**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION**
**BAYS No. 33-36, SECTOR-4, PANCHKULA- 134112, HARYANA**

**Case No: HERC / Petition No. 29 of 2022**

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| **Date of Hearing** | **07.09.2022** |
| **Date of Order** | **19.09.2022** |

**In the Matters of:**

Petition under Regulation 65 and 77 of the Haryana Electricity Regulatory Commission (Terms and Conditions for determination of Tariff from Renewable Energy Sources, Renewable Purchase Obligation and Renewable Energy Certificate) Regulations, 2021 ('RE Regulations, 2021' in short), praying for reduction/ waiving off backlog of Solar RPO for FY 2020-21 & 2021-22 in view of the factors beyond the control of Distribution Companies such as delay in commissioning of renewable energy projects due to force majeure condition of COVID-19/ change in law etc.

**Petitioner**

Haryana Power Purchase Centre, Panchkula (HPPC)

**Respondents**
Nil

**Present on behalf of the Petitioner**

Ms. Sonia Madan, Advocate

**Quorum**

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| **Shri R.K. Pachnanda** | **Chairman** |
| **Shri Naresh Sardana** | **Member** |

**ORDER**

**A. Conspectus**

1. The Haryana Electricity Regulatory Commission (HERC), vide HERC (Terms and Conditions for determination of Tariff from Renewable Energy Sources, Renewable Purchase Obligation and Renewable Energy Certificate) Regulations, 2017 ('RE Regulations, 2017' for brevity) and RE Regulations, 2021

has inter alia specified the Solar and Non-Solar RPO trajectory, tabulated as under: -

| FY | RPO (%) as per HERC RE Regulations, 2021 | | | |
|---|---|---|---|---|
| | Other Non Solar | Large Hydro | Total Non Solar | Total Solar |
| 2020-21 | 3.00 | 0.00 | 3.00 | 7.00 |
| 2021-22 | 3.00 | 0.00 | 3.00 | 8.00 |
| 2022-23 | 5.00 | 0.35 | 5.35 | 9.00 |
| 2023-24 | 6.00 | 0.66 | 6.66 | 10.00 |
| 2024-25 | **<u>To be specified</u>**<br>(emphasis added) | 1.08 | **<u>To be specified</u>**<br>**(**emphasis added) | **<u>To be specified</u>**<br>**(**emphasis added) |
| 2025-26 | | 1.48 | | |
| 2026-27 | | 1.80 | | |
| 2027-28 | | 2.15 | | |
| 2028-29 | | 2.51 | | |
| 2029-30 | | 2.82 | | |

Accordingly, the Commission in its Annual Revenue Requirement (ARR) Order dated 01.06.2020 had approved RPO targets of 1090 MUs and 2542 MUs from Non-Solar and Solar power sources for FY 2020-21.

Further, ARR order dated 30.03.2021 had approved 1088.1 MUs and 2901.8 MUs from Non-Solar and Solar sources for compliance of RPO for the FY 2021-22. In the said Order, it was ordered to carry forward the anticipated RPO backlog of FY 2020-21 to FY 2021-22. A backlog of 1259 MUs and 48 MUs in Solar and Non-Solar RPOs respectively for FY 2020-21 has been ascertained at the end of FY 2020-21.

A summary of RPO trajectory specified and actual reported by the Discoms (except Hydropower Purchase Obligations) for the period FY 2020-21 till FY 2023-24 are presented below: -

| Year | Energy consumption eligible for RPOs (MUs) | Solar RPO targets as per HERC Regulations | | RPO targets in MUs as per HERC Regulations | | MUs arranged/ envisaged from tie-ups | | % age RPOs achieved / to be achieved | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Solar (%) | Non Solar (in%) | Solar | Non Solar | Solar | Non Solar | Solar | Non Solar | Total |
| 2020-21 | 36320 | 7 | 3 | 2542 | 1089 | 1283 | 1042 | 3.53 | 2.87 | 6.40 |
| 2021-22 | 36273 | 8 | 3 | 2901 | 1088 | 1655 | 1741 | 4.55 | 4.80 | 9.35 |
| 2022-23 | 38730 | 9 | 5 | 3486 | 1937 | 3486 | 3607 | 9 | 9.31 | 19.02 |
| 2023-24 | 45705 | 10 | 6 | 4570 | 2742 | 4570 | 4500 | 10 | 12.0 | 22 |

The underlying assumptions are as under:-

a. Energy consumption eligible for RPOs for FY 2020-21, FY 2021-22 and FY 2022-23 is as per respective ARR orders of the Commission.

b. Energy consumption for FY 2023-24 is based on projections considering annual growth of 3.69% on the consumption during the FY 2019-20. Envisaged solar RPO FY-2022-23 are 3486 Mus i.e 2652 Mus, 438 Mus and 379 Mus from Ground mounted, Rooftop and the Green Term Ahead Market (GTAM).

**B. Petitioner's Submissions**

2. That HPPC has been taking various initiatives for the promotion of renewable energy in the State of Haryana. However, the spread of COVID pandemic proved highly disastrous in fulfilment of RPO obligations as per the tie ups/ arrangements made by the petitioner. In view of such unforeseen circumstances, despite the best efforts of HPPC, it has faced constraints in meeting RPO targets as availability of RE power from such power projects for which HPPC has signed PPAs has been delayed.

3. That besides shortfall of 1259 MUs and 48 MUs in Solar and Non-Solar RPOs respectively corresponding to FY 2020-21, HPPC experienced shortfall to the tune 1246 MUs in Solar RPOs during the FY 2021-22 after considering the availability of renewable power from the current tie ups. It is pertinent to mention that the non-solar RPO to the tune of 1741 MUs have been achieved during FY 2021-22 against the target of 1088 MUs meaning thereby there has been surplus of 653 MUs.

4. That HPPC had made sufficient tie ups and envisaged 5686 MUs during the period of two years i.e. FY 2020-2021 and FY 2021-22 against the target of 5444 Mus for solar power i.e. 2542 and 2901 MUs for FY 2020-21 and FY 2021-22 respectively. The petitioner is appending herewith a sheet depicting the Solar targets including backlog and achievements/envisaged Solar RPOs including Slippage of Solar Power for the period from FY 2020 to FY 2024 marked as Annexure P-2.

5. That the existing solar power capacity available with the Haryana Discoms through long term sources is 1148 MW besides solar rooftop having capacity of about 384 MW (UH-147 MW + DH-237 MW). Also, 675.07 MW is currently available from non-solar RE sources. In addition to above, PPAs/PSAs for cumulative 884 MW and 1017.67 MW for Non-Solar and Solar power sources respectively, which are yet to be commissioned, have been executed by HPPC for fulfilment of RPO.

6. That as per current tied up contracted capacity from Renewable Sources, quantum of 4264 MW power is expected by the end of FY 2023-24. The details of the current tied up contracted RE capacity of the Petitioner is tabulated as under:-

| Date | Solar Ground mounted | Solar Rooftop | Wind | Biomass | WtE | Small Hydro | | Total |
|---|---|---|---|---|---|---|---|---|
| | Capacity in MW | | | | | | | |
| As on 25.06.22 | 1148 | 384 | 470.5 | 124.6 | 6.77 | 73.2 | | 2207.07 |
| Additions expected in FY 2022-23 | 451.37 | 50 | 620 | 30.3 | 25 | 0 | | 1176.67 |
| Additions expected in FY 2023-24 | 566.67 | 50 | 264 | 0 | 0 | 0 | | 880.67 |
| Total Capacity available at the end of FY 2023-24 | 2166.04 | 484 | 1354.5 | 154.9 | 31.77 | 73.2 | | 4264.41 |

7. That Hon’ble HERC has not fixed any target for HPO for the FY 2021-22. However, the HPPC has already tied up for 574.4 MW. From total capacity of 574.4 MW, hydro power to the tune of 276.4 MW is expected by FY 2024-25. Considering that there are no unforeseen circumstances, it is expected that HPO targets shall be fulfilled through current tie-ups by FY 2024-25.

8. That despite the fact that the Petitioner had sufficient tie ups for meeting its RPOs including Backlog, the RE power against various PPAs/PSAs signed by Discoms/HPPC could not commence due to delay in commissioning of projects on account of COVID situation/force majeure. The estimated shortfall in RPO is primarily on account of the Covid outbreak and the consequential

impact on movement of goods/equipment, court proceedings etc., there have been substantial delays in the commissioning of various projects.

9. That the Ministry of New and Renewable Energy (MNRE) vide notification dated 13.08.2020 decided that all RE projects under implementation as on the date of lockdown i.e. 25.03.2020, through RE implementing agencies designated by MNRE or under various schemes of MNRE shall be given five months blanket extension from 25.3.2020 to 24.08.2020. Further, MNRE vide notification dated 29.06.2021 recommended another time extension of 76 days, from 1st April 2021 to 15th June 2021 (both dates inclusive) to RE projects having their scheduled date of commissioning on or after 1st April 2021.

10. That non-trading of RECs in Energy Exchanges on account of orders of the Hon'ble APTEL and the limited availability of short-term power has posed further challenges in meeting RPOs during the FY 2020-21 and FY 2021-22. It may be noted that the REC trading remained suspended during the period from July, 2020 to November 2021, whereas limited renewable power was being traded in energy exchanges. The trading in RECs remained suspended w.e.f. July 2020 on account of Stay Order dated 24.07.2020 issued by Hon'ble APTEL in relation to fixing floor and forbearance prices of RECS by CERC, which affected petitioner to meet its RPO obligations.

11. That owing to delay in commissioning of tied up RE projects due to COVID situation/force majeure, there has been slippage of Solar and Non-Solar RE power in FY 2020-21 to the tune of 507 MUs and 2894 MUs respectively. For FY 2021-22, there has been slippage of Solar and Non-Solar RE power to the tune of 2241 MUs and 3503 MUs respectively. If the contracted projects had materialized as per their schedule it would have led to an addition of 2748 Solar MUs as well as 6397 Non-Solar MUs, as per which HPPC would have fulfilled its RPO obligations for FY 2021-22 in line with RPO trajectory determined by the Hon'ble Commission.

12. That Hon’ble Punjab State Electricity Regulatory Commission (PSERC) vide Order dated 13.10.2021 in PRO- 36 of 2021 acknowledged the difficulties faced by the obligated entities as well as consumers of the Punjab on account of the lockdowns imposed to prevent the spread of COVID Pandemic. The Hon’ble PSERC, in exercise of its powers conferred under Regulation 3 (2) and 7 of the RPO Regulations of the State of Punjab, allowed PSPCL’s prayer for reduction of RPO targets fixed for FY 2021-22.

The relevant extract of the order cited by the petitioner is as under :-

*“The Commission observes that catastrophic events like the spread of the Covid-pandemic are rare and once in a century event. To control the spread of same in the country, the Govt. of India as well as the State Governments, including Punjab, imposed restrictions on the movement of public and on the opening of offices and establishments etc. As a result, availability of RE power from various RE projects and Solar Rooftop schemes under implementation got delayed. Considering the adverse impact of the lockdown imposed by the governments, MNRE allowed extension to all RE projects under implementation through RE Implementing Agencies designated by the MNRE or under various schemes of the MNRE initially by five months from 25.03.2020 to 24.08.2020 and then for two and a half months from 01.04.2021 to 15.06.2021 vide its office memorandum dated 13.08.2020 and 29.06.2021 respectively.*

*The Commission also takes note of the efforts being made by PSPCL to contract/procure RE energy from various sources for fulfilment of RPO targets. Thus, in view of the hardships faced by the obligated entities due to the lockdowns imposed by the Governments to prevent the spread of Covid-19 pandemic, the Commission is inclined to consider reduction in RPO targets for FY 2021-22. Regarding the issue of carry forward of the surplus after RPO compliance, the Commission records that the surplus occurred due to the reduction of RPO targets in the previous year as per the directions issued by the GoP under section 108 of the Electricity Act, 2003. This fact has been acknowledged by the petitioner PSPCL. However, taking a holistic view, the Commission refers to Regulation 7 of Punjab State Electricity Regulatory Commission (Renewable Purchase Obligation and its compliance) Regulations, 2011, which specifies as under:*

*“7. Inherent powers of the Commission*

*Nothing in these Regulations shall be deemed to limit or otherwise affect the inherent powers of the Commission to make such orders as may be necessary for ends of justice or to prevent the abuse of process envisaged in these Regulations.” Therefore, the provision exists in the RPO Regulations for use of the inherent powers by the Commission to make such orders as may be necessary for meeting the ends of justice.*

*The Commission notes PSPCL’s submissions that it is expected to have a shortfall of 357.95 MUs (Non-Solar) and 1110.68 MUs (Solar) RPO during FY 2021-22. However, after adjusting the carry forward of FY 2020-21 to FY 2021-22, the shortfall is expected to be of 97.66 MU (Non-Solar) and 664.04 MU (Solar). It is felt that purchasing of short term RE Power to meet with the shortfall in RPOs shall impose a huge financial burden on PSPCL and consumers of Punjab who are already suffering due to COVID Pandemic. It is also not possible to purchase RECs currently due to the stay imposed on trading of RECs by Hon’ble APTEL.*

*Keeping in view the above and in view of the difficulties faced by the obligated entities as well as consumers of the Punjab on account of the lockdowns imposed to prevent the spread of COVID Pandemic, the Commission, in exercise of its powers conferred under Regulation 3(2) and 7 of the RPO Regulations, finds it prudent to allow PSPCL’s prayer to carry forward the surplus after compliance of RPO of FY 2020-21 to FY 2021-22 and reduction of RPO targets fixed for FY 2021-22.The reduction in the RPO targets for FY 2021-22 by 0.3 % for Non Solar and 1.5% for Solar, shall be applicable to all the obligated entities in the State.”*
*(Emphasis Supplied)*

13. The petitioner has submitted that the Hon’ble Gujarat State Electricity Regulatory Commission (GSERC) in its order dated 09.05.2022 passed in Petition No. 1922 of 2021 also considered the constraints faced by Gujarat Urja Vikas Nigam Ltd. and ordered revision in RPO while observing that there were supply constraints of renewable energy in the State of Gujarat during FY 2019-20. The Hon’ble GSERC revised the RPO of the distribution licensees of the State by adopting the weighted average formula in which the renewable energy actually procured for FY 2019-20 by the distribution

licensees was considered and it was decided to revise the RPO target in percentage.

14. That the Hon'ble APTEL in its judgment dated 16.04.2015 in Appeal No. 258 of 2013 and Appeal No. 21 of 2014 has recorded as under:-

*"………. 48. RE Regulation, 2010 dated 17.4.2010 specified RPO for three years (2010-11 to 2012-13) with increasing quantum of RPO every year. Under Regulation 4.2, the RPOs can be revised before the beginning or during a financial year for that year if the State Commission is convinced that the targets set up by it are unrealistic and cannot be achieved. For example, on the basis of the experience of FYs 2010-11 and 2011-12, if the State Commission feels that the targets set up by the Commission for FY 2012-13 are high and unrealistic, it may revise the same at the beginning of FY 2012-13 or during FY 2012-13. <u>The State Commission may also revise the targets during a year due to force majeure such as natural calamity occurring during the year due to which it becomes impossible to achieve the RPO targets……</u>".*

*49. The State Commission may also revise the targets after the completion of financial year under Regulation 4.2 <u>due to supply constraints or factors beyond the control of the licensee which may be due to reasons such</u> as: 26 i) Actual renewable energy generation is below normative generation from tied up renewable energy sources due to reasons beyond the control of the distribution licensee. ii) <u>Force majeure such as natural calamity resulting in supply constraints.</u> iii) Inadequate capacity addition in the State and RECs could not be purchased due to non-availability of REC despite efforts made by the distribution licensee. In a resource rich State where the State Commission had set up RPO targets keeping in view the anticipated capacity addition in the State, the State Commission may also revise the targets due to inadequate renewable capacity addition in the State. iv) Minimum energy purchase obligation for renewable sources of energy was fixed on estimated energy consumption of the licensee in the ARR based on estimated growth but the actual consumption has been much lower due to slow growth or negative growth or due to forced majeure. Thus, percentage RPO on actual energy consumption was met but minimum energy purchase target fixed in the ARR based on anticipated energy consumption could not be met. v) A distribution licensee has proposed to meet a part or full RPO by purchase of REC but REC could not be* *purchased, despite efforts made by the licensee, due to non-availability of REC. …………………"* *(Emphasis Supplied)*

15. That there are several precedents where the Hon'ble Commissions have allowed the distribution licensees to carry forward the shortfall in RPO to subsequent years. Further, the excess RPO achieved in previous years are also allowed to be adjusted in the subsequent years for meeting the RPO. The Hon'ble Commission has wide inherent powers under the Regulations to consider the present situation, as detailed in foregoing submissions and make necessary orders for reduction of RPO targets fixed for FY 2021-22. Regulation 77 of RE Regulations, 2021 gives ample power to the Commission to pass such orders as are necessary to meet the ends of the justice. The prevailing situation, as detailed hereinabove, has led to the shortfall in achievement of RPO despite best efforts of the Petitioner. Purchasing of short term RE Power to meet with the shortfall in RPOs will impose a huge financial burden on Haryana Discoms and consequently the consumers of the State. In view thereof, the Hon'ble Commission may consider reduction of RPO targets fixed for FY 2021-22 and exempt the Petitioner from depositing amount corresponding to the shortfall in achieving Renewable Purchase Obligation for the FY 2021-2022.

**16. Following prayers have been made:-**

a. Order to waive off the backlog of solar RPO for the FY 2020-21 (1259 Mus) and the shortfall for FY 2021-22 (1246 Mus), in light of the delay in commissioning of renewable energy projects owing to peculiar force majeure conditions of widespread of COVID-19 and other inevitable reasons specified in the Petition; and/or

b. Grant exemption from depositing amount corresponding to the shortfall in achieving Renewable Purchase Obligation for the FY 2021-2022;

c. Pass any other order(s) and or direction(s), which the Hon'ble Commission may deem fit and proper in the facts and circumstances of the case."

**17. Proceedings in the Case**

The case was heard on 07.09.2022, as scheduled, in the court room of the Commission. The Commission heard the submissions of the learned Counsel Ms. Sonia Madan at length. The petitioner has urged that this Commission may waive of backlog in meeting the RPO obligation for the FY 2021 and shortfall in meeting the RPO target for the FY 2022. In the alternative the petitioner has prayed to be granted exemption from depositing the amount equivalent to the shortfall in RPO compliance.

The grounds on which the present case has been built is that due to Covid Pandemic the RE projects with which they had signed PPA got delayed. Reliance was also placed on the order of Hon'ble Punjab and Gujarat ERCs, wherein the RPO targets were reduced / revised. Additionally, judgment of the Hon'ble APTEL was cited wherein it has been held that the SERCs can revise the RPO targets due to supply constraints at the year end, which is also not the case in hand. Moreover, the said judgement seems to have been passed in reference to certain regulation i.e. 4.2 of the State concerned. No such enabling clause has been relied upon by the petitioner herein.

18. The Commission has considered all the aforementioned submissions of the petitioner. At the onset the Commission notes that Haryana was amongst the first few States to recognize the importance of Green Power and the need to decarbonize the State and also the fiscal constraints of the Discoms. Haryana has no wind potential, little to no hydro potential except micro canal based, solar irradiation is also comparatively on the lower side. Hence, what remains is the biomass based RE project and Inter-State contracts for RE Power or purchase of REC. Given the ground realities in Haryana, this Commission, from time to time, determined RPO trajectory below the national benchmark.

However, even then the compliance remained tardy. In the recent past, this Commission in its order on Discoms ARR / Tariff dated 1.06.2020 for the FY 2020-21, had waived off the RPO shortfall for the period FU 2019-20. Further, given the genuine difficulty faced by the Discoms, this Commission allowed the RPO shortfall for the FY 2020-21 to be carried forward to the FY 2021-22 and allowed the RPO targets to be met by 31.03.2022. Hence, the factual matrix leading to the revision in RPO targets by the Hon'ble Punjab SERC and Gujarat SERC are different than in Haryana wherein the target was upfront fixed on the lower side, waiver, roll over already granted during the previous year(s). The Hon'ble APTEL's judgement dated 16.04.2015 cited by the petitioner is also clearly distinguishable from the instant case wherein of RPO backlog for the FY 2021 (ended on 31st March, 2021) and the FY 2022 (ended on 31st Marc, 2022) has been sought.

19. The Commission notes with grave concern that the Discoms have been litigating against almost all the RE order / tariff / fuel cost determined by this Commission be it micro hydro, Solar, bagasse / biomass cogeneration, biogas, Biomass / Paddy based power project or determination of fuel cost. Hence, it appears that the Discoms are oblivious to the national targets and commitment made by India to the world community regarding RE targets and moving towards zero carbon emission. Nonetheless, seeking judicial remedy is a statutory right under the Electricity Act, 2003, which is not being questioned.

20. Admittedly, since the time minimum RPO targets (solar, non-solar) were set by this Commission under section 86(1)(e) of the Electricity Act, 2003, the distribution licensee i.e. Uttar Haryana Bijli Vitran Nigam (UHBVNL) and Dakshin Haryana Bijli Vitran Nigam (DHBVNL) have failed to comply with the statutory obligation and, in case RE Power was not required or available, the Discoms showed no inclination of taking the REC route for fulfillment of its obligation before and after REC trading was happening under the Regulations notified by the Hon'ble Central Commission. It is seen that the Haryana

Discoms, on one pretext or the other, seems to be avoiding its contribution to the national efforts to move towards carbon neutrality.

21. It is noted that this Commission, at the time of considering approval of ARR / Tariff petition(s) of the Discoms, monitors the RPO compliance during the previous year (s) / review period and quantifies in MUs the RPO targets to be achieved in the ensuing financial year. However, during the entire financial year FY 2021 and FY 2022, the Discoms have done nothing significant to achieve the minimum target set despite the fact that the quarterly information submitted by the nodal agency i.e. HAREDA consistently showed deficit in compliance of RPO targets.

22. In the hearing held in the instant matter, the learned counsel Ms. Sonia Madan, placed on record the notification regarding revised RPO trajectory set by the Ministry of Power, Government of India. The trajectory as per the said notification is as under:-

**Renewable Power Purchase Obligation (RPO) Trajectory up to FY 2029-30**

| Year | Wind RPO | Hydropower RPO | Other RPO | Total RPO |
|---|---|---|---|---|
| | (%) | (%) | (%) | (%) |
| 2022-23 | 0.81 | 0.35 | 23.44 | 24.61 |
| 2023-24 | 1.60 | 0.66 | 24.81 | 27.08 |
| 2024-25 | 2.46 | 1.08 | 26.37 | 29.91 |
| 2025-26 | 3.36 | 1.48 | 28.17 | 33.01 |
| 2026-27 | 4.29 | 1.80 | 29.86 | 35.95 |
| 2027-28 | 5.29 | 2.15 | 31.43 | 38.81 |
| 2028-29 | 6.16 | 2.51 | 32.69 | 41.36 |
| 2029-30 | 6.94 | 2.82 | 33.57 | 43.33 |

It is observed from the ibid table, that MoP has set an ambitious target for different genre of renewable energy which is admittedly higher than the past RPOs. However, the Commission is yet to adopt the aforesaid targets. None the less due to inter se changes in the sub-category of RPO, the learned counsel presented the following RPO compliance trajectory from the FY 2022-23 (which is currently underway) to the FY 2029-30.

| Total RPO Targets and Projections | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| FY | Energy consumption (excluding Hydro and RE energy) | Total PRO targets as per new trajectory of MoP | Total RPO targets | Backlog | Total targets | Wind RPO after 31.03.2022 | HPO after 08.03.2019 | Other RPO | Total RPO | Short-fall (-) / Surplus (+) | % Total RPO |
| | (MUs) | (%) | (MUs) | (MUs) | (MUs) | (MUs) | (MUs) | (MUs) | | (MUs) | (MUs) |
| 1 | 2 | 3 | 4 | 5 | 4+5=6 | 7 | 8 | 9 | 10 | 11=10-6 | 12=(10/2)*100 |
| 2022-23 | 38730 | 24.61 | 9531 | 2505 | 12036 | 634 | 57 | 13603 | 14294 | 2258 | 36.91 |
| 2023-24 | 40159 | 27.08 | 10875 | 0 | 10875 | 2107 | 565 | 14985 | 17657 | 6782 | 43.97 |
| 2024-25 | 41641 | 29.91 | 12455 | 0 | 12455 | 3045 | 935 | 16208 | 20188 | 7733 | 48.48 |
| 2025-26 | 43261 | 33.01 | 14280 | 0 | 14280 | 3045 | 1144 | 16248 | 20437 | 6157 | 47.24 |
| 2026-27 | 44944 | 35.95 | 16157 | 0 | 16157 | 3045 | 1959 | 16288 | 21293 | 5135 | 47.38 |
| 2027-28 | 46692 | 38.81 | 18121 | 0 | 18121 | 3045 | 1959 | 16328 | 21333 | 3211 | 45.69 |
| 2028-29 | 48508 | 41.36 | 20063 | 0 | 20063 | 3045 | 1908 | 16368 | 21321 | 1258 | 43.95 |
| 2029-30 | 50395 | 43.33 | 21836 | 0 | 21836 | 3045 | 1762 | 16408 | 21215 | -621 | 42.10 |

The learned Counsel, relying on the aforesaid projections, argued that in the financial year underway, the petitioner even after accounting for the backlog, will be able to exceed the revised RPO targets set by the Ministry of Power, GoI. Further, going forward, the petitioner will be in shortfall of about 621 MUs only in the FY 2029-30.

The Commission observes, from the quarterly report submitted by the State Nodal Agency HAREDA, for Q1 FY 2022-23 (Memo No. 5353 dated 7.09.2022) that there is a shortfall of 2756 MUs (Solar) and 1359.04 MUs (Non-Solar). Further, no information has been made available regarding compliance of 0.35% HPO as against a backlog of 2505 MUs depicted in the table above. At this stage, the Commission is not expressing any views on the correctness of the assumption accuracy / reliability of energy consumption and the RPO percentage considered by the HPPC / Discoms.

However, given the fact that the HPPC / Discom is confident of exceeding the RPO targets in the FY 2022-23, the Commission allows time up to 31st March, 2023 to the Discoms to achieve the target including backlogs carried forward from the previous years.

The RPO targets may be met by way of purchasing RE Power or REC. After close of the financial year i.e. FY 2022-23, HAREDA shall report to the

Commission the quantum of RPO remaining un-complied / shortfall and amount equivalent to the shortfall for purchase of REC. Till then the Discoms are exempted from depositing any amount w.r.t. RPO shortfall / backlog.

Having held as above, the Commission orders that all the obligated entities shall also get the benefit of fulfilling their respective RPO targets including shortfall / backlog carried over from the previous year(s), if any, by 31st March, 2023. Thereafter, HAREDA shall re-visit the issue of RPO compliance and the amount they need to deposit for default, if any.

In terms of the above order, the matter is disposed of. HAREDA to monitor and report compliance by the obligated entities immediately after close of the FY 2022-23 but not later than 15th April, 2023.

This order is signed, dated and issued by the Haryana Electricity Regulatory Commission on 19.09.2022.

| | | |
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| Date: 19.09.2022 | (Naresh Sardana) | (R.K. Pachnanda) |
| Place: Panchkula | Member | Chairman |