

**GUJARAT ELECTRICITY REGULATORY COMMISSION (GERC)**  
**GUJARAT ELECTRICITY REGULATORY COMMISSION (PROCUREMENT OF ENERGY  
FROM RENEWABLE SOURCES) REGULATIONS, 2024**

**Notification: No. \_\_\_\_\_ of 2024**

**WHEREAS** the Gujarat Electricity Regulatory Commission (hereinafter referred as “the Commission”) under section 61, 86 and 181 of the Electricity Act, 2003 (Act No. 36 of 2003) and all other powers enabling it in this behalf, notified Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) Regulations, 2010 and subsequently amended the same from time to time;

**AND WHEREAS** the Central Commission on 09.05.2022 has notified CERC (Terms and Conditions for Renewable Energy Certificated for Renewable Energy Generation) Regulations, 2022 (CERC REC Regulations, 2022) repealing the CERC (REC) Regulations, 2010;

**AND WHEREAS** the Ministry of Power in accordance with the provision of para 6.4 (i) of Tariff Policy, 2016 has notified the RPP0 trajectory beyond FY 2021-22 till FY 2029-30 dated 22.07.2022;

**AND WHEREAS** the Ministry of Power vide Notification No. S.O. 4617(E) under clauses (n) and (x) of Section 14 of the Energy Conservation Act, 2001 (52 of 2001), specified the minimum share of consumption of non-fossil sources (renewable energy) by designated consumers as energy or feedstock and different share of consumption for different types of non-fossil sources for different designated consumers in respect of electricity distribution licensee and other designated consumers who are open access consumers or captive users to the extent of consumption of electricity from sources other than distribution licensee as a percentage of their total share of energy consumption;

**AND WHEREAS** the Commission, after re-visiting the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) Regulations, 2010, and amendments thereof as necessitated in view of above, finds it appropriate to frame new Renewable Power Purchase Obligation (RPP0) Regulations by taking into account the provisions provided in the CERC (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation), Regulations, 2022 and RPP0 trajectory issued by the Ministry of Power on 20.10.2023;

**NOW, THEREFORE**, in exercise of the powers conferred by Sub-section (1) of Section 62, Section 66, clauses (a), (b) and (e) of Sub-section (1) of Section 86 and, Clause (zi) of Sub-section (2) of Section 181, of the Electricity Act, 2003 (36 of 2003), read with Section 21 of the General Clauses Act, 1897 (10 of

1897), and all other powers enabling it in this behalf, the Commission proposes to make the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) Regulations, 2024 and as required by Sub-section (3) of Section 181 of the said Act and Rule 3 of the Electricity (Procedure for Previous Publication) Rules, 2005, these regulations is hereby published for the information of all the persons likely to be affected thereby;

and notice is hereby given that the said regulations will be taken into consideration after the expiry of thirty (30) days from the date of notification together with any objections or suggestions which may within the aforesaid period be received in respect thereto. The text of the aforesaid Regulations is also available on the website of the Commission i.e. [www.gercin.org](http://www.gercin.org). The objections or suggestions in this behalf should be addressed to the Secretary, Gujarat Electricity Regulatory Commission, 6th Floor, GIFT ONE, Road 5C, Zone 5, GIFT City, Gandhinagar – 382355, Gujarat, India.

# **GUJARAT ELECTRICITY REGULATORY COMMISSION**

## **Draft Regulations on (Procurement of Energy from Renewable Sources) Regulations, 2024.**

**(DRAFT)**

No.....

Date: .....

### **NOTIFICATION**

In exercise of the powers conferred under Section 181 of The Electricity Act, 2003 (36 of 2003), read with Sections 61 and 86 thereof readwith The Energy Conservation Act , 2001 and (Amendment) Act, 2007 and (Amendments) Act, 2022 in it and Ministry of Power (MoP) Notification No. 4617 (E) dated 28.10.2023 and all other powers enabling it in this behalf, and after previous publication, the Gujarat Electricity Regulatory Commission hereby makes the following Regulations, namely-

### **CHAPTER 1**

#### **PRELIMINARY**

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

- (1) These Regulations may be called the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) Regulations, 2024.
- (2) These regulations shall come into force from the date of their publication in the official Gazettes of State of Gujarat.
- (3) These Regulations shall extend to the whole of the State of Gujarat.

##### **2. Definitions-**

- (1) In these Regulations, unless the context otherwise requires,

- (a) **“Act”** means The Electricity Act, 2003 (36 of 2003) and The Energy Conservation Act, 2001 readwith amendments in it from time to time;
- (b) **“Central Agency”** means the agency as referred to in Regulation 3 of Central Electricity Regulatory Commission (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2022, hereinafter to be referred as CERC REC Regulations, 2022;
- (c) **“Central Commission”** means the Central Electricity Regulatory Commission referred to in Sub-section (1) of Section 76 of The Electricity Act 2003;
- (d) **“Certificate”** means the Renewable Energy Certificate (REC) issued by the Central Agency in accordance with the provisions specified in, including the procedure notified under the CERC (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2022 read with these Regulations and shall, wherever the context so requires, also include such certificates issued under CERC (REC) Regulations, 2010;
- (e) **“CERC (REC) Regulations, 2010”** means Central Electricity Regulatory Commission (Terms and Conditions for Recognition and Issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 including its amendements;
- (f) **“CERC REC Regulations, 2022”** means Central Electricity Regulatory Commission (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations, 2022;
- (g) **“Commission”** means the Gujarat Electricity Regulatory Commission;
- (h) **“Designated Consumers”** means the consumers who are specified as ‘Designated Consumer’ in the Schedule under Clause (e) of Section 14 of ‘The Energy Conservation Act, 2001’ and subsequent amendments in it from time to time.
- (i) **“Distributed Renewable Energy Component”** means the energy generated from renewable energy projects that are less than 10 MW in size and shall include solar installations under all configurations notified by the Central Government:

Provided that the compliance against distributed renewable energy shall ordinarily be considered in terms of energy (Kilowatt hour units):

Provided further that in case the designated consumer is unable to provide generation data against distributed renewable energy installations, the reported capacity shall be transformed into distributed renewable energy generation in terms of energy by a multiplier of 3.5 units per kilowatt per day (kWh/kW/day).

(j) **“Green Energy/Renewable Energy” means** the electrical energy generated from renewable sources of energy including hydro, pumped Storages Hydro generation, energy storage system and storage (if the storage uses only renewable energy), Municipal Solid Waste-to-Energy based generation, biomass and bagasse based co-generation plants or any other technology as may be notified by the Commission from time to time and shall also include any mechanism that utilizes renewable energy to replace fossil fuels including production of green hydrogen or green ammonia;

(k) **“Hydro Renewable Obligation”** means the hydro renewable energy component to be met only by energy produced from Hydro Power Projects [including Pump Storage Projects (PSPs) and Small Hydro Projects (SHPs)], commissioned after the 31<sup>st</sup> March, 2024;

Provided that the hydro renewable energy component may also be met out of the free power being provided to the State/DISCOM from the Hydro Power Projects commissioned after the 31<sup>st</sup> March, 2024;

Provided further that the hydro renewable energy component may also be met from Hydro Power Projects located outside India as approved by the Central Government on a case- to-case basis.

(l) **“Renewable Energy Certificate Mechanism’ or “REC mechanism”** means the mechanism devised for the development of market for power generated from non-conventional energy sources by issuance of transferable and saleable credit certificates under the CERC (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation), Regulations, 2022 as amended from time to time and under these Regulations as amended from time to time;

(m) **“Renewable Power Purchase Obligation”** or **“RPP0”** means the Renewable Power Purchase Obligations to be met by the Obligated Entity as per provisions of these RPP0 Regulations, 2024;

(n) **“RPP0 Regulations, 2010”** means Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) Regulations, 2010 and its amendments;

(o) **“Obligated Entity”** means an entity which is mandated to fulfil Renewable Purchase Obligation in accordance with Regulations 3 of these Regulations;

(p) **“State Agency”** means the Agency as referred to in the Regulations 7 of these Regulations;

(q) **“Year”** means a period commencing on 1st April of a calendar year and ending on 31<sup>st</sup> March of the immediately succeeding calendar year.

(2) Words and expressions used in these Regulations and not defined herein but defined in the Act or Rules or the Regulations issued by the Central Commission, or any other Regulations issued by the Commission, shall have the same meaning assigned to them respectively in the Act, or such other Regulations issued by the Central Commission, or such other Regulations issued by the Commission.

### **3. Applicability of Renewable Power Purchase Obligation (RPP0).-**

The following entities are obligated to fulfil RPP0 under these Regulations, namely:-

(a) Designated consumer as defined under the provisions of “The Energy Conservation Act, 2001” and Rules framed under it as amended from time to time and list of such consumers is stated in the Schedule to the Energy Conservation Act, 2001 which also includes distribution licensees;

(b) any person, consuming electricity procured from conventional sources (i.e. other than renewable energy sources) through open access or otherwise;

(c) any person who installs Captive Generating Plant, with an installed capacity exceeding 100 KW, based on conventional technology (i.e. other than any renewable energy technology) and consumes electricity from such Plant purely for meeting his Standby (or

emergency back-up) requirements in the exceptional circumstances of power cuts/ breakdown etc. in his normal source of power; and/or

(d) any person who installs Captive Generating Plant, with an installed capacity exceeding 100 KW based on conventional technology (i.e. other than renewable energy technology) and consumes electricity from such plant for meeting his normal requirements, apart from his standby (or emergency back-up) requirements:

Provided that, save as provided in Clause (b), (c) and (d), a retail consumer of Distribution Licensee consuming electricity supplied by such distribution licensee shall not be considered as Obligated Entity, to the extent of its consumption in its capacity as a retail consumer of the Distribution Licensee.

#### 4. Quantum of Renewable Power Purchase Obligation (RPP0)

(1) The Obligated Entity shall, during each year, purchase or generate and consume such quantum of electricity (in kWh) from renewable sources and storage not less than the quantum of electricity (in kWh), worked out as per Table-1 and Table-2 given below:

**TABLE-1**

Minimum Quantum of Purchase in percentage (%) from renewable sources (in terms of energy in kWh) of total consumption						
Sl.No	Year	Wind renewabl eenergy	Hydro renewabl eenergy	Distributed renewable energy*	Other renewabl eenergy	Total renewabl eenergy
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	2024-25	0.67%	0.38%	1.50%	27.35%	<b>29.91%</b>
2.	2025-26	1.45%	1.22%	2.10%	28.24%	<b>33.01%</b>
3.	2026-27	1.97%	1.34%	2.70%	29.94%	<b>35.95%</b>
4.	2027-28	2.45%	1.42%	3.30%	31.64%	<b>38.81%</b>
5.	2028-29	2.95%	1.42%	3.90%	33.10%	<b>41.36%</b>
6.	2029-30	3.48%	1.33%	4.50%	34.02%	<b>43.33%</b>

**Note 1:** The wind renewable energy component shall be met by energy produced from Wind Power Projects (WPPs) commissioned after the 31<sup>st</sup> March, 2024.

**Note 2:** The hydro renewable energy component shall be met only by energy produced from Hydro Power Projects [including Pump Storage Projects (PSPs) and Small Hydro Projects (SHPs)], commissioned after the 31<sup>st</sup> March, 2024:

Provided that the hydro renewable energy component may also be met out of the free power being provided to the State/DISCOM from the Hydro Power Projects commissioned after the 31<sup>st</sup> March, 2024:

Provided further that the hydro renewable energy component may also be met from Hydro Power Projects located outside India as approved by the Central Government on a case- to-case basis.

**Note 3:** The distributed renewable energy component shall be met only from the energy generated from renewable energy projects that are less than 10 MW in size and shall include solar installations under all configurations notified by the Central Government:

Provided that the compliance against distributed renewable energy shall ordinarily be considered in terms of energy (Kilowatt hour units):

Provided further that in case the designated consumer is unable to provide generation data against distributed renewable energy installations, the reported capacity shall be transformed into distributed renewable energy generation in terms of energy by a multiplier of 3.5 units per kilowatt per day (kWh/kW/day).

**Note 4:** The other renewable energy component may be met by energy produced from any renewable energy power project other than specified in Note 1, 2 and 3 above and shall comprise energy from all WPPs and Hydro Power Projects [including Pump Storage Projects (PSPs) and Small Hydro Projects (SHPs)], including free power, commissioned before the 1<sup>st</sup> April, 2024 and energy produced from Biomass, Bagasse Co-generation Power Projects and MSW based Power Projects etc.

2. Any shortfall in achievement of stipulated wind renewable energy consumption in a particular year maybe met with hydro renewable energy which is in excess of that energy component for that year and vice- versa.

3. The balance excess energy consumption under wind renewable energy or hydro renewable energy component in that year, may be considered as part of other renewable energy component.

4. Any excess energy consumption under Other renewable energy component in a particular year, may be utilised to meet the shortfall in achievement of stipulated Wind renewable energy or Hydro renewable energy consumption.

5. The designated consumers who are open access consumers or consumers with Captive Power Plants shall fulfil their obligation as per the specified total renewable energy target irrespective of the non-fossil fuel source.

6. The specified renewable energy consumption targets shall be met either directly or through Certificate in accordance with the Central Electricity Regulatory Commission (Terms and Conditions for Renewable Energy Certificates for Renewable Energy Generation) Regulations,



2022, published in the Gazette of India, Extraordinary, Part III, Section 4, dated the 24<sup>th</sup> May, 2022.

Provided that any shortfall in specified renewable energy consumption targets shall be treated as non-compliance and penalty shall be imposed as such rate specified under sub-section (3) of section 26 of The Energy Conservation Act, 2001.

(i) The following percentage of total energy consumed shall be renewable energy along with/through storage as provided in Table-2 below.

**Table-2**

<b>FY</b>	<b>Storage (on Energy basis)</b>
2024-25	1.0%
2025-26	1.5%
2026-27	2.0%
2027-28	2.5%
2028-29	3.0%
2029-30	3.5%

(j) The Energy Storage Obligation in Table-2 above shall be calculated in energy terms as a percentage of total consumption of electricity and shall be treated as fulfilled only when at least 85% of the total energy stored in the Energy Storage System (ESS), on an annual basis, is procured from renewable energy sources.

(k) The Energy Storage Obligation to the extent of energy stored from RE sources shall be considered as a part of fulfilment of the total RPPO as mentioned in Table-1 above.

(l) Minimum percentage for Renewable Power Purchase Obligation for each category mentioned in Table-1 above under the Regulation 4, shall have to be met separately subject to the conditions specified in these Regulations.

(m) The provisions contained in Regulation 4, unless revised earlier, be applicable in respect of the period upto 31st March, 2030:

Provided that in case the provisions for the period beyond 31st March, 2030 are not specified before the said date, the provisions relating to the year 2029-2030 shall continue to be applicable till the issuance of notification of such provisions for that period.

(2) The consumption of the Obligated Entity shall be computed by taking into account the following, namely:-

(i) the total energy purchased/ consumed from various sources, interalia, including the purchases under Power Purchase Agreement(s), through energy exchanges, and from other projects etc.;

(ii) the energy consumed (excluding auxiliary consumption) from the power plants, owned exclusively or jointly, by it. This shall include the standby generating set(s) also;

(iii) the applicable Transmission and Distribution losses (T&D losses for short) for conveyance of power from the point of purchase/ generation to the point of consumption in relation to Clause (i) and (ii) shall be considered as part of consumption by the obligated entity while deciding the RPPO and its fulfilment;

(iv) the sale of energy out of the energy so purchased/generated, interalia, including transmission and distribution losses borne by it for conveyance of power from the point of purchase/generation to the point of such sale, shall be excluded:

Provided that in case it is not feasible to identify such losses separately, the average T&D losses as per Clause (iii) shall be considered.

(v) in case of the banking arrangement(s), the energy banked/ returned by the Distribution Licensee shall be considered as sale under Clause (iv) and the energy received shall be treated as purchased under Clause (i) and (iii).

(3) Any person/consumer, who consumes power from any source (generation/purchase), interalia, including purchase through Open Access, but other than in his capacity as a consumer of Distribution Licensee or by consumption from a Captive Generating Plant, the RPPOs provided at the Table-1 and storage Obligation at Table-2 under this Regulation shall be applicable in respect of his consumption from such sources:

Provided that the energy purchased/generated and consumed by Obligated Entity, shall be considered to have been arranged from the sources other than the RE Sources, unless such Obligated Entity establishes to the satisfaction of the State Agency that such energy was availed from RE Sources.

(4) The Commission may, keeping in view the power supply constraints or other factors beyond the control of the Obligated Entity(ies) or for any cogent reasons, Suo-Moto or at the request of an Obligated Entity, revise the percentage targets or allow inter category adjustment over and

above those permissible under Regulation 4 of these Regulations taking into account the non-availability of such renewable energy or RE certificates in respect of any one or more categories of the RPPO, for a year(s) for which Renewable Power Purchase Obligations have been fixed as per Regulation 4 of these Regulations.

#### **5. Fulfilment of Renewable Power Purchase Obligations (RPPOs).-**

(1) Each of the Obligated Entity shall meet, on yearly basis, the RPPOs separately under each of the categories (i.e. for Wind Energy, Hydro Power Purchase (HPO), Distributed Renewable Energy, Other Renewable Energy as well as Renewable Energy alongwith storage as specified in the Regulation 4 of these Regulations :

Provided that the Obligated Entity shall endeavour to meet RPPOs under each category on quarterly basis.

(2) The Obligated Entity may meet its Renewable Power Purchase Obligation (RPPO), as specified in Regulation 4 of these Regulations, from the renewable sources relevant to respective categories of RPPOs, including the following, namely.-

- (i) purchase of energy from generating stations, based on RE Sources;
- (ii) purchase of energy from any other person, or any platform facilitating exchange of power, which would arise from RE Sources;
- (iii) purchase of free power (royalty) of the State Government by the Distribution Licensee depending upon the renewable source from where such free power has arisen subject to the condition and limitation as may be prescribed by the Central Government from time to time;
- (iv) the energy generated from its own RE Sources, if any; and
- (v) receipt of energy under banking arrangement(s) which has, as per the agreement(s) arisen from RE Sources:

Provided that the applicable T&D losses borne by the Obligated Entity in relation to procurement of energy shall also be included for computing the quantum of energy procured for each of such sources:

Provided further that the Obligated Entity may also meet RPPOs by redeeming, wherever permissible, the certificates already held by it:

Provided further that the renewable energy sold, if any, by the Obligated Entity to any other entity out of availability as per Clause (i) to (v) above as well as the T&D losses borne by the

Obligated Entity from a point of purchase/generation to the point of such sale, shall not qualify for offsetting RPPOs:

Provided further the electricity consumed by the Obligated Entity from the projects set up under REC mechanism as per Regulation 10 of these Regulations shall not qualify for offsetting RPPOs:

Provided further that the quantum of electricity consumed by the Consumer/Prosumer through rooftop solar PV system under net metering/net billing/group metering arrangements in any year, shall qualify towards compliance for RPPO of the Distribution Licensee or the Consumer/Prosumer, as the case may be, for that year in accordance with the provisions contained in Gujarat Electricity Regulatory Commission (Net Metering Rooftop Solar PV Grid Interactive Systems) Regulations, 2016 as amended from time to time.

Provided further that in accordance with Ministry of Power, Govt of India letter no. 23/02/2022-R&R, dated 17.02.2022, the renewable energy consumed for the production of Green Hydrogen / Green Ammonia shall be counted towards RPO compliance of consuming entity. The renewable energy consumed beyond obligation of the producer shall count towards RPPO compliance of the DISCOM in whose area the project is located.

(3) In case the Obligated Entity expects any shortfall in meeting RPPOs of one or more categories in a year, it shall meet such shortfall by procuring energy, or certificates, from RE Sources based on respective technology (ies) before close of that year:

Provided that the shortfall for a particular category of RPPOs in a year may be offset, to the extent permissible under Table-1 & 2 as provided in Sub-regulation (4) of Regulation 4 of these Regulations, by adjustment of surplus availability under other RPPO category:

Provided further that in case the CERC (REC) Regulations, 2022 or the Procedure made thereunder, provide for inter category convertibility of certificates on the basis of Certificate multipliers such multipliers shall be applicable for offsetting the shortfalls or computing surplus, and shortfall in any RPPO category may be met by purchasing certificates related to Other RPPO categories by suitably applying such Certificate multiplier approved by the Central Commission.

(4) Failure on the part of any Obligated Entity to meet its RPPO in any financial year shall be dealt in accordance with the provisions contained in Regulation 9 of these Regulations.

## **6. Certificates under the Regulations of the Central Commission. –**

- (1) Subject to the terms and conditions contained in these Regulations, the Certificates issued under the CERC (REC) Regulations, 2022 and CERC (REC) Regulations, 2010 shall be the valid instruments for the discharge of RPPO.
- (2) Further, subject to the provisions of these Regulations and directions as the Commission may give from time to time, the Obligated Entity as well as the State Agency shall act in accordance with the CERC (REC) Regulations, 2022 and CERC (REC) Regulations, 2010 in regard to matter relating to the REC Certificates for fulfilment of RPPO.
- (3) The details of Certificates, along with its source, purchased by the Obligated Entities from the Power Exchanges or through Electricity Traders, in terms of the Regulations of the Central Commission mentioned in Sub-regulation (1), shall be submitted to the State Agency.
- (4) The Obligated Entity shall be eligible to apply for the certificates, in accordance with the provisions of CERC REC Regulations, 2022 read with Procedure framed thereunder and these Regulations as well as the directions, if any, issued by the Commission, for such part of energy purchased/generated from the RE Sources of respective RPPO category which remains unadjusted/unsold in the year.
- (5) The purchaser/user of electricity shall be exclusively entitled for offsetting the RPPO and getting RECs for surpluses, if any, purchase of renewable energy, other than the purchases under REC mechanism.
- (6) On application by the Obligated Entity for issuance of certificate, the State Agency shall, after satisfying itself, about the entitlement of that Obligated Entity initiate the process with regard to the accreditation of the Obligated Entity for issuance of certificates.
- (7) Renewable energy generator selling power to the Distribution Licensee under Power Purchase Agreement(s), other than those under REC mechanism, shall not be eligible for accreditation under the REC mechanism for issuance of Renewable Energy Certificates (hereinafter to be referred as "RECs") in respect of the renewable energy against which the distribution licensee is eligible to offset its RPPOs.
- (8) The State Agency and the other concerned agency(ies) shall ensure that no permission is accorded under REC mechanism in favour of any renewable energy generator for accreditation under REC mechanism and also for issuance of RECs in respect of the energy for which they are not eligible for such accreditation as per the Sub-regulation (7) of this Regulation.

(9) The State Agency and the other concerned agency(ies) before according any permission, in favour of Renewable Energy Generator, for accreditation as well as issuance of RECs, shall also require to see that such generator has provided a Certificate from the concerned entity, to whom such generator is selling or otherwise, supplying energy from its Renewable Energy project, to the extent that such energy has not been/ shall not be, adjusted for offsetting the RPPOs for getting Certificate as per the provisions of these Regulations.

**7. State Agency. -**

(1) The Gujarat Energy Development Agency, Government of Gujarat shall be the State Agency for the purpose of CERC (REC) Regulations, 2022 and these Regulations to cater the State specific issues without prejudice to the power and functions conferred under CERC (REC) Regulations, 2022:

Provided that the Commission may designate any other agency as State Agency after satisfying itself that such agency has a required capability of performing its functions provided under these Regulations and CERC (REC) Regulations, 2022 or procedure framed by the Central Agency under CERC REC Regulations, 2022.

(2) The State Agency shall function as per the provisions of CERC (REC) Regulations, 2022 including the procedures framed under it, read with these Regulations and directions, if any, issued by the Commission from time to time.

(3) Development of web portal for monitoring of RPPO:

(i) The State Agency shall, in consultation with the Commission, develop and maintain RPPO Web-portal for registration by the Obligated Entities and for the compliance, monitoring and reporting etc. of RPPOs and simultaneously formulate suitable Procedures for smooth functioning of Web-portal in relation to such activities.

(ii) The State Agency shall, after the RPPO web-portal is developed and Procedures are formulated under Clause (i), through public notices, declare the Web-portal to be operative:

Provided that such development shall be suitably coordinated with the facility available/planned under the National Web-portal developed for the purpose.

(4) RPPO compliance reporting:

(i) The State Agency shall, submit on quarterly as well as yearly basis status report to the Commission in respect of compliance of renewable power purchase obligation by the Obligated Entity(ies) in the format at Appendix -1 of these Regulations. The reporting format may be modified by the Commission from time to time.

- (ii) The State Agency may also recommend appropriate action to the Commission, if required, for compliance of the Renewable Power Purchase Obligation.
- (5) The Commission may from time to time fix the remuneration and charges payable to the State Agency for discharge of its functions under these Regulations and CERC (REC) Regulations, 2022.

**8. Registration and reporting by the Obligated Entities. -**

- (1) The Obligated Entities, including those already registered off line with the State Agency, shall mandatorily register themselves online on RPPO Web-portal within three months from the date on which the RPPO Web-portal is declared, under Clause (ii) of Sub-regulation (3) of Regulation 7 to be operative, or from the date on which the entity qualifies for being an Obligated Entity under these Regulations, whichever is later, and shall also furnish requisite information, on quarterly and annual basis as per the Procedure formulated by the State Agency under Clause (i) of Sub-regulation (3) of Regulation 7.
- (2) The Obligated Entity shall have the exclusive right to adjust, in any sequence, the energy consumed by it from RE Sources, as per Sub-regulation (2) of Regulation 5 of these Regulations for meeting its RPPOs for relevant category and also for getting certificates for the surplus procurement of renewable energy, if any, after offsetting the RPPOs.
- (3) The Obligated Entities shall submit, online, necessary details, duly taking into account the provisions specified under Regulations 4 and 5 of these Regulations, regarding total consumption of electricity, power purchased from RE Sources or Renewable Energy Certificate(s) procured and the shortfall, or surpluses as the case may be, in meeting the RPPOs along with the reasons for shortfalls, if any, and the plans for fulfilment of RPPO as well as any other information as the State Agency may require, on quarterly basis before the end of the sixth week of the succeeding quarter and annual consolidated report on or before the 15th May of the succeeding year:  
  
Provided that till such time the RPPO Web-portal becomes fully operative under Clause (ii) of Sub-regulations (3) of Regulation 7, such information shall be submitted in physical form to the State Agency.
- (4) The State Agency shall get the data submitted as per Regulation (2) and (3) of this Regulation, to it by the Obligated Entities, other than the Distribution Licensee and get it verified from the appropriate authorities viz the Nodal Agency in case of Open Access Consumers and the officers designated by the Distribution Licensee in case of co-located Captive Consumers:

Provided that the Commission, if it finds appropriate from submissions of the State Agency, may, also appoint the third-party agency, for verification of the details provided by the Obligated Entities.

- (5) Save as provided in Sub-regulations (2), (3) and (4) of this Regulation, the Distribution Licensee shall also indicate, along with sufficient proof thereof, the estimated quantum of purchase from RE Sources, relevant to each category of RPPOs, for the ensuing year(s) in MYT tariff/ ARR petition in accordance with Regulations made by the Commission. The estimated quantum of purchase shall duly take into account the provisions of Regulation 4 of these Regulations.
- (6) The State Agency shall host the status of RPPO compliance by the Obligated Entities, as per Clause (i) of Sub-regulation (4) of Regulation 7 on its website.

### **9. Compliance and Monitoring:**

The Obligated Entities who are procuring/consuming electricity from sources other than renewable energy sources having capacity of above 1 MW shall require to file a Petition before the Commission after completion of respective financial year providing the details of the Renewable Purchase Obligation fulfilled by them in compliance to the provisions of this Regulations prior to 30<sup>th</sup> June of the succeeding financial year. The obligated entities shall also require to provide the details for compliance of RPPO in specified format which are part of these Regulations provided in Appendix-1 on quarterly basis. Such format shall be revised by the Commission from time to time as per requirement.

Provided that in case of the Obligated Entity procuring/consuming power below 1 MW from sources other than renewable energy sources MW, shall provide the details of RPPO compliance by them to the State Agency. In such case, the State Agency shall require to file RPPO compliance Petition before the Commission on completion respective financial year providing the details of the Renewable Purchase Obligation fulfilled by such obligated entities in compliance to the provisions of these Regulations prior to 30<sup>th</sup> June of the succeeding financial year.

Provide further that the Obligated Entity shall upload the details of Renewable Energy Purchase and status of RPO Compliance on quarterly basis on its website. The State Nodal Agency shall also upload the RPO Compliance details submitted by the Obligated Entity on its Website.



**10. Consequences of default.-** (1) Where, during any year, the Obligated Entity does not fulfil the Renewable Purchase Obligation as provided in these Regulations and also does not purchase the certificates, the Commission may direct the Obligated Entity to pay the additional penalty for shortfall in specified renewable energy consumption targets as per Ministry of Power Notification No. S.O. 4617(E) dated 20th October, 2023 stated below:

As per sub-section (3) of Section: 26 of The Energy Conservation Act (in terms of twice TOE value)

1. 1 TOE = 11,630 KWh,
2. Value of 1 TOE: INR 21,650.00 (As per MoP Gazette Notification dated 26.12.2023),
3. Penalty per 1 unit (KWh) of unmet RPO1:  
 $2 \times \text{INR } 21,650 / 11,630 \text{ KWh} = \text{INR } 3.72$  (Rounded off)

The penalty amount as the Commission may determine on the basis of the shortfall in units of RPPO, be deposited into a separate fund, to be created and maintained by such Obligated Entity or State Agency as the case may be.

Provided that the fund so created shall be utilised, as may be directed by the Commission partly for purchase of the certificates and partly for development of transmission/sub-transmission infrastructure for evacuation of power from generating stations based on RE Sources:

Provided further that the Obligated Entities shall not be authorized to use the fund created in pursuance of these Regulations without prior approval of the Commission:

Provided also that the Commission may empower an officer of the State Agency to procure from the Power Exchange(s) or through Electricity Traders the required number of certificates to the extent of the shortfall in the fulfilment of the obligations, out of the amount available in the fund.

(2) Where any Obligated Entity fails to furnish requisite information, as provided under Regulation 8, or fails to comply with the obligation to purchase the required percentage of energy from RE Sources as provided under these Regulations or fails to purchase the Renewable Energy Certificates, it shall be liable for penalty as may be imposed by the Commission under Section 142 of the Act:

Provided that in case of genuine difficulty in complying with the Renewable Power Purchase Obligation because of non-availability of certificates, the Obligated Entity may approach, the Commission along with complete detail for carry forward of shortfall in the RPPO as per Sub-regulation (3) of Regulation 5 of these Regulations:

Provided further that where the Commission has consented to carry forward of compliance requirement, the provisions of Sub-regulation (1) of these Regulations or the provisions of Section 142 of the Act shall not be invoked.

**10. Purchase of Electricity under REC Mechanism.**

(1) The term, “Energy Purchased under REC Mechanism”, shall mean the energy consumed by an Obligated Entity from RE Sources, under the Power Purchase Agreement(s) or any other arrangement on or after, 18<sup>th</sup> January 2010 with specific provisions that such purchase shall not entitle the Obligated Entity to deal with the green attributes for the quantum of energy so purchased.

(2) The Commission may, fix the rate and other associated conditions, by duly taking into account the Average Cost of Power Purchase by the Distribution Licensee from different sources, at such interval as it may consider appropriate, for purchase of electricity by the Distribution Licensee, under REC mechanism:

Provided that the rate fixed by the Commission for Average Pooled Purchase Cost (APPC) vide Order No. 4 of 2024 dated 28.08.2024 shall be considered as the rate fixed under this Regulations for the period upto 31.03.2024.

**11. Overriding effect.** - The provisions of these Regulations, including the orders or directions issued by the Commission under these Regulations, shall have effect notwithstanding anything contained in any other Regulations, framed by the Commission, relating to the determination of tariff, and/or making provisions for Open Access under the Act.

**12. Power to remove difficulties.**- If any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may, either Suo- Motu or on an application made to it, by general or special order, direct the licensee/generator or any other person to take suitable action, not being inconsistent with the Act, which appears to the Commission to be necessary or expedient for the purpose of removing the difficulty.

**13. Issue of orders and directions.** - Subject to the provisions of the Act and these Regulations, the Commission may, from time to time, issue orders and practice directions with regard to the implementation of these Regulations and procedure to be followed for such implementation and matters incidental or ancillary thereto. Such direction(s) issued by the Commission shall be binding on the State Agency and the Obligated Entity.

**14. Saving of Inherent Powers of the Commission.**- Nothing contained in these Regulations shall limit or otherwise affect the inherent powers of the Commission to adopt a procedure, which is at

variance with any of the provisions of these Regulations, if the Commission, in view of the special circumstances of the matter or class of matters and for reasons to be recorded in writing, deems it necessary or expedient to depart from the procedure specified in these Regulations.

**15. Repeal and Savings. -**

(1) Save as otherwise provided in these Regulations, the GERC (Power Procurement from Renewable Sources) Regulations, 2005 and GERC (Power Procurement from Renewable Sources) Regulations, 2010 and all subsequent amendments thereto 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 required to be taken or purported to have been done or taken 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 Regulation, be deemed to have been done or taken under the corresponding provisions of these Regulations;

(b) as far as treatment of Certificates issued under the provisions of repealed CERC REC Regulations, 2010 shall be governed as per the provisions of CERC REC Regulations, 2022.

**16. Interpretation. -** All issues arising in relation to interpretation of these Regulations shall be determined by the Commission and the decision of the Commission on such issues shall be final.

By order of the Commission.

Sd/-  
[Ranjeeth Kumar J., IAS]  
Secretary  
Gujarat Electricity Regulatory Commission  
Gandhinagar, Gujarat

Place: Gandhinagar

Date: 30/09/2024.