

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1773 of 2018

In the Matter of:

Petition under Section 86(1)(a), (b), (e), (f) read with Section 61(h) and 62(1)(a) of the Electricity Act, 2003 for determination of the Average Power Procurement Cost of the Respondents for each year starting from FY 2009-10 in order to comply with the provisions of the CERC (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 dated 14.1.2010 and the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 dated 17.4.2010 and to direct Respondents to comply with the directions given by the Commission vide its Order dated 1.7.2015 in Petition No. 1363 of 2013 as upheld by the Hon'ble APTEL vide Order dated 6.12.2018 in Appeal No. 209 of 2015 whereby the Respondent has been directed to amend the clauses of the PPA and pay the differential amount to Petitioner.

Petitioner : Vish Wind Infrastrukture LLP
Represented By : Ld. Advocates Mr. Suhael Buttan and
Mr. Punyam Bhutani
V/s.
Respondent No. 1 : Gujarat Urja Vikas Nigam Limited
Represented By : Ld. Adv. Mr. Aneesh Bajaj along with
Mr. Rahul Pareek
Respondent No. 2 : Madhya Gujarat Vij Company Limited
Represented by : Mr. A. A Ghanchi
Respondent No. 3 : Uttar Gujarat Vij Company Limited
Represented by : Mr. N.K Vaghela and Mr. V. V Bhandari
Respondent No. 4 : Dakshin Gujarat Vij Company Limited

Represented by : Nobody was present.
Respondent No. 5 : Paschim Gujarat Vij Company Limited
Represented by : Mr. A. H Talsaniya and Mr. J.R Bavalia

CORAM:

Pankaj Joshi, Chairman
Hiren Shah, Member

Date: 07/02/2026.

DAILY ORDER

1. The present matter was kept for hearing on 04.02.2026.
2. At the outset, the Ld. Adv. Mr. Punyam Bhutani, appearing on behalf of the Petitioner, submitted that the Petitioner has preferred a Curative Petition Nos. 241–242 of 2024 before the Hon’ble Supreme Court on 15.10.2024, challenging the Order dated 10.10.2023 passed in Review Petition Nos. 1721–1722 of 2023 as well as the Judgment dated 13.04.2023 passed in Civil Appeal Nos. 3480–3481 of 2020 passed by the Hon’ble Supreme Court. He submitted that in view of the said subsequent development, the Petitioner is filing an application before the Commission under Regulation 80 of the GERC (Conduct of Business) Regulations, 2004, seeking to place on record the subsequent events that have occurred in the present matter. He further submitted that through the said application, the Petitioner has prayed for deferment of the present Petition till the final outcome of Curative Petition Nos. 241–242 of 2024 filed before the Hon’ble Supreme Court.
 - 2.1. He submitted that the Curative Petition was listed before the Hon’ble Supreme Court on 15.01.2026. He further submitted that during the

said listing, the counsel appearing on behalf of the Petitioner sought permission to place on record certain additional documents, which was allowed by the Hon'ble Supreme Court. It was also submitted that the Hon'ble Supreme Court directed that the matter be listed by circulation on 29.01.2026.

2.2. While referring to the Office Report annexed as "Annexure A/2" alongwith proposed application dated 04.02.2026, he submitted that in continuation of the proceedings before the Hon'ble Supreme Court and pursuant to the Record of Proceedings dated 15.01.2026, the Petitioner, on 28.01.2026, filed Interlocutory Application No. 28270 of 2026 in the Curative Petition seeking permission to place on record certain additional documents alongwith another Interlocutory Application No. 28271 of 2026 seeking for open court hearing of the Curative Petition. He also submitted that on 29.01.2026, the Curative Petition was mentioned before the normal composition of the Hon'ble Supreme Court wherein it was informed that the Curative Petition shall be listed for oral hearing in due course.

2.3. Ld. Counsel appearing for the Petitioner submitted that since Curative Petition Nos. 241-242 of 2024 are pending for consideration before the Hon'ble Supreme Court, the Commission may defer further proceedings in the present Petition and keep the same in abeyance *sine die*, with liberty to the parties to seek revival of the proceedings after the outcome of the proceedings before the Hon'ble Supreme Court in the pending Curative Petition. He, accordingly, sought adjournment of the present matter.

3. Ld. Counsel Mr. Aneesh Bajaj, appearing on behalf of Respondent No. 1 GUVNL submitted that there is no objection to the request for adjournment made by the Petitioner and that the matter may be listed after the final outcome of the Curative Petition filed by the Petitioner before the Hon'ble Supreme Court.
4. Heard the parties. We note that during the hearing, learned counsel appearing for the Petitioner submitted that Curative Petition Nos. 241-242 of 2024 has been filed before the Hon'ble Supreme Court on 15.10.2024, against the Order dated 10.10.2023 passed by the Hon'ble Supreme Court in Review Petition Nos. 1721-1722 of 2023 as well as the Judgment dated 13.04.2023 passed in Civil Appeal Nos. 3480-3481 of 2020. He further submitted that, in view of the said subsequent developments, the Petitioner intends to move an application under Regulation 80 of the GERC (Conduct of Business) Regulations, 2004, seeking to bring on record the subsequent developments in the present matter. It is stated that through such application, the Petitioner has prayed for deferment of further proceedings in the present Petition till the final outcome of the Curative Petitions filed before the Hon'ble Supreme Court and, accordingly, sought adjournment in the matter. Ld. Counsel appearing for the Respondent submitted that there is no objection to the adjournment as prayed for and to the listing the present Petition after culmination of the pending proceedings before the Hon'ble Supreme Court.
5. Considering the request made by the Petitioner in view of the pendency of Curative Petition Nos. 241-242 of 2024 before the Hon'ble Supreme Court and the Respondents having no objection to

the said request, we consider it appropriate to adjourn the present matter. We further direct the Petitioner as well as the Respondents to keep the Commission informed about the outcome of the Curative Petition before the Hon'ble Supreme Court from time to time for further consideration of the present proceedings.

6. Next date of hearing will be intimated separately.
7. Order accordingly.

Sd/-
[Hiren Shah]
Member

Sd/-
[Pankaj Joshi]
Chairman

Place: Gandhinagar.

Date: 07/02/2026.

