

HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION

WHEREAS the Himachal Pradesh Electricity Regulatory Commission has published in the Himachal Pradesh Government Gazette on different dates the following, namely:-

(Renewable Power Purchase Obligation and its Compliance) Regulations, 2010;

(Notification No. : HPERC/438, Dated: 26.05.2010)

- A. (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010 (First Amendment), 2011;
(Notification No. : HPERC/438, Dated: 03.10.2011)
 - B. (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010 (Second Amendment), 2016;
(Notification No. : HPERC/438, Dated: 30.03.2016)
 - C. (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010 (Third Amendment), 2017;
(Notification No. HPERC/438, Dated: 24.03.2017)
 - D. (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010 (Fourth Amendment), 2017;
(Notification No. : HPERC/438, Dated: 06.12.2017)
 - E. (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010 (Fifth Amendment), 2018;
(Notification No. : HPERC/438, Dated: 27.11.2018)
 - F. (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010 (Fifth Amendment), 2020;
(Notification No. : HPERC/438, Dated: 05.02.2020)
- Inserted/ Replaced matter is shown as []^A at appropriate place; wordings inserted/ replaced shown within square brackets;
 - In both of above cases; -^A ; superscript A implies that change is caused by Amendment '1'.
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NOTIFICATION

Shimla, the 26th May, 2010

No. HPERC/438.- In exercise of the powers conferred by sub-section (1) of section 181 read with sub-section (1) of section 62, section 66, clauses (a), (b) and (e) of section 86 and clause (zi) of sub-section (2) of section 181 of the Electricity Act, 2003 (36 of 2003) and also read with section 21 of the General Clauses Act, 1897 (10 of 1897) and all other powers enabling it in this behalf, and after previous publications, the Himachal Pradesh Electricity Regulatory Commission hereby makes the following regulations:-

REGULATIONS

1. Short title and commencement:

- (1) These regulations may be called the Himachal Pradesh Electricity Regulatory Commission (Renewable Power Purchase Obligation and its Compliance) Regulations, 2010.
- (2) These regulations shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.

2. Definitions:

In these regulations, unless the context otherwise requires-

- (a) **“Act”** means the Electricity Act, 2003 (36 of 2003);
- (b) **“Central Agency”** means the agency as may be designated by the Central Commission under clause (1) of regulation 3 of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010;
- (c) **“Central Commission”** means the Central Electricity Regulatory Commission referred to in sub-section (1) of section 76 of the Act;
- (d) **“Certificate”** means the renewable energy certificate issued by the Central Agency in accordance with the procedures prescribed by it and under the provisions specified in the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010”;
- (e) **“Commission”** means the Himachal Pradesh Electricity Regulatory Commission;
- (f) **“obligated entity”** means the distribution licensee, consumer owning the captive power plants and open access consumers in the State of Himachal Pradesh, which is mandated to fulfill renewable purchase obligation under these regulations;
- (g) **“renewable energy sources”** means non-conventional renewable electricity generating sources such as mini/micro/small hydro power projects upto and including 25 MW capacity, wind, solar including its integration with combined cycle, biomass, bio-fuel cogeneration, urban or municipal waste and such other sources as recognized or approved by the Central Government;
- (h) **“State agency”** means the agency in the State of Himachal Pradesh as may be designated by the Commission to act as the agency for accreditation and recommending the renewable energy projects for registration and to undertake such functions as may be specified under clause (e) of sub-section (1) of section 86 of the Act; and
- (i) the words and expressions used in these regulations and not defined herein but defined in the Act 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 regulations issued by the Central Commission or such other regulations issued by the Commission.

3. Applicability of Renewable Power Purchase Obligation (RPPO):

These regulations shall apply to -

^B [~~(1) the distribution licensee;~~

~~(2) any other person consuming electricity (i) generated from conventional Captive Generating Plant having capacity of 1 MW and above for his own use; and/or (ii) procured from conventional generation through open access third party sale.~~

- ~~(a) the distribution licensee;~~
- ~~(b) any person, consuming electricity procured from conventional sources (i.e. other than renewable energy sources) through open access third party sale;~~
- ~~(c) any person who installs Captive Generating Plant, with an installed capacity exceeding 5 MVA, based on conventional technology (i.e. other than any renewable energy technology) and~~

¹Modified Regulation 3, vide Second Amendment (B), 2016.

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 1 MVA, 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 also.^B

4. Quantum of Renewable Power Purchase Obligation (RPPO):

~~(1)(a) The distribution licensee shall purchase electricity (in kWh) from renewable sources, at a defined minimum percentage of the total consumption including transmission and distribution losses, within the area of the distribution licensee, during a year.~~

~~(b) The Captive and Open Access User(s)/ Consumer(s), shall purchase electricity (in kWh) from renewable sources, at a defined minimum percentage of his total consumption.~~

Explanation. For the purpose of this regulation “the defined minimum percentage” shall be as given in the table below:-

Table- Defined minimum percentages

Year	Minimum Quantum of purchase (in %) from renewable sources (in terms of energy in kWh) of total consumption		
	Total (2)	Non-Solar (3)	Solar (4)
2010-11	10.0%	10 %	0%
2011-12	11.1%	11%	0.1%
2012-13	12.1%	12%	0.1%

*** Note:** In column 2 for the year 2010-11 the figure 10.1 % as printed in the H P Rajpatra (Gazette) corrected as 10.0 % as per the corrigendum issued on dated 20-07-2010.

Provided that the solar power purchase obligation shall be fulfilled from the generation based on solar sources only:

Provided further that such obligation to purchase renewable energy shall be inclusive of:-

- (i) purchases from generating stations based on renewable energy sources,
- (ii) purchases from any other distribution licensee, which would arise from renewable sources,
- (iii) the energy generated from its own renewable sources, if any, by the obligated entity:

Provided further that the power purchases under the power purchase agreements for the purchase of renewable energy sources already entered into by the distribution licensees shall continue to be made till their present validity, even if the total purchases under such agreements exceeds the percentage as specified hereinbefore.

(1) As specified in the Table below, -

~~(a) the distribution licensee shall purchase electricity (in kWh) from renewable sources, at a minimum percentage of the total consumption including transmission and distribution losses, within area of the distribution licensee, during a year; and~~

²Omitted Regulation 4, vide Third Amendment (C), 2017

Table-Minimum percentage for Renewable Power Purchase Obligation

Year	Minimum Quantum of Purchase (in %*) from renewable source (in terms of energy in kWh) of total consumption	
	Total RPPO% age	Minimum Solar RPPO % age of the total Purchase
2011-12	10.01	0.01
2012-13	10.25	0.25
2013-14	10.25	0.25
2014-15	10.25	0.25
2015-16	11.25	0.25
2016-17	12.25	0.25
2017-18	13.50	0.50
2018-19	14.75	0.75
2019-20	16.00	1.00
2020-21	17.50	2.00
2021-22	19.00	3.00

* ~~The estimated Minimum Quantum of Purchase (in MU(s) from renewable sources is given in Annexure-I to these regulations.-~~

~~Provided that the solar power purchase obligation shall be fulfilled from the generation based on solar sources only:-~~

~~Provided further that such obligation to purchase renewable energy shall not include the power purchased at pooled cost as specified in the Central Electricity Regulatory Commission (Terms and Conditions of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010, but shall be inclusive of --~~

- ~~(i) purchases from generating stations based on renewable energy sources,-~~
- ~~(ii) purchases from any other distribution licensee, which would arise from renewable sources,-~~
- ~~(iii) the energy generated from its own renewable sources, if any, by the obligated entity;-~~

~~Provided further that the power purchases under the power purchase agreements for the purchase of renewable energy sources already entered into by the distribution licensees shall continue to be made till their present validity, even if the total purchases under such agreements exceeds the percentage as specified hereinbefore³; and⁴~~

- (2) Keeping in view supply constraints or other factors beyond the control of the licensee, the Commission may, suo-motu or at the request of a licensee, revise the percentage targets⁴ for a year as per specified under⁴ sub-regulation (1) of this regulation.

³Modified Regulation 4, vide First Amendment (A), 2011.

⁴Modified Wording of sub-Regulation (2) of Regulation 4, Vide First Amendment (A), 2011.

^A₅(3) The RPP0 specified for the Financial Year 2012-13 shall be continued beyond 2012-13 till any revision is affected by the Commission in this regard.]^A₁^C

^C₆4. **Quantum of Renewable Power Purchase Obligation (RPP0):-**

(1) The ^F₇ ~~distribution licensee~~ distribution licensee/obligated entity]^F shall, during each financial year, purchase such quantum of electricity (in kWh) from renewable sources as is not less than the quantum of electricity (in kWh), worked out as per the Table below:-

Year	Minimum Quantum of Purchase in percentage (%) from renewable sources (in terms of energy in kWh) of total consumption.		
	Non-Solar	Solar	Total
2016-17	9.50%	2.50%	12.00%
2017-18	9.50%	4.75%	14.25%
2018-19	10.25%	6.75%	17.00%

The RPP0 will be on total consumption of electricity by an obligated entity, excluding consumption met from hydro-electric sources of power.

^E ₈ Year	Minimum Quantum of Purchase in percentage (%) from renewable sources (in terms of energy in kWh) of total consumption.		
	Non-Solar	Solar	Total
2019-20	10.25%	7.25%	17.50%
2020-21	10.25%	8.75%	19.00%
2021-22	10.50%	10.50%	21.00%

(a) The RPP0 will be on total consumption of electricity by an obligated entity, excluding consumption met from hydro-electric sources of power.
 (b) In case the achievement of Solar RPO compliance to the extent of 85% and above, the remaining shortfall if any, can be met by excess Non-Solar energy purchased beyond specified Non-Solar RPO for that particular year.
 (c) Further, in case on achievement of Non-Solar RPO compliance to the extent of 85% and above, the remaining shortfall if any, can be met by excess Solar energy purchased beyond specified Solar RPO for that particular year.]^E

^F₉ Note: The RPO trajectory as specified by the Commission in these regulations or any other omitted/revised provisions, from time to time, for the respective years shall remain applicable and provisions to that extent shall be considered to have been saved in these regulations.]^F

Provided that for computing the Renewable Power Purchase Obligation (RPP0) of the distribution licensee for a year under this sub-regulation, the following conditions shall also apply, namely:-

(i) the total consumption of the distribution licensee for a year shall include the quantum of electricity purchased, along with electricity generated, by it from various sources, including the power purchased under REC mechanism for meeting its requirement for consumption of electricity, and shall also include the transmission and distribution losses, within the area of

⁵ Omitted sub-Regulation (3) of Regulation 4, Vide First Amendment (A), 2011.

⁶ Inserted Modified Regulation 4, vide Third Amendment (C), 2017.

⁷ Omitted and inserted wordings in sub-Regulation (1) of Regulation 4, vide Sixth amendment (F), 2020.

⁸ Inserted new RPO table in sub-Regulation (1) of Regulation 4, vide Fifth amendment (E), 2018.

⁹ Inserted a note after RPO table of sub-Regulation (1) of Regulation 4, vide Sixth amendment (F), 2020.

distribution licensee, for meeting such consumption in the State during that year but shall not include the electricity purchased for the trading purposes;

- (ii) save as provided in the succeeding item (iii) under this sub-regulation, the quantum of electricity to be considered as utilized by the distribution licensee from hydro-electric sources for meeting its consumption during a year shall be computed at such percentage of the total consumption in that year as is equal to the percentage derived from the quantum of electricity purchased, including generated, from hydro-electric sources, as envisaged in the tariff order for that year, for meeting the estimated requirement for consumption in the State vis-a-vis the total estimated requirement for that year for consumption in the State; and
- (iii) the consumption of electricity to be considered as met from hydro-electric sources shall not exceed the electricity purchased (in kWh), including electricity generated, by the distribution licensee from hydro-electric sources in that year, after excluding the dedicated sale of power to any person, other than its consumers, by the distribution licensee specifically earmarked out of any such purchase from hydro-electric sources.

~~^{F[10]} (2) Each Captive and Open Access User/Consumer shall, during the respective financial year, purchase such quantum of electricity (in kWh) from the renewable sources, which shall not be less than the quantum of electricity (in kWh), worked out as per the Table given in sub-regulation (1):—~~

~~Provided that for computing the Renewable Power Purchase Obligation (RPPO) of such obligated entities for a year under this sub-regulation, the following conditions shall also apply, namely:—~~

- ~~(i) the total consumption of any such obligated entity shall include the quantum of electricity purchased, including electricity generated, by it from various sources, including the power purchased under REC mechanism for meeting its requirement for consumption of electricity, and shall also include the transmission and distribution losses incurred within the State for meeting such consumption in the following manner, namely:—~~
 - ~~(a) in case the electricity is purchased by such obligated entity from sources outside the State, the electricity purchased at the State periphery shall be considered as the consumption of the obligated entity from such sources;—~~
 - ~~(b) in case the electricity is purchased, or generated, from generating sources located within the State, the electricity (in kWh) injected for such obligated entity at the generating bus bar shall be considered as its consumption;—~~
- ~~(ii) the energy consumed by obligated entity, other than the distribution licensee, shall be considered to have been consumed from the sources other than the hydro electric sources, unless such obligated entity establishes to the satisfaction of the State Agency that such consumption was made from hydro electric sources.~~

(2) Any person/consumer, who consumes power from any source (generation/purchase) inter alia including purchase through Open Access, but other than in his capacity as a consumer of distribution licensee or by drawl from a captive generating plant, the RPPOs at the rate(s) mentioned in table in the sub-regulation (1) of this regulation shall be applicable in respect of his consumption from such sources:

~~Provided that for computing the Renewable Power Purchase Obligation (RPPO) of such obligated entities for a year under this sub-regulation, the following conditions shall also apply, namely:—~~

- ~~(i) the total consumption of any such obligated entity shall include the quantum of electricity purchased, including electricity generated, by it from various sources, including the power purchased under REC mechanism for meeting its requirement for consumption of electricity,~~

¹⁰ Omitted and inserted sub-Regulation (2) of Regulation 4, vide Sixth amendment (F), 2020.

and shall also include the transmission and distribution losses incurred within the State for meeting such consumption in the following manner, namely:-

- (a) in case the electricity is purchased by such obligated entity from sources outside the State, the electricity purchased at the State periphery shall be considered as the consumption of the obligated entity from such sources;
 - (b) in case the electricity is purchased, or generated, from generating sources located within the State, the electricity (in kWh) injected for such obligated entity at the generating bus bar shall be considered as its consumption;
- (ii) the energy consumed by obligated entity, other than the distribution licensee, shall be considered to have been consumed from the sources other than the hydro-electric sources, unless such obligated entity establishes to the satisfaction of the State Agency that such consumption was made from hydro-electric sources.]^F

^F[¹¹ 2A For any person consuming power by drawl from a captive generating plant, the RPPOs shall be applicable at the rate(s) specified in the Schedule to these Regulations in relation to his consumption from such captive generating plant:

Provided that the provisions of this sub-regulations (2A) shall be applicable only in relation to the consumption from captive generating plants to which these Regulations apply in terms of clause (c) and clause (d) of regulation 3 of these Regulations.]^F

(3) The obligated entities may meet their Renewable Power Purchase Obligation (RPPO) as per sub-regulations (1) and (2) of this regulation from any renewable sources, including-

- (i) purchases from generating stations, based on renewable energy sources;
- (ii) purchases from any other distribution licensee, which would arise from renewable energy sources; and
- (iii) the energy generated from its own renewable sources, if any, by the obligated entity:

Provided that the electricity purchased at pooled cost, as specified in the Central Electricity Regulatory Commission (Terms and Conditions of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010, shall not be taken into account for offsetting such obligations:

Provided further that the solar power purchase obligation shall be fulfilled from the generation based on solar sources only:

^D[¹²Provided further that the quantum of electricity generated by the consumer through roof-top solar PV system under net metering arrangement in any year, shall qualify towards compliance for solar RPPO of the Distribution Licensee or the consumer, as the case may be, for that year in accordance with the provisions contained in Himachal Pradesh Electricity Regulatory Commission (Rooftop Solar PV Grid Interactive Systems based on Net Metering) Regulations, 2015]^D

Provided further that the power purchases under the power purchase agreements from renewable energy sources, already entered into by the distribution licensees, shall continue to be made till their present validity, even if the total purchases under such agreements exceed the percentage as specified hereinbefore.

(4) The Commission shall specify the minimum percentage for Renewable Power Purchase Obligation (RPPO) for the period beyond 31.03.2019, separately in due course of time.

(5) The Commission may, keeping in view the power supply constraints or other factors beyond the control of the distribution licensee or for any other reasons, suo-moto or at the request of an obligated entity, also revise the percentage targets for a year(s) for which Renewable Power Purchase Obligations have been fixed as per sub-regulations (1) and (2) of this regulation.]^C

¹¹ Inserted a new sub-Regulation (2A) after sub-Regulation (2) of Regulation 4, vide Sixth amendment (F), 2020.

¹² Inserted new proviso in between Second and third proviso, vide Fourth Amendment (D), 2017.

5. Certificates under the regulations of the Central Commission:

- (1) Subject to the terms and conditions contained in these regulations the Certificates issued under the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 shall be the valid instruments for the discharge of the mandatory obligations set out in these regulations for the obligated entities to purchase electricity from renewable energy sources:

Provided that in the event of the obligated entity fulfilling the renewable purchase obligation by purchase of certificates, the obligation to purchase electricity from generation based solar as renewable energy source can be fulfilled by purchase of solar certificates only and the obligation to purchase electricity from generation based on renewable energy other than solar can be fulfilled by purchase of non-solar certificates.

- (2) Subject to such direction as the Commission may give, from time to time, the obligated entity shall act consistent with the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 notified by the Central Commission in regard to the procurement of the certificates for fulfillment of the Renewable Power Purchase Obligation under these regulations.
- (3) The Certificates purchased by the obligated entities from the power exchange in terms of the regulation of the Central Commission mentioned in sub-regulation (1) shall be deposited by the obligated entities with the Commission in accordance with the detailed procedure issued by the Central Agency.

6. State Agency:

- (1) The Commission shall designate an agency as the State Agency for accreditation and recommending the renewable energy projects for registration and to undertake functions under these regulations.
- (2) The State Agency shall function in accordance with the directions issued by the Commission and shall act in accordance with the provisions of the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010.

^D[¹³2A) (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 also formulate suitable procedures for smooth functioning of web-portal in relation to such activities.*

(ii) *The State Agency after the RPPO web-portal is developed and procedures are formulated under clause (i), shall, through public notices, declare the web-portal to be operative.*^D

- (3) The State Agency shall submit quarterly status to the Commission in respect of compliance of renewable power purchase obligation by the obligated entities in the format as stipulated by the Commission and may suggest appropriate action to the Commission, if required, for compliance of the renewable purchase obligation.
- (4) 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.

¹³Inserted a new clause (2A) after sub-Regulation (2) of Regulation 6, vide Fourth Amendment (D), 2017.

^D[¹⁴ **7. Distribution Licensee:**

- (1) ~~Each distribution licensee shall indicate, along with sufficient proof thereof, the estimated quantum of purchase from renewable sources for the ensuing year in tariff/annual performance review petition in accordance with regulations notified by the Commission. The estimated quantum of purchase shall be in accordance with sub-regulation (1) of regulation 4 of these regulations. If the distribution licensee is unable to fulfil the obligation, the shortfall of the specified quantum of that year would be added to the specified quantum for the next year. ^B[¹⁶ However, credit for excess renewable power purchase would not be adjusted in the ensuing year.]^B~~
- (2) ~~Despite availability of energy from renewable sources under the Power Purchase Agreements or the power exchange mechanism or from its own renewable sources, if the distribution licensee fails to fulfil the minimum quantum of purchase from renewable sources, it shall be liable to pay compensation as per regulation 9 of these regulations.~~

7. 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 (2A) of regulation 6 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 procedures, formulated by the State Agency under clause (i) of sub-regulation (2 A) of regulation 6.*
- (2) *The obligated entities shall submit, online, necessary details regarding total consumption of electricity and power purchased from Renewable Energy Sources or Renewable Energy Certificate(s) procured, along with the reasons for shortfalls, if any, and the plans for fulfillment 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 (2A) of regulation 6 such information shall be submitted along with its hard copy to the State Agency.
- (3) *The State Agency shall get the data submitted by the obligated entity, other than the Distribution Licensee, 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 the captive consumers:*

Provided that the State Agency, if it finds appropriate, may, in consultation with the Commission, also appoint the third party verifier, for verification of the data of the obligated entities.
- (4) *Save as provided in sub-regulations (2) and (3) of this regulation, each distribution licensee shall also indicate, along with sufficient proof thereof, the estimated quantum of purchase from renewable sources for the ensuing year in tariff/annual performance review petition in accordance with regulations made by the Commission. The estimated quantum of purchase shall be in accordance with sub-regulation (1) of regulation 4 of these regulations.]^D*

^D[¹⁶ **8. Captive and Open Access User(s)/ Consumer(s):**

- (1) ~~The quantum of RPPO inclusive of transmission and distribution losses mentioned in~~

¹⁴Modified Regulation 7, vide Fourth Amendment (D), 2017.

¹⁵Omitted wording of sub-Regulation of Regulation 7, vide Second Amendment (B), 2016.

¹⁶Modified Regulation 8, vide Fourth Amendment (D), 2017.

~~C-17 sub-regulation (1) of regulation 4, sub-regulation(2) of Regulation 4] shall be applicable to captive and open access user(s)/consumer(s) from the date as would be notified by the Commission in the Official Gazette.~~

- (2) ~~B-18 Every Captive and Open access consumer(s)/ user(s) shall have to submit necessary details regarding total consumption of electricity and power purchase from Renewable Energy sources for fulfillment of RPPO on yearly basis on or before the 30th April to the State Agency.~~
- (3) ~~the obligated entity, other than the distribution licensee, shall submit to the State agency, necessary details regarding total consumption of electricity and power purchased from Renewable Energy sources/distribution licensee or Renewable Energy Certificate(s) procured, alongwith the reasons for shortfalls, if any, and the plans for fulfillment of RPPO, on quarterly basis before the end of the 3rd week of the succeeding quarter and annual consolidated report on or before the 30th April, of the succeeding year.]^B~~
- (4) ~~Captive and Open Access Consumer(s)/ User(s) shall purchase renewable energy as stated in the Table below regulation 4. If the Captive user(s) and Open Access consumer(s) are unable to fulfill the criteria, the shortfall of the targeted quantum would attract payment of compensation as per regulation 9 of these regulations.~~
- (5) ~~Captive/Open Access consumer(s)/ User(s) may fulfill its RPPO through the renewable energy certificate as provided in regulation 5 of these regulations.~~

8. Fulfillment of RPPOs:

- (1) *The quantum of RPPO inclusive of transmission and distribution losses mentioned in sub-regulation (2) of regulation 4 shall be applicable to captive and open access user(s)/ consumer(s) from the date made by the Commission in the Official Gazette.*
- (2) *The obligated entities shall meet the RPPOs on quarterly and yearly basis as per provisions specified in regulations 4 and 5 of these regulations.*
- (3) *The shortfall, if any, in the compliance of RPPOs in any year shall, unless such shortfall occurred due to non-availability of Renewable Energy Certificates (RECs) in the year in which such shortfall occurred, not be allowed to be carried forward to, or subsequent yearly adjustment against the surpluses of any subsequent year(s).*
- (4) *Failure on the part of any obligated entity to meet its RPPO in any year shall be dealt in accordance with the provisions contained in regulation 9 of these regulations.]^D*

9. Consequences of default:

- (1) Where the obligated entity does not fulfil the renewable purchase obligation as provided in these regulations during any year and also does not purchase the certificates, the Commission may direct the obligate entity to deposit into a separate fund, to be created and maintained by such obligated entity, such amount as the Commission may determine on the basis of the shortfall in units of RPPO and the ~~D-19~~ ^D ~~forbearance price floor price]~~ decided by the Central Commission:

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 renewable energy sources:

¹⁷ Modified Wordings of sub-Regulation (1) of Regulation 8, vide Third Amendment (C), 2017.

¹⁸ Modified sub-regulation of Regulation 8, vide Second Amendment (B), 2016.

Provided further that the obligated entities shall not be authorized to use the fund created in pursuance of regulation without prior approval of the Commission:

Provided further that the Commission may empower an officer of the State Agency to procure from the Power Exchange the required number of certificates to the extent of the shortfall in the fulfillment of the obligations, out of the amount in the fund:

Provided further that 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.

^D[²⁰(2) ~~Where any obligated entity fails to comply with the obligation to purchase the required percentage of power from renewable energy sources or the renewable energy certificates, it shall also 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 can approach the Commission to carry forward the compliance requirement to the next year:~~

~~Provided further that where the Commission has consented to carry forward of compliance requirement, the provision of sub-regulation (1) or the provision of section 142 of the Act shall not be invoked.~~

(2) *Where any obligated entity fails to furnish requisite information, as provided under regulation 7, or fails to comply with the obligation to purchase the required percentage of power from renewable energy sources as provided under these regulations or fails to purchase the renewable energy certificates, it shall also 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 can approach the Commission to carry forward the compliance requirement to the next year:

Provided further that where the Commission has consented to carry forward of compliance requirement, the provisions of sub-regulation (1) or the provisions of section 142 of the Act shall not be invoked.]^D

10. Overriding effect:

The provisions of these regulations shall have effect notwithstanding anything inconsistent therewith 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.

11. 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.

12. 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

¹⁹Modified wordings of sub-Regulation (1) of Regulation 9, vide Fourth Amendment (D), 2017.

²⁰Modified sub-Regulation (2) of Regulation 9, vide Fourth Amendment (D), 2017.

be followed for such implementation and matters incidental or ancillary thereto.

13. 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.

14. 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/-
Secretary**