

MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION

BHOPAL

DRAFT NOTIFICATION

Date.....

No. MPERC / 2022/in exercise of the power conferred by section 181 read with Section 61(h) and 86(1)(e) of the Electricity Act 2003, (36 of 2003) and all other powers enabling it in that behalf, the Madhya Pradesh Electricity Regulatory Commission, hereby makes the following Regulations to amend the Madhya Pradesh Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy (Revision-II) Regulations 2021[RG-33(II) of 2021], herein after referred to as the “**Principal Regulations**” namely :-

FOURTH AMENDMENT TO MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION (COGENERATION AND GENERATION OF ELECTRICITY FROM RENEWABLE SOURCES OF ENERGY (REVISION-II) REGULATIONS 2021[ARG-33(II)(iv) of 2024]

1. Short Title and Commencement-

- 1.1. These Regulations shall be called “**Madhya Pradesh Electricity Regulatory Commission (Cogeneration and Generation of Electricity from Renewable Sources of Energy (Revision-II) Regulations 2021(Fourth Amendment) [ARG-33(II)(iv) of 2024]**”.
- 1.2. These Regulations shall come into force from the date of their publication in the Madhya Pradesh Gazette.
- 1.3. These Regulations shall extend to the whole of the state of Madhya Pradesh.

2. Amendment to Regulation 2 of the Principal Regulations.

- 2.1 Clause (xi) of Regulation 2 of the principal Regulations is deleted:
- 2.2 Clause (xiv) and (xxiii) of the Regulation 2 of the principal Regulations is amended as under: -

(xiv) ‘Open Access Consumer’ means a person who has availed general network access or open access either under CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 (as amended and revised from time to time) or under Madhya Pradesh Electricity Regulatory Commission (Terms and Conditions for Intra-State Open Access in Madhya Pradesh) Regulations, 2021 (Revision-I) (as amended and revised from time to time) and shall include Short-term

Transmission / Distribution Open Access Consumers also as defined in any other Regulations specified by CERC/MPERC from time to time;

(xxiii) ‘State Agency’ means the State Agency to be designated by the Commission to act as the Agency for accreditation of eligible entities connected with intra state transmission system for grant of renewable energy certificates and recommending the renewable energy projects in Madhya Pradesh;

- 2.3 A new sub-clause namely **(xxiii)(a)** shall be inserted after sub-clause (xxiii) and before sub-clause (xxiv), namely: -

(xxiii)(a) ‘State RPO Monitoring Agency/ Agencies’ means the State RPO Monitoring Agency/ Agencies to be designated by the Commission to act as the Nodal Agency for monitoring, verification and reporting RPO compliance of each of the obligated entity in their jurisdiction;

- 2.4 A new sub-clause namely (xx)(a) shall be inserted after sub-clause (xx) and before sub-clause (xxi), namely: -

(xx)(a) **“RPO Portal”** means a web portal developed by the Commission for reporting of RPO compliance by the obligated entities including Distribution Licensees and Indian Railways;

3. Amendment to Regulations 3 of the Principal Regulations.

Clause 3.1.9 of the Regulation 3 of the Principal Regulations shall be substituted as under:

“ Any shortfall remaining in achievement of ‘Other RPO’ category in a particular year can be met with either the excess energy procured from Wind Power Projects (WPPs) commissioned after 31st March 2022 beyond ‘Wind RPO’ for that year and the wind energy procured over and above 7% from WPPs commissioned till 31st March 2022 or with excess energy procured from eligible Hydro Power Projects [including Pumped Storage Projects (PSPs) and Small Hydro Projects (SHPs)], commissioned after 8th March, 2019 beyond ‘HPO’ for that year or partly from both. Further, any shortfall in achievement of ‘Wind RPO in a particular year can be met with excess energy procured from Hydro Power Plants, which is in excess of ‘HPO’ for that year and vice versa. Moreover, any excess energy consumption under “Other renewable energy category in a particular year, can be utilised to meet the shortfall in RPO compliance of Wind renewable energy or Hydro renewable energy.”

4. Amendment to Regulations 5.3 of the Principal Regulations.

Regulation 5.3 of the Principal Regulations shall be substituted as under:

“ 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 Madhya Pradesh Electricity Balancing and Settlement Code, 2023 , MPERC (Forecasting, Scheduling, DSM and related matters of Wind and Solar Generating Stations) Regulations, 2018, Madhya Pradesh Electricity Grid Code (Revision-III), 2024 and Madhya Pradesh Electricity Distribution Code (Revision-1), 2024 as amended and revised from time to time.”

5. Amendment to Regulations 7 of the Principal Regulations.

In sub-clause a of regulation 7, for the words “MP Electricity Grid Code, 2019”, words “Madhya Pradesh Electricity Grid Code (Revision-III), 2024” shall be substituted.

6. Amendment to Regulations 9 of the Principal Regulations.

In sub-clause 9.3 of regulation 9, for the words “MPERC Balancing and Settlement Code, 2015” and “MP Electricity Grid Code, 2019”, words “Madhya Pradesh Electricity Balancing and Settlement Code, 2023” and “Madhya Pradesh Electricity Grid Code (Revision-III), 2024 ” shall be substituted respectively.

7. Amendment to Regulations 11 of the Principal Regulations.

7.1 In sub-clause 11.1 (a) (iii) and 11.1 (b) (ii) of regulation 11, for the words “Madhya Pradesh Electricity Regulatory Commission (Grid connected Net Metering) Regulations, 2015”, words “Madhya Pradesh Electricity Regulatory Commission (Grid Interactive Renewable Energy Systems Related Matters) Regulations [Revision-II], 2024” shall be substituted.

7.2 In sub-clause 11.2(a) of regulation 11, for the words “MPERC Balancing and Settlement Code, 2015” and “MP Electricity Grid Code, 2019”, words “Madhya Pradesh Electricity Balancing and Settlement Code, 2023” and “Madhya Pradesh Electricity Grid Code (Revision-III), 2024” shall be substituted respectively.

8. Amendment to Regulations 12 of the Principal Regulations.

After sub-clause 12.4 of the of regulation 12, following sub clauses namely 12.5, 12.6 and 12.7 shall be inserted as under: -

- 8.1 12.5 All the obligated entities referred to in sub clause (xiii) of regulation 2 and State RPO monitoring Agencies referred to in sub clause (B) of regulation 14 shall be required to register on RPO web portal of the Commission within a period of 1 month from the date of notification of these regulations and start reporting RPO compliance every month. A protocol for reporting RPO compliance by obligated entities and monitoring and verification of RPO compliance by State RPO Monitoring Agencies shall be notified separately by the Commission.
- 8.2 12.6. A report of RPO compliance by each of the obligated entities shall be submitted by the State RPO Monitoring Agencies by 15th May of each year. The report should contain the RPO compliance status of each obligated entity along with supporting documents.
- 8.3 12.7 The Commission shall examine the reports submitted by the State RPO Monitoring Agencies and shall pass a declaration of RPO compliance status of each obligated entity through separate orders or through a common order as it may deem fit.

9. Amendment to Regulations 13 of the Principal Regulations.

In sub-clause 13.1 and 13.2 of regulation 13, for the words “Central Electricity Regulatory Commission (Terms and Conditions for recognition and issue of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010”, words “CERC (Terms and conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2022” as amended from time to time” shall be substituted.

10. Amendment to Regulations 14 of the Principal Regulations.

Regulation 14 of the regulations shall be substituted as under: -

14. (A) State Agency

- 14.1 The Commission shall designate 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 CERC (Terms and conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2022 as amended from time to time.

14.2 The Commission may, at any time, by general or special Order, designate any other entity to function as the State Agency.

(B) State RPO Monitoring Agency

14.3 The Commission shall designate State RPO Agency/ RPO Agencies by a separate order. The State RPO Agency/ RPO Agencies shall be responsible for monitoring and reporting RPO compliance of obligated entities within their jurisdiction and shall function in accordance with the directions of the Commission as may be specified from time to time through separate orders.

14.4 The Commission may, at any time, by general or special Order, designate any other entity to function as the State RPO Monitoring Agency/ Agencies.

11. Amendment to Regulations 15 of the Principal Regulations.

Regulation 15 of the regulations shall be substituted as under: -

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 renewable energy certificates (RECs) to the extent of the estimated obligation on the basis of the shortfall in units of RPO and the average price of the RECs on power exchanges during preceding 6 months, which shall be utilized as may be directed by the Commission, primarily for purchase of the RECs and for development of Transmission infrastructure for evacuation of power from Generating Stations based on Renewable Energy Sources, if after purchase of required RECs, unutilised amount remains in the separate fund :

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 Nodal Agency to procure from 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;

Provided that the Commission while allowing such carry forward of the compliance requirement to the next year after due diligence , may also direct the concerned obligated entity to procure additional renewable energy or RECs equivalent to the amount computed on the monetary value of RPO shortfall at base rate of late payment surcharge (LPS) as prescribed under Late Payment Surcharge Rules notified by Government of India, Ministry of Power , as may be applicable during the year for which RPO was to be complied with by the obligated entity.

(Dr. Umakant Panda)

Secretary