



# NATIONAL SOLAR ENERGY FEDERATION OF INDIA

Regd. No. 362 / IV of 8 May, 2013

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26/2/20

Admn.	For Perusal
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Ref: NSEFI/APERC/20-21/3(1)  
February 24, 2020

26/2

To  
The Secretary  
Andhra Pradesh Electricity Regulatory Commission  
11-4-660, 4<sup>th</sup> Floor, Singareni Bhavan, Red Hills,  
Hyderabad- 500 004

Sub: **Public notice dated 13.02.2020 regarding public hearing to be held on 10.03.2020 in respect of proposed amendment of Regulation 4 of 2017 i.e., APERC (Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation) Regulations, 2017**

**Kind attention: The Secretary, APERC**

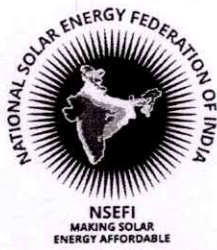
Dear Sir,

The National Solar Energy Federation of India (NSEFI) is an umbrella organization of all solar energy stakeholders of India. This apex solar organization works in the area of policy advocacy and is a national platform for addressing all issues connected with solar energy growth in India. It consists of leading International, National and regional companies and Includes Solar Developers, Manufacturers, EPC Contractors, Rooftop Installers, System Integrators, and Balance of plant suppliers and manufacturers, Small and Medium Enterprises (MSME) and works In a complementary manner with the Central and State Governments for achieving India's national solar target of 100 GW by 2022. NSEFI represents around 100 industry stakeholders including Solar PV, solar thermal (both small and big) off-grid, Rooftop solar, Micro and Mini grids, Rural electrification, solar agricultural Pumps while NSEFI is also actively promoting R&D initiatives, capacity building, spreading awareness with an avowed goal of Making Solar Energy Affordable for all.

With reference to the above subject, we would like to bring to your attention that several wind and solar companies across the country have challenged legal and constitutional validity of Forecasting, Scheduling and DSM mechanism Regulations passed by respective State Electricity Regulatory Commissions in various High Courts and interim orders were also passed to the effect that no coercive actions be taken against the renewable energy generating companies.

Similarly, aggrieved by the APERC (Forecasting, Scheduling and Deviation Settlement of Solar and Wind Generation) Regulation, 2017" i.e. Regulation No. of 2017 (herein after referred to as 'Regulations'), NSEFI member solar





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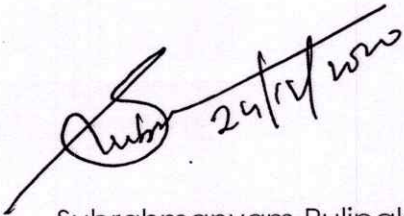
companies have also filed Writ Petitions before the Hon'ble High court of Andhra Pradesh challenging the legal and constitutional validity of Regulation No. 4 of 2017. Hon'ble Supreme Court in an order passed on 26.04.2019 in Civil Appeal No. 4404 of 2019 has directed Hon'ble AP High Court to adjudicate on the constitutional validity of the Regulations, emphasizing that it shall not be left to the jurisdiction of Hon'ble Regulatory Commission and must be reviewed by the Hon'ble High Court.

Therefore, please note that the validity of the Regulations itself is under judicial review by the Hon'ble High Court in WP 5706 of 2019 and WP 13860 of 2019. During the process, Hon'ble High Court has passed interim orders in these writ petitions directing the Discoms not to take any coercive action pending the disposal of the writ petitions.

For ready reference we are hereby enclosing the copies of order passed by the Hon'ble Supreme Court and the Hon'ble High Court.

**We, therefore, in the interest of justice and fair play, request you to adjourn the above proceedings with regard to amendment of the said Regulation No. 4 of 2017 and also adjourn the proposed public hearing until such time the Hon'ble High Court finally hears and pronounce its verdict on legal and constitutional validity of the Regulations.**

Yours sincerely

 24/12/2019

Subrahmanyam Pulipaka  
Chief Executive Officer

