

CASE No. 37 of 2019

Case for Verification of compliance of Renewable Purchase Obligation targets by
Brihanmumbai Electric Supply & Transport Undertaking for FY 2017-18

Coram

Shri I.M. Bohari, Member
Shri Mukesh Khullar, Member

Parties

1. Brihan mumbai Electric Supply & Transport Undertaking (**BEST**)
2. Maharashtra Energy Development Agency (**MEDA**)
3. Maharashtra State Load Despatch Centre (**MSLDC**)

Appearance For

- | | | |
|-------------------------|---|--------------------|
| 1. For BEST Undertaking | : | Shri. N.P.Jagaldas |
| 2. For MEDA | : | Shri. Manoj Pise |
| 3. For MSLDC | : | None |

ORDER

Date: 2 April, 2019

1. The MERC (Renewable Purchase Obligation, its Compliance and Implementation of Renewable Energy Certificate Framework) Regulations, 2016 ('**RPO Regulations 2016**') specify the Renewable Purchase Obligation (**RPO**) targets for Obligated Entities, including MSEDCL as Distribution Licensee, for FY 2017-18. The RPO targets specified in Regulation 7.1 are as below:

Year	Quantum of purchase (in %) from Renewable Energy sources (in terms of energy equivalent in kWh)		
	Solar	Non-Solar (other RE)	Total
	(a)	(b)	(c)
2016-17	1.00%	10.00%	11.00%
2017-18	2.00%	10.50%	12.50%
2018-19	2.75%	11.00%	13.75%
2019-20	3.50%	11.50%	15.00%

Provided that each Distribution Licensee shall meet 0.2% per year of its Non-solar (other RE) RPO target percentage for the period from FY 2016-17 to FY 2019-20 by way of purchase from Mini Hydro or Micro Hydro Power Projects;

2. Regulation 12 of the RPO Regulations, 2016 empowers the Commission to deal with shortfalls in compliance of RPO targets by Obligated Entities as follows:

“12. RPO Regulatory Charges

12.1 If the Obligated Entity fails to comply with the RPO target as provided in these Regulations during any year and fails to purchase the required quantum of RECs, the State Commission may direct the Obligated Entity to deposit into a separate fund, to be created and maintained by such Obligated Entity, such amount as the Commission may determine on the basis of the shortfall in units of RPO, RPO Regulatory Charges and the Forbearance Price decided by the Central Commission; separately in respect of Solar and Non-Solar RPO:

Provided that RPO Regulatory Charges shall be equivalent to the highest applicable preferential tariff during the year for Solar or Non-Solar RE generating sources, as the case may be, or any other rate as may be stipulated by the State Commission:

Provided further that the fund so created shall be utilised, as may be directed by the State Commission.”

3. Through its Order dated 1 July, 2010 in Case No. 21 of 2010, the Commission designated the Maharashtra Energy Development Agency (MEDA), Pune as the State Agency to undertake the functions envisaged under the Regulations.
4. As per Regulation 10.4 of the RPO Regulations, 2016, a Distribution Licensee is required to submit, at the end of each financial year, a detailed statement of energy procured from Renewable Energy (RE) sources, certified by its auditors.
5. Vide its Order dated 31 July, 2018 in Case No. 208 of 2017 regarding compliance of RPO target by BEST for FY 2016-17, the Commission had stated as follows:

16 In earlier Orders, the Commission had allowed BEST to make up its Solar RPO shortfall of earlier years by the end of FY 2016-17. With its performance in FY 2016-17, BEST has fulfilled standalone Solar RPO targets of FY 2016-17 with a surplus of 0.627 MUs.

17. BEST has a shortfall of 46.79 MUs against its stand-alone Non-Solar RPO target for FY 2016-17. BEST has submitted that the Commission in its Daily Order dated 16 March, 2017 in Case No. 35 of 2017 has allowed all Distribution Licensees to purchase RECs in FY 2017-18 to the extent of any shortfall in RPO compliance as on date, and to consider such purchase towards compliance of their RPO targets up to FY 2016-17. Therefore, BEST had not purchased the balance Solar RECs and non-Solar RECs during the trading sessions of RECs on 29 March, 2017 to fulfill the RPO of FY 2016-17 and decided to purchase balance RECs of FY 2016-17 in FY 2017-18. The Commission notes that BEST has not purchased non-Solar RECs in FY 2017-18 to fulfill its non-Solar RPO targets of FY 2016-17. Considering the efforts made by BEST for achieving of non-Solar RPO targets till end of FY 2015-16, the Commission considers it appropriate to give one more chance to BEST and directs it to comply with its assigned mandate by fulfilling remaining cumulative non-Solar RPO shortfall till FY 2015-16 and standalone non-Solar RPO shortfall for FY 2016-17, to the extent that it has not so far been met in subsequent years, by RE procurement or purchase of RECs by the end of FY 2018-19. BEST may note that the Commission has issued the Order dated 4 May, 2018 in Case No. 164 of 2016,

which was before the Commission for the approval of EPA between BEST Undertaking and M/s. Spark Green Energy Ltd.

18. Other Distribution Licensees have been finding it difficult to achieve their RPO targets for Mini/Micro Hydro power considering the limited availability of Mini/Micro Hydro power capacity in Maharashtra, and the RPO Regulations, 2016 have provided a dispensation to address this difficulty. In contrast, BEST has a marginal stand-alone surplus against its Mini/Micro Hydro RPO target in FY 2016-17, and a significant cumulative surplus. The Commission notes that it has consistently set a sub-target only for Mini/Micro Hydro power among the various types of Non-Solar RE, in the RPO Regulations, 2010 as well as 2016, so as to ensure a special focus on this component which might otherwise be neglected. Considering that background, the Commission will take an appropriate view regarding the present cumulative surplus may also be adjusted against any shortfall in achieving the Non-Solar RPO targets for FY 2017-18 in its forthcoming RPO compliance verification for FY 2017-18. The Commission shall shortly initiate the exercise of verification of compliance of Renewable Purchase Obligation targets by Distribution Licensees including BEST for FY 2017-18 so that there is ample time for Distribution Licensees to purchase REC's, if any to meet the shortfall of RPO targets by FY 2018-19.

6. In accordance with Regulation 9.5, MEDA, vide its letter dated 21 September, 2018, submitted the RPO settlement data for FY 2017-18 in respect of BEST. BEST's RPO compliance position for this period as submitted by MEDA is summarized below:

Table No.2: RPO Settlement Data of BEST as furnished by MEDA

Item	Cumulative RPO (Surplus)/ Short fall till end of earlier control period (FY 2010-11 to FY 2015-16)	FY 2016-17		FY 2017-18		Cumulative RPO (Surplus)/ Short fall till end of FY 2017-18
		MU	%	MU	%	
GEC		100%	4830.27	100%	4989.82	
Solar RPO						
Target	110.563	1.00%	48.303	2.00%	99.796	258.662
Achievement	110.510	0.97%	47.040	0.68%	34.225	191.775
Shortfall /(Surplus)	0.053	0.026%	1.263	1.31%	65.571	66.887
Non-Solar RPO						
Target	2245.538	10.00%	483.03	10.5%	523.931	3252.499
Achievement	2243.805	9.03%	436.232	11.37%	567.417	3247.454
Shortfall /(Surplus)	1.733	0.97%	46.795	-0.87%	-43.486	5.042
Mini-Micro RPO(Within Non-Solar)						
Target	3.504	0.20%	0.966	0.20%*	1.047	5.517
Achievement	18.005	0.51%	2.458	0.079%	0.415	20.878
Shortfall /(Surplus)	-14.501	-0.31%	-1.491	0.192%	0.632	-15.36

(*0.2% of Non Solar Targets)

7. According to MEDA, BEST has fulfilled its Non-Solar RPO targets but has a shortfall against its Solar and Mini-Micro RPO targets for FY 2017-18.
8. The Commission asked BEST to submit its response to the data furnished by MEDA. In its response dated 4 December, 2019, BEST stated as follows:

8.1 The RPO settlement data for FY 2017-18 is verified and corrected statement is given below:

Table No.3: RPO settlement data as submitted by BEST

Item	Approved Cumulative RPO (Surplus)/ Short fall up to FY 2016-17		FY 2017-18		Net Short fall for FY 2017-18
	MU		%	MU	MU
Gross Energy at G-T Interface	4830.27			4989.85	
Solar	Standalone	Cumulative			
RPO Target	48.30	158.865	2.00 %	99.797	
RPO Achieved	48.93	159.44	0.69 %	34.2252	
RPO (-Surplus / Shortfall)	(0.627)	(0.575)		65.5718	64.9968
Non-Solar	Standalone	Cumulative			
RPO Target	483.027	2728.565	10.50 %	523.9311	
Non-Solar RE	234.72			191.02	
Non-Solar REC	201.52			376.81	
Non-Solar RPO Achieved	436.232	2680.037		567.8324	
RPO (-Surplus / Shortfall)	46.795	48.528		(43.90)	4.63
Mini / Micro Hydro	Standalone	Cumulative			
RPO Target	0.968	4.472	0.2 % of Non-solar RPO	1.0457	
RPO Achieved	2.458	20.463		0.41544	
RPO (-Surplus / Shortfall)	(1.491)	(15.992)		0.63242	(15.3595)
Approved Cumulative RPO Short fall up to FY 2016-17 (MUs)	47.95				

Total RPO Target for FY 2017-18	12.50 %	623.73	
Total RPO Achieved in FY 2017-18	12.07 %	602.05	
Standalone shortfall of FY 2017-18		21.68	
Cumulative shortfall of FY 2017-18		69.63 (47.95 + 21.68)	

8.2 BEST highlighted discrepancies in MEDA's submission as follows:

a. Discrepancies in Gross Energy Consumption (GEC):

GEC submitted by MEDA for FY 2017-18 is 4989.82MUs. However, the GEC for FY 2017-18 is revised to 4989.85 MUs which is as per Commission's approval in BEST's MTR Order dated 12 September 2018 in Case No. 203 of 2017.

b. Discrepancies in Non-Solar energy procured:

Non-Solar RPO and shortfall calculated by MEDA is 567.4170 MUs and 43.485900 MUs respectively whereas the Non-Solar RPO and shortfall calculated by BEST is 567.832 MUs and 43.90 MUs respectively.

c. Discrepancies in shortfall in total RPO:

The shortfall in total RPO calculated by MEDA is 22.717722 MUs whereas the shortfall in total RPO calculated by BEST is 21.68 MUs.

8.3 Regarding status of Solar and Non-Solar RPO compliance including Mini-Micro Hydro RPO compliance as directed in various Orders of the Commission, BEST has stated as follows:

a. Status of Solar RPO compliance:

BEST's stand-alone Solar RPO target for FY 2017-18 was 99.80 MUs (2.00 %). BEST has been able to procure total 34.22 MUs to fulfill the Solar RPO target of FY 2017-18. Out of total 34.22 MUs, 31.50 MUs are procured on long term basis from M/s Welspun Energy Maharashtra Pvt. Ltd and 2.72 MUs on short term basis. There is shortfall of 64.99 MUs in Solar RPO targets for FY 2017-18 as tabulated below:

Table No.4 Status of Solar RPO compliance

FY	GEC in MUs (Actual/ Projected)	% Solar RPO	RPO Target MUs	RPO Achieved (MUs)	Surplus / Shortfall in MUs	Cumulative Surplus / Shortfall in MUs
2016-17	4830.27	1.0	48.30	48.93	(0.63)	(0.57)
2017-18	4989.85	2.0	99.80	34.22	65.57	64.99

Due to suspension of Solar REC trading in Power Exchanges from May 2017 to March 2018, BEST could not purchase Solar RECs in FY 2017-18. Vide letter dated 7 March 2018, BEST had requested the Commission that in case trading for Solar RECs does not resume before March 2018, BEST may be allowed to carry forward the shortfall of Solar RPO to FY 2018-19.

b. Status of Non-Solar RPO compliance:

The Commission vide Daily Order dated 16.03.2017 in Case No 35 of 2017 allowed all Distribution Licensees to purchase RECs in FY 2017-18 to the extent of any shortfall in RPO compliance as on date, and to consider such purchase towards compliance of their RPO targets up to FY 2016-17.

BEST's standalone Non-Solar RPO target for FY 2017-18 was 523.93 MUs (10.50 %). However, BEST had procured total 567.87 MUs in FY 2017-18 to fulfill the Non-Solar RPO target of FY 2017-18 and to overcome the shortfall of 48.52 MUs of FY 2016-17. Out of total 567.87 MUs, BEST had purchased 191.06 MUs of Non-Solar energy on short term basis and 376.81 MUs of Non-Solar RECs from Power Exchange. BEST has achieved Non-Solar RPO target of FY 2017-18 with a surplus of 4.63 MUs as indicated in table below:

Table No.5 Non-Solar RPO target of FY 2017-18

FY	GEC in MUs (Actual/ Projected)	% Solar RPO	RPO Target MUs	RPO Achieved(MUs)	Surplus / Shortfall in MUs	Cumulative Surplus / Shortfall in MUs
2016-17	4830.27	10.00	483.30	436.23	46.79	48.52
2017-18	4989.85	10.50	523.93	567.83	(43.90)	4.63

In the trading session of March 2018, BEST had placed the order for 55.317 MUs of Non-Solar RECs in the PXIL. However, the Exchange has cleared only 51.313 MUs due to clearance ratio of 92.75 %.

c. Status of Min-Micro Hydro RPO compliance:

BEST's standalone Mini/micro Hydro RPO target for FY 2017-18 was 1.04786 MUs and it has achieved Mini/micro Hydro RPO of 0.41544 MUs with a shortfall of 0.63242 MUs.

d. Status of Total Cumulative RPO (including Solar, Non-Solar and Mini/micro Hydro):

BEST's standalone RPO target including Solar, Non - Solar and Mini/micro Hydro for FY 2017-18 is 623.73 MUs and BEST has achieved RPO target of 602.05 MUs with a shortfall of 21.68 MUs as shown in Table- A above.

BEST has submitted detailed list of actions and efforts undertaken by it, prior to and during FY 2017-18 to ensure compliance RPO targets in respect of Solar RPO, Non-Solar RPO and Mini-Micro Hydro RPO for FY 2017-18 as follows:

- i. It had issued Expression of Interest (**EOI**) for procurement of RE power from RE generators to meet its RPO targets.
- ii. Based on the responses to the EoIs, BEST issued Letter of Intent (**LoIs**) to all the eligible RE generators/traders by adhering to the MERC (**RPO-REC**) Regulations, 2010 and procured RE during FY 2010-11 to FY 2013-14. To meet RPO target for FY 2014-15, FY 2015-16 and FY 2016-17, BEST continued some of the short term contracts by issuing LoIs.
- iii. The Commission vide Order dated 26th December 2012 in Case No. 100 of 2012 in the matter of Verification and Compliance of RPO targets for FY 2010-11 and FY 2011-12 directed BEST to consider availability of Non-Solar RECs, as one of the options amongst various available options, for fulfillment of its cumulative shortfall in Non-Solar RPO targets.
- iv. BEST had purchased 376.81 MUs of Non-Solar RECs from Power Exchange to fulfill the Non-Solar RPO target of FY 2017-18 and to overcome the shortfall of 48.52 MUs of FY 2016-17.
- v. By combination of actual renewable power and RECs, BEST has been able to achieve its Non-Solar RPO for a period from FY 2010-11 to FY 2017-18 with a cumulative surplus of 4.59 MUs.

8.4 Regarding long term RE procurement plan for meeting the RPO targets for FY 2018-19, BEST submitted as follows:

- a. BEST has entered into long term EPA with M/s Spark Green Energy (Ahmednagar) Pvt. Ltd. and Spark Green Energy (Satara) Ltd. to procure total 50 MW(25 MW each) of biomass-based Non-Solar RE on long term basis for fulfillment of Non-Solar RPO. The first unit of 12.5 MW capacity at Ahmednagar plant has been commissioned in Jan'2016 and delivered approx. 7 MUs from Jan 2016 to June 2016. However M/s Spark Green Energy (Ahmednagar) Pvt. Ltd. has not supplied energy from its Ahmednagar plant from July 2016 onwards and also has not declared the Commercial Operation Date (COD) of both plants.
- b. BEST has entered into long term PPA with M/s Welspun Energy Maharashtra Pvt. Ltd. in the year 2013 to procurement of 20 MW Solar energy on long term basis for fulfillment of RPO. The project has been commissioned in October 2013 and is supplying 31.5 MUs of Solar energy per annum to BEST.
- c. BEST will be fulfilling the RPO for FY 2018-19 as per the existing method with long term and short-term contracts available with BEST and the remaining shortfall will be met by purchasing RECs from the Power Exchanges.
- d. Further, BEST is in the process of initiating the competitive bidding to procure Solar power on long term basis on e-bidding portal.

8.5 In view of above submissions, BEST in its submission has prayed for the following:

- iii) *Allow BEST to carry forward the cumulative shortfall of Solar RPO of 64.99 Mus up to FY 2017-18 to FY 2018-19.*
- iv) *Allow BEST to carry forward the cumulative shortfall of Non-solar RPO of 4.63 Mus up to FY 2017-18 to FY 2018-19.*
- v) *Allow BEST to fulfill the shortfall of Mini-Micro Hydro RPO of 0.63242 Mus in FY 2017-18 cumulatively.*

Regulatory Process

9. Through a Public Notice dated 21February, 2019 published in the Loksatta and Maharashtra Times (Marathi) and Times of India and Indian Express (English) daily newspapers, the Commission invited suggestions and objections considering the submissions of MEDA and BEST. The Commission also impleaded MEDA and MSLDC as Parties. A Public Hearing was held on 16 March, 2019 in the Office of the Commission.
10. The summary of RPO compliance of BEST for FY 2017-18, based on details provided by MEDA and BEST, is at Annexure-1 of this Order. The list of persons who gave their comments in writing or who made oral submissions during the Public Hearing is at Annexure-2 (A). The list of persons present at the Public Hearing is at Annexure-2(B). (These lists include persons/organizations concerned with the RPO compliance verification hearings held the same day in respect of the other Distribution Licensees also.)

11. At the Public Hearing, BEST reiterated the points regarding its compliance of RPO targets made in its written submissions.

Suggestions/Objections received (including those presented orally at the Public Hearing)

12. Dr. Ashok Pendse of Thane-Belapur Industries Association (TBIA) in his email dated 27 February 2019 has stated that:

- a. No serious effort has been made by Distribution Licensees for buying RECs from IEX.
- b. As per recent letter of Ministry of Power (MoP) dated 1.2.2019, Captive Power Producers (CPP) have RPO obligation of the year in which it was commissioned. Since most CPP have been commissioned prior to 2011, almost all CPP will not have RPO obligation. This need to be established by MEDA. Further Dr. Pendse has prayed as under:
 - i. No crossover of RPO obligation to be allowed. If done, suitable fine should be levied.
 - ii. MEDA to check in the light of new order of MOP on status of CPP’s RPO compliance.

Commission’s Analysis and Ruling

13. The Commission notes that BEST’s submission dated 4 December, 2018 has been reaffirmed by MEDA vide its letter dated 14 March, 2019. The Commission has considered the data submitted by BEST as explained in the subsequent para of this Order. The status of achievement of RPO targets by BEST, as approved by the Commission based on the details provided by MEDA and BEST, is shown in Table below:

Table No 7: RPO Settlement Details of BEST as approved by the Commission

		RPO Settlement data of BEST as approved by the Commission				
Item	Cumulative RPO (Surplus)/ Short fall till end of earlier control period (FY 2010-11 to FY 2015-16)	FY 2016-17		FY 2017-18		Cumulative RPO (Surplus)/ Short fall till end of FY 2017-18
		MU	%	MU	%	
Gross Energy consumption		100%	4830.27	100%	4989.82	
Solar RPO						
Target	110.563	1.00%	48.303	2.00%	99.796	258.662
Achievement	110.510	0.97%	47.040	0.68%	34.225	191.775
Shortfall /(Surplus)	0.053	0.026%	1.263	1.31%	65.571	66.887
Non-Solar RPO						
Target	2245.538	10.00%	483.03	10.5%	523.931	3252.499
Achievement	2243.805	9.03%	436.232	11.37%	567.832	3247.869

		RPO Settlement data of BEST as approved by the Commission				
Item	Cumulative RPO (Surplus)/ Short fall till end of earlier control period (FY 2010-11 to FY 2015-16)	FY 2016-17		FY 2017-18		Cumulative RPO (Surplus)/ Short fall till end of FY 2017-18
	MU	%	MU	%	MU	MU
Shortfall/(Surplus)	1.733	0.97%	46.795	-0.87%	-43.90	4.628
Mini-Micro RPO(Within Non-Solar)						
Target	3.504	0.20%	0.966	0.20%*	1.047	5.517
Achievement	18.005	0.51%	2.458	0.079%	0.415	20.878
Shortfall/(Surplus)	-14.501	-0.31%	-1.491	0.192%	0.632	-15.36

‘-’ or () indicates surplus

14. The Commission notes that BEST has:

- i) Fallen short of its stand-alone Solar RPO target by 65.571 MUs in FY 2017-18, and has a cumulative shortfall of 66.887 MUs.
- ii) Fulfilled its stand-alone Non-Solar RPO target for 2017-18, with a surplus of 43.90 MUs, and cumulative shortfall of 4.628MUs till FY 2017-18.
- iii) Fallen short of its stand-alone Mini/Micro Hydro RPO target by 0.632 MUs in FY 2017-18, however it has a cumulative surplus of 15.36 Mus.

Solar RPO

15. As against standalone target of 99.797 MUs for FY 2017-18, BEST has purchased Solar power of 34.22 MUs. There is a standalone shortfall of 65.571 MUs for FY 2017-18 and cumulative shortfall of 66.887 MUs till FY 2017-18. To fulfill its Solar Targets, BEST has attempted to procure REC, however due to suspension of Solar REC trading in Power Exchanges from May, 2017 to March 2018, it could not purchase Solar REC in FY 2017-18. Therefore, BEST has requested to allow it to carry forward this Solar RPO targets shortfall to meet all by end of FY 2018-19.

16. To elucidate the effort taken by it to fulfill the Solar RPO targets and its long term planning for meeting Solar RPO targets, BEST has stated that it has entered into long term and short term contract and which shall meet the Solar Target of FY 2018-19 along with Short fall of FY 2017-18. BEST has also stated that it in process of initiating the competitive bidding to procure Solar power on long term basis on e-bidding portal. The Commission noted the BEST’s plan and its efforts for ramping up Solar power procurement to fulfill its Solar ROP targets for subsequent years. BEST shall endeavour to purchase Solar power and/or RECs so as to fully meet its standalone and cumulative shortfall by FY 2018-19.

Non-Solar RPO

17. The Commission notes that BEST has fulfilled its stand-alone Non-Solar RPO for FY 2017-18. However, there is cumulative short fall of Non-Solar RPO target of 4.628MUs.
18. The Commission notes that for fulfilling cumulative shortfall at the end of FY 2017-18, in the trading session of March 2018, BEST had placed the order for 55.317 MUs of Non-Solar RECs in the PXIL. However, the Exchange has cleared only 51.313 MUs due to clearance ratio of 92.75 %.
19. In view of above, the Commission allows BEST to fulfill the cumulative Non-Solar RPO Targets by FY 2018-19. BEST shall endeavour to purchase Non-Solar power and/or RECs so as to fully meet its standalone and cumulative shortfall by FY 2018-19.

Mini/Micro Hydro RPO

20. BEST has standalone short fall of 0.632 MU's in Mini/Micro Hydro RPO target of FY 2017-18. However, it has previous years surplus of Mini/Micro Hydro which BEST has now requested the Commission to allow it to use for compensating shortfall in FY 2017-18.
21. In this regard, on account of non-availability of sufficient capacity under Mini/Micro Hydro in the State, the Commission has allowed other Distribution Utilities to meet such shortfall on cumulative basis in future years and even allowed them to meet such shortfall through Non-Solar REC. In present case, BEST has previous year's surplus of Mini/Micro Hydro and shortfall in standalone RPO for FY 2017-18. Under such circumstances, the Commission deems it appropriate to allow BEST to use its previous year's surplus to meet its standalone shortfall of Mini/Micro Hydro for FY 2017-18.
22. Accordingly, the Commission notes that BEST has met its stand-alone Mini/Micro Hydro RPO targets for FY 2017-18 and has cumulative surplus of 15.36 MU's at the end of FY 2017-18.
23. The Commission notes the justification and the circumstances submitted by BEST as cited at para 8 above for justifying the shortfall against Solar and Non-Solar RPO FY 2017-18. However, despite those submissions and facts mentioned there under, the resultant effect is that BEST has standalone and / or cumulative shortfall towards Solar and Non-Solar RPO targets at the end of FY 2017-18. The Commission further notes the affirmation given by BEST that it has tied up long term capacity shall be sufficient to meet the standalone and cumulative shortfall till the end of FY 2018-19. Hence, the Commission directs BEST as follows with regard to the stand-alone and cumulative shortfall against its Solar and Non-Solar RPO targets in FY 2017-18:
 - i) BEST is allowed to purchase Solar and Non-Solar power and/or RECs so as to meet its standalone and/or cumulative shortfall by the end of March, 2019.
 - ii) The performance of BEST in this regard shall be reviewed by the Commission in future RPO compliance verification proceedings (FY 2018-19) and will also be taken into account in the relevant Tariff proceedings.

Other Issues

24. As regards suggestion of TBIA, that crossover of RPO obligation should not be allowed, the Commission in its Order dated 2 January, 2013 in Case No 109 of 2012 has not accepted the interchangeability of Solar and Non-Solar RPO targets. Similarly, in its Order dated 12 December, 2017 in Case No 108 of 2016 the Commission has not accepted the merging of Solar and Non-Solar RPO targets. Also as regards the issue of RPO compliance of CPP in the light of clarification issued by MoP vide letter dated 1 February, 2019, the Commission notes that obligated entities have to comply with RPO as specified in the Regulations. The Commission will initiate the next proceedings of RPO Compliance for three years starting from FY 2014-15 to FY 2016-17 once the consolidated data of OA Consumers and CPP Users is received from MEDA. Any impact of MoP's clarification can be dealt with during proceedings of RPO compliance of OA consumers and CPP users or through amendment of Regulations as deemed appropriate at that time. Hence, the following Order:

ORDER

1) **The Case No. 37 of 2019 stands concluded with the following ruling:**

- a. **Brihan mumbai Electric Supply & Transport Undertaking has standalone shortfall for Solar RPO of 65.571 MUs for FY 2017-18 and cumulative shortfall of 66.887 MUs till FY 2017-18.**
- b. **It has fulfilled its stand-alone Non-Solar RPO for FY 2017-18. However, there is cumulative short fall of Non-Solar RPO target of 4.628 MUs.**
- c. **It has fulfilled its standalone as well as cumulative Mini/Micro Hydro RPO target till FY 2017-18 with surplus of 15.36 MU's.**


2) **Brihan mumbai Electric Supply & Transport Undertaking is directed as follows:**

- a. **As requested by it, Brihan mumbai Electric Supply & Transport Undertaking is allowed to meet its cumulative shortfall in Solar and Non-Solar RPO till FY 2017-18 in FY 2018-19. Brihan mumbai Electric Supply & Transport Undertaking shall purchase Solar Power and Non Solar RPO and/or Renewable Energy Certificates in FY 2018-19 so as to fully meet its standalone and cumulative shortfall. The Commission will take further review the performance in RPO compliance verification process for FY 2018-19.**

3) **MEDA is directed to submit all the data in respect of RPO compliance of CPP's by 30th June 2019 to the Commission.**

Sd/-
(Mukesh Khullar)
Member

Sd/-
(I.M.Bohari)
Member


(Abhijit Deshpande)
Secretary



Annexure – 1

Table No. 8 Summary of RPO Compliance by BEST for FY 2017-18, as submitted by MEDA and BEST

(in MUs)

BEST's RPO status for FY 2017-18	Gross Energy Consumption	Solar RPO Target (2 %)	Solar RPO Achievement	Solar RPO Shortfall / (surplus)	Non-Solar RPO Target 10.5%	Non-Solar RPO Achievement	Non-Solar RPO Shortfall/(Surplus)	Mini/Micro Hydro target (0.2%) within Non-Solar RPO)	Mini/Micro Hydro RPO Achievement	Mini/Micro Hydro Shortfall/(Surplus)
As per MEDA	4989.82	99.796	34.225	65.5712	523.93	567.417	(43.485)	1.0478	0.4154	0.6324
As per BEST	4989.85	99.797	34.225	65.5718	523.93	567.832	(43.90)	1.0457	0.4154	0.6324

Annexure -2

A] List of those who submitted written comments/suggestions or made oral submissions at the Public Hearing

1. Dr. Ashok Pendse, Thane-Belapur Industries Association

B] List of persons at the Public Hearing:

1. Ms. Kavita Gharat, MSEDCL
2. Shri. Harshal Patil, MSEDCL
3. Shri. N. P. Jagaldas, BEST
4. Shri.S.A.Jadhav, BEST
5. Shri.S.D. Bamane, BEST
6. Shri.PeyushTondon TPC-D
7. Shri. R M Ranade, TPC-D
8. Shri. Ganesh Shriniwas, TPC-D
9. Shri Ghanshyam Thakkar, AEML
10. Shri. Kishor Patil AEML
11. Shri. AbajiNaralkar, AEML
12. Smt. Vinita Melvin Eternity Legal for Indian Railway
13. Shri.MayurWasnik, Indian Railway
14. Shri Kaushalesh Singh Indian Railway
15. Shri.Vikram Yermalkar, Mindspace Business Park Pvt. Ltd. & Gigaplex Estate P Ltd.
16. Shri. Nikhil Chauganjkar, Mindspace Business Park Pvt. Ltd. & Gigaplex Estate P Ltd
17. Shri. ManojPise, MEDA
18. Shri. Arif H.Shaikh, MEDA
19. Shri. Vijay V. Pawar, MEDA