

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2459 of 2025.

In the Matter of:

Petition under Section 86 (1) (b) read with Section 62 of the Electricity Act, 2003 seeking approval of the Commission for Supplemental Power Purchase Agreement dated 18.02.2025 for extension of Power Purchase Agreement dated 07.01.2010 for transferred power stations having a total capacity of 2912 MW for further period up to 01.04.2030 or the actual useful life of the plants whichever is earlier.

Petitioner : Gujarat Urja Vikas Nigam Limited

Represented By : Mr. Nilay Joshi and Ms. Rashmi Fumakiya

V/s.

Respondent : Gujarat State Electricity Corporation Limited

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: 22/07/2025.

DAILY ORDER

1. The present matter was listed for hearing on 18.07.2025.
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 Commission for Supplemental Power Purchase Agreement dated 18.02.2025 for extension of Power Purchase Agreement dated 07.01.2010 for transferred power stations having a total capacity of 2912 MW for further period up to 01.04.2030 or the actual useful life of the plants whichever is earlier.

2.1. 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 62 read with Section 86 (1) (b) of the Electricity Act, 2003 seeking approval of the Commission for Supplemental Power Purchase Agreement dated 18.02.2025 for extension of Power Purchase Agreement dated 07.01.2010 for transferred power stations having a total capacity of 2912 MW for further period up to 01.04.2030 or the actual useful life of the plants, whichever is earlier.

3.1. We note that the Respondent GSECL is a generating company under the provisions of the Electricity Act, 2003 and the Petitioner 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 18.02.2025 for extension of Power Purchase Agreement dated 07.01.2010 for transferred power stations having a total capacity of 2912 MW for further period up to 01.04.2030 or the actual useful life

of the plants, whichever is earlier. 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: -

(b) 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 62 read with Section 86 (1) (b) of the Electricity Act, 2003 seeking approval of the Commission for Supplemental Power Purchase

Agreement dated 18.02.2025 for extension of Power Purchase Agreement dated 07.01.2010 for transferred power stations having a total capacity of 2912 MW for further period up to 01.04.2030 or the actual useful life of the plants 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 invite comments/suggestions/objections from the Stakeholders stating that they have filed Petition No. 2459 of 2025 before the Commission along with its subject matter and relief sought therein. The Petitioner is also directed to upload the present Petition with all the relevant documents on its website and invite comments and suggestions from the Stakeholders on the Petition on affidavit within 30 days from the date of issue of public notice. The 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 Petitioner, is filed by the Petitioner 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. 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 4 (four) weeks' time, with a copy to the Petitioner. The Petitioner GUVNL would be at liberty to file its rejoinder reply, if any, within 3 (three) 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: 22/07/2025.