

**Sub: In the matter of petition to implement export-import net off of the power generated and used for auxiliary consumption by the Renewable Energy Generators or to introduce new category for Solar Power generators as permanent consumers for drawing power from Grid for auxiliary consumption of the project and determine tariff applicable for the same**

**ORDER**

**(Date of hearing: 24<sup>th</sup> January,2017)**

**(Date of order: 1<sup>st</sup> February,2017)**

M/s IL&FS Energy Development Co. Ltd., 1 <sup>st</sup> Floor, Office Tower, Ambience Mall Complex, NH-8, Gurgaon- 122 001	-	Petitioner
M.P. Paschim Kshetra Vidyut Vitaran Co. Ltd., GPH Compound, Pologround, Indore	-	Respondent No.1
M.P. Power Management Co. Ltd., Block No. 11, 3 <sup>rd</sup> Floor, Shakti Bhawan, Rampur, Jabalpur- 482008	-	Respondent No.2

Shri Sampada Narang, Advocate appeared on behalf of the petitioner.

Shri P.K.Jain, ASE and Shri Kumar Shubham, AE appeared on behalf of the respondent no.1.

Shri Manoj Dubey, Advisor (Law) appeared on behalf of the respondent no.2.

2. The petitioner, M/s IL&FS Energy Development Co. Ltd. has filed this petition seeking export-import net off of the power generated and used for auxiliary consumption by the Renewable Energy Generators or to introduce new category for Solar Power generators as permanent consumers for drawing power from Grid for auxiliary consumption of the project and determine tariff applicable for the same. The case was listed for motion hearing on 26.07.2016, which was adjourned to 23.08.2016.

3. During the motion hearing on 23.08.2016, the petition was admitted for hearing and the next date of hearing was fixed for 20.09.2016. During the hearing, the petitioner sought two weeks' time to respond to the reply filed by the respondents. The Commission allowed the same and the next date of hearing was fixed for 18.10.2016. During the hearing, the petitioner again sought two weeks' time to file the modified petition. The Commission allowed the same and the next date of hearing is fixed for 22.11.2016. During the hearing, the respondent no.2 sought time to respond on the modified petition. The Commission allowed

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the same and the next date of hearing was fixed for 24.01.2017.

4. During the hearing, the petitioner stated the following:

- (i) The petitioner may be treated as a permanent consumer and a permanent connection be served to the petitioner for drawing power from the grid.
- (ii) The order was issued by the Commission in respect of WEGs may be extended to the petitioner also.
- (iii) No clarification on billing to the petitioner is obtained by the respondents from the Commission.
- (iv) During night hours, the power purchased by the respondents is cheaper.

5. During the hearing the respondent no.1 stated the following:

- (i) The petitioner has never executed PPA with the respondents and, therefore, the same rule of billing as issued by the Commission from time to time be applicable.
- (ii) The solar project is connected to the grid all the time and during the period from sunset to sunrise, the project is drawing power from the grid as standby power.
- (iii) The Ho'ble APTEL passed an order on 23.04.2015 in Appeal No. 297/2013 (GMR Gujarat Solar Power Pvt. Ltd. Vs GERC & Others) and held that:  
*“ The Solar PV plant has to be charged at temporary HTP category tariff for import of standby power supply.”*

6. During the hearing, the respondent no.2 stated the following:

- (i) The petitioner does not have any PPA for sale of power generated by it to the respondents. Therefore, the question of netting of the power on import and export basis does not arise.
- (ii) The provisions of the Regulations shall prevail over the provisions of the relevant PPAs on the issue of tariff applicable for the power drawn by the generator.

7. Having heard the petitioner and the respondents and on considering their written submissions, the Commission has noted that the main issue is whether drawl of power during night hours daily by the petitioner from the grid may be billed at the rate as specified in the

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relevant Regulations or as per schedule HV-7 of the retail supply tariff order. The Hon'ble APTEL passed an order on 23.04.2015 in Appeal No. 297/2013 (GMR Gujarat Solar Power Pvt. Ltd. Vs GERC & Others) wherein this issue was discussed and held that:

*“ The Appellant is entitled to be charged for import of power at temporary HTP category tariff as determined by the State Commission in retail supply tariff order from time to time....”*

8. Under the above circumstances, the Commission is also of the view that the petitioner shall be billed as per the provisions of the Regulation 10 of MPERC (Cogeneration and generation of electricity from renewable sources of energy) (Revision-I) Regulations, 2010 for import of power from the grid which provides as under:

*“10. Drawing Power during shut down by Generator/Co-generation from Renewable Sources:*

*The Generator/Co-generation from Renewable Sources would be entitled to draw power exclusively for its own use from the Distribution Licensee's network during shutdown period of its Plant or during other emergencies. The energy consumed would be billed at the rate applicable to Temporary Connection under HT Industrial Category.”*

9. In view of the above, the petition no. 37/2016 stands disposed of.

Ordered accordingly.

Sd/-  
**(Alok Gupta)**  
Member

Sd/-  
**(A.B.Bajpai)**  
Member

Sd/-  
**(Dr. Dev Raj Birdi)**  
Chairman