

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 1826 of 2019 along with Allied IA.**

**In the Matter of:**

**Petition under Section 42, 43, 50, 86 and other applicable provisions of the Electricity Act, 2003 read with GERC (Electricity Supply Code and Related Matters) Regulations, 2015, GERC (Standard of Performance of Distribution Licensee) Regulations, 2005 and other applicable Regulations of the Commission seeking to grant additional time for completion of 66 kV transmission line for 5000 KVA Contract Demand and consequently directing MGVL to suspend the Two months' notice (TMN) dated. 14.08.2019 issued to the Petitioner for levying demand charges on contract demand 5000 KVA on deemed release basis.**

Petitioner : J. K. Cement Limited  
Ahmedabad – Indore Highway,  
Village : Vadadala, Taluka – Balasinor,  
District: Mahisagar, Gujarat.

Represented By : Shri D. S. Doshi  
  
V/s.

Respondent No. 1 : Madhya Gujarat Vij Company Limited  
Sardar Patel Vidyut Bhavan, Race Course Circle,  
Vadodara – 390007, Gujarat.

Represented By : Learned Advocate Mr. Utkarsh Singh and Mr. J. R.  
Shah

Respondent No. 2 : Gujarat Energy Transmission Corp. Limited Sardar  
Patel Vidyut Bhavan, Race Course Circle, Vadodara-  
390 007, Gujarat.

Represented by : Learned Advocate Mr. Utkarsh Singh and Mr.  
Shobhraj Jaiswal

**CORAM:**

**Mehul M. Gandhi, Member**  
**S.R. Pandey, Member**

**Date: 08/09/2025.**

**DAILY ORDER**

1. The matter was kept for hearing on 25.08.2025.
2. Shri D.S.Doshi argued on maintainability of the Petition. He submitted that the Petitioner has made its submissions earlier on maintainability of the Petition. The contention of the Respondent that the dispute is between consumer and licensee is not correct because the Petitioner has sought reliefs under the provisions of Regulations notified by the Commission wherein the task of laying down the transmission/ distribution network is on the licensee and they are eligible to get extension in such timeline if the work is not completed within the stipulated time period of six months by approaching the Commission in this regard. The work when carried out by the consumer on behalf of the licensee, they must be eligible to get extension in time period for carrying out such work by applying equity between the parties. He further submitted that the present matter is similar to Petition No. 1816 of 2019 the IOCL matter, which is now reserved for Orders and hence the present matter may also be reserved for final Orders.
3. Mr. D. S. Doshi submitted that both the matter are similar in nature. He further submitted that there are other issues which are beyond the control of the Petitioner and qualified as force majeure events. As the Petitioner is seeking

Force Majeure due to water logging in the areas of project site and Respondent has not disputed the same hence it may be granted by the Commission.

3.1. Mr. D.S. Doshi further submitted that Petitioner had to suffer for more than 120 days due to Force Majeure events. He also submitted that the line works were carried out under the supervision of GETCO. Hence there is no question for Force Majeure being provided as notice. The supervision / inspection charges were paid to GETCO by the Petitioner. The Respondent has issued the Two Month Notice (TMN) on 13.10.2019 to the Petitioner. To substantiate its claim, the Petitioner has filed the newspaper cutting and other details on record related with the force majeure events.

4. He submitted that time may be granted to file written submission by the Petitioner.

5. Ld. Adv. Utkarsh Singh appearing on behalf of the Respondents submitted that as far as the issue of maintainability is concerned the issue is the same. But other than the facts are somehow different from the IOCL matter. He submitted that the Commission may decide on the maintainability issue of the Petition and thereafter the matter may be decided on merits. On the issue of Line inspection done by GETCO, Ld. Adv. Utkarsh Singh submitted that the GETCO persons were supervising / inspecting the line works and they cannot certify about the Force Majeure conditions as reported by the Petitioner.

5.1. Ld. Adv. of the Respondent contended that the issue is pertaining to the extension in SCOD whereas there is no provision provided in the Regulations to

extend the timeline of commissioning of the power project. It is submitted that the Petitioner chose for Option III in which the Petitioner has to complete the line works on time and there is no provision of extension for the said works.

5.2. He further submitted that the question before the Commission is that whether the inherent powers of the Commission can be invoked in the present matter for the Regulations which have no provisions for extension in the SCOD because the Regulation provides for strict timeline to be followed by the Petitioner.

6. He submitted that time may be granted to file written submission by the Respondent.
7. Heard the parties. We note that the petitioner and the respondent have completed their arguments. The petitioner and the respondent sought time to file their written submissions in the matter. We decide to grant 4 weeks' time for filing of written submission by the parties.
8. The matter is reserved for order.
9. We order accordingly.

**Sd/-**

**[S. R. Pandey]**  
**Member**

**Sd/-**

**[Mehul M. Gandhi]**  
**Member**

Place: Gandhinagar.  
Date: 08/09/2025.