

**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 Infrastructure LLP
Represented by	:	Mr. Punyam Bhutani.
		V/s.
Respondent No. 1	:	Gujarat Urja Vikas Nigam Limited
Represented By	:	Mr. K.N. Brahmbhatt and Mr. R.K. Gohil.
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. V.V. Bhandari.
Respondent No. 4	:	Dakshin Gujarat Vij Company Limited
Represented by	:	Nobody remain present
Respondent No. 5	:	Paschim Gujarat Vij Company Limited
Represented by	:	Nobody remain present

CORAM:

Pankaj Joshi, Chairman

Hiren Shah, Member

Jatin N. Thakkar, Member

Date: 18/03/2026.

ORDER

1. This Petition has been filed by the Petitioner Vish Wind Infrastrukture LLP seeking 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.
2. The Petitioner is *interalia* seeking following prayers:
 - a) *Direct the Respondents to furnish/submit the modified PPAs executed under REC mechanism with the Petitioner in line with the directions provided by this Commission in its Order dated 01.07.2015 upheld by the Hon'ble APTEL vide its Judgement dated 06.12.2018 and submit the revised PPAs for the approval of this Commission. .*

- b) Determine the Average Pooled Purchase Cost (APPC) of the Respondents for each year starting from FY 2009-10 to FY 2017-18.*
- c) Direct Respondent to pay the differential amount being the difference between the Average Pooled Purchase Cost (APPC) determined/approved for each Financial Year and the fixed APPC tariff paid by Respondent to the Petitioner within 30 days from the date of approval of modified PPAs by this Commission.*
- d) Pass such other order or orders as the Commission may deem fit and proper for doing substantial justice in the matter and to uphold the provisions of the Act of 2003.*

3. The matter was listed for hearing on 17.03.2026. During the hearing, Ld. Adv. Mr. Punyam Bhutani, appearing on behalf of the Petitioner, submitted that on 04.02.2026, the present Petition was listed before the Commission for hearing wherein it was apprised that on 15.10.2024, the Petitioner has preferred a Curative Petition Nos. 241-242 of 2024 before the Hon'ble Supreme Court 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 by the Hon'ble Supreme Court. He submitted that the Petitioner has also filed an application under Regulation 80 of the GERC (Conduct of Business) Regulations, 2004, to bring on record the aforesaid subsequent developments and seeking deferment of the present Petition sine die until the final outcome of the Curative Petitions filed by the Petitioner before the Hon'ble Supreme Court. Accordingly, the Commission decided to adjourn the present Petition with a direction to the Petitioner as well as the Respondents to keep the Commission informed about the outcome of the Curative Petitions pending before the Hon'ble Supreme Court from time to time for further consideration of the present proceedings. He further submitted

that in compliance of the above directions, the Petitioner brought to the notice of the Commission that on 29.01.2026, the Hon'ble Supreme Court has dismissed the Curative Petitions filed by the Petitioner. He further submitted that in view of these developments, the Petitioner is now seeking permission of the Commission for unconditional withdrawal of the present Petition. Accordingly, it is requested to the Commission to permit withdrawal of Petition unconditionally.

4. Mr. K.N. Brahmhatt, appearing on behalf of the Respondent GUVNL, submitted that the Respondent GUVNL has no objection to the unconditional withdrawal of present Petition by the Petitioner.
5. Heard the parties. We note the submissions of the Ld. Counsel appearing on behalf of the Petitioner during the hearing on 17.03.2026 that the Petitioner is not willing to pursue the present matter for the reasons stated in para 3 above. We further note that the Petitioner has also filed affidavit dated 07.03.2026 seeking unconditional withdrawal of the present Petition and the Respondent GUVNL has no objection for the same.
6. In view of the above, this Petition stand dismissed and disposed of as unconditional withdrawal by the Petitioner.
7. Order accordingly.

Sd/-
[Jatin N. Thakkar]
Member

Sd/-
[Hiren Shah]
Member

Sd/-
[Pankaj Joshi]
Chairman

Place: Gandhinagar.
Date: 18/03/2026.