



ASSAM ELECTRICITY REGULATORY COMMISSION

ORDER SHEET

FILE NO. AERC 801/2021

PETITION NO: 06/2021

CORAM: HON'BLE SHRI K.S. KRISHNA, CHAIRPERSON
HON'BLE SMTI B. BORTHAKUR, MEMBER

In the matter of

Petition under Section 86(1) (b), (e) and (k) of the Electricity Act, 2003, and Regulation 17, 19, 21 and 21 of the Assam Electricity Regulatory Commission (Grid Interactive Solar PV Systems) Regulations, 2019 read with Regulation 40, 42 of the Assam Electricity Regulatory Commission (Conduct of Business) Regulations, 2004

AND

In the matter of

M/s. Dabur India Limited
8/3, Asaf Ali Road,
New Delhi - 110002

----- Petitioner 1

AND

Clean Max Enviro Energy Solutions Pvt. Ltd.
33, AshokaApts, Rungta Lane
Off Nepean Sea Road,
Mumbai, Maharashtra - 400006.

----- Petitioner 2

AND

Versus

1. Assam Power Distribution Company Limited (APDCL) ----Respondent 1
2. Assam Energy Development Agency (AEDA) ---- Respondent2

Present

1. Shri Aditya K Singh, Link Legal, New Delhi --- for Petitioner1 & 2

ORDER
22.12.2021

1. Dabur India Limited and Clean Max Enviro Energy Solutions Pvt. Ltd. filed a Petition on 12.11.2021 under Section 86(1) (b), (e) and (k) of the Electricity Act, 2003, and Regulation 17, 19, 21 and 21 of the Assam Electricity Regulatory Commission (Grid Interactive Solar PV Systems) Regulations, 2019 read with Regulation 40, 42 of the Assam Electricity Regulatory Commission (Conduct of Business) Regulations, 2004.
2. The Petition was registered as Petition No. 06/ 2021 on 12.11.2021.
3. The Petitioner No.1 is a company registered under the Companies Act, 1956 and a bonafied consumer of APDCL.
4. The Petitioner No.2 is a company incorporated under Companies Act 1956 and is on developing and installing roof top solar projects.

5. The Petitioner No. 1 engaged Clean Max Enviro Energy Solutions Pvt. Ltd. for setting up of its rooftop solar power plants at Balipara, Sonitpur, Assam under the RESCO (Renewable Energy Service Company) model by the means of the power purchase agreement dated 26.10.2018.
6. On 03.12.2018 the Petitioner wrote to AEDA seeking permission to install a 1000kWp roof-top solar power plant and was successfully commissioned on 11.06.2019.
7. The Petitioner on 21.02.2019 applied to the APDCL for grant of connectivity and agreement under the NET METERING settlement mechanism for the settlement of the surplus power if any generated by its rooftop solar PV power plant of 997.20 kW.
8. APDCL vide letter dated 16.06.2020, stated that as per the Regulations, 2019 and Assam Solar Policy, 2017 the billing and energy accounting of the Petitioner No. 1's rooftop Solar PV power plant shall be done under the EXIM Metering procedure.
Therefore, the APDCL denied NET-METERING to Petitioner.
9. The Petitioner prayed before the Commission to-
 - (i) Remove the difficulty in implementation of the Regulation, 2019 and allow the Petitioner to supply its energy generated under the net-metering arrangement.
 - (ii) Take suitable steps for promotion of Grid connected Roof-Top Solar systems through net-metering.
10. The Petitioner was heard on 22.12.2021.
11. The Petitioner submitted that since they have commissioned the unit and applied for net metering before the notification of the Solar PV Regulations 2019, they should be allowed net metering under the repealed Regulations 2015.
12. The Commission examined the Petition and considered the submission made by the Petitioner during hearing.
13. The Commission noted that there is no any ambiguity in the provisions of the regulations.
14. It is a matter of grievance of the Consumer regarding non consideration of net metering arrangement against their roof top solar project.
15. There is a specific provision in the Act as well as Regulations made there under to deal with grievance of consumers.
16. The Petitioner, being a consumer of APDCL may avail this remedy and approach the Consumer Grievance Redressal Forum, constituted under Section 42 of the Electricity Act 2003 for redressal of their grievances.
17. With the above observations, the Commission advise the Petitioner to approach the CGRF (Tezpur). If the dispute is not resolved at CGRF they have the option to approach the Ombudsman.
18. The Petition No.01/2021 is disposed off accordingly.

s/d

(B. Borthakur)
Member, AERC

s/d

(K. S. Krishna)
Chairperson, AERC