

PUNJAB STATE ELECTRICITY REGULATORY COMMISSION
SITE NO. 3, BLOCK B, SECTOR 18-A MADHYA MARG, CHANDIGARH

IA No. 06 of 2020
in
Petition No. 33 of 2019
Date of Hearing: 21.10.2020
Date of Order: 23.10.2020

Petition under Regulation 6(2) and Regulation 7 of PSERC (Renewable Purchase Obligation and its compliance) Regulations, 2011 for permission to carry forward the Renewable Purchase Obligation of the petitioner upto the year 2016-17 to the next Financial Year i.e. 2020-21.

AND

In the matter of : Application under Regulation 64,69,73 under Chapter XII of the PSERC (Conduct of Business) Regulations, 2005 and other applicable Regulations issued by this Hon'ble Commission and provisions of the Electricity Act, 2003, seeking modification of the Judgment and Order dated 17.03.2020 for extension in time for compliance of the Judgment and Order dated 17.03.2020, whereby, the Petitioner was directed to comply with shortfall in its RPO by 30.09.2020 by purchasing RECs.

And

Punjab Alkalies & Chemicals Limited. S.C.O 125-127, Sector 17 B, Chandigarh through It's Deputy Manager(Accounts & Legal) Sh. Sanjeev Swatantra.

.....Applicant/Petitioner

Present: Ms. Kusumjit Sidhu, Chairperson
Ms. Anjali Chandra, Member

**Punjab Alkalies
& Chemicals:** Sh. Rakesh Khaura
Sh. Sumeet Rana

PSPCL: Sh. Jatinderpal Singh Trehan CE/ARR&TR
Sh. Bhuvnesh Naugria, SE/TR-2
Sh. Mukesh Kumar, ASE/TR-5
Sh. Loveleen Gupta, AEE/TR-5
Sh. Gurpreet Singh Tiwana, Sr.Xen/Open/Access
Sh. Amrinder Singh Virk, AEE

PEDA: Sh. M.P Singh

Order

The Commission vide Order dated 17.03.2020 in petition No. 33 of 2019 filed by Punjab Alkalies & Chemicals Limited (PACL), allowed PACL to carry forward the cumulative shortfall of 9426.74 Non-Solar RECs and 2102.46 Solar RECs for the previous years i.e. upto FY 2018-19 by 30.09.2020. PACL was directed to comply with the aforementioned shortfall under intimation to PSPCL & PEDDA as well as to the Commission periodically, whenever RECs are purchased by it, but not later than 30.09.2020.

PACL has filed the present application submitting that it endeavored to comply with the Order dated 17.03.2020, however lockdown was imposed across the country first as Pan India Janta Curfew on 22.03.2020 and then lockdown in Punjab on 24.03.2020 due to occurrence of global pandemic COVID 19, leading to stalling of global economics. Due to low demand scenario of the products of PACL all over India, PACL suffered heavily and it is facing a hard economy hit due to the lockdown. PACL has submitted that it was preparing documents to submit bid for purchasing the RECs on the next date of bidding i.e. 25.03.2020 however, due to imposition of lockdown everything came to standstill. PACL has further submitted that it re-initiated the process for purchasing RECs through the CERC approved Trader i.e M/s Knowledge Infrastructure Systems Pvt. Ltd., New Delhi, however, due to stay granted by the Hon'ble APTEL trading of RECs at the power exchanges was suspended.

PACL has submitted that it has made sincere attempts to comply with the Order dated 17.03.2020 passed by the Commission. However, due to the reasons beyond its reasonable control, the petitioner could not purchase the requisite RECs for fulfillment of the shortfall of its RPO and the Order dated 17.03.2020 could not be complied with. PACL has prayed to modify the Judgment/Order dated 17.03.2020 and grant extension in time for compliance of the Order by purchasing RECs for fulfilling the RPO Shortfall on or before 30.09.2021.

The present IA was taken on record vide Order dated 09.10.2020. Notice was issued to PSPCL & PEDDA. PSPCL has not disputed in its reply the submissions made in the application. PEDDA has submitted in its reply that the endeavours made by the petitioner for purchasing the RECs are denied for want of knowledge however, the imposition of lockdown in the country due to COVID 19 is a matter of record.

The Commission has examined submissions made in the application and the reply filed by PSPCL & PEDDA. After hearing the arguments, the Commission finds that the reasons forwarded by PACL for non-compliance of Commission's Order dated 17.03.2020 appear to be genuine. It is a fact that due to COVID 19 pandemic, lockdown was imposed in the country as well as in the State of Punjab, which has caused financial crunch and hardship to the public at large as well as other private and public institutions. The submission made by PACL that it could not purchase the requisite RECs due to the reasons beyond its control cannot be termed without any basis. Proviso to the Regulation 6 (2) of the Punjab State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2011 provides that in case of genuine difficulty in complying with the renewable purchase obligation because of non-availability of certificates or otherwise, the obligated entity can approach the Commission for carrying forward of compliance requirement to the next year. Also PSPCL & PEDDA have not opposed the averments made by PSPCL.

Keeping in view the above, the prayer of the petitioner to grant extension in time for compliance of the Order dated 17.03.2020 for purchasing the requisite RECs for fulfilling the RPO shortfall on or before 30.09.2021 is allowed. The Order dated 17.03.2020 in petition No. 33 of 2019 shall stand modified accordingly.

The IA No. 06 of 2020 is disposed of accordingly.

Sd/-
(Anjuli Chandra)
Member

Sd/-
(Kusumjit Sidhu)
Chairperson

Chandigarh
Dated: **23.10.2020**