

## UNDERTAKING TO THE CLEAN ENERGY REGULATOR

Undertaking to the Clean Energy Regulator given for the purposes of section 154Q of the  
*Renewable Energy (Electricity) Act 2000*

by

Sandeep Chikhale and SSC Electrical Services Pty Ltd ('**SSC Electrical**')

### 1. Glossary

- 1.1. In this Undertaking, unless the contrary intention appears, the definitions in section 5 of the Act, regulation 3 of the Regulations, and this clause apply:

**Act** means the *Renewable Energy (Electricity) Act 2000*.

**Business day** means that is not a Saturday a Sunday or a declared public holiday in the state of New South Wales.

**CEC** means the Clean Energy Council.

**Certificate** means a renewable energy certificate.

**Defect** means a failure to satisfy the requirements listed in regulation 39(a) to (d) of the Regulations.

**PV** means photovoltaic.

**REC Registry** means the public registry of information maintained by the Regulator in accordance with Part 13 of the Act and which is published at <http://www.rec-registry.gov.au>.

**Regulations** means the Renewable Energy (Electricity) Regulations 2001.

**Regulator** means the Clean Energy Regulator.

**Sites** means the 25 solar PV system installations listed at Schedule 1 to this Undertaking.

**Solar PV system** means small generation unit; including solar panels, solar array, isolator, inverter and wiring.

**SSC Electrical** means SSC Electrical Services Pty Ltd, ACN 626 294 684.

### 2. Background

#### *Person giving Undertaking*

- 2.1. This Undertaking is given to the Regulator by Sandeep Chikhale and SSC Electrical jointly and severally, for the purposes of section 154Q of the Act.
- 2.2. Mr Chikhale is a CEC accredited solar PV designer and installer and a licensed electrician in the state of New South Wales.
- 2.3. Mr Chikhale is a director of SSC Electrical, which since about 21 May 2018, sold and installed solar PV systems to the general public.

### ***The creation of certificates***

- 2.4. The Regulator is a statutory agency with responsibility for administering and enforcing the Act and Regulations.
- 2.5. Under the Act, registered persons can create certificates for electricity generated from certain renewable energy sources. Regulation 20AC of the Regulations sets out the conditions which must be satisfied before certificates can be created in respect of a solar PV system.
- 2.6. Included in those conditions is the requirement, under sub regulation 20AC(5), to obtain a written statement by the installer of the solar PV system stating the name of the designer and the name of the installer of the solar PV system.
- 2.7. Designers and installers of solar PV systems must be accredited by either the Australian Business Council for Sustainable Energy or the CEC and must comply with the CEC's Code of Conduct.

### ***Provision of false information***

- 2.8. On 25 separate occasions during the period 16 January 2019 to 5 February 2019, Mr Chikhale was responsible for the installation of 25 solar PV systems by persons who were not accredited to install those solar PV systems.
- 2.9. On each of those 25 occasions, Mr Chikhale gave false information to a second party. The false information Mr Chikhale gave to the second party was that he was either the installer, or supervised the installation, of various solar PV systems in accordance with the Act and Regulations. On each occasion the second party relied on the false information to create certificates.
- 2.10. The Regulator considers that, on that basis, Mr Chikhale has contravened subsection 24B(1) of the Act.

## **3. Undertaking**

- 3.1. Under section 154Q of the Act, the Regulator may accept any of the following Undertakings:
  - (a) a written Undertaking given by a person that the person will, in order to comply with the Act, the Regulations or the associated provisions, take specified action;
  - (b) a written Undertaking given by a person that the person will, in order to comply with the Act, the Regulations or the associated provisions, refrain from taking specified action;
  - (c) a written Undertaking given by a person that the person will take specified action directed towards ensuring that the person does not contravene the Act, the Regulations or the associated provisions, or is unlikely to contravene the Act, the Regulations or the associated provisions, in the future; or

- (d) a written Undertaking given by a person that the person will surrender one or more renewable energy certificates under section 28A of the Act, to compensate for the creation of one or more certificates that the person was not entitled to create.

### ***Inspection of the Sites***

- 3.2. Mr Chikhale on his own behalf and on behalf of SSC Electrical undertakes, at his own expense on or before 30 October 2020, to:
- (a) take reasonable steps to obtain the consent of the owners of the Sites (and where relevant, the occupiers of the Sites), to inspect the solar PV systems;
  - (b) arrange for a CEC accredited installer (or installers), agreed with the Regulator, to inspect each of the solar PV systems at the Sites, in accordance with regulation 39(a) to (d) of the Regulations, to assess whether the solar PV system has any defects;
  - (c) if any inspection identifies any defect with the installation of a particular solar PV system at a Site, arrange for a new installation of the solar PV systems, or to remedy any defective part of that installation such that the installation complies with regulation 39(a) to (d) of the Regulations.

### ***Report to the Regulator***

- 3.3. Mr Chikhale undertakes to provide the following to the Regulator:

due no later than 5pm on the last business day of each month, starting 30 June 2020 and until such a time as all Undertakings have been completed in full:

- (a) a written report, in a form approved by the Regulator, as to the progress made in completing the Undertakings at clause 3.2.

on or before 30 November 2020:

- (b) evidence of the inspection by the CEC accredited installer of the Sites including resubmission of all compliance paperwork including Certificates of Compliance - Electrical Work and photographs of the solar PV systems at the Sites including of panel serial numbers;
- (c) a statutory declaration from the CEC accredited installer who carried out the inspection, stating that the solar PV system satisfies, or does not satisfy, the requirements of regulation 39(a) to (d) of the Regulations;
- (d) evidence of any rectification work completed under 3.2(c) of the Undertaking;
- (e) if the consent of the owners of any Sites (and where relevant, the occupiers of the Sites) is not obtained, as required by subclause 3.2(a) of this Undertaking, the steps that were carried out to obtain that consent; and
- (f) where an event or issue occurs that prevents the fulfillment of clause 3.2 or 3.3 of the undertaking, a written explanation of the event or issue.



#### **4. Acknowledgements**

4.1. Mr Chikhale and SSC Electrical acknowledges that:

- (a) the basis on which the Regulator has formed its conclusion in clause 2 of this Undertaking is valid and that the matter requires immediate attention;
- (b) the Regulator will make this Undertaking publicly available, including by publishing it on the Regulator's website;
- (c) the Regulator and Officials of the Regulator will, from time to time, make public reference to this Undertaking and the circumstances giving rise to this Undertaking;
- (d) this Undertaking in no way derogates from the rights and remedies available to any other person arising from any conduct of Mr Chikhale or SSC Electrical;
- (e) they will bear all costs associated in complying with this Undertaking;
- (f) they cannot create, or receive any payment for, any certificates in relation to any act commenced or completed in compliance with this Undertaking;
- (g) no person is entitled to create any certificates with respect to any work commenced or completed at a Site in relation to this Undertaking;
- (h) where an event or issue occurs that may prevent the fulfillment of clauses 3.2 or 3.3 of the Undertaking, the Regulator will not consent to vary the dates specified in clause 3.2 or 3.3 unless a request that outlines the event or issue and reasons why the variation is required is submitted in writing as soon as reasonably practicable after the event or issue occurs, but no later than seven calendar days prior to the specified date; and
- (i) breaching the Undertaking may result in the Regulator enforcing the Undertaking through the Federal Court.

#### **5. Duration of Undertaking**

5.1. This Undertaking comes into effect when:

- (a) the Undertaking is executed by Mr Chikhale and SSC Electrical; and
- (b) the Regulator accepts the Undertaking so executed by Mr Chikhale.

5.2. This Undertaking ceases to have effect once the requirements of clause 3 have been completed.

**Executed by**

Sandeep Chikhale



This 10 day of June 2020

**Accepted by the Clean Energy Regulator pursuant to section 154Q of the  
Renewable Energy (Electricity) Act 2000**

Name: MARK WILLIAMSON

Delegate of the Regulator



This 26<sup>th</sup> day of JUNE 2020

Schedule 1

Sites

	Installation state	Installation date	Number of certificates created	Solar PV system number of panels
	NSW	16/01/2019	99	20
	NSW	17/01/2019	218	48
	NSW	20/01/2019	109	22
	NSW	20/01/2019	96	19
	NSW	22/01/2019	109	22
	NSW	22/01/2019	109	27
	NSW	22/01/2019	136	22
	NSW	23/01/2019	109	22
	NSW	23/01/2019	109	22
	NSW	24/01/2019	100	22
	NSW	24/01/2019	191	42
	NSW	25/01/2019	119	17
	NSW	25/01/2019	77	24
	NSW	29/01/2019	169	34
	NSW	30/01/2019	109	22
	NSW	30/01/2019	109	22
	NSW	31/01/2019	107	21
	NSW	31/01/2019	128	25
	NSW	1/02/2019	185	36
	NSW	3/02/2019	107	21
	NSW	4/02/2019	109	22
	NSW	4/02/2019	109	22
	NSW	5/02/2019	108	23
	NSW	5/02/2019	107	22
	NSW	5/02/2019	109	21



