



Petition No. 12 of 2018(M)

In the Matter of

Petition under section 86 (1) (e) of the Electricity Act, 2003 in the matter of billing of consumption made in solar power projects under tariff category of HV-7.

M/S Parampujya Solar Energy Pvt. Ltd. ... Petitioner
V/S
Chhattisgarh State Power Distribution ... Respondent
Co. Ltd. (CSPDCL) Daganiya, Raipur

PRESENT : **Narayan Singh, Chairman**
: **Arun Kumar Sharma, Member**

APPEARANCE : 1. Shri Raunak Jain, Advocate for
Petitioner.
2. Ms. Gurpreet Kour Chawla, Advocate &
Shri V.A. Deshmukh EE for Respondent

ORDER

(Passed on 08th May, 2018)

The petitioner M/s Parampujya Solar Energy Pvt. Ltd, a registered company under the Companies Act 1956, has filed this petition under section 86 (1) (e) of the Electricity Act, 2003 in the matter of billing of consumption made in the solar power Projects under tariff category of HV-7 at Rs. 12/KVAh which is stated to be in violation of the provisions of the CSERC (Terms and conditions for determination of generation tariff and related matters for electricity generated by plants based on renewable energy sources) (Second amendment) Regulations, 2016.

2. The petitioner is a company incorporated under the Companies Act, 1956 having its registered office at no. 7B, Sambha House, Judges Bungalow Road, Badakdev, Ahmedabad-380015. The petitioner is operating 400 MW solar projects across the Country.

3. The respondent Chhattisgarh State Power Distribution Company Limited (CSPDCL) is responsible for distribution of electricity as deemed licensee within its license area.

4. The petitioner has been declared as a successful bidder under the Solar Energy Corporation of India (SECI) invited bid for 100 MW Grid connected solar photovoltaic power projects under JNNSM Phase-II batch-III Tranche-VI, to be developed in the State of Chhattisgarh. Subsequently, the petitioner had been issued Letters of Intent (LOIs) dated 02.07.2016 for development of two solar PV projects of 50MW each, totaling to 100 MW. Thereafter, petitioner has executed power purchase agreement (PPA) with SECI for each project on 02.08.2016. As per the PPA, petitioner is entitled to receive the tariff of Rs. 4.43/ kWh fixed for 25 years with effect from the COD.

5. Out of the two projects, one 50MW project is located at Village-Rajpur, Tehsil-Dhamda, Distt. Durg and Village-Gadabid, Tehsil-Saja, Distt. Bemetara. Another 50 MW projects is located at Village-Hathidob, Tehsil-Saja, Distt. Bemetara.

6. As per the Joint MoM, the solar projects of the petitioner have been commissioned in two phases of 40 MW each and remaining 10 MW each on following dates :-

Plant	Capacity (MW)	Synchronization Date	Commissioning date as per MOM	Commercial Operation Date
Project 2 {Village: Hathidob, Tehsil-Saja, District - Bemetara	40	05.10.2017	14.11.2017	14.12.2017
	10		06.02.2018	08.03.2018
Project 1 {village: Rajpur, Tehsil: Dhamda District: Durg and Village: Gadadih Tehsil: Saja, District: Bemetara	40	05.10.2017	16.11.2017	16.12.2017
	10		06.02.2018	08.03.2018

7. The Commission through tariff order dated 31.03.2017 inter-alia determined the tariff applicable to those consumers who avail supply from start-up power for their power plant under HV-7 category.

8. The petitioner is seeking relaxation in tariff for import of power by the petitioner for running it's auxiliary setup presently being charged at Rs. 12/kvah in accordance with clause 11.2.7 of HV-7 tariff category for start-up power tariff under tariff schedule 2017-18. Such rate is substantially higher than the rate of power exported to the respondent by it under respective PPAs.

9. Such a high Start-up power tariff is putting a huge financial burden on the petitioner. Since it is directly affecting the viability of petitioner's solar PV projects, petitioner, being aggrieved by the same, is filing the present petition for relaxation in applicable tariff for start-up power and for creation of a separate category for solar power generators

drawing start-up power with either reasonable tariff or specify modalities of net metering.

10. The petitioner prays for the following relief:-

(a) To set aside the bills dated 04.01.2018 raised by the respondent for the Start-up power for the month of December, 2017;

(b) To create a separate category for solar power projects which are not start-up power consumers and would be billed at the rate quite lower than the rate applicable to HV-category;

(c) To direct the respondent to follow the CSERC (Terms and conditions for determination of generation tariff and related matters for electricity generated by plants based on renewable energy sources) (Second amendment) Regulations, 2016 notified by the Commission, wherein it is specified that the energy accounting is to be done on the basis of net metering principle for solar projects in the State of Chhattisgarh;

(d) To allow for energy accounting to be done on the basis of net metering principle for solar projects in the State of Chhattisgarh;

(e) To determine suo-motu modalities of netting of energy on KWh basis as observed by the Commission in its order dated 07.10.2016 in the petition no. 15 & 16 of 2016.

(f) To pass such further order or orders as this Commission may deem fit and proper in the fact and circumstances of the case.

11. The petitioner prays for interim relief to direct the respondent not to insist for payment of impugned bills and not to take any other incidental coercive measures till the disposal of this petition. A separate application for this purpose is also filed.

Respondent Submission:-

12. CSPDCL submitted that the present issue should be appropriately raised by the petitioner in its objections/representations/comments being invited for the draft Tariff Order and the tariff petition by the Hon'ble Commission for the F.Y. 2018-19. It is submitted that petitioner has approached Hon'ble Commission when window for agitating the same issue has already been opened by the Hon'ble Commission.

13. Respondent further submitted that the petitioner should be treated at par with the other solar power developer and no other benefits be provided beyond the scope of the order dated 07.10.2016 passed in petition no. 15 & 16 of 2016.

14. Respondent submitted that they have rightly issued bills to the petitioner company complying with the tariff order and has not acted in any way contrary to the provisions of the tariff order. Thus, there is no reason as to why petitioner herein should be treated differently than other solar power developers and petition may kindly be dismissed.

Analysis and Decision:-

15. From the submissions of petitioner and respondent, it appears that the petitioner is being treated as HV 7 startup power consumer who had not availed startup power connection i.e. having zero contract demand. If the petitioner has not entered in contract demand with respondent, then there is no other option of billing for supply of power to respondent other than treating it as case of generator who has not availed start up connection but eventually draws power from the grid. Therefore petitioner submission of setting aside the bills for the month of Dec. 2017 does not appear justified.

16. The petitioner has submitted that there are certain characteristic difference for power import requirement between thermal power plant and solar power plant. According to petitioner, the power is required every day from the grid to charge its transformers and other auxiliary requirement. The petitioner is seeking to create a separate category for solar power project which are not startup power consumer. The request of petitioner has been agreed and according to the tariff order passed on March 26, 2018, the petitioner shall be covered under HV 3 category.

17. Regarding the next issue of netting of energy, the Chhattisgarh State Electricity Regulatory Commission (Terms and conditions for determination of generation tariff and related matters for electricity generated by plants based on renewable energy sources) (Second amendment)

Regulations, 2016 permits netting of energy. Accordingly modalities for the same shall be decided in due course of time after ascertaining all technical and other requirements.

The petition is disposed off accordingly.

Sd/-
(ARUN KUMAR SHARMA)
MEMBER

Sd/-
(NARAYAN SINGH)
CHAIRMAN