

SATURDAY | 04 JUNE 2022

Case Update



Indian Wind Power Association Moves Delhi High Court Against the New Renewable Energy Certificates Regulations Notified By CERC



The division bench of the High Court of Delhi was moved yesterday by one of the largest associations of Indian wind power generators, i.e., Indian Wind Power Association (Northern Region Council) (“IWPA”) by way a Writ Petition challenging the validity of the new CERC [Terms and Conditions for Renewable Energy Certificates (RECs) for Renewable Energy Generation] Regulations, 2022 published by the Central Electricity Regulatory Commission (“CERC”) in the official Gazette on 28 May 2021. The IWPA also sought ad interim reliefs qua the said regulations.

IWPA was represented by Mr. Sajan Poovayya, Sr. Advocate, instructed by Advocate Mr. Shri Venkatesh and his team at SKV Law Offices. IWPA contended that the provision for floor price of the RECs has been arbitrarily removed from the REC framework in the new regulations while highlighting the plight of its member renewable energy power generators, who had set up their wind power plants under the prior REC framework.

As per the High Court directions, the petition was taken up again today, on 03 June 2022 considering the ad interim reliefs sought by IWPA. After hearing the parties, the High Court disposed of the petition while directing the CERC to consider the Writ Petition filed by IWPA as a representation and to provide a response to IWPA on the issues raised by them within a period of six weeks, prior to notifying the said regulations.

The Order comes as a much-needed relief to the members of the Petitioner association, who would have suffered huge losses had the new regulations were to be brought into force. The Writ Petition was filed by IWPA challenging the said regulations, in anticipation and fear that the next trading of Renewable Energy Certificates (“RECs”) on the power exchange platforms does not take place under the new regime, which is not only arbitrary and contrary to the provisions of the Electricity Act, 2003, but would also lead to injury and huge losses to renewable power generators in India.

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