

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION, AT
PANCHKULA**

FILING NO. OF 2015

CASE NO. OF 2015

IN THE MATTER OF:

Petition under Section 86 (1) (k) of the Electricity Act, 2003 read with Sub-Regulation (2) of Regulation 67 of the Haryana Electricity Regulatory Commission (Terms and condition of determination of Tariff from Renewable Energy Sources, Renewable Purchase Obligation and Renewable Energy Certificate) Regulations, 2010 and Regulation 23 of the Haryana Electricity Regulatory Commission (Conduct of Business) Regulations, 2004, seeking relaxation or carry forward of Renewable Purchase Obligation for the FY 2014-15.

AND

IN THE MATTER OF:

Haryana Power Purchase Centre (HPPC),

Through its authorised representative,
Shakti Bhawan, Sector – 6,
Panchkula, Haryana

...Petitioner

**PETITION ON BEHALF OF HARYANA POWER PURCHASE CENTRE SEEKING
RELAXATION OR CARRY FORWARD OF THE SHORTFALL OF RENEWABLE
PURCHASE OBLIGATION FOR THE FY 2014-15**

MOST RESPECTFULLY SHOWETH:

1. The present petition is being filed by Haryana Power Purchase Center (herein after referred as “**HPPC**” for the sake of brevity) on behalf of distribution licensees of the State of Haryana, i.e. Dakshin Haryana Bijli Vitran Nigam Limited (herein after referred as “**DHBVNL**” for the sake of brevity) and Uttar Haryana Bijli Vitran Nigam Limited (herein after referred as “**UHBVNL**” for the sake of brevity), seeking relaxation or carry forward Renewable Purchase Obligation for the FY 2014-15.

2. It is submitted that this Hon'ble Commission in exercise of the powers conferred on it by section 181 of the Electricity Act 2003 (herein after referred as "Electricity Act" for the sake of brevity) had framed Haryana Electricity Regulatory Commission (Terms and Conditions for determination of Tariff from Renewable Energy Sources, Renewable Purchase Obligation and Renewable Energy Certificate) Regulations, 2010 (herein referred as "**RPO Regulations 2010**" for the sake of brevity) dated 03.02.2011. These regulations are applicable to all the renewable energy project developers and obligated entities in the State of Haryana.
3. Chapter – 10 of RPO Regulations 2010 talks about the Renewable Purchase Obligation (herein after referred as "**RPO**" for the sake of brevity) and Renewable Energy Certificate (herein after referred as "**REC**" for the sake of brevity). The relevant regulations is reproduced herein below for ready reference:

Chapter – 10

Renewable purchase obligation (RPO) and

Renewable Energy Certificate (REC)

64. Renewable Purchase Obligation. – (1) *Every obligated entity including distribution licensee, consumers owning captive power plant and long term open access consumers in Haryana shall purchase from renewable energy sources under the Renewable Purchase Obligation (RPO) not less than 1.5% of its consumption of energy during each of the FYs 2010-11 and 2011-12, 2% for the FY 2012-13 and 3% for the FY 2013-14.*

(2) Solar RPO shall be 0.25% of the overall RPO as specified under sub regulation (1) above with an annual increase of 25.

Provided that solar renewable purchase obligation so specified shall be procured from generation based on solar as renewable energy source only subject to availability of the solar power in the State of Haryana.

Provided further, such obligation to purchase renewable energy shall be inclusive of the purchases, if any, from renewable energy sources already being made by concerned obligated entity.

Provided also that the power purchases under the power purchase agreements for the purchase of renewable energy sources already entered into by the distribution licensees and consented to by the Commission shall continue to be made till validity of the Power Purchase Agreement approved by the Commission, even if the total purchases under such agreements exceed the RPO as specified in these regulations.

65. 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 on 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 in 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 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) of this Regulation shall be deposited by the obligated

entities to the Commission in accordance with the detailed procedure issued by the Central Agency.

4. Further the Hon'ble Commission vide notification dated 5th September 2011 amended RPO Regulations 2010 (herein referred as RPO 1st Amendment Regulations 2011). The following sub regulation (3) was inserted in continuation of regulation 64:

“(3) In case the renewable energy generating company offers to sell energy generated by it from its renewable energy generating station located in Haryana to the distribution licensee at the rates determined by the Commission, the distribution licensee shall not refuse to purchase power from such generating company, without prior approval of the Commission.”

5. Again this Hon'ble Commission vide notification dated **25th November 2011** amended RPO Regulations 2010 (herein referred as RPO 2nd Amendment Regulations 2011).

The sub regulation (1) of regulation 64 was replaced with the following regulation:

64(1) Every obligated entity in Haryana shall purchase from renewable energy sources under the Renewable Purchase Obligation (RPO) not less than 1.5% of its consumption of energy during each of the FYs 2010-11 and 2011-12, 2% for the FY 2012-13 and 3% for the FY 2013-14.

The sub regulation (2) of regulation 64 was replaced with the following Regulation:

64 (2) “Solar power purchase obligation of every obligated entity shall be 0.05% and 0.10% of its energy consumption for the financial years 2012-13 and 2013-14 respectively”.

6. Again this Hon'ble Commission vide notification dated **July 2014** amended RPO Regulations 2010 (herein referred as RPO 3rd Amendment Regulations 2014).

The existing sub regulation (1) of Regulation 64 is replaced with the following regulation:

“64(1) Every obligated entity in Haryana shall purchase from renewable energy sources under the Renewable Purchase Obligation (RPO) not less than the quantum of renewable energy as indicated in the table below:-

| Financial Year | Total RPO (As a Percentage of Total Consumption) |
|-----------------------|---|
| 2013-14 | 3.00 |
| 2014-15 | 3.25 |
| 2015-16 | 3.50 |
| 2016-17 | 3.75 |
| 2017-18 | 4.00 |
| 2018-19 | 4.50 |
| 2019-20 | 4.75 |
| 2020-21 | 5.00 |
| 2021-22 | 5.50 |

The existing sub regulation (2) of regulation 64 is replaced with the following regulation:-
“64(2) Solar power purchase obligation of every obligated entity shall be not less than the quantum of solar renewable energy as indicated in the table below:-

| Financial Year | Solar RPO (as a percentage of total consumption) |
|-----------------------|---|
| 2013-14 | 0.10 |
| 2014-15 | 0.25 |
| 2015-16 | 0.75 |
| 2016-17 | 1.00 |
| 2017-18 | 1.25 |
| 2018-19 | 1.50 |
| 2019-20 | 2.00 |
| 2020-21 | 2.50 |
| 2021-22 | 3.00 |

Provided that the obligated entities shall not be allowed to carry forward RPO obligations from one financial year to the next or subsequent financial year(s)”.

7. This mandated RPO quantum is far higher than the existing/planned renewable power capacity within the state. The Petitioner would like to submit that it had raised its concerns on this matter earlier as well, when the RPO Regulation 2010 was at the draft stage. However, the same was not considered favourably by this Hon’ble Commission in the final regulations.

8. A detailed chart showing generation capacity of the Renewable Energy Projects in the state of Haryana from FY 2011-12 to FY 2014-15 is tabled below for ready reference:

Table 3: Renewable Energy Installed Capacity in the State of Haryana in FY 2011-12 , FY 2012-13, FY 2013-14 & FY 2014-15

| Project Title | Installed Capacity in MW | | | |
|---------------------------------------|--------------------------|--------------|--------------|--------------|
| | 2011-12 | 2012-13 | 2013-14 | 2014-15 |
| WYC, Yamunanagar | 62.7 | 62.7 | 62.7 | 62.7 |
| P&R GOGRI PUR small hydro | 2 | 2 | 2 | 2 |
| Puri Oil Mill small hydro | 2.8 | 2.8 | 2.8 | 2.8 |
| Bhoruka Power Corps. Ltd. Small hydro | 6 | 6 | 6 | 6 |
| SMALL HYDRO(A) | 73.5 | 73.5 | 73.5 | 73.5 |
| SHAHBAD SUGAR MILL | 18 | 18 | 18 | 18 |
| CH. DEVI LAL SUGAR MILL | 2 | 2 | 2 | 2 |
| Haryana Co. Sugar Mill. | 12 | 12 | 12 | 12 |
| Hafed Sugar Mill | 2 | 2 | 2 | 2 |
| Meham Sugar Mill | 2 | 2 | 2 | 2 |
| GEMCO Biomass plant | | | 8 | 8 |
| Starwire Biomass power plant | - | - | 9.9 | 9.9 |
| A.B.Grains, Naraingarh,Ambala | - | - | - | 5 |
| Sri Jyoti , Bhiwani | - | - | - | 9.5 |
| SUGAR MILL (B) | 36 | 36 | 45.9 | 68.4 |
| SDS SOLAR PVT LTD. DH | 1 | 1 | 1 | 1 |
| C&S Electrical DH | 1 | 1 | 1 | 1 |
| CHANDRALEELA SOLAR DH | 0.8 | 0.8 | 0.8 | 0.8 |
| SUKHBIR SOLAR DH | 1 | 1 | 1 | 1 |
| ZAMIL SOLAR DH | 1 | 1 | 1 | 1 |
| H.R. MINERAL SOLAR UH | 1 | 1 | 1 | 1 |
| TAYAL & CO SOLAR UH | 1 | 1 | 1 | 1 |
| VKG SOLAR UH | 1 | 1 | 1 | 1 |
| Siwana Solar Plant ,Siwani,Bhiwani | - | - | - | 5 |
| SOLAR POWER (C) | 7.8 | 7.8 | 7.8 | 12.8 |
| Total (A + B + C) | 117.3 | 117.3 | 127.2 | 154.7 |

9. It is very evident from the above mentioned tables that the generation capacity of the state of Haryana is much lesser than the targeted RPO for the consequent years. With the existing installed capacity as on date, 21 MUs will be generated from solar power projects @ 19% PLF and 625 MUs from non-solar projects @

50% PLF. Thus, HPPC can get a total generation of 646 MUs if the power projects run at maximum PLF against the target of 1575 MUs for the FY 2014-15.

10. HERC in its order dated 29.5.2014 on “ARR of UHBVNL & DHBVNL for their Distribution & Retail Supply Business under MYT framework for the Control period FY 2014-15 to FY 2016-17 and Distribution and Retail Supply tariff for FY 2014-15” has approved the following RPO for FY 2011-12, FY 2012-13 and FY 2013-14:

| Financial Year | Energy Consumption (MU) | %age of overall RPO | Renewable energy(other than solar) required to be purchased as per overall RPO (MU) | %age of solar RPO (as a %age of overall RPO) | Energy required to be purchased as per solar RPO (MU) | Total Renewable energy required to be purchased |
|-----------------------|---------------------------------|----------------------------|---|---|---|--|
| 2011-12 | 36075 | 1.5% | 541 | 0.31% | 1.69 | 543 |
| 2012-13 | 40000 | 2.0% | 800 | 0.05%* | 20 | 820 |
| 2013-14 | 41086 | 3.0% | 1191.49 | 0.10%* | 41.09 | 1232.58 |

*Solar Power Purchase Obligation i.e 0.05% & 0.1% of total energy consumption for the financial years 2012-13 & 2013-14 respectively.

As per data provided by the State Nodal Agency for FY 2011-12, FY 2012-13 and FY 2013-14 (upto Dec. 2013, the shortfall in meeting the RPO for the aforesaid years has been worked out as under:

Shortfall in meeting RPO (MUs)

| Type of RE source | FY 2011-12 | FY 2012-13 | FY 2013-14 (upto Dec. 2013) |
|--------------------------|-------------------|-------------------|-------------------------------------|
| Solar | 0 | 7.14 | 25.69 |
| Non-solar | 143 | 319.89 | 695.14 |
| TOTAL | 143.0 | 327.03 | 720.83 |

11. It is submitted that under the evolving reformatory regulatory process and the changing environment under which the utilities have to operate, the Petitioner has been making its sincere efforts to carry on business in accordance with the requirements of the Electricity Act and the guidelines thereto issued by this

Hon'ble Commission. The DISCOMs of State of Haryana made all possible efforts to procure energy through renewable resources to meet its RPO as mandated by this Hon'ble Commission. However, the state distribution utilities after making all possible efforts had managed to procure only some part of the target fixed and shortfall exists for FY 2013-14 & FY 2014-15 as tabulated below:

Target vs Actual RPO Quantum in FY 2013-14

| Particulars (in MU) | FY 2013-14 | | |
|-------------------------|---|----------------------------------|-----------|
| | Target on Energy Consumption of 41086 MUs (as per HERC) | Procurement in FY 2013- 14 | Shortfall |
| Solar RPO (0.1%) | 41.0 | 10.0 | 31.0 |
| Non Solar RPO (3.0%) | 1191 | 369.0 | 822.0 |
| Total | 1232 | 379.0 | 853.0 |

Target vs Actual RPO Quantum in FY 2014-15

| Particulars (in MU) | FY 2014-15 | | |
|--------------------------|--|----------------------------------|-----------|
| | Target on energy consumption 45028 MUs (as per HERC) | Procurement in FY 2014-15 | Shortfall |
| Solar RPO (0.25%) | 112.56 | 10 | 102.56 |
| Non Solar RPO (3.25%) | 1463.41 | 600(Expected by March 2015) | 863.41 |
| Total | 1575.97 | 610 | 965.97 |

12. Total shortfall from FY 2011-12 to FY 2014-15 in respect of solar and non-solar RPO is tabulated below:

| Financial Year | Shortfall in Solar RPO | Shortfall in total RPO | Total shortfall in a year |
|--------------------|------------------------|------------------------|---------------------------|
| 2011-12 | 0 | 143 | 143** |
| 2012-13 | 7.14 | 319.89 | 327.03** |
| 2013-14 | 31.00 | 822.0 | 853.0 |
| 2014-15 | 102.56 | 863.41 | 965.97 |
| GRAND TOTAL | 140.7 | 2148.3 | 2289 |

**As approved by HERC in UHBVN MYT for FY 2014-15 to FY 2016-17

13. Regarding solar RPO in particular, modifying the Solar RPO for Haryana DISCOMS from 0.25% of the overall RPO in FY 2011-12 to 0.25% of the entire energy consumption in FY 2014-15 has drastically increased the RPO quantum to an extent which seems unrealistic to achieve, keeping in view existing as well as

planned solar generation in the state. If it is made obligatory for the DISCOMs to purchase solar power to this extent, it would push up the cost of power purchase significantly since the remaining RPO quantum would have to be sourced from solar power stations located outside the state, or through Renewable Energy Certificates (REC) purchased from the Exchange at tremendously high rates. Such exceptionally high cost of power purchase would ultimately have to be passed on to consumers of the state as additional power purchase cost.

14. In spite of all the odds, HPPC is keen to meet solar RPO targets. This can be realized from the fact that HPPC floated tender to purchase 50 MW solar power through competitive bidding. The NIT was published on 17.4.2014 whose last date of submission & opening of tenders was 14.5.2014. The tender was delayed due to various reasons attributed below:

The date of opening was extended to 30.6.2014 on the request of the bidders and also to review the Terms & Conditions of the NIT as per the queries raised by the bidders during pre-bid meeting.

The date of opening of tenders was further extended to 31.7.2014 to get the tender document approved from HERC. As Generic tariff decided by HERC for the current year was the ceiling limit in the subject cited NIT and in the absence of the same, the maximum tariff to be quoted by the bidders could not be fixed. Hence, due to non-approval of tender & non-availability of Generic order for the projects to be commissioned in FY 2014-15, the date of opening of tenders was extended to 22.8.2014 & further to 13.10.2014. Meanwhile, HERC vide its Memo. dated 8.8.2014 observed

On several occasions the commission has observed that HPPC/HAREDA may invite bids/reverse bids for purchase of renewable energy in order to meet with the RPO targets and the fact that the bidding process is already under way, HPPC may proceed with the same. Once the bids are opened, HPPC shall analyze the same and submit the details to the Commission for its order and approval of the PPA with the successful bidders.

The date of opening of tenders had to be further extended to 22.10.2014 due to Assembly Elections in Haryana.

Finally, The Tenders against the subject cited NIT were opened on the due date and time i.e. 22.10.2014 at 3.00 P.M.

The 10 no. bidders submitted their tenders whose Technical and Commercial evaluation has been done.

The Financial bid was opened on 22.12.2014.

15. Regarding non-solar RPO, it is submitted that the different states in India have different potential for generating power through various means such as solar power, wind energy, etc.

- i. Haryana , in particular, is not blessed with any perennial river except Yamuna. Haryana has a major canal network for its irrigation requirements drawing waters from Yamuna & Satluj. Canals normally have very low & ultra-low heads to maintain flow of water.
- ii. The geographical location of Haryana does not have much scope for wind energy.
- iii. The electrical energy that can be generated from biomass waste has a limited potential. We cannot expect the increase in electrical energy generation year after year as availability of biomass fuel cannot increase with each passing year.

16. To meet Non-solar RPO targets, certain renewable capacity addition which was planned in the state has failed to materialize, making it difficult for the Haryana Discoms to procure renewable power in order to meet the RPO. For instance, out of the 21 biomass power projects of 192.9 MW allotted in FY 2006-07, only 5 projects of capacity totaling 50.9 MW are under execution/consideration while the remaining projects have been cancelled.

17. The meagre availability of non-solar renewable energy can be judged from the fact that HPPC floated tender to procure 100 MW non-solar power whose date of technical bid opening was scheduled on 27.10.2014 but no tender was received on the scheduled date. The date was extended to 10.11.2014. Only one tender was received by this date. So the date of tender opening was further extended to 28.11.14 & 23.12.14. On 23.12.14, one more tender was received. Although three tenders are a prerequisite in tender process to have competitive bidding but the two tenders were opened with permission from MD/UHBVN considering the poor response and to finalize the tender. On Technical bid opening, it was found that both the bidders had not deposited Bid Bond in the shape of Bank Guarantee to the tune of Rs.10 lac/MW.Hence, the tenders were rejected.

18. At present, the total renewable energy resources available with HPPC is 155 MW (646 MU approx.) against the RPO of 1575 MUs. Hence, the DISCOMs have to

purchase solar power to meet its RPO to this extent; it would push up the cost of power purchase significantly since the remaining RPO quantum would have to be sourced from solar power stations located outside the state, or through Renewable Energy Certificates (REC) purchased from the Exchange at tremendously high rates. Such exceptionally high cost of power purchase would ultimately have to be passed on to consumers of the state. Furthermore, if the RPO backlog of the FY 2011-12 to FY 2014-15 is not relaxed by this Hon'ble Commission then the consumers of the state will have to bear extra financial burden.

19. **ACTION PLAN:**

The following steps have already been taken by HPPC in order to meet the RPO targets:

Solar RPO :

- HPPC has signed Power Sale Agreement (PSA) with Solar Energy Corporation of India (SECI) on 22.8.2014 for purchase of 80 MW of solar power @ Rs. 5.5/kwh for 25 years. Considering 19% PLF, HPPC will get 133 MUs in a year.
- Also, HPPC has floated NIT for purchase of 50 MW of solar power whose Financial bid is under finalization. With this power available, HPPC will get 83 MUs of solar power in a year.
- After finalization of the above tender, another tender for 150 MW solar power will be floated .
- Haryana DISCOMs intend to procure 250 MW of solar power under JNNSM Phase II batch III scheme at a tariff of Rs. 5.50 in the first year which will increase by Rs. 0.05 every year and will be capped finally at Rs. 6.50 in the 21st year
- Haryana has given consent to MNRE to purchase 150 MW of solar power bundled with thermal power. The bundled power would be made available to DISCOMs through PSA valid for 25 years. The first year bundled tariff would in any case be less than Rs.4.00 kw/hr.
- HAREDA has floated Solar Policy 2014 vide which they will invite tender for 100 MW solar power in two phases. This power too will be purchased by HPPC.
- HAREDA expects that 200MW of solar power will purchased through Rooftop solar panels.
- MNRE has floated concept paper for erecting solar panels on Canal Tops/banks. HPPC has written to Irrigation Department, Haryana to

explore the possibilities of erection of such solar panels on Haryana canals.

Non-Solar RPO

- HPPC has purchased 135.5892 MUs of Hydro power (renewable power) on short term basis from HPSEB in the months of August ,September, December of 2014 & January 2015 and is in the process of purchasing 70 MUs (approximately) of more such power till March 2014.
- It is pertinent to point out that HPPC had floated tender for purchase of 100 MW of non - solar power but the NIT could not mature due to poor response from the bidders.
- Further , HPPC has signed PPA with following Renewable Energy Developers whose projects are yet to be commissioned.

| Envisaged Projects | | |
|--|---------------|--|
| Project | Capacity (MW) | Latest Status |
| Naraingarh Sugar Mill , Naraingarh, Distt. Ambala | 25 | PPA signed on 10.3.2014 |
| GEMCO biomass, Vill. Dinod, Distt. Bhiwani. (PPA signed on 12.7.2012) | 9 | One unit of 8 MW commissioned & 9 MW unit II yet to come |
| Total MW | 34 | |

20. In addition to above, shortfall if any in meeting RPO targets will be met by purchasing RECs at the end of financial year..

PRAYER

In light of the submissions made hereinabove and in the interest of justice this Hon'ble Commission may be pleased to:

A. Relax the shortfall of Renewable Purchase Obligation of the state of Haryana for FY 2011-12 to FY 2014-15, including the Solar RPO.

or in alternate

B. carry forward the short fall from FY 2011-12 to FY 2014-15 to the next two years FY 2015-16 & FY 2016-17.

C. Pass any other such appropriate orders as this Hon'ble commission may deem fit and proper in the facts and circumstances of the case and in the interest of Justice and fair play

PETITIONER

THROUGH COUNSEL

**BEFORE THE HARYANA ELECTRICITY REGULATORY COMMISSION, AT
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IN THE MATTER OF:

Haryana Power Purchase Centre (HPPC),

Through its authorised representative,
Shakti Bhawan, Sector – 6,
Panchkula, Haryana

...Petitioner

AFFIDAVIT

I, I.B.Srivastva S/o Sh. G.P.Srivastva aged about 57
years R/o Flat no . 702, G.H-83 B Sector- 20
Panchkula do hereby solemnly affirm and state as under:

1. That I am well conversant with the facts and circumstances of the present case and am duly authorized by Haryana Power Purchase Centre (HPPC) and competent to swear and affirm this affidavit.
2. That I have gone through and understood the contents of the accompanying petition and say that the same has been drafted under my instructions.
3. The contents of paras are based on information derived from the records of the case.
4. The contents of paras are based on my personal knowledge.
5. The contents of paras and prayer clause are legal submissions based on legal advice.

DEPONENT

VERIFICATION:

I, the above named deponent do hereby verify that the facts stated in the above affidavit are true to my knowledge based on records. No part of the same is false and nothing material has been concealed there from.

Verified at Panchkula on this 3rd day of March, 2015

DEPONENT

IN THE Haryana Electricity Regulatory Commission

Petition No.

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Through its authorised representative,
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...Petitioner

VAKALATNAMA

I, Chief Engineer, Haryana Power Purchase Centre, do hereby appoint and retain Mr. Anand K. Ganesan, Ms. Swapna Seshadri & Ms. Mandakini Ghosh, Advocate/s to appear, plead and act for me/us in the above appeal/petition and to conduct and prosecute all proceedings that may be taken in respect thereof and applications for return of documents, enter into compromise and to draw any moneys payable to me/us in the said proceeding and also to appear in all applications for review and for leave to the Supreme Court of India in all applications for review of judgment.

Place :

Signature of the Party

Date :