

# UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION

No. UPERC/Secy/Regulation/2019- 294

Lucknow: dated, August 16, 2019

## NOTIFICATION

In exercise of powers conferred under section 181 of the Electricity Act, 2003 (No. 36 of 2003) and all other powers enabling in this behalf, and after previous publication, the Uttar Pradesh Electricity Regulatory Commission, hereby makes the following Regulations to amend the Uttar Pradesh Electricity Regulatory Commission (Promotion of Green Energy through Renewable Purchase Obligation) Regulations, 2010 vide notification no. UPERC/Secy/Regulation/10-787 dated 17<sup>th</sup> August, 2010 (hereinafter referred to as "the principal Regulations"), namely: -

### 1. Short Title and Commencement

- 1.1 These Regulations may be called the Uttar Pradesh Electricity Regulatory Commission (Promotion of Green Energy through Renewable Purchase Obligation) (First Amendment) Regulations, 2019.
- 1.2 These Regulations shall come into force from the date of their publication in the Official Gazette of the Uttar Pradesh Government.

### 2. The provisions of the principal Regulations are amended as hereunder:

#### Amendment to Regulation 2- "Definitions"

- (i) After clause (j), clause (ja) shall be inserted as hereunder:  
(ja) "Hydropower Purchase Obligation (HPO)" means a separate entity within Non-Solar Renewable Purchase Obligation (RPO). The HPO shall cover all Large Hydro Power (LHPs) commissioned after issue of Ministry of Power Office Memorandum F.No. 15/2/2016-H-I (Pt.) dated March 8, 2019 as well as the untied capacity (i.e., without PPA) of the commissioned projects. This HPO will be within the existing Non-Solar RPO after increasing the percentage assigned for it so that existing Non-Solar RPO for other renewable sources remains unaffected by the introduction of HPO.

#### Amendment to Regulation 4- "Renewable Purchase Obligation"

- (i) The Table in Regulation 4 shall be substituted by the following:

Table – A: Minimum Quantum of Purchase (FY 2010-11 to FY 2018-19) (%)

Year	Minimum quantum of purchase from renewable energy sources as % of total energy consumed (in kWh)		
	Non-Solar	Solar	Total
	(1)	(2)	(3) = (1+2)
2010-11	3.75	0.25-	4
2011-12	4.50	0.5	5

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Year	Minimum quantum of purchase from renewable energy sources as % of total energy consumed (in kWh)		
	Non-Solar	Solar	Total
	(1)	(2)	(3) = (1+2)
2012-13	5.0	1	6
2013-14	5.0	1	6
2014-15	5.0	1	6
2015-16	5.0	1	6
2016-17	5.0	1	6
2017-18	5.0	1	6
2018-19	5.0	1	6

Table – B: Minimum Quantum of Purchase (FY 2019-20 to FY 2023-24) (%)

Year	Minimum quantum of purchase from renewable energy sources as % of total energy consumed (in kWh)			
	Non-Solar		Solar	Total
	Other Non-Solar	HPO		
	(1)	(2)	(3)	(4) = (1+2+3)
2019-20	5	1	2	8
2020-21	6	2	3	11
2021-22	6	3	4	13
2022-23	6	3	5	14
2023-24	7	3	5	15

- (ii) The first proviso to Regulations 4.1 shall be substituted as mentioned in the Table below:

EXISTING	AMENDED
<p>Provided that if the obligated entity has established the fact that the minimum quantum of purchase from solar energy (shown in column (3) above) is not available in the market either in the form of solar power or solar certificate in a particular year and the Commission is satisfied with this fact, then additional non-solar energy over and above that shown in column (2) above shall be purchased for fulfilment of total renewable purchase obligation in accordance to column (3) above:</p>	<p>Provided that on achievement of Solar RPO compliance to the extent of 85% and above, remaining shortfall if any, can be met by excess Non-Solar energy purchased beyond specified Non-Solar RPO for that particular year.</p> <p>Provided further that on achievement of Non-Solar RPO Compliance to the extent of 85% and above, remaining shortfall if any, can be met by excess Solar energy purchased beyond specified Solar RPO trajectory.</p>





EXISTING	AMENDED
	Provided the Other Non-Solar and HPO, under the head of Non-Solar RPO, will have 100% fungibility.

(iii) The following proviso shall be added after the last proviso of Regulation 4.1:  
 Provided that from FY 2016-17, the Renewable Purchase Obligations shall be on total consumption of electricity by an obligated entity, excluding consumption met from hydro sources of power (not covered under HPO).

(iv) The Regulations 4.3 shall be substituted as mentioned in the Table below:

EXISTING	AMENDED
The renewable purchase obligation specified for the year 2012-13 shall continue beyond 2012-13 until any revision is effected by the Commission in this regard.	The renewable purchase obligation specified for the year 2023-24 shall continue beyond 2023-24 until any revision is effected by the Commission in this regard.


(v) The following Regulations 4.5 shall be inserted after the Regulations 4.4:  
 "Each Obligated entity will file the Annual Return of RPO within 60 days of completion of the Financial Year and Quarterly Return within 30 days of the end of the quarter, in which all details regarding the purchase of other Non-Solar RPO and HPO RPO and Solar RPOs will be given along with reasons in case of non-achievement of the targets set and roadmap to bridge the gap."

(vi) The Following Regulation 4.6 shall be inserted after the amended Regulation 4.5:  
 "The RPO of Captive Power Plants (CPP) may be kept fixed at the RPO level applicable in the year in which CPP was commissioned. As and when the company adds to the capacity of the CPP, it will have to provide for additional RPO as obligated in the year in which new capacity is commissioned."  
 Provided if the CPP is commissioned prior to the issuance of Uttar Pradesh Electricity Regulatory Commission (Promotion of Green Energy through Renewable Purchase Obligation) Regulations, 2010, RPO for CPP will be kept equivalent to that notified for FY 2010-11.

(vii) The following proviso of Regulation 7 shall be substituted as mentioned below:

EXISTING	AMENDED
Provided that RPO Regulatory Charges shall be equivalent to the applicable preferential tariff for solar or non-solar renewable energy sources or any other	Provided that RPO Regulatory Charges shall be equivalent to the applicable floor prices of Solar and Non-Solar RECs or any other rate as

EXISTING	AMENDED
<p>rate as may be stipulated by the Commission:</p> <p>Provided further that the RPO Regulatory Fund so created shall be utilised, as may be directed by the Commission, for purchase of the certificates or for development of transmission and distribution infrastructure in the State related to generating stations based on renewable energy sources or in any other manner as may be stipulated by the Commission:</p>	<p>may be stipulated by the Commission:</p> <p>Provided further that the RPO Regulatory Fund so created shall be utilised, as may be directed by the Commission, for purchase of the certificates or may be provided to UPNEDA and/or any other Govt agency notified by the Government of Uttar Pradesh, for development of transmission and distribution infrastructure in the State related to generating stations based on renewable energy sources or in any other manner as may be provided by the Commission:</p>
<p>Provided further that the Commission may empower the State Agency to procure out of the amount available in the fund the required number of certificates from the Power Exchange:</p>	



(Kaushal Kishore Sharma)  
Member



(Raj Pratap Singh)  
Chairman