

**TAMIL NADLU ELECTRICITY REGULATORY COMMISSION**  
**(Constituted under Section 82(1) of the Electricity Act, 2003)**  
**(Central Act 36 of 2003)**

**PRESENT:**

**Thiru S. Kabilan**

**.....Chairman**

**Thiru R. Rajupandi**

**.... Member**

**R.P.No. 1 of 2009**

Indian Wind Power Association  
(Formerly Wind Power Producers Association )  
No.40, Ground Floor, Besant Avenue,  
Adyar, Chennai-600 020

**.... Petitioner**

Versus

The Chairman  
Tamil Nadu Electricity Board  
800 Anna Salai  
Chennai-600 002

**....Respondent**

The above R.P.No.1 of 2009 came up for final hearing on 29-7-2009. The Commission upon perusing the said R.P.No.1 of 2009 and the connected records of the case and after hearing both sides passes the following

**ORDER Dated 26<sup>th</sup> AUGUST 2009**

**1) Prayer of the Petitioner in R.P.No.1 of 2009:**

The prayer of the Petitioner in R.P.No.1 of 2009 is to pass orders completely waiving the scheduling and Systems Operation Charges to the wind electric generators for generation of power from renewable energy sources.

**2) Facts of the case:**

a) The Petitioner is an Association of Wind Electric Energy Generators registered under the Societies Act and it is having about 919 Members as on date.

- b) Prior to 11-10-2008, the Respondent Board was charging a Scheduling and System Operation Charge at the rate of Rs.1000/- per day for a generation capacity of 1,650 KW and above. In the order dated 11.10.2008 of the Commission, the Scheduling and System Operation charge has been reduced to Rs.300/- per day for a generation capacity of 1,650 KW and above.
- c) The present Petition is filed by the Petitioner Association requesting the Commission to waive this Scheduling and System Operation Charges of Rs.300/- completely.

**3. Contentions of the Petitioner:**

- a) When no other State in the Country has levied such Scheduling and System Operation Charges, we look upon the Commission to waive this charge completely in Tamil Nadu also as otherwise, the State will lose its competitive edge.
- b) The Commission has also observed in its order dated 28-11-2008 that considering the difficult times ahead for the next three years, it is essential that the State adds capacity quickly and since wind generators require just 3 to 6 months to install their capacity, it could be a viable option. As such, the wind power generators have been facing lot of hardship in the State during the last 3 or 4 years due to inadequacy of transmission infrastructure and fast decreasing plant load factor of wind mills. Therefore, asking them to pay Scheduling and System Operation charges would only add to the cost of generation as also the cost of maintaining and operation of wind mills.

- c) The Central Electricity Regulatory Commission in its discussion paper dated 16.05.2008 on “Promotion of Co-generation and Generation of Electricity from Renewable Sources of Energy” has recommended that as a further encouragement of small renewables, they may be exempted from levy of any open access charges (transmission charges, losses and scheduling charges).

#### **4. Contentions of the Respondent Board:**

- a) The Petitioner Association has prayed the Commission to waive the Scheduling and System Operation Charges which was laid down by the Hon’ble Commission in TNERC Intrastate Open Access Regulations 2005. This amounts to seeking review of the said TNERC Intrastate Open Access Regulations 2005 and TNERC Order No.3 dt.15-05-06. As per Regulation 43(1) of the TNERC Conduct of Business Regulations 2004, the petitioner Association ought to have filed a review petition within 30 days of the order. But the petitioner Association has filed this petition, after the control period of the TNERC Order No.3 dt.15-05-06. Hence the petition is not valid and liable to be dismissed.
- b) The evacuation problem is not due to the inadequate infrastructure but it is due to the Power Cut only.
- c) The R & C Measures, is not only applicable to wind energy sector but also to the common public.

#### **5. Findings and Conclusions:**

5.1 The petitioner prays for withdrawing the Scheduling and System Charges prescribed by the Commission on 11-10-2008 in Order No.2-5 dated 11-10-2008. The petition has been filed on 27<sup>th</sup> February 2009. The petitioner

should have sought a review of the Order of the Commission within 30 days or appealed against the Order of the Commission within 45 days. Neither of this was done. There is no explanation for the delay.

5.2 Another comprehensive Tariff Order on procurement of wind energy has been passed by the Commission on 20<sup>th</sup> March 2009 which retains the Scheduling and System Operation charges prescribed in the Order dated 11-10-2008 of the Commission. Any relief granted now would unsettle the tariff order Number 1 of 2009 issued on 20<sup>th</sup> March 2009.

5.3 The Commission does not find any merit in the belated review petition filed by the petitioner and the petition is therefore dismissed.

**6. Appeal:**

An appeal against this order lies to the Appellate Tribunal for Electricity as per Section 111 of the Electricity Act 2003 within a period of forty-five days.

Pronounced in the Open Court by this Commission on the 26<sup>th</sup> day of August 2009.

(Sd.....)  
(R. RAJUPANDI)  
Member

(Sd.....)  
(S. KABILAN)  
Chairman

**/ True Copy /**

**Secretary  
Tamil Nadu Electricity  
Regulatory Commission**