011 passed by the Commission in Suo-Motu Petition No. 142 of 2011. Accordingly, the Petitioner sought issuance for 77,922 RECs from August 2012 to May 2014. Further, since the Respondent issued RECs to the Petitioner belatedly in 2019 for a retrospective period, parity ought to be ensured so that the value of such RECs corresponds to the value applicable during the relevant period. However, NLDC issued 51,948 RECs to the Petitioner based on the Floor Price applicable on the date of issuance, i.e., Rs. 1000/MWh, in terms of the Commission’s order dated 30.03.2017 in Petition No. 02/SM/2017, applicable with effect from 01.04.2017.

(b) The Petitioner further submitted that the Commission may exercise its powers under Regulation 15 (Power to Relax) of the REC Regulations, 2010, to grant appropriate relief in the circumstances of the case.

(c) With regard to the contention of the Respondent that RECs were not admissible for the power sold through the power exchange during the period from 15.07.2013 to 19.07.2013, the Petitioner submitted that such contention is contrary to Regulation 5(1)(c) of the REC Regulations, 2010, which permits issuance of RECs for power transacted through power exchanges.

Analysis and Decision

20. The Commission has heard the learned counsels for the Petitioner and the Respondent and has carefully perused the records.

21. Brief facts of the case: The Petitioner, RPPL, is a biomass-based RE generator and has set up a 6 MW power plant at Ayyanki Village, Movva Mandal, Krishna District, Andhra Pradesh. The present petition is filed by the Petitioner under Sections 66 & 79 of the Electricity Act, 2003 read with Regulation 111 of the CERC (Conduct of Business) Regulations, 1999 and Regulation 14 of CERC REC Regulations, 2010, to issue appropriate directions to the Respondent, NLDC to grant 77,922 RECs for the period from August 2012 to May 2014 at the floor price of Rs. 1500/MWh determined by the Commission. The Petitioner submitted that APSLDC initially denied the accreditation application under the REC mechanism in 2012. The matter was subsequently adjudicated by the APERC in O.P. No. 56 of 2013, which directed APSLDC to grant accreditation vide Order dated 12.08.2013. The said Order of APERC was upheld by the APTEL in its Judgment dated 13.10.2015 in Appeal No. 280 of 2014. Thereafter, the Commission, vide Order dated 20.09.2016 in Petition No. 76/MP/2016 filed by NLDC, addressed the implementation of the said judgment and the grant of accreditation, registration, and issuance of RECs to eligible RE generators with retrospective dates. Thereafter, APSLDC granted accreditation to the Petitioner on 13.12.2017, and NLDC registered the Petitioner under the REC mechanism on 02.02.2018. Based on the EIRs issued by APTRANSCO for the period August 2012 to May 2014, NLDC issued 51,948 RECs to the Petitioner in January 2019. The Petitioner submitted that the applicable floor price for the relevant control period was Rs. 1500/MWh as determined by the Commission vide Order dated 23.08.2011 in Suo-Motu Petition No. 142 of 2011. However, NLDC issued the RECs considering the floor price of Rs. 1000/MWh in terms of the Commission's Order dated 30.03.2017 in Petition No. 02/SM/2017. The Respondent, NLDC, in its response, submitted that issuance of RECs is based solely on the EIRs received from the concerned SLDCs/RLDCs and is not linked with the floor price or forbearance price. NLDC further submitted that RECs

were not issued for the period from 15.07.2013 to 19.07.2013, as the Petitioner sold power through the IEX during that period, and there was no provision in the REC Regulations permitting a switch in the mode of sale from DISCOM to a power exchange.

22. The present Petition was earlier dismissed for non-prosecution as the Petitioner did not represent either in person or through counsel on the date of hearing despite notices, vide Order dated 11.05.2023. Subsequently, the Petitioner filed Interlocutory Application No. 65/IA/2023 in Petition No. 4/MP/2021 seeking recall of the said Order. The Commission, upon imposing a cost of Rs. 20,000/ -on account of the delayed filing of the IA, allowed the application, disposed of the said IA by restoring the Petition for adjudication.

23. In view of the above submissions and pleadings, as well as discussions held during the hearing, the Commission notes that the following issues arise for the adjudication:

Issue No.1: Whether the Petitioner, RPPL, is entitled to get 77,922 RECs for the period commencing from August 2012 to May 2014.

Issue No.2: Whether the Petitioner, RPPL, is entitled to get RECs at the floor price of Rs 1500/MWh as determined by the Commission in its Order dated 23.08.2011, passed in Suo-Motu Petition No. 142/2011.

24. Since both issues are based on the issuance of RECs, they are interlinked and are dealt with together.

25. The Commission observes that the Petitioner has sought issuance of 77,922 RECs for the period from August 2012 to May 2014 on the basis of the energy injected into the grid from its 6 MW biomass-based generating station. It is observed from the submissions on record that, based on the EIRs submitted by APTRANSCO for the relevant period, NLDC issued 51,948 RECs to the Petitioner in January 2019. However, NLDC did not issue RECs for the period from 15.07.2013 to 19.07.2013 on the grounds that the Petitioner sold power through the IEX during that period and had switched the mode of sale from DISCOM to the power exchange.

26. The Commission noted that the Petitioner has filed this Petition under the REC Regulations, 2010, which have been repealed by the REC Regulations, 2022. However, the Commission also notes that, by virtue of the saving clause in 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. The relevant provision in Regulation 19 (2) of the REC Regulations, 2022, is reproduced below:

"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;"

27. We observe that Regulation 5(1) (c) of the REC Regulations, 2010 stipulates as under:

"5. Eligibility and Registration for Certificates:

(1) A generating company engaged in generation of electricity from renewable energy sources shall be eligible to apply for registration for issuance of and dealing in Certificates if it fulfills the following conditions:

……

c. it sells the electricity generated either (i) to the distribution licensee of the area in which the eligible entity is located, at a price not exceeding the pooled cost of power purchase of such distribution licensee, or (ii) to any other licensee or to an open access consumer at a mutually agreed price, or through power exchange at market determined price.

Explanation.- for the purpose of these regulations 'Pooled Cost of Purchase' means the weighted average pooled price at which the distribution licensee has purchased the electricity including cost of self-generation, if any, in the previous year from all the energy suppliers long-term and short-term, but excluding those based on renewable energy sources, as the case may be."

28. We also observe that Regulation 4(2) of the REC Regulations, 2022 stipulates as under:

"4. Eligibility for Issuance of Certificates

……

(2) A renewable energy generating station shall be eligible for issuance of Certificates, if it meets the following conditions:

(a) the tariff of such renewable energy generating station, for part or full capacity, has not been either determined or adopted under section 62 or section 63 of the Act respectively, or the electricity generated is not sold directly or through an electricity trader or in the Power Exchange, for RPO compliance by an obligated entity: (b) such renewable energy generating station has not availed any (i) waiver of or concessional transmission charges or (ii) waiver of or concessional wheeling charges.

……."

29. From the above we note that Regulation 5(1)(c) of the REC Regulations, 2010 provides that a RE generating station shall be eligible for issuance of RECs if it sells the electricity generated either to the distribution licensee of the area at a price not exceeding the pooled cost of power purchase, or to any other licensee or open access consumer at a mutually agreed price, or through power exchange at a market determined price. Moreover, the REC Regulation 2022 also provides that a RE generating station shall be eligible for issuance of Certificates provided that the tariff of such RE generating station, for part or full capacity, has not been either determined or adopted under Section 62 or Section 63 of the Electricity Act, 2003, or the electricity generated is not sold directly or through an electricity trader or in the power exchange for RPO compliance by an obligated entity. Therefore, the said Regulations recognise the sale of electricity through the power exchange as a permissible mode of sale under the REC mechanism, and accordingly, an eligible RE generator undertaking such a sale through the power exchange is entitled to the issuance of RECs, provided that the benefits of the green attributes are not claimed by way of the sale through the power exchange. Accordingly, the Commission is of the view that the Petitioner is entitled to the issuance of RECs corresponding to the energy injected during the period from 15.07.2013 to 19.07.2013, subject to verification of the EIR by the Respondent and on the confirmation that such sale in the power exchange has not been made through the GDAM or GTAM.

30. The Commission observes that the Petitioner has further submitted that the applicable floor price for Non-Solar RECs for the relevant control period commencing from 01.04.2012 was Rs. 1500/MWh as determined by the Commission vide Order dated 23.08.2011 in Suo Motu Petition No. 142 of 2011. The Petitioner contended that although the RECs pertained to generation from August 2012 to May 2014, the Respondent, NLDC, issued RECs in January 2019 based on the floor price of Rs. 1000/MWh determined by the Commission vide Order dated 30.03.2017 in Petition No. 02/SM/2017, which came into effect from 01.04.2017.

31. In this regard, the Commission notes that RECs represent green attributes of electricity generated from RE Sources and their issuance is based on the quantum of renewable energy injected into the grid as certified through EIR. The floor price set by the Commission is the minimum price at which RECs may be transacted in the market and does not determine the number of RECs to be issued to a generator. Further, the issuance of RECs by the NLDC is based on the verified quantum of RE generation and is independent of the floor price. Therefore, the contention of the Petitioner that RECs ought to be issued at the floor price of Rs. 1500/MWh instead of Rs. 1000/MWh is misplaced. Accordingly, the Commission is of the view that the issuance of RECs by NLDC cannot be linked to the floor price prevailing during the period of generation, and the Petitioner's claim for the issuance of RECs at Rs. 1500/MWh is rejected.

32. We also observe that 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 on its own motion or on an application made before it by an interested person."

33. 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)."

34. It is pertinent to note that both the REC Regulations, 2010 and the REC Regulations, 2022 have provisions for the Power to Relax and the Power to give directions.

35. In view of the above discussions and as per the principle laid down for the eligibility of issuance of RECs, the Petitioner is eligible for the issuance of RECs for the period from 15.07.2013 to 19.07.2013 based on the EIR submitted by APTRANSCO and on the confirmation that such sale in the power exchange has not been made through the GDAM or GTAM. The Commission is inclined to exercise the "Power to Relax" under Regulation 18 of the REC Regulations, 2022, in order to achieve the object of the regulations. In our view, the issuance of the REC is procedural and is unlikely to prejudice any stakeholders, including the Respondent. Accordingly, we direct NLDC to issue RECs from 15.07.2013 to 19.07.2013, based on the EIR submitted by APTRANSCO, subject to verification of the EIR and ensuring that the corresponding green attributes are not claimed by way of sale through the GDAM or GTAM segments of the power exchange. The Commission, however, for the reasons discussed above, rejects the Petitioner's prayer seeking issuance of RECs with reference to the floor price of Rs. 1500/MWh, as issuance of RECs is determined on the basis of the eligible energy injection mentioned in the EIRs and is not linked to the floor price.

36. The Petition No. 4/MP/2021, along with 65/IA/2023, is disposed of in terms of the above.

Sd/	Sd/	Sd/	Sd/
रविंदर सिंह ढिल्लों	**हरीश दुदानी**	**रमेश बाबू वी.**	**जिश्नु बरुआ**
सदस्य	**सदस्य**	**सदस्य**	**अध्यक्ष**