

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**No. L-1/12/2010-CERC**

**Dated: 29<sup>th</sup> September, 2010**

**NOTIFICATION**

In exercise of powers conferred under section 178 of the Electricity Act, 2003 (36 of 2003), and all other powers enabling it in this behalf, and after previous publication, the Central Electricity Regulatory Commission hereby makes the following regulations to amend the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010, ("hereinafter referred to as "the principal regulations"), namely:

**1. Short title and commencement.** (1) These regulations may be called the Central Electricity Regulatory Commission (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) (First Amendment) Regulations, 2010.

(2) These regulations shall come into force with effect from the date of their publication in the Official Gazette.

**2. Amendment of Regulation 5 of principal regulations:** The following provisos shall be added at the end of the Sub-clause (c) of Clause (1) of Regulation 5 of the principal regulations, namely:

"Provided that such a generating company having entered into a power purchase agreement for sale of electricity at a preferential tariff shall not, in case of pre-mature termination of the agreement, be eligible for participating in the Renewable Energy Certificate (REC) scheme for a period of three years from the date of termination of such agreement or till the scheduled date of expiry of power purchase agreement whichever is earlier, if any order or ruling is found to have been passed by an Appropriate Commission or a competent court against the generating company for material breach of the terms and conditions of the said power purchase agreement.

Provided further that a Captive Power Producer (CPP) based on renewable energy sources shall be eligible for the entire energy generated from such plant including self consumption for participating in the REC scheme subject to the condition that such CPP has not availed or does not propose to avail any benefit in the form of concessional/promotional transmission or wheeling charges, banking facility benefit and waiver of electricity duty.

Provided also that if such a CPP forgoes on its own, the benefits of concessional transmission or wheeling charges, banking facility benefit and waiver of electricity duty, it shall become eligible for participating in the REC scheme only

after a period of three years has elapsed from the date of forgoing such benefits.

Provided also that the abovementioned condition for CPPs for participating in the REC scheme shall not apply if the benefits given to such CPPs in the form of concessional transmission or wheeling charges, banking facility benefit and waiver of electricity duty are withdrawn by the State Electricity Regulatory Commission and/or the State Government.

The dispute, if any, on the question as to whether such concessional/promotional benefits were availed by a CPP or not shall be referred to the Appropriate Commission.”

**Explanation:-** For the purpose of this Regulation, the expression ‘banking facility benefit’ shall mean only such banking facility whereby the CPP gets the benefit of utilizing the banked energy at any time (including peak hours) even when it has injected into grid during off-peak hours.

### **3. Amendment of Regulation 7 of the Principal Regulations:**

- (i) In sub-Regulation (4) of the Regulation 7 of the Principal Regulations, the words “or deemed to be injected in case of self consumption by eligible captive power producer” shall be added after the words “injected into the Grid”.
- (ii) Sub- Regulation (6) of the Regulation 7 of the Principal Regulations shall be substituted by the following:-

“(6) Each Certificate issued shall represent one Megawatt hour of electricity generated from renewable energy source and injected or deemed to be injected (in case of self consumption by eligible captive power producer) into the grid.”

Sd/-  
(Alok Kumar)  
Secretary

Note : The principal regulations were published on 18.1.2010 in Gazette of India Extraordinary Part-III Section-4, Sr. No.26.