

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 2002 of 2021.**

**In the Matter of:**

**Petition under Section 86 (1) (b) and (E) of the Electricity Act, 2003  
for refund of connectivity charges paid by those Small Scale  
Distributed Solar Project Developers who exercise the One Time  
Exist Option.**

Petitioner : Gujarat Urja Vikas Nigam Limited

Represented By : Ld. Adv. Mr. Utkarsh Singh along with Mr. M.K.  
Jani

Co-Petitioner No. 1 : Madhya Gujarat Vij Company Limited

Represented By : Mr. D.R. Kharva

Co-Petitioner No. 2 : Uttar Gujarat Vij Company Limited

Represented By : Mr. I.G. Kalara

Co-Petitioner No. 3 : Paschim Gujarat Vij Company Limited

Represented By : Ld. Adv. Mr. Utkarsh Singh along with Mr. J.R.  
Bavalia

Co-Petitioner No. 4 : Dakshin Gujarat Vij Company Limited

Represented By : Mr. S.A. Bhatia

**CORAM:**

**Mehul M. Gandhi, Member**

**S. R. Pandey, Member**

**Date: 18/09/2025.**

## **DAILY ORDER**

1. The matter was listed for hearing on 29.05.2025.
2. When the matter was called out, Federation of Renewable and Consumers of Energy (FORCE) and Gujarat Federation of Solar Industries (GFSI) did not remain present. Office of the Commission received an email dated 29.05.2025 alongwith scanned copy of submissions from Mr. Kirtikumar Shah stating that he had filed his submission on behalf of FORCE in present matter and also requested the Commission to consider the said submission for today's hearing. However, GFSI has not made any written communication about their inability to remain present, despite being served the hearing notice to them.
3. Mr. Parthiv Dave of P Solar, during the hearing submitted that pursuant to Daily Order dated 21.05.2025, he has filed submission and copy of same is also handed over to the Petitioner. He also submitted that the Petitioner has not filed detailed submissions in response to the contentions raised by him. He requested the Commission to direct the Petitioner to file detailed submission in response to the contentions raised by him. He further submitted that he has filed the Petition being Petition No. 2452 of 2025 before the Commission in which he has received the response from the GUVNL and PGVCL and not received any response/reply from the other Respondents. He requested the Commission to hear the Petition No. 2452 of 2025 first or at least simultaneously with the present matter.

4. Ld. Adv. Mr. Utkarsh Singh, appearing on behalf of the Petitioner GUVNL submitted that present Petition has been filed under Section 86(1)(b) and (e) of the Electricity Act, 2003 seeking approval of the Commission to allow the Distribution Companies (DISCOMs) to refund the connectivity charges levied as per Regulation 7 of the GERC (Term and Condition of Intra-State Open Access) Regulations, 2011 which states about non-refundable connectivity charges of Rs. One lakh per application to those Small Scale Distributed Solar Power Project Developers who were allowed to exercise one-time exit option by the State Government as special case.
  - 4.1. He submitted that pursuant to last hearing held on 27.12.2024 to which the Commission has passed Daily Order dated 21.05.2025 wherein the Commission had directed all parties to file their final submissions, if any, within one week' time with a copy to each other from the date of Order. Accordingly, the Petitioner has filed the detailed submission in the matter with a copy to other side. With respect to listing of present Petition with Petition No. 2452 of 2025, he has objected the same and submitted that P Solar are trying to enlarge the scope of present Petition by filing new petition and submissions in the matter. He requested that the Commission may decide the present matter based on the submissions filed by the parties and pass an appropriate order in the present matter.
5. Heard the parties. We note that during the hearing, Mr. Parthiv Dave of the P Solar has stated that he has filed submission and copy of same is also handed over to the Petitioner. He also submitted that the Petitioner has not filed detailed submissions in response to the

contentions raised by him. He requested the Commission to direct the Petitioner to file detailed submission in response to the contentions raised by him.

- 5.1. We also note that Office of the Commission received an email dated 29.05.2025 from Federation of Renewable and Consumers of Energy (FORCE) for filing their submission in the matter.
- 5.2. We further note that the counsel of Petitioner stated that the Petitioner has filed the detailed submission in the matter with a copy to other side in compliance to the directives of the Commission vide its Daily Order dated 21.05.2025. We also note that Mr. Parthiv Dave of P Solar & Others have requested the Commission to direct the Petitioner to file its reply to the submissions filed by them based on Daily Order dated 21.05.2025 issued by the Commission. The Petitioner raised the objection with regard to listing of present Petition with Petition No. 2452 of 2025, and submitted that P Solar are trying to enlarge the scope of present Petition by filing new petition and submissions in the matter and accordingly, requested the Commission to hear the present matter based on the submissions filed by the parties and pass an appropriate order in the present matter.
- 5.3. From the records of the proceedings, it reveals that in first hearing in the matter on 20.11.2021, while recording the submissions of the Petitioners in the Daily Order, the Commission directed the Petitioner GUVNL and Co-Petitioner DISCOMs to file their respective submissions and details on affidavit in the matter and thereafter the

matter was posted for further hearing on 10.03.2022. It was also recorded in Daily Order that on 10.03.2022, Mr. Parthiv Dave, appearing on behalf of the Gujarat Federation of Solar Industries (GFSI), was provided an opportunity to make submissions in the present matter.

- 5.4. Thereafter, on 22.06.2023, Federation of Renewable & Consumers of Energy (FORCE), Gujarat Federation of Solar Industries (GFSI), Mr. Parthiv Dave of P Solar, and Mr. Kandarp Vankani did not remain present. Mr. Kirtikumar Shah, appearing for FORCE, made his submissions through email. Mr. Parthiv Dave of P Solar, through email dated 22.06.2023 stated that due to urgent work, he is not able to attend the hearing and accordingly sought adjournment in the matter. Mr. Kandarp Vankani, through email dated 22.06.2023 requested for adjournment on account of his health issue and sought adjournment in the matter.
- 5.5. Again, on the next date of hearing i.e., on 22.10.2024, Mr. Parthiv Dave, Mr. Kandrap Vankani and Mr. Kirtikumar Shah made their submissions and were heard at length and recorded their submissions in the Daily Order dated 26.11.2024 as under:

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*3. Mr. Parthiv Dave, appearing on behalf of the P Solar submitted that they have signed the PPA with the DISCOM at the tariff of Rs. 2.83 per unit and now the DISCOM is providing the exit option to the solar project developers by way of filing the present Petition. He also submitted that the tariff of Rs. 2.83 per unit is lower than the tariff as discovered in the*

*KUSUM scheme. He submitted that the Commission has no jurisdiction to decide the present matter as the Petitioner has approached the Commission without honouring its Contractual obligations and*

*3.1. He further submitted that those developers who had executed the PPAs with DISCOMs be asked as to whether they want to exercise the exit option as offered by the Petitioner and also to be made them as party Respondents in the present Petition. If the Commission allows such exit option, it would impact directly on the treasury of the Govt. of Gujarat. He further submitted that the subsidy related issues have to be decided by Industries and Mines Department and not by State Discoms. He also submitted that the Petitioner has neither provided a copy of the Petition nor any reply.*

*4. Mr. Kandarp J. Vankani, submitted that he has not received any reply/rejoinder reply from the Petitioner GUVNL till date. He requested the Commission to direct the Petitioner to make available the copy of reply/rejoinder reply filed by Petitioner GUVNL to enable him to file its submissions, if any, before the Commission for which one week has been sought for.*

*5. Mr. Kirti Kumar Shah, appearing on behalf of Federation of Renewable & Consumers of Energy (FORCE) submitted that he has already provided the copy of his oral arguments through email in the present matter. He also submitted that he has not received copy of the Petition. He further submitted that the grid connectivity charges collected by the DISCOMs is illegal which is required to be refunded. He also submitted that the present matter has to be heard in the context with the Guidelines issued under the SSDSP Scheme by Govt. of Gujarat and GERC Open Access Regulations, 2011. He submitted that the time may be granted to file reply to the Petition.*

5.1. *It is further submitted that as per Regulation 7.2 of the GERC (terms and Conditions of Intra State Open Access) Regulations, 2011, the connectivity charges of Rs. 1,00,000 is collected by DISCOMs which is non-refundable. Referring to Regulations 7.1 and 7.2 of the said Open Access Regulation, 2011, he submitted that it is an application fees and not the Grid Connectivity charges as collected by the DISCOMs. It is further submitted that the said charges are collected at the time of execution of PPA which is not legal as per the prescribed procedure as per Regulation 8 of the Open Access Regulations, 2011. It is further submitted that the Grid connectivity charges so collected required to be refunded with interest to all the Applicants. It is further submitted that the Commission is empowered to take appropriate action on such aforesaid issue.*

5.2. *He further submitted that the Petitioner has not provided the copy of the Petition/reply/rejoinder reply to the Objectors and accordingly, requested the Commission to direct the Petitioner to make available the copy of Petition/reply/rejoinder reply filed by Petitioner GUVNL to enable to file its submissions, if any, before the Commission for which one week has been sought for.  
.....”*

Since all these persons had contended that the copy of petition was not served to them, the Commission directed the Petitioner to supply copy of Petition to them.

5.6. In further hearing on 28.11.2024, neither Federation of Renewable and Consumers of Energy nor Gujarat Federation of Solar Industries have remained present nor made any written communication about their inability to remain present during the proceedings. The

Commission directed all the parties to file their final submissions, if any, with a copy to each other from the date of Order and emphasized on the completion of their respective pleadings before the next date of hearing.

5.7. In further hearing on 19.12.2024, again neither Federation of Renewable and Consumers of Energy nor Gujarat Federation of Solar Industries have remained present nor made any written communication about their inability to remain present during the proceedings. Mr. Parthiv Dave of P Solar submitted that as he received a copy of response from the Petitioner, he could not prepare the pleadings/reply due to short time and his busy scheduled. He also submitted that the pleadings/reply is under preparation and accordingly, requested that the Commission while granting the adjournment, may grant two weeks' time to him to file his submissions in the matter. The Petitioner objected the adjournment and insisted regarding reserving the matter for Order and granting time to them to file reply/submissions in the matter. The Commission decided to grant one last opportunity to all the parties and accordingly direct all the parties to file their final submissions, if any, within one week' time.

5.8. On 27.12.2024, Mr. Kirtikumar of FORCE sent an email dated 27.12.2024 and filed its submissions in the matter. Mr. Parthiv Dave of P Solar submitted that the Petitioner has not yet filed a detailed response on their submission. Furthermore, he informed that he has filed a submission one day before hearing and requested time for oral argument. He also requested that the Petitioner be directed to file a

detailed response to the Objectors' submission and present matter may be adjourned. The Commission, in the interest of justice, granted one more adjournment in the matter.

5.9. From the above, it transpires that Federation of Renewable and Consumers of Energy and Gujarat Federation of Solar Industries have not remained present since initiation of proceedings nor made any written communication about their inability to remain present in the proceedings. It is clear from the above that at numbers of times, ample opportunities have been given to Mr. Parthiv Dave of P Solar & Others, to make out their case. It is observed that all these have caused delay of nearly four years. Even in the last hearing on 29.05.2025, Mr. Dave purportedly appearing on behalf of P Solar had requested to keep Petition No. 2452 of 2025 filed by Mr. Kandrap Vankani & Others, first.

5.10. The Petitioner and Mr. Parthiv Dave & Others may file their final written submissions including on the issue raised today by Mr. Parthiv Dave and Others, if they so desire, within 7 days. The matter is now reserved for final Order.

6. Order accordingly.

**Sd/-**  
**[S. R. Pandey]**  
**Member**

**Sd/-**  
**[Mehul M. Gandhi]**  
**Member**

Place: Gandhinagar.

Date: 18/09/2025.