

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
AT GANDHINAGAR**

**PETITION NO. 2466 OF 2025**

**In the matter of:**

**In the matter of filing of Petition for providing clarification for applicable provision of Regulation for Grid Interactive Rooftop PV solar Project commissioned on 11<sup>th</sup> May, 2022, before the publication of GERC Net Metering Regulations Amendment - 3 on 31<sup>st</sup> May, 2022.**

Petitioner : Surya Roshni Ltd.  
Represented by : Mr. Kalpesh B. Ramjiyani and Mr. P.R. Thukral

V/s.

Respondent No. 1 : Paschim Gujarat Vij Company Limited  
Represented by : Ld. Adv. Ms. Shrishty Khindaria along with  
Mr. S.N. Parmar and Mr. J.R. Bavalia  
Respondent No. 2 : Gujarat Urja Vikas Nigam Limited  
Represented by : Nobody was present.

**CORAM:**

**Shri Mehul M Gandhi, Member**

**Shri S.R. Pandey, Member**

**Date: 21/07/2025**

**DAILY ORDER**

1. The matter was kept for hearing on 16.07.2025.

2. Shri Kalpesh B. Ramjiyani, on behalf of the Petitioner, Surya Roshni Ltd., submitted that the present Petition is filed for clarification on applicable provision of Regulation for Grid Interactive Rooftop PV Solar Project commissioned on 11.05.2022, before the publication of GERC (Net Metering Rooftop Solar PV Grid Interactive Systems) (Third Amendment) Regulations, 2022 on 31.05.2022.

2.1. He submitted that their company is engaged in the business of manufacturing activity in Kutch, Gujarat, in the area of Respondent No. 1, Paschim Gujarat Vij Company Limited (PGVCL). He submitted that his Rooftop installation was registered on 14.02.2022. The Petitioner had commissioned 750 KWP (AC Capacity and 951.60 DC KWP) rooftop solar PV system on 11.05.2022. The commissioning of Rooftop PV project was allowed by entering into provisional Grid Interconnection Agreement dated 07.05.2022 with the Respondent No. 1 pursuant to awaited necessary amendment to GERC (Net Metering Rooftop Solar PV Grid Interactive Systems) Regulations, 2016 (Net Metering Regulations, 2016) with respect to Gujarat Solar Power Policy, 2021.

2.2. He submitted that the Interconnection agreement entered with Respondent No. 1 was on provisional basis and it was defined to sign a final Interconnection agreement as per the Order of the Commission for amendment in Net Metering Regulations, 2016. The Commission has notified GERC (Net Metering Rooftop Solar PV Grid Interactive Systems) (Third Amendment) Regulations, 2022 (Notification No. 2 of 2022) on 31.05.2022 and same was in force from the date of its publication i.e. 31.05.2022 with prospective effect.

2.3. He further submitted that the Petitioner subsequently made representation to Respondent No. 1, PGVCL, and Respondent No. 2, Gujarat Urja Vikas

Nigam Limited (GUVNL), for entering into fresh interconnection agreement under the provisions of existing regulations, as on the date of project commissioning, i.e. 11.05.2022, Net Metering Regulations, 2016 and its Second Amendment - 2020 were in force.

- 2.4. The Petitioner requested for signing of final agreement and response of the Respondent vide letters dated 12.10.2022 and 05.01.2023.
- 2.5. He submitted that the Respondent No. 1 replied to the Petitioner vide letter dated 21.06.2023 stating that, *“Anent to the above, your application received for aforesaid matter on 12.10.2022 & 05.01.2023 we have reply already sent to you vide this office letter no ADO/Rev/HT/31537/01-2023/0398 Dt. 20.01.2023 for Banking charges charged as per Inter Connection Agreement for Captive use (for other than Residential consumer), agreement clause no. 9 Banking Charge”*.
- 2.6. He submitted that the above response from Respondent No. 1 is without any attention to the query raised for applicable regulation of net metering and signing of new fresh agreement to replace provisional agreement thereof and only reiterating the fact of charging banking charges under provisional agreement.
- 2.7. He further submitted that as per GERC (Net Metering Rooftop Solar PV Grid Interactive Systems) (Third Amendment) Regulations, 2022, the solar rooftop power projects commissioned under the provisions of earlier notifications of net metering regulations notified by the commission, the energy accounting of such projects shall be governed by the provisions of net metering regulations under which they were commissioned.

- 2.8. He further submitted that till date (period 11/05/2022 to 31/12/2024) the Respondent No. 1 has charged Rs. 42,98,259 as banking charge for 28,65,506 units generated from Solar Rooftop PV system.
- 2.9. He has requested the Commission to clarify the applicable Regulation for the Petitioner's Solar PV Project being commissioned on 11.05.2022 before the date of Amendment No. 3 in Net Metering Regulations, 2016, and to clarify whether Banking Charges is applicable to Petitioner or not.
- 2.10. He has requested to direct the Respondent No. 1 to enter into a fresh agreement / amendment to the interconnection agreement entered for Petitioners Rooftop PV project and to direct that Banking charges are not applicable to the generation of solar energy from project commissioned before effective date of Amendment No. 3 i.e. 31.05.2022.
- 2.11. He has requested to direct the Respondent No. 1 to refund the banking charges charged so far from the Petitioner for their Rooftop PV generation.
3. Ld. Adv. Ms. Shrishty Khindaria, present on behalf of Respondent No. 1, PGVCL, submitted that they have filed a rejoinder in the present Petition.
- 3.1. She submitted that the Petitioner, vide letter dated 12.10.2022, has requested the Respondent No. 1 to refund the wheeling charges. She submitted that the COD of the project is 11.05.2022. The Interconnection agreement was signed on 07.05.2022 and on this date there is already an Order of the Commission dated 11.06.2021 in Petition No. 1396 of 2021 which was filed seeking incorporation of the Gujarat Solar Policy provisions, which included provisions for wheeling and permits recovery of banking charges. She submitted that the said Order permits the Respondent No. 1 to levy these charges on the date notified by the Gujarat Solar Policy.

- 3.2. She further submitted that although the Third Amendment in Net Meeting Regulation came on 31.05.2022 which also provided for similar charges, an Order has already, prior to the signing of the agreement, introduced this concept for plants like the Petitioner's. Therefore, there is no question of rescinding from the terms of an agreement already entered into and there is no plea on the fact that the Petitioner was forced to sign the agreement. She requested to grant some time to file written submission.
4. In response to reply of the Respondent No. 1, the representative of the Petitioner submitted that if the arguments of the Respondent No. 1 is accepted that Government of Gujarat's 2020 Policy apply to the Petitioner's case instead of Government of Gujarat's 2016 Policy and the Commission's Order, then in such case, the Government of Gujarat RE Policy, 2023 shall be applicable from the date of the said policy came into force. He further submitted that the Order dated 11.06.2021 in Petition No. 1396 of 2021 provisions with regard to Net Metering projects are not applicable but it is applicable as per Commission's Second Amendment in Net Metering Regulations and not the Third Amendment in the said Regulations which came into force after installation of the Petitioner's project. He requested to grant some time to file written submission wherein Petitioner cover response to reply of the Respondents.
5. Heard the parties.
6. We note that the present Petition is filed by the Petitioner for clarification on applicable provision of Regulation for Grid Interactive Rooftop PV Solar Project commissioned on 11.05.2022, before the publication of GERC (Net Metering Rooftop Solar PV Grid Interactive Systems) (Third Amendment) Regulations, 2022 on 31.05.2022.

7. We note that no one was present on behalf of the Respondent No. 2.
8. We note that the Respondent No. 1 has filed its reply in the present matter. We also note that the Petitioner has submitted that it will file a written submission wherein the response of the reply also covers.
9. The parties are at liberty to file their written submissions, if any, within four weeks' time with a copy to others.
10. The matter is now reserved for Order.
11. We order accordingly.

Sd/-

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**(S. R. Pandey)**  
MEMBER

Sd/-

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**(Mehul M. Gandhi)**  
MEMBER

Place: Gandhinagar  
Date: 21/07/2025