

Bhopal, the 2<sup>nd</sup> November 2021

No. 1693/MPERC-2021. In exercise of the powers conferred under Section 181 read with Sections 61(h), 66, 86(1)(e) of the Electricity Act, 2003 (No. 36 of 2003) and all other powers enabling it in this behalf, and after previous publication, the Madhya Pradesh Electricity Regulatory Commission hereby makes the following Regulations namely: -

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION  
(COGENERATION AND GENERATION OF ELECTRICITY FROM RENEWABLE  
SOURCES OF ENERGY), (REVISION-II), REGULATIONS, 2021**

**1. Short Title, Extent and Commencement:**

- 1.1 These Regulations may be called the **Madhya Pradesh Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy) Regulations, 2021 (Revision-II) {RG- 33(II) of 2021}**.
- 1.2 These Regulations shall apply to the whole of Madhya Pradesh.
- 1.3 These Regulations shall come into force from the date of their publication in the Gazette of Government of Madhya Pradesh.

**2. Definitions**

- (i) 'ABT' means Availability Based Tariff;
- (ii) 'Act' means the Electricity Act, 2003 (36 of 2003) and subsequent amendments thereof;
- (iii) "Captive User" means the end user of the electricity generated in a captive generating plant and the term "captive use" shall be construed accordingly;
- (iv) 'Central Agency' means the agency operating the National Load Despatch Centre or such other Agency as the Central Commission may from time to time specify for issuing Renewable Energy Certificate;
- (v) 'Central Commission' means the Central Electricity Regulatory Commission referred to in sub-section (1) of Section 76 of the Act;
- (vi) 'Certificate' means the Renewable Energy Certificate (REC) issued by the Central Agency in accordance with the procedures prescribed by it and under the provisions specified in the Central Electricity Regulatory Commission (Terms and conditions

recognition and issuance of Renewable Energy Certificate (REC) for Renewable Energy Generation) Regulations, 2010 and its amendments thereof;

- (vii) **‘Cogeneration’** means a process, which simultaneously produces two or more forms of useful Energy (including Electricity);
- (viii) **‘Commission’** means the Madhya Pradesh Electricity Regulatory Commission referred to in subsection (1) of Section 82 of the Act;
- (ix) **‘Distribution Licensee’** means a Licensee authorized to operate and maintain a distribution system for supplying electricity to the consumers in his area of supply;
- (x) **‘DSM’** means Deviation Settlement Mechanism;
- (xi) **‘Forbearance Price’** means the ceiling price as determined by the Central Commission in accordance with the Central Electricity Regulatory Commission (Terms and conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010, as amended from time to time, within which only REC Certificate can be dealt in Power Exchange;
- (xii) **‘MNRE’** means Ministry of New and Renewable Energy of the Government of India;
- (xiii) **‘Obligated Entity’** means the Distribution Licensee, Captive User and Open Access Consumer in the State of Madhya Pradesh, which are mandated to fulfil Renewable Purchase Obligation under these Regulations;
- (xiv) **‘Open Access Consumer’** means a person who has availed open access either under CERC (Open Access in Inter-State Transmission) Regulations, 2008 (as amended) or under applicable MPERC (Terms and conditions for Intra-State Open Access in Madhya Pradesh) Regulations, and shall include Short-term Transmission/Distribution Consumers also as defined in any other Regulations specified by CERC/MPERC from time to time;
- (xv) **‘Power Exchange’** means any exchange operating as Power Exchange for electricity in terms of the guidelines issued by the Central Commission;
- (xvi) **‘Renewable Energy based Captive Generating Plant’** means a Renewable Energy Plant set up in the State of Madhya Pradesh by any person to generate electricity primarily for its own use and includes a power plant set up in Madhya Pradesh by any co-operative society or association of persons for generating electricity primarily for use of members of such co-operative society or association and satisfies the conditions contained in Rule 3 (1)(a) and 3(1) (b) of the Electricity Rules 2005, as amended from time to time;

- (xvii) **‘Renewable Energy Sources’** means renewable source of energy approved by the MNRE, such as water, wind, sunlight, biomass, bagasse, municipal solid waste and other such sources ;
- (xviii) **‘Renewable Energy with Storage Project’** means a combination of renewable energy project with storage or a combination of renewable hybrid energy project with storage having a single point of injection or maximum two points of injection into the grid;
- (xix) **‘Renewable Hybrid Energy Project’** means a renewable energy project that produces electricity from a combination of renewable energy sources having a single point of injection or maximum two points of injection into the grid;
- (xx) **‘Renewable Purchase Obligation’ (RPO)** means a minimum quantum of electricity to be procured by all the Obligated Entities from generators of renewable energy including co-generation from renewable sources of electricity expressed as percentage of their total annual procurement of electrical energy excluding consumption met from hydro sources of power during the Financial Year as per Regulation 3 of these Regulations;
- (xxi) **‘SLDC’** means State Load Dispatch Centre established under sub-section (1) of section 31 of the Electricity Act, 2003;
- (xxii) **‘Solar PV Power Plant’** means the Solar Photo Voltaic Power Plant that uses sunlight for direct conversion into electricity through Photo Voltaic Technology;
- (xxiii) **‘State Agency’** means the State Nodal Agency or such other Agency to be designated by the Commission to act as the agency for accreditation and recommending the renewable energy projects for registration and to undertake functions under these Regulations;
- (xxiv) **‘STU’** means the State Transmission Utility;
- (xxv) **‘Transmission Licensee’** means a Licensee authorized to establish or operate Transmission System; and
- (xxvi) **‘Year’** means a Financial Year commencing on 1<sup>st</sup> April of the calendar year and ending on 31<sup>st</sup> March of the subsequent calendar year.

Unless the context otherwise requires, words and expressions used in these Regulations and not defined but defined in the Act shall have the same meaning.

**PART – A****3. Quantum of Purchase of Electricity from Generation/Co-generation from Renewable Sources of Energy**

- 3.1 The minimum quantum of electricity to be procured by Obligated Entities from generators of Renewable Sources of Energy including Co-generation from Renewable Sources of electricity expressed as percentage of their total annual procurement of electrical energy excluding consumption met from hydro sources of power during the following Financial Years shall be as under: -

Financial Year	Generation/Cogeneration from Renewable Sources of Energy		
	Solar (%)	Non-Solar (%)	Total (%)
2021-22	8.00%	9.00%	17.00%
2022-23	9.00%	9.50%	18.50%
2023-24	10.00%	10.00%	20.00%
2024-25	11.00%	10.50%	21.50%
2025-26	12.00%	11.00%	23.00%
2026-27	13.00%	11.50%	24.50%

Provided that on achievement of Solar RPO compliance to the extent of 85% and above, remaining shortfall if any, can be met by excess Non-Solar Energy purchased beyond specified Non-Solar RPO for that particular year:

Provided further that on achievement of Non-Solar RPO compliance to the extent of 85% and above, remaining shortfall if any, can be met by excess Solar Energy purchased beyond specified Solar RPO for that particular year.

- 3.2 If the Distribution Licensees fulfil the minimum purchase obligation and still have offers from renewable energy generators including Co-generators from Renewable Sources, then either the Distribution Licensee or the Investor/Developer can approach the Commission for approval of such additional procurement offers.
- 3.3 For Captive Users procuring power from Captive Generating Plants commissioned prior to 01.04.2016, RPO shall be at the level as specified by the Commission for FY 2015-16.

For Captive Users procuring power from Captive Generating Plants commissioned from 01.04.2016 onwards, the RPO level as specified by the Commission for the relevant year or as specified by the Ministry of Power for the relevant year, whichever is higher, for the year of commissioning of the Captive Generating Plants, shall be applicable:

Provided that in case of any augmentation in the capacity for both the conditions, the RPO for augmented capacity shall be at the RPO level as specified by the Commission or as specified by the Ministry of Power, whichever is higher, for the year in which the Captive Generating capacity has been augmented.

- 3.4 If an Obligated Entity is not able to fulfil the minimum purchase requirements as per Regulations 3.1 and 3.3 above, such Obligated Entity shall be required to purchase Renewable Energy Certificates issued by the Central Agency as specified in PART-B of these Regulations.
- 3.5 The condition of minimum purchase requirement for the Obligated Entities can be relaxed by the Commission to the extent it is affected by the Force Majeure Conditions such as war, strike, lockout, riots, act of God or natural calamity, etc.
- 3.6 The energy from all the Renewable Sources of Energy including renewable Co-generation units may be procured by the MP Power Management Company Limited (MPPMCL) on behalf of the State owned Distribution Licensees, at the tariff determined by the Commission from time to time in its Tariff Orders or at the tariff adopted by the Commission. The energy so procured will be allocated by MP Power Management Company Limited to all Distribution Licensees in the ratio of total actual energy input to each one of them in the previous Financial Year.
- 3.7 The Power Purchase Agreement (PPA) shall be signed between the Renewable Energy Generating company/Developer and the MP Power Management Company Limited. MPPMCL in turn will have back-to-back Power Supply Agreement with the Distribution Licensees.
- 3.8 The Distribution Licensees shall indicate the proposed quantum of purchase of energy from Generation / Co-generation from Renewable Sources of Energy for ensuing year of the control period in the application for determination of distribution/retail tariff duly indicating the sources of purchase based on above allocation.
- 3.9 **Procedure for execution of Power Purchase Agreement(s) {PPAs} and Wheeling Agreement (s) {WAs}:**
- (a) The Renewable Energy Generating company/Developer shall approach the MP Power Management Company Limited with the proposal for sale of power generated from their machine(s). The proposal for sale of power shall include details of Company/Project in the applicable Format C (i) to (v) as specified in MPERC (Furnishing of Technical details by Generating Companies) Regulations, 2011.
- (b) Simultaneously, Renewable Energy Generating company/Developer shall also approach the Transmission Licensee and the Distribution Licensee and furnish the requisite details as at (a) above, enabling them to conduct interconnection studies. If found feasible, permission

shall be granted to the Renewable Energy Generating company/Developer along with an estimate of the cost of extension/bay and other charges within 30 days from the date of receipt of application with a copy to MP Power Management Company Limited. For long term access, M.P. Power Transmission Company shall grant permission, if found technically feasible, within 15 days of receipt of application.

- (c) Thereafter, the MP Power Management Company Limited shall execute the Power Purchase Agreement(s)/ and Wheeling Agreement(s), as the case may be, within 15 days from the date of receipt of proposal for sale of power in cases where new interconnection is not required. In cases where new interconnection is required, these agreements shall be executed within 15 days of receipt of permission from the Distribution Licensee and the Transmission Licensee (as applicable).
- (d) In case the above timelines are not maintained, the applicant may approach the Commission.
- (e) The Applicant shall submit the technical details regarding its Generating Stations to the Commission in terms of Section 10(3)(a) of the Electricity Act, 2003.
- (f) MP Power Management Company Limited shall submit, within 15 days of end of each quarter, the details of the PPAs/ WAs executed with the Generating company/Developer during that quarter to the Commission.

#### **4. Power Purchase Agreement**

- 4.1 The Power Purchase Agreement period will be of minimum 20 years, if not otherwise specified in the Tariff Orders, from the date of commissioning of plant. However, the agreement may be for a shorter period in case the Renewable Energy Generating company/Developer opts to supply to the Distribution Licensees after consuming the electricity for self-use/ third party sale for lesser period.
- 4.2 The Renewable Energy Generating company/Developers are required to get all the required statutory consents before entering into the Agreement. Such consents shall have validity for the entire period of the Agreement.
- 4.3 The MP Power Management Company Limited on behalf of the State-owned Distribution Licensees shall have to obtain the approval of Power Purchase Agreement from the Commission:

#### **5. Connectivity and Metering**

- 5.1 The Generation and Co-generation from Renewable Sources, except Roof-top Solar PV and Bio-gas Sources, shall be connected to the State Grid at a Voltage level of 132/33/11 kV based on technical suitability determined by the Licensee. For Roof-top Solar PV sources and Bio-

gas Plants, connectivity may be allowed at Low Voltage or 11/33 kV as considered technically suitable by the Distribution Licensee.

- 5.2 The power evacuation will be an integral part of the project and all expenses for power evacuation facility shall be borne by the Renewable Energy Generating company/Developer. Such infrastructure laid, notwithstanding that cost which has been paid for by the Renewable Energy Generating company/Developer, shall be the property of the concerned Licensee for all purposes. The Licensee shall maintain it at the cost of the Renewable Energy Generating company /Developer and shall have the right to use the same for evacuation of power from any other Renewable Energy Generating company /Developer subject to the condition that such arrangement shall not adversely affect the existing Renewable Energy Generating company /Developer(s).
- 5.3 The metering shall be installed at Generating Plant site by the Distribution Licensee for measuring parameters required as per Tariff Orders issued from time to time and for energy accounting by SLDC, in accordance with MPERC Balancing Settlement Code, 2015, MPERC (Forecasting, Scheduling, DSM and related matters of Wind and Solar Generating Stations) Regulations, 2018 & subsequent amendments, Madhya Pradesh Electricity Grid Code (Revision-II), 2019 and Madhya Pradesh Electricity Distribution Code (G-29 of 2006) as amended from time to time.
- 5.4 The meter reading shall be carried out by the respective Distribution Licensee/ Transmission Licensee, as the case may be. For the purpose of admitting the bills for payment, MP Power Management Company Limited shall accept the certificate given by the Officer designated by the concerned Distribution Licensee /Transmission Licensee in respect of units injected into the Grid.

**6. Open Access for Co-generation and generation from Renewable Sources of Energy**

Any person generating electricity from Co-generation and Renewable Sources of Energy shall be eligible for Open Access, in accordance with the applicable Madhya Pradesh Electricity Regulatory Commission (Terms and Conditions for Intra-State Open Access in Madhya Pradesh) Regulations..

**7. Scheduling of Co-generation and Renewable Sources of Energy**

- a) The Co-generation and generation from Renewable Sources of Energy shall be subject to "Scheduling" in terms of the provisions of MP Electricity Grid Code, 2019, as amended from time to time.

- b) The generation of energy from Biomass based plants with capacity up to 15 MW, Wind, Solar, Small Hydro and Municipal Solid Waste based plants shall not be subjected to Merit Order Dispatch Principles.
- c) Renewable energy generation/cogeneration plants other than those mentioned in Regulation 7 (b), with capacity up to 2 MW shall not be subjected to Merit Order Dispatch Principles.

#### **8. Drawing power by Generator/Co-generator from Renewable Sources of Energy**

The Generator/Co-generator from Renewable Sources of Energy connected with the transmission or distribution system would be entitled to draw power exclusively for its own use from the Distribution Licensee for synchronization of plant with the Grid or during shutdown period of its Plant or for Auxiliaries or Start-up Power or for planned or forced outage or during other emergencies (but not for construction) and shall be billed for the period at the rate as per Retail Supply Tariff Order.

#### **9. Other Applicable Conditions**

- 9.1 The Payment mechanism shall be as prescribed by the Commission in the Regulations/Tariff Orders issued from time to time.
- 9.2 The reduction in Contract Demand by such consumers of the Distribution Licensees who are availing power supply from Renewable Sources of Energy shall be allowed as per the provision of the Madhya Pradesh Electricity Supply Code, 2013 as amended from time to time.
- 9.3 For Solar and Wind Energy based Generating Plant, forecasting, scheduling, deviation settlement, energy accounting and settlement shall be done in 15-minute time-block as per MPERC (Forecasting, Scheduling, Deviation Settlement Mechanism and related matters of Wind and Solar generating stations) Regulations, 2018, subject to limits specified in the aforesaid Regulations as amended time to time. For Renewable Energy based Generating Plants other than Wind and Solar, Forecasting, Scheduling, Deviation Settlement and Energy Accounting shall be done in 15-minute time-block as per MPERC Balancing and Settlement Code, 2015 and MP Electricity Grid Code, 2019, as may be applicable and as amended from time to time.
- 9.4 Wheeling charges, Cross subsidy surcharge, additional surcharge and such other charges, as applicable under Section 42 of the Electricity Act, 2003 shall be applicable at the rate as decided by the Commission from time to time in its Retail Supply Tariff Order.

#### **10. Banking**

- 10.1 The facility for Banking of the entire electric energy generated in each Financial Year from

Renewable Energy Sources will be provided on the following conditions:

- (i) The entire power generated from Renewable Sources of Energy during a Financial Year may be allowed for Banking:
 

Provided that Renewable Energy based Captive Generating Plants, which are registered with the Distribution Licensee under Regulation 11.4 (a) of these Regulations, shall not be eligible to avail banking facility as provided under these Regulations.
- (ii) The accounting of Banking of Energy will be certified by MP Power Management Company Limited/Distribution Licensees at the end of each Financial Year.
- (iii) The quantum of banked energy will be returned at a time to be decided by the MP Power Management Company Limited/Distribution Licensees during the Financial Year by deducting 5% of the banked energy towards Banking Charges.
- (iv) If a portion of banked power still remains un-adjusted at the end of Financial Year, then such remaining power would be construed as power purchased and the payment for the same will be made by the Distribution Licensee / MP Power Management Company Limited at the rate equal to the lowest tariff rate discovered in the solar/ wind bidding, as the case may be, for the State of MP in that year. In case no rate is discovered in that year, the available lowest tariff rate discovered in the latest previous year shall be considered. In case of any Renewable Energy Plant other than solar or wind, this rate shall be the applicable Average Power Purchase Cost as determined by the Commission for such period in its Retail Supply Tariff Order for Distribution Licensees in force.

## **11. Eligibility for sale of surplus power, Energy Accounting and Settlement and Manner of application for Renewable Energy Based Captive Generating Plants**

### **11.1 Eligibility for Sale of Surplus Power by Renewable Energy Based Captive Generating Plants**

- a) The Renewable Energy based Captive Generating Plant, whether installed in the Premises of its captive user or outside the premises of its captive user shall be eligible to sell its surplus power to the Distribution Licensee subject to the provision of these Regulations provided that:
  - (i) The captive user(s) of such Captive Renewable Energy Generation Plant shall mandatorily be a consumer(s) of any Distribution Licensee in the State of Madhya Pradesh.

- (ii) The expenses, if any, incurred on the infrastructure development for evacuation of power are required to be borne by the owner of Renewable Energy based Captive Generating Plant.
  - (iii) The captive consumer is not availing facility of net metering in its premises in accordance with the Madhya Pradesh Electricity Regulatory Commission (Grid connected Net Metering) Regulations, 2015, as amended from time to time.
- b) The Captive Renewable Energy Generation Plant shall also be eligible to sell its surplus power to any third party subject to provisions of these Regulations provided that:
- (i) The expenses, if any, incurred on the infrastructure development for evacuation and supply of power are required to be borne by the owner of Captive Renewable Energy Generation Plant or the third party consumer as the case may be.
  - (ii) The third party consumer is not availing facility of net metering in its premises in accordance with the Madhya Pradesh Electricity Regulatory Commission (Grid connected Net Metering) Regulations, 2015 as amended from time to time.

#### 11.2 Forecasting, Scheduling, Energy Accounting and Settlement: -

- a) For Solar and Wind Energy based Captive Generating Plant, forecasting, scheduling, deviation settlement, energy accounting and settlement shall be done in 15-minute time-block as per MPERC (Forecasting, Scheduling, Deviation Settlement Mechanism and related matters of Wind and Solar Generating stations) Regulations, 2018 subject to limits specified in the aforesaid Regulations as amended time to time. For Renewable Energy based Captive Generating Plants other than Wind and Solar, forecasting, scheduling, deviation settlement, energy accounting and settlement shall be done in 15-minute time-block as per MP Electricity Balancing and Settlement Code, 2015 and MP Electricity Grid Code, 2019, as may be applicable and as amended, from time to time:

Provided that the energy accounting and settlement of energy supplied to the beneficiary consumers by the Renewable Energy based Captive Generating Plants shall be done in 15-minute time-block for the entire billing period applicable to such consumers as per subsisting agreement.

- b) Surplus power injected by a Renewable Energy based Captive Generating Plant shall be metered for each 15 minute time block and surplus power shall be computed. Settlement of such surplus power shall be made at the end of every billing period at the rate equal to the lowest tariff rate discovered under Section 63 of the Act in the solar/ wind bidding in that year and for which the Distribution Licensee/ M.P. Power Management Company Limited has entered into a Power Purchase Agreement with the solar or wind generating plants based Captive Generating Plant, as the case may be. In case no rate is discovered in that year, the available lowest tariff rate discovered in the latest previous years shall be considered. In case

of any Renewable Energy based Captive Generating Plant other than solar or wind, the settlement of such surplus power at the end of every billing period shall be done at the applicable Pooled Power Purchase Cost as determined by the Commission for such period in its Retail Supply Tariff Order for Distribution Licensees in force.

- c) If a Renewable Energy captive consumer with Renewable Energy based Captive Generating Plant imports electricity from grid, settlement of such energy shall be made at the tariff applicable for such captive consumer in Retail Supply Tariff Order for Distribution Licensees in force and settlement of such energy shall also be governed by the provisions of respective agreement executed by Renewable Energy captive users with the concerned Distribution Licensee in the State of Madhya Pradesh.

Provided that the surplus energy injected by Renewable Energy based Captive Generating Plant shall not be used to net off the energy imported by the RE Captive user from the grid.

- d) The Captive consumer of Renewable Energy based Captive Generating Plant shall not be liable to pay cross subsidy surcharge, but it shall be liable to pay wheeling charges, additional surcharge, as applicable under Section 42 of the Electricity Act, 2003 and shall also be liable to bear the losses for carrying the generated electricity from its plant to the destination for its own use or for the use of its captive user as defined by the Act or the rules made thereunder:

Provided that the captive user shall not bear the losses in case the captive consumption is being done without using the distribution and/or transmission system of the Distribution and / or Transmission Licensee as the case may be:

Provided further that in case of supply of power to a consumer or to a person other than captive users, such consumer or person shall pay all open access charges including cross-subsidy surcharge, additional surcharge and wheeling charges as determined by the Commission and shall bear the losses.

- e) The captive consumer/user of such Renewable Energy based Captive Generating Plant shall not be eligible for "Rebate for Captive Power Plant consumers" stipulated under HV- 3 category in applicable Retail Supply Tariff Order for Distribution Licensees issued by the Commission.
- f) It shall be the obligation of the Renewable Energy based Captive Generating Plant to ensure that the requirement of the captive generating plant as provided in the Electricity Rules, 2005 and subsequent amendments are maintained:

Provided that in case the requirement of the captive generating plant as provided in the Electricity Rules, 2005 is not maintained in any financial year, the generating plant shall not be eligible for the benefits of a captive generating plant in that financial year.

**11.3 Sale of Surplus Energy by RE Captive Generating Plants: -**

The surplus electricity purchased by the Distribution Licensee from Renewable Energy based Captive Generating Plant shall qualify towards compliance of Renewable Purchase Obligation (RPO) of the Distribution Licensee.

**11.4 Processing of application and applicable fee: -**

- a) The Renewable Energy based Captive Generating Plants intending to avail the facility provided in Regulation 11 shall have to submit an application and register with Distribution Licensee in the specified form as provided by the Distribution Licensee along with non-refundable registration fee of Rs. 1000 (one thousand only) at the office designated by the concerned Distribution Licensee. The Distribution Licensees shall provide the details of their respective designated offices on their web-site in this regard. The Distribution Licensee shall make the form available on its website and at its designated office. The existing Captive Renewable Energy Consumers who intend to avail the above facility shall also be required to submit the application and register their Renewable Energy based Captive Generating Plant with the concerned Distribution Licensee. No fee shall be levied on existing Renewable Energy based Captive Generating Plant.
- b) On receipt of application complete in all respects along with registration fee, or as the case may be, and necessary documents, the Distribution Licensee shall acknowledge the application.
- c) The Distribution Licensee shall communicate to the consumer the sanction/ rejection of the application, as the case may be, along with amount for system strengthening work, if any, required as per feasibility report, if the open access sought is over and above existing contract demand, to be deposited by the consumer along with a copy of agreement to be executed with the captive consumer.

**PART - B****12. Renewable Purchase Obligation (RPO)**

- 12.1 The RPO specified in Regulations 3.1, and 3.3 hereinabove shall always be kept reserved by the Obligated Entities for procurement of specific type of Renewable Energy, if any, and shall be diverted, if necessary, to other Renewable Energy Sources subject to the provisions in Regulation 3.1 and also that all energy available from this source shall be purchased until it reaches the aforementioned percentage even if consequently the total Renewable Energy purchase exceeds the total RPO considering the Renewable Energy Power Purchase Commitments made under the Power Purchase Agreement (hereinafter, "the PPAs") already entered into and approved to by the Commission.
- 12.2 Further, such obligation to purchase Renewable Energy shall be inclusive of the purchases, if any, from Renewable Energy Sources already being made by Obligated Entities.

- 12.3 Subject to the provisions of this Regulation, such purchase of energy shall be made from amongst the sources of Renewable Energy approved by MNRE.
- 12.4 The power purchase under the PPAs for the purchase of Renewable Energy Sources already entered into by the Distribution Licensees and approved by the Commission shall continue to be made till their present validity, even if the total purchases under such PPAs exceed the percentage as specified hereinabove.

**13. Certificates under the Regulations of the Central Commission**

- 13.1 Subject to the terms and conditions contained in these Regulations, the Commission recognizes the Certificates issued under the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issue of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010, as the valid instrument for full or partial discharge of the mandatory obligations set out in these Regulations for the Obligated Entities to buy electricity from Renewable Energy Sources.
- 13.2 Subject to such directions as the Commission may give from time to time, the Obligated Entities shall act consistent with the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issue of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 notified by the Central Commission in regard to the procurement of the Renewable Energy Certificates for fulfilment of the Renewable Purchase Obligation under these Regulations.
- 13.3 The certificates purchased by the Obligated Entities from the Power Exchange in terms of the Regulations of the Central Commission shall be deposited by the Obligated Entities with the Nodal Agency and the Commission within 15 days of the purchase.

**14. State Agency**

- 14.1 The Commission shall designate a State Agency by a separate order. The State Agency shall function in accordance with the directions of the Commission, and shall act in a manner consistent with the procedures and rules of the Central Agency for discharge of its functions under the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issue of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010.
- 14.2 The State Agency shall devise an appropriate protocol for collection of information from various sources such as Renewable Energy Generating Companies, Obligated Entities, SLDC, etc. and compute the compliance of RPO targets by Obligated Entities.
- 14.3 The summary statement of Renewable Energy procurement and RPO compliance by each Obligated Entity shall be published by the State Agency on a cumulative basis every quarter on its website.

14.4 The State Agency shall submit to the Commission the quarterly status of compliance of RPO by the Obligated Entities in the stipulated format and may suggest appropriate measures as may be necessary for compliance of such Obligation.

14.5 If the Commission is satisfied that the State Agency is not able to discharge its functions satisfactorily, it may, by general or special Order, designate any other entity to function as the State Agency.

## 15. Effect of Default

15.1 In the event the Obligated Entities do not fulfil the mandate of the obligation to purchase energy from Renewable Energy Sources as provided in these Regulations during any Financial Year and also do not purchase the certificates from the Power Exchange, the Commission may:

- (i) direct the Obligated Entity to deposit into a separate Fund, to be maintained by such Obligated Entity, such amount as the Commission may determine as required for purchase of Certificates to the extent of the estimated obligation on the basis of the shortfall in units of RPO and the Forbearance Price of the Certificates, which shall be utilized as may be directed by the Commission, partly for purchase of the certificates and partly for development of Transmission infrastructure for evacuation of power from Generating Stations based on Renewable Energy Sources:

Provided that the Obligated Entities shall not be authorized to use the fund created in pursuance of Clause (i) above, without prior approval of the Commission;

- (ii) to the extent of the shortfall in the fulfilment of the obligations, the Commission may empower an Officer of the State Agency to procure from the Power Exchange the required number of Certificates out of the amount in the Fund.

15.2 The Distribution Licensee shall be in breach of its Licence conditions if it fails to deposit the amount directed by the Commission within 15 days of the communication of the direction.

15.3 Further, where any person though required to comply with these Regulations fails to purchase the required percentage of power from Renewable Energy Sources or the Renewable Energy Certificates, he shall also be liable for penalty as may be decided by the Commission under Section 142 of the Act.

15.4 In case of genuine difficulty in complying with the RPO on account of non-availability of Renewable power or certificates, the obligated entity can approach the Commission to carry forward the compliance requirement to the next year and the Commission will take the appropriate view in the matter on case-to-case basis.

**PART - C**

**16. Power to Amend**

- 16.1 The Commission may at any time, add, vary, alter, modify or amend any provisions of these Regulations.
- 16.2 In the event of any dispute, the matter shall be referred to the Commission whose decision in this regard shall be final.
- 16.3 The provisions of these Regulations shall be applicable to the Co-generation and Generation of electricity from Renewable sources of energy notwithstanding anything contrary contained in various Tariff Orders for procurement of Power from Renewable Sources of Energy and other Regulations prior to the notification of these Regulations.

**17. Issue of Orders and Directions**

Subject to the provisions of the Act, the Commission may issue Orders and Directions with regard to the implementation of these Regulations.

**18. Power to Remove Difficulties**

If any difficulty arises in giving effect to the provisions of these Regulations, the Commission may, by order, make such provisions not inconsistent with the provisions of these Regulations or the Act, as may appear to be necessary for removing the difficulty.

**19. Repealed and Savings**

- 19.1 The Regulations namely "Madhya Pradesh Electricity Regulatory Commission (Co-generation and generation of Electricity from renewable sources of Energy) (Revision-I) – 2010 and its all amendments thereto, are hereby superseded.
- 19.2 Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent power of the Commission to make such Orders as may be necessary to meet the ends of justice or to prevent abuse of the process of the Commission.
- 19.3 Nothing in these Regulations shall bar the Commission from adopting in conformity with the provisions of the Electricity Act, 2003 (36 of 2003) a procedure, which is at variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of a matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient for dealing with such a matter or class of matters.
- 19.4 Nothing in these Regulations shall, expressly or impliedly, bar the Commission dealing with any matter or exercising any power under the Electricity Act, 2003 (36 of 2003) for which no Regulations have been framed, and the Commission may deal with such matters, powers and functions in a manner it thinks fit.

By order of the Commission,  
GAJENDRA TIWARI, Secy.