

TAMIL NADU ELECTRICITY REGULATORY COMMISSION
(Constituted under section 82 (1) of the Electricity Act, 2003)
(Central Act 36 of 2003)

PRESENT:

Thiru S.Akshayakumar Chairman
Thiru.G.Rajagopal Member
and
Dr.T.Prabhakara Rao Member

I.A.No.1 of 2017
in
M.P.No.16 of 2016

Giriraj Enterprises
Malpani House, I.G.Road
Sangamner – 422 605
District Ahmednagar
Maharashtra.

... Impleading Petitioner /Respondent

Vs.

National Solar Energy Federation of India
702, Chiranjiv Tower
43-Nehru Place
New Delhi – 110 019.

... Respondent / Petitioner

Date of hearing : 25-04-2017

Date of Order : 25-04-2017

The I.A.No.1 of 2017 in M.P.No.16 of 2016 came up for admission on 25-04-2017. The Commission upon perusal the petition and connected records and after hearing the submissions of the applicant passes the following:-

ORDER

1. Prayer of the Applicant in I.A. No.1 of 2017 in M.P.No.16 of 2016:-

The prayer of the Applicant in the above I.A.No.1 of 2017 in M.P.No.16 of 2016 is to -

- (a) permit the Applicant to intervene in the matter.
- (b) direct TANGEDCO and TANTRANSCO to immediately stop issuing the power back down instructions and permit the power plant of the applicant to operate smoothly.
- (c) issue a direction to TANGEDCO and TANTRANSCO to strictly enforce / implement MUST RUN status on all Solar Power Plants in the State of Tamil Nadu and consequently direct TANGEDCO and TANTRANSCO not to issue orders to the Solar Power Plants to back down generation of power.
- (d) direct TANGEDCO to compensate for the losses suffered by the applicant due to the unjustified power back down by considering such loss as deemed generation;
- (e) direct TANGEDCO to pay interest at the rate of 18% p.a. on such compensation payable on account of deemed generation;
- (f) award costs of these proceedings against TANGEDCO and TANTRANSCO and in favour of the applicant; and
- (g) pass such other order(s) as the Commission may deem just in the facts of the present case.

2. Facts of the Case:-

2.1. The National Solar Energy Federation of India ("NSEFI") has filed a petition being M.P. No. 16 of 2016 before the Commission for the enforcement of MUST RUN status to be granted to all Solar Power Plants in the State of Tamil Nadu and consequently to direct Tamil Nadu Generation & Distribution Corporation Limited ("TANGEDCO"), Tamil Nadu State Load Dispatch Centre ("SLDC"), TANGEDCO, Tamil Nadu Transmission Corporation Limited ("TANTRANSCO"), Ministry of New and Renewable Energy ("MNRE") not to issue orders to the Solar Power Plants to

switch off generation or to back down generation and provide the deemed generation charges to the Solar generating units for the loss of power generation units due to backing down instructions issued by SLDC, TANGEDCO and TANTRANSCO .

2.2. The Applicant before the Commission in this Interim Application is a partnership firm under the Indian Partnership Act, 1932, under the umbrella of Malpani Group having its registered office at Malpani House, I.G.Road, Sangamner-422605, Dist. Ahmednagar, Maharashtra. Malpani Group is a well-diversified business house active in Renewable Energy, Fast-moving consumer goods ("FMCG"), Amusement and Water Park, Real Estate, Hotels etc. Malpani Group's Windmill Power Project generates over 380 MW power, making them a leading Windmill Power Generator in India.

2.3. The Applicant owns a 40 MW Solar PV Power Plant in the State of Tamil Nadu ("Power Plant"/ "Project") at Senukottai Village, Virudunagar Taluk, District Chennai, and supplies power to TANGEDCO at the tariff determined by the Commission

2.4. The NOC or permission for installation of solar power plant was granted by TANGEDCO after conducting load flow study and upon ensuring adequate transmission infrastructure from SLDC.

2.5. The project is a funded project and a loan to the tune of Rs.180,00,00,000/- (Rupees One Hundred and Eighty Crores only) is taken by the Applicant for a period

of 10 (ten) years. The project appraisal was done on the basis of Plant Load Factor of 22.83% and on the basis of 80 MUs generation with 0.7% degradation YOY basis for the term of the EPA.

2.6. As per order of the Commission dated December 29, 2016 in M.P.No.30 of 2016, the Commission set out the required capacity of the solar power plant as follows:-

Sl. No.	Year	Soar RPO Target	Total electricity units sold and expected to be sold to different category of consumers	Electricity units to be procured in proportionate to soar RPO	Total capacity of solar power generation required to meet out solar RPO	Expected capacity of solar power generation to be available	Capacity of solar power generation required to be added
1	2015-16	0.5%	95050 MU	475 MU			
2	2016-17	2.5%	99802 MU	2495 MU	1560 MW	Capacity as on date : 1358 MW	
3	2017-18	5%	104792 MU	5240 MU	3275 MW	1600 MW	1675 MW

The continuous load shedding only will send negative signals and any additional capacity as envisaged will be distant dream. In order to fulfil the above target, much more installation is required and if the current plants are not permitted to operate effectively then it will be very difficult to achieve the above target.

2.7. Due to frequent power back down, there is an adverse impact on the efficiency of electrical equipment's which results in failure of inverters, related panels and relays. Consequently, the life of the power plant is reduced which will lead to further losses to the Applicant.

2.8. The Applicant was continuously facing huge losses due to backing down instructions from the SLDC, the Applicant had in addition to the above letter dated June 22, 2016 written various letters to TANGEDCO to stop the load shedding and compensate for the losses which are increasing day by day.

2.9. From May 8, 2016 to March 08, 2017, the Applicant has almost suffered loss of 1,03,14,299 KWh units as well as heavy monetary losses of almost Rs.6,47,00,000/- (Rupees Six Crore Forty Seven Lakhs only) at the rate of Rs.6.28 (Rupees Six and Twenty Eight Paise only) per unit from daily generation and such losses continue till date due to such power back down. The Applicant therefore has filed this I.A. to intervene in the said M.P.No.16 of 2016 filed by National Solar Energy Federation & India.

3. Findings of the Commission:-

The Counsel for the Applicant appeared. Arguments heard. The Applicant seeks to intervene in M.P.No.16 of 2016 pending before this Commission which has been filed by National Solar Energy Federation of India with a prayer to direct TANGEDCO not to issue orders to the solar power plants to switch off generation or back down generation and provide the deemed generation charges for the loss of power generation due to backing down instruction issued by SLDC, TANGEDCO and TANTRANSCO in respect of all solar power plants in Tamil Nadu. The prayer of the Applicant in this I.A. is to issue direction to TANGEDCO and TANTRANSCO to stop issuing back down instruction and permit the power plant of the Applicant to operate smoothly and also to direct the TANGEDCO to pay interest @ 18% per annum on the compensation payable on account of deemed generation. The prayer

of this applicant is restricted to his power plant only and it is a separate cause of action for adjudication by this Commission. Though the prayer in the Miscellaneous Petition filed by the National Solar Energy Federation of India in M.P.No.16 of 2016 is somewhat similar to the prayer of this Applicant, this Applicant cannot be permitted to implead in the said M.P.No.16 of 2016 since cause of action for the present applicant and the prayer is distinguishable from that in the said M.P.No.16 of 2016. The I.A. filed by the Applicant is accordingly not admitted.

4. Appeal

An appeal against this Order lies before the Appellate Tribunal for Electricity under section 111 of the Electricity Act 2003, within a period of 45 days from the date of receipt of the copy of this order by the aggrieved person.

(Sd)
(Dr.T.Prabhakara Rao)
Member

(Sd.....)
(G.Rajagopal)
Member

(Sd.....)
(S.Akshayakumar)
Chairman

/True Copy /

Secretary
Tamil Nadu Electricity
Regulatory Commission