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**BIHAR ELECTRICITY REGULATORY COMMISSION, PATNA**

**(Renewable Purchase Obligation, its Compliance and REC Framework Implementation) (3<sup>rd</sup> Amendment) Regulations, 2018**

**Notification**

**The 17<sup>th</sup> December, 2018**

No. BERC-SMP-31/2018-13—In exercise of powers conferred under section 181 of the Electricity Act, 2003 read with Sections 61, 66, 86(1)(e) and all other powers enabling the Commission in this behalf, the Bihar Electricity Regulatory Commission hereby amends the Bihar Electricity Regulatory Commission (Renewable Purchase Obligation, its compliance and REC Framework Implementation) Regulations, 2010 notified vide no. BERC-Regl-01/10-05 dated 16<sup>th</sup> November, 2010.

**1. Short title, extent and commencement:—**

- 1.1 these regulations may be called the Bihar Electricity Regulatory Commission (Renewable Purchase Obligation, its compliance and REC Framework Implementation) (3<sup>rd</sup> Amendment) Regulations, 2018.
- 1.2 These Regulations extend to the whole of the State of Bihar.
- 1.3 These Regulations shall come into force on the date of their publication in the official Gazette.

**2. Amendment of Regulation 4:—**

A New proviso shall be added before first proviso of Regulation 4.1 of the principal regulation as under:-

*"Provided that on achievement of Solar RPO compliance to the extent of 85 % and above in any year, remaining shortfall, if any, may be met by purchase of excess non-solar energy beyond the percentage specified for*

*Non-Solar RPO for that particular year.*

*Provided further that on achievement of Non-Solar RPO compliance to the extent of 85 % and above in any year, remaining shortfall, if any, may be met by purchase of excess solar energy beyond the percentage specified for solar RPO for that particular year".*

The following shall be added at the end of Clause 4.1 of the principal regulation:-

*"Commission may review minimum percentage of compliance specified in the above Regulations depending upon prevailing situation in succeeding years"*

3. The following shall be added at the end of first proviso of Regulation 5.1 of the principal regulation:

*"Similarly, if non-solar certificates are not available in a particular year, then in such cases, additional solar certificate shall be purchased for fulfillment of the Renewable Purchase Obligation (RPO)"*

4. **Amendment of Regulation 7:—**

4.1 Clause 7.1 of these regulations shall be substituted by following:

*"Each distribution licensee shall indicate, along with sufficient proof thereof, the estimated quantum of purchase from renewable energy sources for the ensuring year in tariff / annual performance review petition in accordance with Regulation notified by the commission. The estimated quantum of purchase shall be in accordance with clause 4.1 of these Regulations. If the distribution licensee is unable to fulfill the obligation, the shortfall of the specified quantum of solar and / or non-solar of that year would be added to the specified quantum for the next year. Provided, the solar certificates and/ or non-solar certificates were not available in that particular year. However, credit for excess purchase from renewable energy sources would not be adjusted in the ensuing year."*

4.2 Clause 7.2 of these regulations shall be substituted by following:—

*"Despite availability of renewable energy sources, if distribution licensee fails to fulfill the minimum quantum of purchase from renewable energy sources, it, without prejudice to the penalty to which it may be liable under section 142 of the Act, shall be liable to pay compensation as per clause 9 of these Regulations"*

5. **Amendment of Regulation 9:—**

5.1 The following shall be added at the end of first proviso of Regulation 9.1 of the principal regulation:

*"or the fund may be deposited in the "Bihar Renewable Energy Development fund"*

5.2 The third proviso of Regulation 9.1 of the principal regulation shall be deleted:

**By Order of the Commission,  
Rameshwar Prasad Das,  
Secretary**