

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2461 of 2025.

In the Matter of:

Petition under Section 86 of the Electricity Act, 2003 read with Regulations 80 & 82 of the GERC (Conduct of Business) Regulations, 2004 read with Gujarat Renewable Energy Policy, 2023 & amendments thereof and the Tariff Order dated 31.08.2024 praying before the Commission to exercise its powers under Section 86 of the Electricity Act, 2003 and direct the Respondent, GETCO to grant extension of time for commissioning of the 3.948 MW AC Solar Power Plant project.

Petitioner : Saanika Polytex Private Limited
B-405, International Trade Centre,
Majura Gate, Ring Road,
Surat – 395 006.

Represented By : Ld. Adv. Mr. M. N. Marfatia
V/s.

Respondent No. 1 : Gujarat Energy Transmission Corp. Ltd.
Sardar Patel Vidyut Bhavan, Race Course Circle,
Vadodara – 390007, Gujarat.

Represented By : Mr. Shobhraj Jayswal

Respondent No. 2. : Gujarat Urja Vikas Nigam Ltd.
Sardar Patel Vidyut Bhavan, Race Course Circle,
Vadodara – 390007, Gujarat.

Represented by. : Mr. K. N. Brahmabhatt along with Smt. M. N.
Gajjar.

Respondent No. 3. : Dakshin Gujarat Vij Company Ltd.
Urja Sadan, Nava Varachha Road,
Kapodara Char Rasta, Surat – 395 006.

Represented by. : Ld. Adv. Mr. Aneesh Bajaj along with Mr. B. K. Patel and Mr. Hetal Patel

CORAM:

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

Date: 02/07/2025.

DAILY ORDER

1. The matter was kept for hearing on 26.06.2025.
2. At the outset, Ld. Adv. M. N. Marfatia appearing on behalf of the Petitioner provided the Rejoinder during the hearing and provided a copy to the parties.
3. Ld. Adv. Aneesh Bajaj on behalf of the Respondent DGVCL also provided the Reply during the hearing with a copy to others.
4. Ld. Adv. M. N. Marfatia for the Petitioner submitted that the present Petition is filed under Section 86 of the Electricity Act, 2003 read with Regulations 80 & 82 of the GERC (Conduct of Business) Regulations, 2004 read with Gujarat Renewable Energy Policy, 2023 & amendments thereof and the Tariff Order dated 31.08.2024 praying before the Commission to exercise its powers under Section 86 of the Electricity Act, 2003 and direct the Respondent, GETCO to grant extension of time for commissioning of the 3.948 MW AC

Solar Power Plant project. He submitted that the Technical Feasibility Report (TFR) was issued by GETCO on 05.02.2024.

4.1. He submitted the reasons of delay in commissioning of the power project.

The first reason for delay in the project was due to Non-Agriculture (NA) permission. The land owner applied for NA permission on 23.02.2024 which was rejected by the revenue authorities on 16.05.2024 on the ground that the report of Department of Land record had raised certain objections relating to the division of land due to the canal that passed through the land, thereafter substantial time was consumed in removing the objections being raised by the land Revenue Department and the work of DLR, on the partition of land through DLR as survey No. 182/A/1, 182/A/2 and 182 B was once again applied for NA permission by the land owners on 28.09.2024. This time the application was approved on 19.12.2024.

4.2. He further submitted that once the NA permission was granted to land owners, the Petitioner vide two sale deeds for the survey No. 182/A/1 and 182/A/2 purchased the land from the land owners on 18.01.2025.

4.3. He further submitted that there was delay caused due to reassessment of the solar power plant project capacity due to revised energy banking Regulations where there was capping for banking of energy at 30% of net consumption from DISCOM, which resulted in financial hardships for the Petitioner. It is

further submitted that the Petitioner was constrained to undertake a comprehensive reassessment of the project capacity due to letter No. GUVNL/0079/08/2024 dated 31.08.2024, wherein the clarifications were provided regarding the permissible capacity for energy banking purpose. The aforesaid letter limited the banking facility with an upper cap of 30% of the net consumption from the DISCOM, hence the Petitioner had to reevaluate its ground-mounted solar power plant's capacity.

4.4. He further submitted that the Petitioner also initiated NOC's from different government authorities with regard to laying of underground transmission line, namely from the Ministry of Forest and R & B Department, MIPD canal, which also took substantial time for approval, also some of them are still under approval process, without the approvals the laying of the transmission line as per the guidelines are not possible.

4.5. He further submitted that the Petitioner has successfully commissioned the captive solar power project having capacity of 3.98 MW AC in Village – Valia, District – Bharuch in the month of Aug -2023. He also submitted that the sister concern of the Petitioner Sanika Industries Pvt. Ltd. has also completed its commissioning of the captive solar power project in a timely manner for its capacity of 3.2 MW AC at Village Vila, Bharuch District.

- 4.6. He further submitted that the Hon. Supreme Court of India in its Judgement dated 05.04.2018 in Civil Appeal No. 3600 of 2018 has allowed to extend the timeline for commissioning of the project even when there is no *Force Majeure* and even if other conditions such as unavoidable circumstances or in-ordinate delays are caused in commissioning of the power project.
5. On the query of the Commission about the work completed / status for the present power project, he submitted that the transmission line is yet to be laid and requested to allow to file such other details in its submissions.
6. Ld. Adv. Aneesh Bajaj on behalf of the Respondent submitted that the Petitioner did not even approach the Respondent for estimate charge, hence on the ground level there is no progress. As the Petitioner has submitted that the first application for NA was filed on 23.02.2024 which got rejected on 16.05.2024, as canal was passing through. Thereafter, the Petitioner took 4 months-time to re-apply for NA permission, so the reasons for the delay in applying for NA Permission are not provided in the Petition. As of now, there is no Bank Guarantee provided by the Petitioner, so how can the connectivity be blocked for it.
7. On the query of the Commission that without Bank Guarantee, how can the connectivity be granted to the Petitioner. In response to it, Ld. Adv. M. N. Marfatia submitted that the said Bank Guarantee would be provided within 7

days by the Petitioner. However, the Respondent has already settled or considered against the Bank Guarantee provided for another project of the Petitioner. He further submitted that as per the Reply filed by the Respondent DGVCL, the solar power project of 4.0 MW was commissioned for 3.98 MW on 02.08.2024 and based on Petitioner's request, the Respondent issued a Bank Guarantee discharge letter on 23.01.2025. As mentioned in reply of the Respondent DGVCL, due to inadvertence, the Respondent DGVCL considered the BG that was submitted for second un-commissioned power project, rather than the commissioned one.

8. On this issue of settlement and consideration of the Bank Guarantee with the Petitioner's another project, Ld. Adv. Aneesh Bajaj responded that for recovering the amount from the Petitioner it was required to adjust from the electricity bills of the Petitioner. He also submitted that the Petitioner has not pressed other issues, hence such issues shall not be considered for the present Petition.

9. Heard the parties. We note that the present Petition is filed by the Petitioner under Section 86 of the Electricity Act, 2003 read with Regulations 80 & 82 of the GERC (Conduct of Business) Regulations, 2004 read with Gujarat Renewable Energy Policy, 2023 & amendments thereof and the Tariff Order dated 31.08.2024 praying before the Commission to exercise its powers under Section 86 of the Electricity Act, 2003 and direct the Respondent, GETCO to grant extension of time for commissioning of the 3.948 MW AC Solar Power

Plant project and the Technical Feasibility Report (TFR) was issued by GETCO on 05.02.2024.

9.1. We also note that the Petitioner has requested to allow him to file the details mentioning the delays, clarifications and the status of the work completion of the power plant, hence let it be filed within two weeks – time with a copy to others.

9.2. We note that the Parties have argued at length and placed their contentions in the subject matter and completed their arguments. We give liberty to both the parties to file their written submissions/ reply if any, within two weeks. The matter is reserved for Final Order.

10. Order accordingly.

Sd/-

[S. R. Pandey]
Member

Sd/-

[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 02/07/2025.