

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2434 of 2024.

In the Matter of:

Petition under Section 86 (1) (b) read with Section 62 of the Electricity Act, 2003 for approval of the Supplemental PPA dated 13.11.2024 for extension of PPA dated 22.01.1997 for 210 MW Unit 7 Wanakbori Thermal Power Station for further period up to 01.04.2030 or the actual useful life of the plant whichever is earlier.

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

Represented By : Ld. Adv. Mr. Utkarsh Singh alongwith Mr. Nilay Joshi and Mr.
H.P. Patel

V/s.

Respondent : Gujarat State Electricity Corporation Limited
Sardar Patel Vidyut Bhavan
Race Course, Vadodara – 390007, Gujarat.

Represented By : Mr. Shubhadeep Sen, Mr. Nitin Kansara, Mr. P.A. Parekh and
Mr. H.N. Bhatt

CORAM:

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

Date: 27/06/2025.

DAILY ORDER

1. The present matter was listed for hearing on 12.06.2025.
2. Ld. Adv. Mr. Utkarsh Singh, appearing on behalf of the Petitioner GUVNL, submitted that the Petitioner has filed the present Petition under Section 86 (1) (b) read with Section 62 of the Electricity Act, 2003 seeking approval of the Supplemental PPA executed on 13.11.2024 between the parties for extension of PPA dated 22.01.1997

for 210 MW Unit 7 Wanakbori Thermal Power Station for further period up to 01.04.2030 or the actual useful life of the plant whichever is earlier.

- 2.1. In response to the query of the Commission regarding the tariff, it is submitted that the fixed cost is Rs. 0.53 per unit and the variable charges is Rs. 4.10 per unit. The Commission has raised the query that what is current market price and the reasons for higher tariff and why so much delay on part of GUVNL and GSECL to approach the Commission when the PPA in respect to 210 MW WTPS Unit was expired in the month April 2024 and what are reasons and justification for it, during the non-existing period of PPA whether the Petitioner has paid the amount to the Respondent for energy supplied by the Respondent or not, the counsel appearing for the Petitioner has agreed to provide all the relevant details/documents/information/justification on affidavit in this regard, for which two week' time has been sought for.
- 2.2. In response to the query of the Commission for issuance of public notice for inviting comments and suggestions from the stakeholders in the present matter, the Petitioner has agreed to give the public notice in the newspapers.
3. We have considered the submissions made by both the Parties. We note that the present Petition is filed by the Petitioner GUVNL under Section 86 (1) (b) read with Section 62 of the Electricity Act, 2003 seeking approval of the Supplemental PPA dated 13.11.2024 executed with the Respondent GSECL for extension of PPA dated 22.01.1997 for 210 MW Unit 7 Wanakbori Thermal Power Station for further period up to 01.04.2030 or the actual useful life of the plant whichever is earlier.
- 3.1. We note that the Petitioner GSECL is a generating company under the provisions of the Electricity Act, 2003 and the Respondent GUVNL is a licensee carrying out bulk purchase and bulk sale of electricity on behalf of the State-owned distribution licensees. The Petitioner and the Respondent had signed and executed the Supplemental Power Purchase Agreement on 13.11.2024 in regard to the procurement of power of 210 MW from WTPS unit 7 Thermal Power Plant of the Respondent GSECL. The present Petition is filed under Section 62 read with Section 86 (1) (b) of the Electricity Act, 2003 and therefore, it is necessary to refer Section 62 and Section 86 (1) (b) of the Electricity Act, 2003 which is reproduced as under:

“.....

Section 62: (Determination of tariff): -

(1) The Appropriate Commission shall determine the tariff in accordance with the provisions of this Act for –

(a) supply of electricity by a generating company to a distribution licensee:

Provided that the Appropriate Commission may, in case of shortage of supply of electricity, fix the minimum and maximum ceiling of tariff for sale or purchase of electricity in pursuance of an agreement, entered into between a generating company and a licensee or between licensees, for a period not exceeding one year to ensure reasonable prices of electricity.

(b) transmission of electricity;

(c) wheeling of electricity;

(d) retail sale of electricity:

Provided that in case of distribution of electricity in the same area by two or more distribution licensees, the Appropriate Commission may, for promoting competition among distribution licensees, fix only maximum ceiling of tariff for retail sale of electricity.

.....”

As per above Section, the Appropriate Commission shall determine the tariff in accordance with the provisions of this Act for supply of electricity by a generating company to a distribution licensee.

Section 86 (1) (b) of the Electricity Act, 2003:

“.....

Section 86. (Functions of State Commission): --- (1) The State Commission shall discharge the following functions, namely: -

(a) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;

.....”

As per the aforesaid provision, the Commission has to regulate the power procurement of the Distribution Licensees, including the procurement process, the price at which electricity shall be purchased from the generating company or the Licensees or through other sources through agreement for purchase of power for distribution and supply within the State.

- 3.2. Thus, it is apparent from the aforesaid provisions that the Commission has jurisdiction to decide the matter.
- 3.3. As noted above, the Petitioner has filed the present Petition under Section 86 (1) (b) read with Section 62 of the Electricity Act, 2003 seeking approval of the Supplemental PPA dated 13.11.2024 executed with the Respondent GSECL for extension of PPA dated 22.01.1997 for 210 MW Unit 7 Wanakbori Thermal Power Station for further period up to 01.04.2030 or the actual useful life of the plant whichever is earlier, we are of the view that a public notice is required to be issued for inviting the suggestions/objections/comments from the stakeholders. The 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 as stated above on their website and invite comments/suggestions/objections from the stakeholders on affidavit within 15 days from the date of issue of public notice. The Petitioner shall state in the public notice that the stakeholders can 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 within 15 days from the date of public notice. 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 stakeholders after a compliance affidavit filed by the Petitioner stating that public notices as directed above are issued in newspapers and uploading of Petition on its website along with published copy of public notices issued by the Petitioner is provided to the Commission.
- 3.4. 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

Petitioner to enable filing reply/response to the same and to inform/issue hearing notice for the present Petition to such stakeholders/objectors who have filed their submissions/objections/comments before the Commission in the matter.

- 3.5. As recorded above, as the Counsel for the Petitioner has agreed to place on record relevant details/documents/information/justification in the present matter, let the same be filed, if any, within two weeks' time, from the date of this Order, with a copy to the Respondent.
- 3.6. We also note that the Respondent GSECL has not filed their reply in the present matter. Accordingly, the Respondent is directed to file their reply in the present Petition, if any, within 2 (two) weeks' time, with a copy to the Petitioner. The Petitioner would be at liberty to file its rejoinder reply, if any, within 2 (two) weeks' time with a copy to the Respondent after receipt of reply from the Respondent.
4. Next date of hearing will be intimated separately.
5. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 27/06/2025.