

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1998 of 2021.

In the Matter of:

Petition seeking extension of Scheduled Commercial Operation Date (SCOD) on (i) account of Force Majeure Events and (ii) delays solely attributable to Gujarat Energy Transmission Corporation and consequential reliefs under Section 86(1)(f) of the Electricity Act, 2003 read with Article 10.4 of Power Purchase Agreement executed between Goodwatts WTE Jamnagar Pvt Limited and GUVNL.

Petitioner / Applicant : Goodwatts WTE Jamnagar Pvt. Ltd.

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

V/s.

Respondent No. 1 : Gujarat Urja Vikas Nigam Ltd.

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

Respondent No. 2 : Jamnagar Municipal Corporation.

Represented by : Nobody remain present

Respondent No. 3 : Gujarat Energy Development Agency

Represented by : Nobody remain present

Respondent No. 4 : Gujarat Energy Transmission Corp. Ltd.

Represented by : Ld. Adv. Ranjitha Ramchandaran and Mr. Parthiv
Shah.

Respondent No. 5 : State Load Despatch Centre - Gujarat

Represented by : Ld. Adv. Ranjitha Ramchandaran along with Mr. B. N. Mehta.

Objector No. 1 : Mr. Nitin Maadam

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 : 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: 15/09/2025.

DAILY ORDER

1. The matter was kept for hearing on 18.08.2025.
2. The representative appearing on behalf of the Petitioner submitted that the power plant of the Petitioner is already commissioned in November 2021, hence now only the delay in commissioning is to be decided by the Commission. He also submitted that the Respondent GUVNL has already

encashed the Bank Guarantee, hence the Commission required to decide the refund of the same.

3. Ld. Adv. Ranjitha Ramchandran appearing on behalf of the Respondent GUVNL submitted that the applicable tariff needs to be decided by the Commission, as the project is admittedly delayed beyond 31.03.2021, hence the Petitioner is not entitled to the entire tariff, but only the lower of the tariff provided in the PPA or the tariff applicable after 31.03.2021. It is further submitted that out of Rs. 7.07 per unit provided for in the PPA, the portion of GUVNL works out to Rs. 6.31 and the balance 76 paise per unit is to be paid by the Govt. of Gujarat.
4. Ld. Adv. Hemant Singh for the Objector No. 4, MPSEZ Utilities Ltd. submitted that the Petitioner is invoking the provisions of the PPA for *Force Majeure*, but the Petitioner has not fulfilled the mandatory condition of issuance of proper notice under Article 8.1 (c) of the PPA which categorically states that the affected party “shall” give notice to the other party of any event of *Force Majeure* within a reasonable time but not later than 7 days. Moreover, the Petitioner has not fulfilled the conditions of *Force Majeure* as per the PPA by submitting necessary documents and grounds.
5. Heard the parties. We note that the Petitioner has submitted that the project is commissioned and hence the applicable Liquidated damages and tariff needs to be decided by the Commission with consideration of *Force Majeure* events. The Respondent has submitted that the delay in commissioning of the

power project and its impact is to be decided by the Commission. Ld. Adv. of MPSEZ has contended about the notice shall be provided by the affected party, as well as non-fulfilments of *Force Majeure* conditions as per the PPA, so whether the Force Majeure is to be considered or not, needs to be decided by the Commission. We also note that in the present Petition the Respondent has already encashed the Bank Guarantee of the Petitioner.

6. We note that the office of the Commission had received the email stating about the inability of Mr. Nitin Maadam, the Objector No. 1 to remain present during the hearing. We also note that the Respondent No. 2, & 3 and objector No. 2 & 3 have neither remained present nor communicated its inability to remain present during the hearing. We direct the Parties in the Petition to file its submissions if any within four weeks' time with copy to other.
7. The Next date of hearing would be intimated separately.
8. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 15/09/2025.