

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2262 of 2023.

In the Matter of:

Petition for approval of Power Purchase Agreement executed between Shree Narmada Khand Udyog Sahakari Mandli Limited and GUVNL for Procurement of 15 MW Power during crushing season and 0 MW power during non-crushing season from their 30 MW Bagasse based co-generation project under Order No. 03 of 2022 dated 27.06.2022 issued by the Commission for "Determination of Tariff for Procurement of Power by the Distribution Licensees and Others from Biomass based Power Projects and Bagasse based Co-generation Projects", for Control Period from FY 2020-21 to FY 2022-23 in the State of Gujarat.

And

IA No. 65 of 2023 in Petition No. 2262 of 2023.

In the Matter of:

Application for impleadment of Shree Narmada Khand Udyog Sahakari Mandli Limited in Petition No. 2262 of 2023.

Applicant/Petitioner : Gujarat Urja Vikas Nigam Limited
Sardar Patel Vidyut Bhavan
Race Course Circle, Vadodara – 390007.

Represented by : Ms. Vaishali Dalal and Mr. Amit Chavda

V/s.

Respondent : Shree Narmada Khand Udyog Sahakari Mandli Limited
Dharikheda P.O. Timbi, Taluka Rajpipla (Nandod)
District Narmada – 393140, Gujarat.

Represented by : Nobody was present.

CORAM:

**Anil Mukim, Chairman
Mehul M. Gandhi, Member
S. R. Pandey, Member**

Date: 29/12/2023.

DAILY ORDER

1. The above matter was kept for hearing on 22.12.2023.
2. Mr. Amit Chavda, appearing on behalf of the Applicant/Petitioner, submitted that the present Petition has been filed by the Applicant/Petitioner seeking approval of the Commission in respect of Power Purchase Agreement dated 25.09.2023 executed by the Applicant/Petitioner GUVNL with Shree Narmada Khand Udyog Sahakari Mandli Limited for procurement of 15 MW power during crushing season and 0 (zero) MW power during non-crushing season from their 30 MW Bagasse based Co-generation Project under the provisions of Order No. 3 of 2022 dated 27.06.2022.
 - 2.1. It is also submitted that Shree Narmada Khand Udyog Sahakari Mandli Limited may be impleaded as Respondent in the present Petition. Therefore, the Applicant/Petitioner GUVNL has filed IA being IA No. 65 of 2023 in Petition No. 2262 of 2023 seeking impleadment of Shree Narmada Khand Udyog Sahakari Mandli Limited as Respondent in the present Petition. It is further submitted that the Applicant/Petitioner has also filed amended memo of parties along with the present IA. It is requested the Commission to implead Shree Narmada Khand Udyog Sahakari Mandli Limited as Respondent and to take the amended memo of Shree Narmada Khand Udyog Sahakari Mandli Limited on record.
 - 2.2. In response to query of the Commission, representative of the Applicant/Petitioner agreed to issue the public notice inviting the suggestions/objections/comments of the stakeholders in the present matter.
3. We have considered the submissions made by the Applicant/Petitioner. We note that the present petition has been filed by the Applicant/Petitioner seeking approval of the Commission in respect of Power Purchase Agreement dated 25.09.2023 executed by the Applicant/Petitioner GUVNL with Shree Narmada Khand Udyog Sahakari Mandli Limited for procurement of 15 MW power during crushing season and 0 (zero) MW power during non-crushing season from their 30

MW Bagasse based Co-generation projects under the provisions of Order No. 3 of 2022 dated 27.06.2022.

- 3.1. We note that when the matter was called out, nobody for the Respondent Shree Narmada Khand Udyog Sahakari Mandli Limited has either remained present or made any written communication about their inability to remain present, despite notice.
- 3.2. We note that the Applicant/Petitioner is seeking approval of the Commission in respect of Power Purchase Agreement dated 25.09.2023 executed by the Petitioner with Shree Narmada Khand Udyog Sahakari Mandli Limited for procurement of 15 MW power during crushing season and 0 (zero) MW power during non-crushing season from their 30 MW Bagasse based Co-generation projects under the provisions of Order No. 3 of 2022 dated 27.06.2022. The said approval is sought under Section 86 (1) (a), (b) and (e) of the Electricity Act, 2003. Section 86 (1) (a), (b) and (e) of the Electricity Act, 2003 provides that the State Commission shall regulate the electricity procurement process of the distribution licensees which includes procurement of quantum, its rates and sources also. Therefore, we are of the view that a public hearing is required to be conducted to take into the suggestions/objections/comments of the stakeholders. The Applicant/Petitioner is, therefore, directed to issue a public notice in two daily Gujarati Newspapers and one English Newspaper having wide circulation in the State and also upload the present petition with all relevant documents on their website and invite comments/suggestions/objections from the stakeholders on affidavit within 21 days from the date of issue of public notice. The Applicant/Petitioner shall state in the public notice that the stakeholders shall file their comments/objections/suggestions to the Secretary, Gujarat Electricity Regulatory Commission, 6th Floor, GIFT ONE, Road 5C, Zone 5, GIFT City, Gandhinagar – 382355, Gujarat in five copies along with affidavit in support of their submissions with a copy to the Petitioner. The staff of the Commission is also directed to upload the Petition along with all relevant documents on the website of the Commission inviting comments/objections/suggestions/views from stakeholder after a compliance affidavit stating that public notices as directed above are issued in newspaper and uploading of Petition on website of the Applicant/Petitioner is filed

by the Applicant/Petitioner along with published copy of public notices issued by the Applicant/Petitioner is provided to the Commission.

- 3.3. We also direct the staff of the Commission to provide the copy of representation/suggestions/objections, if any, received in the present matter to the Applicant/Petitioner to enable filing reply/response to the same and to inform/issue hearing notice for the present Petition to such stakeholders/objectors who file their submissions/objections/comments before the Commission in the matter.
- 3.4. We also note that the Applicant/Petitioner GUVNL has filed IA being IA No. 65 of 2023 in Petition No. 2262 of 2023 seeking impleadment of Shree Narmada Khand Udyog Sahakari Mandli Limited as Respondent in the present Petition and also filed amended memo of parties along with the present IA. In view of this, we decide to implead Shree Narmada Khand Udyog Sahakari Mandli Limited as Respondent and to take the amended memo of Shree Narmada Khand Udyog Sahakari Mandli Limited on record.
- 3.5. The Applicant/Petitioner has filed IA No. 65 of 2023 in Petition No. 2262 of 2023 for impleadment of Shree Narmada Khand Udyog Sahakari Mandli Limited as Respondent in the present matter and the Commission has allowed the same. Accordingly, prayers sought in the aforesaid IA is satisfied. Hence, IA No. 65 of 2023 in Petition No. 2262 of 2023 stand disposed of.
4. Next date of hearing will be intimated separately.
5. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Sd/-
[Anil Mukim]
Chairman

Place: Gandhinagar.
Date: 29/12/2023.