

## APTEL Upholds the Must Run Status for Renewable Energy Generators and Directs POSOCO to Investigate Curtailment in AP



The Appellate Tribunal for Electricity (APTEL) by way of Order dated 12.08.2021 in an Appeal filed by Tata Power Renewable Energy Limited (TPREL) being Appeal No. 126 of 2020 has taken note of the arbitrary and rampant curtailment of Wind Generators being done at the behest of Transmission Corporation of Andhra Pradesh (APTRANSCO) and Andhra Pradesh State Load Despatch Centre (APSLDC).

Accordingly, APTEL vide its Order in I.A. No. 1258 and 1260 of 2020 filed by TPREL has appointed Power System Operation Corporation (POSOCO) to verify the data and submit a report within 4 weeks as to whether the curtailment of Wind Generators was justified or not. Further, while disposing of the I.A.s filed by TPREL, APTEL has directed APTRANSCO and APSLDC to ensure at least 70% of power is evacuated at all times.

### BACKGROUND OF THE PROCEEDINGS

Wind Independent Power Producers Association (“WIPPA”) filed O.P No. 54 of 2019 (“OP 54”) before Andhra Pradesh Electricity Regulatory Commission (“APER”) pointing out the rampant curtailment instructions issued to the Wind Power Generator on the ground of grid security and specifically the transmission constraints at 400/220 KV Uravakonda Grid Substation. TPREL was

subsequently impleaded in the matter. It was contended by APTRANSCO/APSLDC that the transmission constraints were primarily due to the overloading and outage of transformers at the said substation.

During the hearing in the said matter, APSLDC/APTRANSCO submitted that the situation would improve once *Borampalli-Kalyandurg* line is commissioned. Accordingly, on 14.07.2020, OP 54 was disposed with an observation that evacuation shall be allowed only at 70% to the generators till the above said line is charged.

Aggrieved by the aforesaid Order, TPREL filed an Appeal (Appeal No. 126/2020) before APTEL.

During the proceedings before APTEL, the main contention of APSLDC was that they are evacuating 70% of wind generation of the installed capacity. Considering the same, APTEL, in its order dated 11.09.2020, recorded that “*evacuation up to 70% of the wind power generation, as decided by APERC in consultation with APTRANSCO/APSLDC appears to be justified*”. However, APTRANSCO/APSLDC in utter disregard to the said Order indulged in rampant backing down even lower than 70% (at times to even 5% to 10%) as against the direction of APTEL vide Order dated 11.09.2020.

Therefore, to get a certain finding and finality on the issue, TPREL filed:

1. IA No. 1258 of 2020 seeking directions to immediately revise schedule of curtailment to 70% in terms of the Order dated 11.09.2020 of APTEL during the pendency of the present Appeal.
2. IA No. 1260 of 2020 for production of documents (backing down instruction, notices, grid frequency data, power purchase summary)

During the proceedings on the aforesaid I.A.s, APTRANSCO placed on record data contending that backing down is due to real time operations and grid security conditions. However, the same was controverted by TPREL that there was no grid threat involved as at the time when curtailment instructions were issued to wind generators as at the same time Thermal Generating Stations in the State (state owned and IPP) were operating at 70-100% capacity. In fact, power from short terms sources (at a cheaper rate) was procured in the same time block when wind generators were curtailed upto 96%.

### *SKV Comment*

The overall scheme of the Electricity Act, 2003 and the Policies/Regulations framed thereunder mandate promotion of Generation of energy from Renewable Sources. The Ministry of Power, Government of India ("MoP") at numerous occasions has repeatedly emphasized that RE Power is 'Must Run' and ought not to be curtailed for any economic reasons. Therefore, the Order comes as a huge sigh of relief as not only the data has been directed to be verified by an independent party but at the same time the APSLDC and APTRANSCO have been directed to ensure atleast 70% evacuation at all times from Wind Generators.