

**BEFORE THE HON'BLE TELANGANA STATE ELECTRICITY
REGULATORY COMMISSION,
AT ITS OFFICE AT V FLOOR, SINGARENI BHAVAN, RED HILLS,
HYDERABAD.**

O.P.NO. 9 OF 2024 (Suo-Moto)

In the matter of: Suo-moto determination of compliance of Renewable Power Purchase Obligation of Obligated Entities for FY 2022-23.

Objector:

M/s. Astrix Laboratories Limited (Sl. No. 34)

...Objector

OBJECTIONS FILED BY THE OBJECTOR HEREIN

1. It is humbly submitted that the State Agency under Regulation No.7 of 2022, SLDC, while determining compliance for the FY 2022-23, has stated in its Lr. No. CE/SLDC/REC/F.RPPO/D.No.211/24 dt.04.06.2024 that it had issued an email dt.04.05.2024 to all the entities mentioned in the statement annexed thereto, however no such mail has been received by the Objector.
2. It is humbly submitted that the TGSLDC has stated in its letter vide Lr. No. CE/SLDC/F.RPPO/D.No.409/24 dated 07.08.2024 that the Hon'ble Commission had initiated suo-moto proceedings in the matter of determination and compliance of RPPO of obligated entities for FY 2022-23.
3. It appears that in statement of non-compliance entities, the objector herein is shown at Sl.No. 34 for HT SC No.SGR-555. While the Objector's Service Connection vide HT SC No. SGR-555 is shown a substantive shortfall in compliance for the aforesaid period of FY 2022-23. The details furnished by the SLDC are as follows:

Entity	Solar RPPO Obligation to be complied with 7.5% of Total Energy Consumption	Balance Solar RPPO to be fulfilled for FY 2022-23	Non-Solar RPPO Obligation to be complied with 1.0% of Total Energy Consumption	Balance Non-Solar RPPO to be fulfilled for FY 2022-23
Mylan Laboratories Limited (SGR-555)	243.15	243.15	32.42	32.42

It is submitted that the Objector upon re-conciliation of its records, the Objector had purchased a total of 108 Solar REC's & 157 Non-Solar REC's through the Indian Energy Exchange Limited vide Certificate Number: C-IEX_REC001162, dated 28.12.2022, which were never considered by the State Entity, SLDC and therefore, the Objector is shown as Non-Compliance Entity. The Copy of the REC Certificate issued by the IEX is annexed to these objections for the kind perusal of this Hon'ble Commission. The Objector noted two discrepancies in the data furnished to the Hon'ble Commission 1) regarding the quantum of power procured through IEX, 2) in respect of purchases of Solar and Non-Solar RPPO RECs. In response to the same, the Objector wishes to submit the following:

Data Furnished	IEX	Total Consumption through Open Access and/or Captive Consumption during FY 2022-23	Solar RPPO Obligation to be complied with 7.5% of Total Energy Consumption	Balance Solar RPPO to be fulfilled for FY 2022-23	Non-Solar RPPO Obligation to be complied with 1.0% of Total Energy Consumption	Balance Non-Solar RPPO to be fulfilled for FY 2022-23
SLDC	3242.00	3242.00	243.15	243.15	32.42	32.42
Objector	3137.958	3137.958	235.34	127.34	31.37	+125.63

As can be seen in the table above, the balance Solar RPPO to be fulfilled are 127.34 and Non-Solar RPPO are in excess of +125.63.

4. It is submitted that in order to better understand the Regulation No. 7 of 2022 framed by this Hon'ble Commission and encapsulate the Compliance of the Objector herein, it is relevant to refer to certain Clauses and provisions under the Regulation.
5. It is submitted that this Hon'ble Commission has framed Regulation No.7 of 2022 above with effect from 01.04.2022. Clause 2(p)(iii) therein specifies an Obligated Entity to mean *inter-alia* any consumer having a Contracted Demand of 1 MW and above, and consumes electricity procured from conventional fossil fuel based generation through Open Access including procurement from power exchanges;
6. It is submitted that under provisos 2 and 3 of Clause 3(1) of Regulation No.7 of 2022 provides that, any obligated entity whose achievement of

Solar RPPO 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 RPPO for that particular year and vice-versa.

7. It is submitted that upon a request made by the TSDiscoms to combine the Solar and Non-Solar categories into single RPPO obligation to comply with RPPO for the FY 2023-24 and further upcoming years to meet shortfall in RPPO targets, this Hon'ble Commission upon careful consideration was pleased to issue proceedings No. TSERC/Secy/Tariff/01/2024, dated 27.03.2024 whereat, it held that, in exercise of power under Clause 12 & 13 of Regulation No. 7 of 2022 and stated that following:

"Considering the orders issued by Hon'ble CERC and non-availability of Solar and Non-Solar RECs, the Commission agrees to allow the obligated entity to fulfill any category of RPPO by procuring REC Certificates as per REC Regulations, 2022."

8. It is submitted that under Clause 3(5) of Regulation No. 7 of 2022, the Hon'ble Commission prescribes that, the purchase of REC issued under the CERC Regulations, 2010 shall also be treated as fulfillment of the RPPO. Further, under Clause 4(2) of Regulation No.7 of 2022, states that the REC purchased from Power Exchanges shall also be adjusted for fulfillment of RPPO.
9. In fact, it is apposite to mention here that, under Clause 4(3) of Regulation No. 7 of 2022, the State Agency also has to independently verify the RECs purchased by the Obligated entities from Power Exchanges, through Renewable Energy Certificates Registry of India and consider the same towards fulfillment of their RPPO.
10. In the present case, at the cost of repetition, the Objector herein had purchased a total of 108 Solar REC's & 157 Non-Solar REC's by the Certificate issued by the Power Exchange IEX. Under the Compliance for requirements under Regulation No. 7 of 2022 for the FY 2022-23, the Objector has fulfilled its RPPO obligation, therefore, the SLDC being empowered to independently verify RECs purchased by the Obligated Entities ought to have verified the purchases and finalized the compliance data.

11. Finally, it is submitted that, the RECs certificate purchases by the objector in total is 265 REC's (comprising 108 Solar REC's and 157 Non-Solar REC's) are taken into consideration, the shortfall in compliance is only in respect of Solar RECs to the extent of 127.34 MWh as against the excess purchase of 125.63 MWh Non-Solar RECs. Therefore, in pursuance to the order of this Hon'ble Commission dated 27.03.2024, the Objector humbly requests that this Hon'ble Commission allow the Objector to set-off the excess Non-Solar RECs against the shortfall in Solar RECs, the balance shortfall in compliance for RPP Obligation for FY 2022-23 comes to 2.34 MWh, which the Objector is willing to comply as per the directions of this Hon'ble Commission.
12. It is further submitted that, the Hon'ble CERC has done away with the mechanism of determination of Forbearance price for the RE Certificates. Presently, it is given to understand that the RECs are freely available in the market for the price @Rs.150/- each. If this Hon'ble Commission is pleased and inclined to issue necessary directions, the Objector is willing to purchase the RECs from the Open market and comply with the RPPO requirement to the extent of balance remaining, for the FY 2022-23.
13. It is humbly submitted that, any Obligated Entity who is purchasing power through IEX or any other open access sources of supply, have to quantify the entire consumption in a financial year starting from April to March of the subsequent year to comply with the RPPO requirement. Wherein, if the Obligated Entity has purchased power in the month of March, the entity is required to quantify its consumption after the settlement is done with the month of April. In such a situation, the Obligated Entity might shortfall is purchase of RECs for the particular year, therefore, the Objector humbly request the Hon'ble Commission to enlarge the time upto the end of April of the consequent year to comply with the RPPO for the previous year any obligated entity to comply with RPPO.
14. The Objector reserves its right to make further submissions at any stage of the proceedings and to respond by written submissions or otherwise to any oral or written submissions of the SLDC.
15. For the above reasons and for such other or further reasons as may be urged at any stage of the proceedings, it is prayed that this Hon'ble Commission may be pleased to determine that there is no requirement or obligation for

the Objector herein to purchase any additional renewable energy or RECs for FY 2022-23.

16. The Objector requests to be heard in person through a representative or through its appointed counsel.

Place: Hyderabad
Date: 27.08.2024

For Tianish Laboratories Private Limited


Authorized Signatory

OBJECTOR

BEFORE THE TELANGANA ELECTRICITY REGULATORY COMMISSION
AT HYDERABAD

O.P. No. 09 of 2024 (Suo-Moto)

Between:

Plaintiff
Petitioner

Versus

Defendant
Respondent

I/We

do hereby appoint and retain
CHALLA GUNARANJAN
M. SRIDHAR
DEEPAK CHOWDARY
Advocates

Advocate/s to appear for me/us in the above Suit/Case and to conduct and prosecute and defend the same and proceedings, that may be taken in the respect of any application for execution or any Decree or Order passed therein I/We empower my/our Advocate to appear in all miscellaneous proceedings in the above Suit matter ill all Decree or Orders are fully satisfied or adjusted to compromise and to obtain the return of Documents and draw any moneys that might be payable to me/us the said suit or of matter and notice I/We do further empower my/our Advocate to accept on my/our behalf, service of all or any appeals or petitions filed in any Court of appeal reference or revision with regard to said suit or matter before the disposal of the same in this Hon'ble Court.

For Tianish Laboratories Private Limited

X 

Authorized Signatory

Certified that the executant who is well acquainted with English and this Vakalatnama and the contents of the Vakalatnama were read out and explained in Telugu/Urdu/Hindu to the executant or he/she/they being unacquainted with English who appeared to have perfectly understood the same and signed/put his/her/their name or mark in my presence.

Identified by:

Advocate.

Executed on this the day of

2024.

Advocate.

**BEFORE THE TELANGANA
ELECTRICITY REGULATORY
COMMISSION AT HYDERABAD**

O.P. No. 09 of 2024 (Suo-Moto)

Between:

Petitioner

And

Respondent

VAKALAT

Advocates for: Objector

Filed on:

Address for service of the said Advocate/s

CHALLA GUNARANJAN
Flat No.101 | Krishnaveni Pride |
H.No.8-3-833/204 |
Kamalapuri Colony | Hyderabad |
Telangana 500 073