

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1865 of 2020.

In the Matter of:

Petition under Section 86 (1)(f) read with Section 86 (1)(b) of the Electricity Act, 2003 and Regulation 85 of the GERC (Conduct of Business) Regulations, 2004, seeking extension of Scheduled Commercial Operation Date under Power Purchase Agreement dated 01.01.2018 in respect of 14.9 MW Municipal Solid Waste based Power Project set up at Village Shahwadi, District Ahmedabad, Gujarat.

Along with

IA No. 23 of 2021 in Petition No. 1865 of 2020.

In the Matter of:

Interlocutory Application seeking extension of Scheduled Commercial Operation Date (SCOD) on account of force majeure events and consequential reliefs under Section 86(1)(f) of the Electricity Act, 2003 read with Article 10.4 of the Power Purchase Agreement executed between the Parties and also to grant interim stay on any form of coercive action by GUVNL including but not limited to (i) levy of LD (ii) continuation of tariff of Rs. 7.03/KWh for the Project (iii) termination of PPA till disposal of the present Petition on merits.

Petitioner/ Applicant : Goodwatts WTE Ahmedabad Pvt. Ltd.

Represented By : Mr. Achint Dwivedi, Mr. Kritarth Oza along with
Mr. Aatrey Pandya

V/s.

Respondent : Gujarat Urja Vikas Nigam Ltd.

Represented by : Ld. Adv. Ranjitha Ramchandran along with Mr.
Rishab Soni

Objector No. 1 : Jan Kalyan Foundation
Represented by : Nobody remain present
Objector No. 2 : Utility Users' Welfare Association (UUWA)
Represented by : Nobody remain present
Objector No. 3 : Laghu Udyog Bharti – Gujarat (LUB)
Represented by : Nobody remain present
Objector No. 4 : Mr. Nitin Maadam
Represented by : Nobody remain present
Objector No. 5 : MPSEZ Utilities Ltd.
Represented by : Ld. Adv. Hemant Singh, Adv. Lakshyajit Singh
and Mr. Anil Rabadiya

CORAM:

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

Date: 28/08/2025.

DAILY ORDER

1. The matter was kept for hearing on 18.08.2025.
2. Mr. Achint Dwivedi appearing on behalf of the Petitioner has submitted that the Petitioner has already filed its withdrawal application in the present matter and stated that the tariff should remain the same as per the relevant Tariff Order of the Commission and PPA executed with GUVNL.

3. Ld. Adv. Ranjitha Ramchandran appearing on behalf of the Respondent GUVNL submitted that if the withdrawal is with certain conditions, it is strongly objected. She further submitted that the extension agreed to grant for Petitioner project up to March 2025 as per the Minutes of Meeting held at State Government level by the Committee. As per the Minutes of Meeting, it was decided that no extension of SCOD be granted after 31.03.2025. Further there should not be any revision in tariff as per PPA and Order of the Commission as the Petitioner was granted tariff prior to the year as determined by the Commission. Therefore, the Petitioner is not eligible on the tariff revision if any as per PPA as well as Tariff Order of the Commission and MoM referred by the Petitioner. Further after 31.03.2025 also no extension in SCOD is permissible as decided in the Minutes of Meeting. She further submitted that the Petitioner is not entitled for extension of SCOD on revision in tariff as per the Minutes of Meeting. Hence, the contention of the Petitioner to allow unconditional withdrawal and entitle for any increase in tariff in, is not permissible.

4. On the query of the Commission about the current status of the power project, the representative of the Petitioner submitted that the project is under construction, and it would take one year to commission the project, and further details would be filed by them within one week time. The Petitioner also submitted that the status report of the project is being

submitted to the Respondent from time to time. On the further query of the Commission that when was the last status report submitted to the Respondent, the Petitioner requested for time of one week to file the said details sought by the Commission.

5. Ld. Adv. Mr. Hemant Singh appearing on behalf of the Objector No. 5, MPSEZ submitted that the withdrawal should be allowed as per terms of Minutes of Meeting only. Further, no revision in the tariff is permissible. The tariff applicable to the Petitioner's project should not be project specific tariff. The Petitioner is eligible for tariff which was decided by the Commission earlier and agreed in PPA between the parties. The Petitioner has after signing of agreement did not commission the project. They are not eligible and entitle for any tariff increase in it.
6. On the query of the Commission regarding extension of PPA if any, Ld. Adv. of Respondent GUVNL submitted that there is PPA but as the Petitioner could not commission the power project on time and approached the State Government and the meeting held between all the parties. The outcome of the meeting was that the Petitioner must commission its Waste to Energy (WTE) project till 31.03.2025 and no further extension in the SCOD is granted beyond March 2025. However, the Petitioner could not commission its power project till 31.03.2025. On the further query of the Commission about the applicability of Liquidated Damages (LD), she submitted that as of now the Respondent has not claimed the LD. As per the arrangements the Petitioner

had to complete its commissioning till 31.03.2025 but the Petitioner could not complete it within the timeframe, the Respondent levy the LD in terms of PPA. The Petitioner should be allowed to withdraw its Petition unconditionally; on the present application basis, it is not permissible, and which is against MoM.

6.1. She further referred to the minutes of the meeting held on 12.12.2023 wherein the Petitioner had agreed to the decision to grant extension to the pipeline WTE projects till end of March 2025 without levy of LD. No further extension under any pretext will be granted beyond March 2025. Earlier recovered amount will not be refunded. Now the last date for commissioning the power project is already passed.

7. On the query of the Commission about the encashment of Bank Guarantee, Ld. Adv. of the Respondent GUVNL submitted that in the present case the Commission had stayed the encashment of bank guarantee in the present matter till the next dated of hearing while in other two WTE's of Rajkot and Vadodara, the Bank Guarantees are already encashed by the Respondent. She submitted that the Commission may withdraw the stay granted for encashment of Bank Guarantee as the Petitioner failed to commission the project up to 31.03.2025 so that the Respondent GUVNL is able to recover the Liquidated damages and Bank Guarantee as per the terms and conditions of the PPA. She submitted to grant one week time to file its submission.

8. Heard the parties. We note that on some of the query of the Commission, the Petitioner and the Respondent have requested one week time to file their submissions. They have also requested to grant time to file written submission, the same is granted, hence let it be filed within one week time, with a copy to the others.
9. The next date of hearing would be intimated separately.
10. Order accordingly.

Sd/-

[S. R. Pandey]
Member

Sd/-

[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 28/08/2025.

