

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2469 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 Evacuation Line along with metering system of the 1.1 MW AC Capacity Solar power project.

AND

I.A. No. 29 of 2025 in Petition No. 2469 of 2025

In the Matter of:

Application seeking Ad Interim Stay on the encashment of Bank Guarantee of the Petitioner furnished to Respondent No. 3 under Regulation 61 Read with Regulation 80 of the GERC (conduct of Business) Regulations, 2004.

Applicant / Petitioner: Pankaj Enka Pvt. Ltd,
Ground Floor, 65,
Subhasnagar society, Ghod Dod Road,
Surat- Gujarat -395007.

Represented by : Ld. Adv. Mr. M. N. Marfatia

V/s.

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

Represented by : Ld. Adv. Mr Aneesh Bajaj along with
Mr. P.P. Shah and Mr. Sobhraj Jayswal

Respondent No. 2 : Gujarat Urja Vikas Nigam Limited,
Sardar Patel, Vidyut Bhavan, Gautam Nagar,
Race Course, Vadodara, Gujarat 39007.

Represented by : Ld. Adv. Mr Aneesh Bajaj along with
and Mr. Kishor Lakhani

Respondent No. 3 : Dakshin Gujarat Vij Company Ltd.,
Urja Sadan, Nana Varachha Main Road,
Kapodara Char Rasta, Surat, Gujarat – 395006.

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

CORAM:

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

Date: 09/10/2025

ORDER

1. The Petitioner Pankaj Enka Pvt. Ltd is a generating company as defined under Section 2(28) of the Electricity Act, 2003.
2. The Petitioner has prayed as under:
 - (a) Admit and allow the Petition.
 - (b) To extend the time limit for commissioning of the Transmission Line along with metering system by a period of 3 months. Consequently, the timelines linked to the commissioning of the transmission line along with metering system may be revised from the date of the extended period for commissioning of the transmission line along with metering system.

(c) To direct the Respondents to refrain from invoking the Bank Guarantee of INR 5, 50,000/- submitted by the Petitioner till the expiry of the extended time period granted for commissioning of the solar power plant project and Evacuation Line along with metering system. Petitioner hereby undertake that Petitioner shall extend the time period mentioned in the bank Guarantee provided to the Respondent No. 3 herein as per the granted extended time period.

(d) To direct the Respondents to grant the requisite permissions and execute the necessary agreements, including but not limited to: Connectivity Agreement, MOU agreement and wheeling agreement during the pendency of this petition, so as to avoid any further delays in the project. Further, that upon the pronouncement of the order by this Commission in the present Petition, the parties shall take further steps in accordance with the directions and guidelines issued by the Court.

3. The facts mentioned in the Petition are as under:

3.1. The Petitioner Pankaj Enka Pvt. Ltd is a generating company as defined under Section 2(28) of the Electricity Act, 2003.

3.2. The Respondent No. 1, GETCO, is a company registered under the Companies Act, 1956. The primary function of Respondent No. 1 is to build, operate and maintain an efficient Power Transmission System in the State of Gujarat. The Respondent No. 1 *inter alia* granted the connectivity and various other approvals required for setting up of the Project.

- 3.3. The Respondent No. 3, DGVCL, is a company registered under the Companies Act, 1956, and is one of the four electricity distribution companies of the State of Gujarat.
- 3.4. The Commission issued its Tariff Order No. 6 of 2024 dated 31.08.2024, on the tariff framework for procurement of power by Distribution Licensees and others from Solar Power Projects to be commissioned prospectively. The Control Period for which the Tariff Order would be applicable was defined and agreed as being up to 31.03.2027.
- 3.5. Pursuant to the Tariff Order, the Petitioner was developing a 1.1 MW AC Capacity, Solar Power Project under the Captive use category/open access. The Project was to be developed in terms and in accordance with the Renewable Energy Policy, 2023 of the State of Gujarat and the Tariff Order.
- 3.6. The Petitioner has applied for provisional GEDA approval for the ground mounted solar power plant project, on which the Respondent No. 2 provided the Petitioner with the provisional GEDA approval on 29.01.2024. The provisional GEDA approval is a mandatory requirement for the project's commissioning and commercial operation.
- 3.7. In response to application to get technical feasibility, the Respondent No. 1 granted grid connectivity and technical feasibility approval for the Petitioner's solar power project, vide letter dated 11.03.2024.
- 3.8. Upon receipt of the Technical Feasibility Report (TFR), the Petitioner initiated the land acquisition process for setting up the solar power plant project.
- 3.9. That, on 11.5.2024 the Petitioner received the test report of CT PT from Baroda Calibration Services regarding the CT PT installation. Thereafter the

Project was registered by Gujarat Energy Development Agency on 22.5.2024. Thereafter the Petitioner received the approval of technical specifications of main and check ABT Meters for the Project on 24.5.2024. Further, a report dated 15.7.2024 was received by the Petitioner from the laboratory of the Respondent No.3 relating to ABT meter testing. The Ministry of Power, vide certificate dated 6.8.2024 was pleased to allot unique registration to the Project.

- 3.10. The Petitioner executed the required bank guarantee dated 19.04.2024 in favour of the Respondent No. 3, DGVCL.
- 3.11. The Petitioner received the NA permission use of the land only on 14.9.2024 and 16.9.2024. Therefore, the Petitioner lost around 6 months due to delay in grant of NA permission by the authorities and for no fault on the part of the Petitioner. That, at the time of filing the present petition, the land levelling of the project is complete and the fencing work has also been done. While, the Petitioner was undertaking the work towards completion of the land infrastructure, the looming regulatory uncertainty on account of various aspects created impediments for the Petitioner which has also resulted in inadvertent delay in the execution of the project. That the reassessment of the solar power plant project capacity due to revised banking regulations (capping banking at 30% of net consumption from DISCOM) has resulted in financial hardships for the Petitioner. These unforeseen circumstances resulted in inadvertent delays, which were beyond the Petitioner's control.
- 3.12. The Petitioner was constrained to undertake a comprehensive reassessment of the project capacity because of the issuance of Letter No. GUVNL/0079/08/2024, dated 31-08-2024, by the Government of India, wherein clarifications were provided regarding the permissible capacity for banking purposes.

3.13. The aforesaid letter stipulated that the banking facility shall be limited to an upper cap of 30% of the net consumption from the Distribution Company (DISCOM), thereby necessitating a thorough re-evaluation of the Petitioner's ground-mounted solar power plant capacity. That due to the said clarification, the Petitioner was compelled to temporarily suspend plant activities, as any revisions to the project capacity could have potentially led to far-reaching changes in the project's configuration, scope, and timeline.

3.14. It is submitted that owing to the unprecedented heavy rainfall and flooding in the Project area, rendering the work and supply receipt impossible for a long time. That the Petitioner also faced problems with regard to the increase in anti-dumping duty on solar glass and therefore the module delivery got delayed by 2 months.

Summary of relevant submissions of the Petitioner

- i. The Petitioner submits that the delay caused in commissioning the evacuation line is inadvertent and beyond the control of the Petitioner.
- ii. The change in the financial banking policy by the Government also resulted in delays in completion of the project.
- iii. The Petitioner received the NA permission use of the land only on 14.9.2024 and 16.9.2024. Therefore, the Petitioner lost around 6 months due to delay in grant of NA permission by the authorities and for no fault on the part of the Petitioner
- iv. Owing to the unprecedented heavy rainfall and flooding in the Project area, rendering the work and supply receipt impossible for a long time. The Petitioner also faced problems with regard to the increase in anti-

dumping duty on solar glass and therefore, the module delivery got delayed by 2 months.

- 3.15. It is submitted that as per the Tariff Order the Petitioner is required to complete transmission line/evacuation system within one year from the date of receiving technical feasibility report and is further required to commission minimum 10% of capacity allocated to power producers, within one month from the date of charging the evacuation line of the project. It is submitted that the remaining capacity needs to be completed within one year from the charging of evacuation line. However, the Petitioner submits the Petitioner shall commission the total project within 3 months from the date the period is extended by the Commission.
- 3.16. It is submitted that as per the Tariff Order, the Petitioner is required to complete transmission line/ evacuation system within one year from Stage-II allocation and is further required to commission minimum 10% of capacity allocated to power producers, within one month from the date of charging the evacuation line of project. It is submitted that the remaining capacity needs to be completed within one year from the charging of evacuation line. That, the Petitioner submits that the Petitioner shall complete the entire project within 3 months.
- 3.17. Aggrieved by the inaction of the Respondents to consider the request for extension of the timelines, solely on account of unforeseen reasons, the Petitioner has filed the present petition before this Commission praying to exercise its powers under section 86 of the Electricity Act read with Regulation 80 & 82 GERC (Conduct of Business) Regulations, 2004 and thereby direct Respondent No. 1 to grant an extension of 3 months from the date of issuance of the Implementation Order for commissioning of the Evacuation Line along with bays and metering system.

3.18. In light of the above it is imperative for this Commission to intervene and provide relief to the Petitioner by directing Respondent No. 1 to grant an extension of 3 months to the Petitioner for commissioning of the entire Project from the date of the Order of this Commission in the current petition.

3.19. This Commission has the jurisdiction to entertain and decide the instant Petition in terms of Section 86 of the Electricity Act, 2003.

4. **GETCO's reply dated 13.06.2025 are as under:**

4.1. Since the Petition relates to the connectivity at 11 kV voltage class, the connectivity to the Petitioner is dealt with by the Distribution Company, DGVCL being Respondent No. 4. While the TFR is issued by GETCO as per request of Distribution Company, the aspects on connectivity and consequences thereof are dealt with by the Distribution Company. The bank guarantee is not issued in favour of GETCO but in favour of the Distribution Company. GETCO has no role to play on the invocation of bank guarantee or cancellation of connectivity to the Petitioner. The Respondent No. 3, DGVCL may deal with the aspects raised in the Petition.

5. **DGVCL's reply dated 26.06.2025 in brief as under:**

5.1. The Petitioner is seeking an extension of commissioning for three months for the commissioning of the Transmission Line along with the metering system to be constructed from the Petitioner's Project – 1.1 MW (AC) Capacity Solar Power Project of Pankaj Enka Pvt. Ltd Solar Plant under the Captive use Category

5.2. The Commission, issued a Tariff Order dated 31.08.2024 in Order No. 06 of 2024 on the tariff framework for the procurement of power by Distribution

Licenses and others from Solar Power Projects to be commissioned in the State of Gujarat. Further, the Control Period for which the Tariff Order would be applicable has been defined under Clause 3.2(a) of the Tariff Order dated 31.08.2024 to be effective from 01.04.2023 till 31.03.2027.

- 5.3. The Petitioner had applied to develop a 1.1 MW (AC) Capacity Solar Power Project and injection of power at 11 kV voltage level system under 66 kV Sengpur substation and for its Captive Use. The Project is to be developed in terms and in accordance with the Gujarat RE Policy, 2023 of the State of Gujarat, Open Access Regulation 2011, read with the GERC Solar Tariff Order dated 31.08.2024.
- 5.4. On 29.01.2024, the Petitioner applied for the provisional GEDA registration for the ground-mounted solar power plant project. In furtherance of the same, the following timeline is of relevance:
- a) On 29.01.2024, Gujarat Energy Development Agency (GEDA) through registration no. GEDA/PR/GMS/23-24/01/654/525 has registered 1.1MW (AC) Solar power project of the Petitioner for grid connectivity application at 1 kV voltage level under 66 kV Sengpur Sub-Station.
 - b) On 01.02.2024 the Petitioner had submitted application for seeking grid connectivity for its proposed 1.1 MW (AC) solar project at 11 kV voltage level system under 66 kV Sengpur substation to DGVCL & GETCO.
 - c) On 11.03.2024, pursuant to the Petitioner's Application, GETCO had conveyed granting of Grid connectivity and Technical Feasibility Report (TFR) for the Petitioner's proposed solar power project at 66 kV Sengpur Sub Station, having capacity of 1.1 MW AC.

- d) On 12.03.2024, upon receipt of the TFR, the Petitioner had initiated the land acquisition process for setting up the solar power plant project and the Petitioner purchased the land through a sale deed.
- e) On 19.04.2024 Petitioner executed a Bank Guarantee in favour of the DGVCL amounting to Rs. 5,50,000/-
- f) On 11.05.2024, Petitioner received the test report of CTPT from Baroda calibration Services regarding the CT PT installation.
- g) On 24.05.2024, the Petitioner received the approval of the technical specifications of main and check ABT Meters for the Projects.
- h) On 06.08.2024, CEA, MoP vide its certificates allotted registration number i.e., 1400012391 to the project of the Petitioner.

5.5. The Petitioner has prayed that the Respondent refrain from invoking the Bank Guarantee till the expiry of the claimed extended time period granted for commissioning the Evacuation Line along with the metering system.

5.6. In terms of the Gujarat RE Policy 2023 and the GERC Solar Order dated 31.08.2024, the Petitioner was to complete the Project and evacuation of the dedicated evacuation line within 12 months from the date of allotment of transmission capacity. i.e. on or before 10.03.2025 in the present case. The Respondent has referred to Clause 3.9 of Tariff Order dated 31.08.2024 and Clause No. 17.1 to 17.5 of the Gujarat RE Policy 2023.

5.7. As per aforesaid, if the Developer fails to commission the dedicated evacuation line along with the metering system and bays as well as the awarded project capacity within the timelines specified, the Connectivity

granted to such Project developers shall be cancelled and the Bank Guarantee shall be encashed.

5.8. The Petitioner has applied for grant of grid connectivity at 11 kV voltage level system in terms of GERC Open Access Regulation 2011, the application has been processed by DGVCL in consultation with GETCO and upon grant of TFR for its applied capacity of 1.1 MW under 66 kV Sengpur substation, the Petitioner had furnished the Bank Guarantee in favour of DGVCL.

5.9. The Petitioner has alleged that it met with the following challenges while pursuing the laying of transmission lines along with the metering system, for which the Petitioner has sought a three-month extension for the commissioning of the evacuation/transmission line along with the metering system, as under:

- (a) Unprecedented Heavy Rainfall and Flooding in the Project Area;
- (b) Change in Anti-Dumping duty on Solar Panels,
- (c) Change in Banking Policy by the Government.
- (d) Delay in the grant of NA Permission.

5.10. The extension of the time, as sought by the Petitioner, shall be considered by the Commission in accordance with the applicable law. As laid down in the Tariff Order dated 31.08.2024, the Petitioner is required to commission the Project within 12 Months from the date of allotment of transmission capacity by way of receiving the Technical Feasibility Report (TFR) i.e. by 10.03.2025.

5.11. The failure to do so cannot at such a belated stage be raised to claim an extension of the timeline when the Petitioner was well aware of the timelines as provided before taking up the Project. Therefore, DGVCL is well within its rights to seek the measures as provided under the Order dated 31.08.2024 if the Petitioner fails to commission the project.

- 5.12. There are no specific force majeure provisions in the Tariff Order dated 31.08.2024. Force majeure Clauses are only to be provided in an agreement between the parties. In the present case, there is no such agreement. The contention of the Petitioner to the contrary is erroneous.
- 5.13. The responsibility of the Petitioner to demonstrate that the delay caused in following the timeline was not attributable to the Petitioner. The burden of proof in this regard lies on the Petitioner and the Petitioner is required to substantiate its claim and the Commission may verify the same. If there was any default or imprudence on the part of the Petitioner, the Petitioner cannot be allowed an extension. Further, if the Petitioner was otherwise delayed, it cannot then take advantage of unforeseen events to claim advantage and seek an extension of time.
- 5.14. The responsibility for ensuring the timely development of the evacuation facilities / project rests solely with the Petitioner.
- 5.15. DGVCL vide letter dated 04.04.2025 had issued default and show cause notice to the applicant to furnish the reasons as to why the TFR awarded to the Applicant should not be cancelled and revoked on account of violation of the GERC Tariff Order dated 31.08.2024 read with Gujarat RE Policy 2023.
- 5.16. As per the Clause(s) 2.2.3 & 3.2(a) of the Tariff Order dated 31.08.2024, the effective date of the Order is from 01.04.2023 to 31.03.2027. The projects commissioning during the said period shall be governed by the provisions of Ministry of Power, Green Open Access Rules 2022, read along with GERC (Terms and Conditions for Open Access) Regulations 2024. Thus, the contention of the Petitioner regarding applicability of GERC Order dated 31.08.2024 is for prospective projects only and from 30.12.2024 onwards is wrong and denied.

- 5.17. The Bank Guarantee was also submitted in favour of DGVCL for the capacity of 1.1 MW (AC) totaling to Rs. 5,50,000/-. The Bank Guarantee is valid until 12.06.2025. It is the responsibility of the Petitioner to ensure that the Bank Guarantee remains valid. Further, the Bank Guarantee is an unconditional bank guarantee and DGVCL is entitled to encash the same in case of default by the Petitioner.
- 5.18. Further it is to note that the TFR by GETCO was allowed on 11.03.2024 and no details as to when the claim for land acquisition was made is not provided by the Petitioner. Mere acquisition of the land does not by itself indicate that there is no delay by the Petitioner.
- 5.19. That the rainfall during rainy season is normal and expected. The Petitioner is required to demonstrate that the same was unforeseen. Even otherwise, the Petitioner has not been able to bring on record any reliable report from the Meteorological Department to support its claims. The claim of the Petitioner is liable to be rejected on this ground.
- 5.20. It is not clear how an increase in solar module rates pursuant to the Notification dated 04.12.2024 (i.e. 9 months from the date of the issuance of the TFR) impacts the timelines for the project. Similarly, a mere rise in solar module rates may not be the basis for any grant of extension.
- 5.21. In any case, the issue has to be seen for reasons of delay and the alleged approvals do not indicate or justify the delay of the Petitioner otherwise. The Petitioner submitted that it received the NA permission for using the land on 14.09.2024 and 16.09.2024. No further details as to when the same was applied or how much time the process took have been provided by the Petitioner. Further, it is a settled principle of law and reasonable that the Government or the authorities of the Government would take some

reasonable time to process any request and this cannot be claimed as Force Majeure. In this regard DGVCL craves reference to the following decisions of the Hon'ble Court:

- 1 NTPC Vidyut Vyapar Nigam Ltd v. Precision Technik Pvt. Ltd 2018 SCC OnLine Del 13102-
- 2 Pasithea Infrastructure Ltd. vs. Solar Energy Corporation of India & Anr. 2017 SCC OnLine Del 12562-

5.22. There was no revision in the Banking Regulations as such, the letter dated 31.08.2024 was issued as a clarification based on the clarification as issued by the Ministry of Power.

5.23. With regard to Unprecedented Heavy rainfall, it is submitted that the alleged unprecedented rainfall and flood is not admitted and is being claimed without any supporting documentation. The rainfall during monsoon season is normal and cannot be claimed as an unforeseen circumstance. The Petitioner has not been able to bring on record any reliable report from Meteorological Department to substantiate its claims. The claim of the Petitioner is liable to be rejected on this ground alone

5.24. With regard to commissioning of evacuation line, it is submitted that the Regulations, Tariff order and the RE Policy were clear about the timeline fixed for the commissioning of the project. The failure on the part of the Petitioner to adhere to the same and commissioning the project cannot be fastened upon the DGVCL and the Petitioner cannot escape its liability by raising belated , frivolous and baseless uncontrollable events.

5.25. With regard to delay caused due to delay in NA Permission , it is submitted that no details as to when the approval for land was applied or how much time the process took have been provided. Any RE Project is required to

obtain and avail all project related approvals from the designated authorities/offices in terms of the applicable law, Regulations/Orders and RE Policy.

- 5.26. It is not clear what regulatory uncertainty the Petitioner is referring to. In response to the same, it is submitted by DGVCL that the State Government vide notification dated 04.10.2023 issued Gujarat RE Policy 2023 for RE projects to be installed and commissioned in the State of Gujarat from the date of issuance of Policy till 30.09.2028.
- 5.27. Moreover, the Commission vide notification dated 21.02.2024 issued GERC Green Open Access Regulations 2024 along with the GERC Open Access Regulation 2011. Additionally, a discussion paper dated 02.03.2024 was also issued by GERC for issuing GERC Tariff Order for solar projects across the State of Gujarat. The Petitioner is put to strict proof thereto in regard to its claims of regulatory uncertainty. It is further submitted that the Petitioner has not provided any timelines for the alleged delay it is claiming. The Petitioner has merely claimed various reasons without providing any timelines of the same.
- 5.28. It is not open to the Petitioner to claim that the time period provided is not sufficient for commissioning the Evacuation Transmission Lines. The Petitioner did not challenge the RE Policy 2023 or the Tariff Order dated 31.08.2024 and the same has attained finality. As per the Tariff Order dated 31.08.2024 and Clause 2.2.3 and 3.9 the time-period of 12 months as determined by the Commission has been determined following the due procedure which involves consulting with the stakeholders involved and the same has now attained finality. Hence, at such a belated stage from the date of the award of TFR a request of extension cannot be raised.

6. Petitioner's Rejoinder reply dated 25.06.2025 and 22.07.2025.

- 6.1. The Petitioner submits that the petitioner had endeavoured to complete the project in time, however due to certain factors enumerated in the petition, the petitioner could not commission the project within the stipulated time.
- 6.2. On 11.5.2024 the Petitioner received the test report of CT PT from Baroda Calibration Services regarding the CT PT installation. That thereafter the Project was registered by Gujarat Energy Development Agency on 22.5.2024. Thereafter the Petitioner received the approval of technical specifications of main and check ABT Meters for the Project on 24.5.2024. Further a report dated 15.07.2024 was received by the Petitioner from the laboratory of the Respondent No.3 relating to ABT meter testing. That, the Ministry of Power, vide certificate dated 6.8.2024 was pleased to allot unique registration to the Project.
- 6.3. It is submitted that the Petitioner received the NA permission use of the land only on 14.9.2024 and 16.9.2024. Therefore the Petitioner lost around 6 months due to delay in grant of NA permission by the authorities and for no fault on the part of the Petitioner. At the time of filing the present petition, the land levelling of the project is complete and the fencing work has also been done. While, the Petitioner was undertaking the work towards completion of the land infrastructure, the looming regulatory uncertainty on account of various aspects created impediments for the Petitioner which has also resulted in inadvertent delay in the execution of the project. That the reassessment of the solar power plant project capacity due to revised banking regulations (capping banking at 30% of net consumption from DISCOM) has resulted in financial hardships for the Petitioner. These unforeseen circumstances resulted in inadvertent delays, which were beyond the Petitioner's control.

- 6.4. The Petitioner was constrained to undertake a comprehensive reassessment of the project capacity because of the issuance of Letter No. GUVNL/0079/08/2024, dated 31.08.2024, by the Government of India, wherein clarifications were provided regarding the permissible capacity for banking purposes.
- 6.5. The, aforesaid letter stipulated that the banking facility shall be limited to an upper cap of 30% of the net consumption from the Distribution Company (DISCOM), thereby necessitating a thorough re-evaluation of the Petitioner's ground-mounted solar power plant capacity. Due to the said clarification, the Petitioner was compelled to temporarily suspend plant activities, as any revisions to the project capacity could have potentially led to far-reaching changes in the project's configuration, scope, and timeline.
- 6.6. Further owing to the unprecedented heavy rainfall and flooding in the Project area, rendering the work and supply receipt impossible for a longtime. That the Petitioner also faced problems with regard to the increase in anti-dumping duty on solar glass and therefore the module delivery got delayed by 2 months.
- 6.7. It is submitted that despite the hardships faced by the Petitioner and the unforeseen events that occurred, the project has progressed.
- 6.8. Hon'ble Supreme Court, in **M.P. Power Management Co. Ltd. v. Renew Clear Energy Pvt. Ltd.**, (2018) 6 SCC 151, has held that where substantial investment is made and project progress is evident, delay should not defeat commissioning. The Petitioner has made significant financial and infrastructural investments. To deny extension would cause irreparable loss and defeat the objective of encouraging renewable power generation under public policy.

6.9. It is further submitted that in view of the averments and contentions taken in the Petition filed by the Petitioner is required to be allowed and the prayers prayed for therein are required to be granted in the interest of justice.

6.10. Vide written submission dated 22.07.2025 the Petitioner submitted that project activities are currently underway and have specific target dates for completion:

The information and updates pertaining to the approvals and projects are mentioned herein with the below respective tables:

PROJECT UPDATES (PANKAJ ENKA)		
Sr No	Particular	Pankaj Enka
1	Legs	Complete
2	Structure	Complete
3	Civil Work	Complete
4	Transmission Line cable laying	Complete
	Cable inspection done	Complete
	HDD work for transmission line	Complete
5	IC Yard Work	Complete
6	EARTHING WORK COMPLETE	Pending
7	AC Wire Work	Pending
	DC Wire Work	Pending
8	IDT Yard	Pending
9	VCB Penal Delivery	Installed
10	Inspection of VCB	Completed
11	All the Other required Equipment Delivery	Scheduled
12	Planning for Project Commission	30 th September 2025
13	ROW NOC Permissions for laying of Transmission line	Received
14	Testing for ABT Meter:- Generation End	Complete

15	Installation of Sub Station End ABT Meter	Complete
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6.11. The Petitioner have obtained the necessary approvals and are actively following up with the concerned authorities to secure the remaining approvals required for project commissioning. The ongoing updates regarding project progress and approvals clearly demonstrate the Petitioner's intent and readiness to commission the project at the earliest.

6.12. As mentioned above, the evacuation of the transmission line work has already been successfully completed. Petitioner have also received the Work Completion Certificate from Dakshin Gujarat Vij Company Limited (DGVCL) in favor of the Lead Generator - Harmony Yarn Pvt. Ltd.

6.13. This confirms that the transmission line infrastructure required for power evacuation is fully established and operational.

6.14. In view of the above, it is respectfully reiterated that the delay was neither deliberate nor negligent but purely attributable to factors beyond the Petitioner's control. The Petitioner humbly seeks indulgence of this Commission for an extension **of three months** from the date of the order to commission the project in full compliance with technical and statutory requirements.

6.15. The Petitioner reiterates that the delay was not due to any negligence or default but due to uncontrollable and bona fide factors. The Petitioner remains committed to timely commissioning post-extension and assures that all pending formalities are being expedited.

7. DGVCL's reply dated 17.07.2025

7.1. The Respondent reiterated its contentions and further submitted as under:

7.2. The extension has been sought by the Petitioner on account of the following alleged challenges faced in laying the transmission lines, which caused the delay, as claimed by the Petitioner, as under:

- (a) Unprecedented Heavy Rainfall and Flooding in the Project Area;
- (b) Change in Anti-Dumping Duty on Solar Panels;
- (c) Change in the Banking Policy by the Government;
- (d) Delay in the grant of NA Permission.

SCOD STATUTORY FRAMEWORK:

7.3. In terms of clause 3.9 of the Tariff Order dated 31.08.2024 and Gujarat RE Policy 2023, the Petitioner was required to commission the Project along with the evacuation facility within 12 Months from the date of allotment of transmission capacity by way of receiving the Technical Feasibility Report (TFR), i.e. by 10.03.2025.

7.4. If the Developer fails to commission the dedicated evacuation line along with the metering system and bays, as well as the awarded project capacity within the timelines specified, the Connectivity granted to such Project developers shall be cancelled and the Bank Guarantee shall be encashed. Further, the cancelled capacity shall be included in the list of spare capacity available for RE integration to be published on the respective website. The Commission has also given the rationale for the same.

Preliminary Objections:

7.5. There are no specific force majeure provisions in the Tariff Order dated 31.08.2024. Force majeure clauses are only to be as provided in an agreement between the parties. In the present case, there is no such agreement.

- 7.6. In terms of the Tariff Order dated 31.08.2024, the Petitioner is required to commission the Project along with the evacuation facility within 12 Months from the date of allotment of transmission capacity by way of receiving the Technical Feasibility Report (TFR), i.e. by 10.03.2025. The failure to do so cannot, at such a belated stage, be raised to claim an extension of the timeline when the Petitioner was well aware of the timelines as provided before taking up the Project.
- 7.7. The Petitioner has also relied upon the judgment of the Hon'ble Supreme Court in the matter of **M.P. Power Management Company Limited vs Renew Clear Energy Private Limited** as reported in (2018) 6 SCC 151 to substantiate its submission. In response thereto, it is submitted that the said decision of the Hon'ble Supreme Court, as relied upon by the Petitioner, is distinguishable from that of the present case as the delay in the MP Power (supra) case was only for 16 days and the project was on the verge of the completion in contrary to the delay of 3 months as claimed by the Petitioner in the present case.
- 7.8. In the absence of supporting documents or any evidence with regard to the unforeseen events as claimed by the Petitioner, no relief can be granted to the Petitioner as the onus of proof to prove that the events as claimed were unforeseen and in spite of the best efforts of the Petitioner, the delay occurred which the Petitioner has failed to do so in the present case.

Regarding the Tariff Order dated 31.08.2024 & RE Policy 2023:

- 7.9. As per the Tariff Order dated 31.08.2024, the following factors have to be observed for considering if the Project has been impacted by any unforeseen circumstance:

- (a) Type of events that impacted the commissioning of the Project;
- (b) How has the project been impacted by such events;
- (c) The impact, if any, caused the delay for how much duration.

7.10. In the Tariff Order dated 31.08.2024, this Commission has noted the requirement of the timely completion of the power evacuation system and the timely execution of the project. Clause 3.9 of the Tariff Order dated 31.08.2024 states that the proposed evacuation system from the pooling station of solar projects forms part of the overall GETCO System.

7.11. While the timely completion of the power evacuation system for such solar projects is essential, the timely execution of the project is also equally important. As per the Tariff Order dated 31.08.2024, the Solar Power Project Developer is mandated to commission the project for at least 10% of the allotted capacity within one month of charging the evacuation line or as per the timeframe stipulated, whichever is earlier, failing which, the Developer shall be liable to pay long-term transmission charges for 10% of the allotted capacity until such 10% of the allotted capacity is commissioned. The balance 90% capacity shall require to be commissioned within one year of charging of evacuation line or as per timeframe stipulated above, whichever is earlier, failing which STU shall cancel the connectivity and Open Access granted, to the extent of capacity not commissioned and the RE developer shall have no claim on such capacity and pay relinquishment charges as determined by the Commission.

It was the responsibility of the Petitioner to demonstrate that the delay caused in following the timeline was not attributable to the Petitioner. The burden of proof in this regard lies on the Petitioner, and the Petitioner has failed to substantiate its claim. No documents / proof has been produced to prove the effect of the claims.

7.12. The issue-wise submissions on the claims of the unforeseen circumstances as raised by the Petitioner are as under:

Unprecedented Rainfall:

7.13. The alleged unprecedented rainfall and flood are not admitted and are being claimed without any supporting documentation. The rainfall during the monsoon season is normal and cannot be claimed as an unforeseen circumstance. Further, it is not clear when the approval for drawings was received, only on 30.11.2024, what work was being carried out previously by the Petitioner. Further, the alleged issues with the power project are not relevant when the present dispute, as raised by the Petitioner, which pertains to evacuation lines.

7.14. The Petitioner has not been able to bring on record any reliable report from the Meteorological Department to substantiate its claims. The claim of the Petitioner is liable to be rejected on this ground alone.

7.15. The rainfall during the rainy season is normal and expected. The Petitioner is required to demonstrate that the same was unforeseen. Even otherwise, the Petitioner has not been able to bring on record any reliable report from the Meteorological Department to support its claims.

7.16. The Petitioner, in order to claim the delay due to the reason of unprecedented rainfall, should have demonstrated that rainfall during the rainy season impacted the execution of the infrastructure work related to the project, and the same was actually 'unprecedented'.

Change in the Anti-Dumping Duty

7.17. As regards the submission of the Petitioner to the effect on the project timeline and budget on the account of the Change in Law pertaining to the imposition of the Anti-dumping duty on solar glass. It is to be mentioned that the Ministry of Finance (Department of Revenue), Central Government, vide notification no. G.S.R. 749 (E) no. 26/2024-CUSTOMS (ADD) dated 04.12.2024 has imposed Anti-Dumping Duty on specific countries originated textured toughened (tempered) coated and uncoated glass. Since the notification for the imposition of Anti-Dumping Duty by the Central Government is of 4th December 2024, which is almost after 11 months from the date of TFR award, any reliance of the Petitioner on said notification for delay in project timeline and budget is not acceptable. In any event, these are financial and commercial decisions of the Petitioner, which can never be considered as a force majeure event.

Revision in the Banking Regulations:

7.18. There was no revision in the Banking Regulations as such, the letter dated 31.08.2024 was issued as a clarification based on the clarification as issued by the Ministry of Power. No issue was raised by the Petitioner previously, and further, it has to be considered whether there was any impact of the alleged reassessment of the evacuation line. The Petitioner has also not provided any details of when it allegedly suspended the project activities and restarted the same.

7.19. It is submitted that the Petitioner has failed to show or substantiate how the clarification of the banking of energy regulations affects the project capacity of the Petitioner, and in view of the same, how the reduction in the project capacity is required. In view of the same, the above delay, as contended by the Petitioner, is baseless.

Delay due to the grant of NA Permission

- 7.20. The Petitioner in the Petition has alleged that the project got delayed by around 6 months in the grant of NA Permission by the authorities. No details as to when the approval for land was applied for or how much time the process took have been provided. Any RE Project is required to obtain and avail all project-related approvals from the designated authorities/offices in terms of the applicable law, Regulations/Orders and RE Policy.
- 7.21. Further, it is a settled principle of law and reasonable that the Governments or authorities would take some reasonable time to process any request and this cannot be claimed as Force Majeure.
- 7.22. In the above facts and circumstances, it is submitted that the Commission may consider the aforesaid submissions made by DGVCL while passing the Order in the present Petition.

Commission's Finding and Analysis:

8. Heard the parties. The present petition has been filed by the Petitioner seeking extension of time period for commissioning of the transmission line along with metering system by a period of 3 months from the date of allotment of transmission capacity to the Petitioner by the Respondent No. 1 GETCO. The Petitioner has also requested to direct the Respondent No. 3 and 1 to refrain from invoking the Bank Guarantee submitted by the Petitioner till the expiry of the extended time period granted by the Commissioning the evacuation line along with metering system. The Petitioner also undertakes that the Petitioner shall extend the time period mentioned in the Bank Guarantee provided to the Respondent No. 3 herein as per the granted extended time period.
9. The undisputed facts between the parties are as under:

- 9.1. The Petitioner has been granted technical feasibility for set up 1.1 MW (AC) solar power plant for captive use on 10.03.2024 for power injection point at 66kV Sengpur Sub-station by the Respondent No. 1 GETCO. As per the technical feasibility granted by the Respondent No. 1 GETCO, it is subject to pre-proposed 1 no of 11 kV Solar feeder panel with power evacuation (Grid Connectivity) of 2.75 MW (AC) from solar plant of M/s Pragati Synthesis Pvt. Ltd (lead Generator) located at village Hirapor Ta : Valia.
- 9.2. As per the connectivity (TFR) granted, the Petitioner was required to commission the transmission line by 10.03.2025.
- 9.3. As per Clause 17 of the Gujarat Renewable Energy Policy 2023 dated 04.10.2023, the Renewable Energy project developer shall require commissioning the entire evacuation line along with bay and metering system within 12 months from the date of allotment of transmission capacity for RE project up to 100 MW.
- 9.4. In case of RE project developer fails to commission the entire evacuation line with bays and metering system within the stipulated time period, STU or DISCOMs shall encash the Bank Guarantee.
- 9.5. On 18.04.2024, the Petitioner has paid Bank Guarantee of Rs.5,50,000/- issued by Axis Bank to DGVCL, the expiry of which is mentioned as 12.03.2025.
- 9.6. The claim of expiry date of bank guarantee is mentioned as 12.06.2025.
- 9.7. The Petitioner has stated that it has completed works for creation of evacuation infrastructure and also invested huge amount in the project as stated in the earlier Para 5.10 of this Order.

10. The disputed facts between the parties are as under:

10.1. The banking facility provided in Green Energy Open Access Regulations is not having clarity lead to delay in construction of transmission system which is dispute between the parties.

10.2. The Petitioner claimed that delay occurred in construction of transmission system due to unprecedented rainfall and flooding.

10.3. Delay due to increase in solar modules rates.

10.4. Delay in getting the NA permission of land from the Government authorities for solar power project.

11. Now, we deal with the issues one by one which are under dispute between the parties as under:

12. Delay occurred due to Banking facility clarification:

Petitioner's Submissions:

12.1. The Petitioner submitted that the Commission has notified Green Energy Open Access Regulations, 2022 wherein it is permitted to grant open access for green energy to the generator, consumer, licensee for transmission/distribution of energy by utilization of licensee network. The consumers having contract demand of sanctioned load of 100 KW or more are eligible for open access.

12.2. Regulation 17 of the said Regulations provides for Banking facility and charges. The Banking facility and charges are specified in Regulations 17.6 (vi). A plain reading of the aforesaid provision reflects that the consumers should be allowed banking facility of minimum 30% of total consumption. However, the said issue was interpreted by the concerned authorities in

Gujarat that they would allow banking for the quantum of energy which was above 30% of total consumption. It led to uncertainty amongst the stakeholders/ developers, and they are approaching relevant authorities for clarification of the said provision.

12.3. It is submitted that the aforesaid interpretation had been ignored the infirm nature of the Renewable energy.

12.4. Some of the RE developers/ consumers /investors have approached the Energy & Petrochemicals Department, Govt. of Gujarat and Ministry of Power, Govt of India regarding interpretation of banking provision of Green Energy Open Access Rules,2022.

12.5. The Ministry of Power, issued clarification on 21.8.2024 with respect to the banking provision of Green Energy Open Access Rules,2022, stating that:

- a) Energy obtained through open access arrangements, either through a third-party supplier or via captive generation utilizing the distribution network will be excluded from the calculation of banked energy.
- b) The permissible quantum of banked energy, a minimum of 30% of total monthly consumption, only the energy directly procured from the distribution licensee shall be considered.

12.6. GUVNL issued a clarification on banking provisions after receipt of clarification from the MoP on 31.08.2024. Specifically, the aforesaid letter stipulated that the banking facility shall be limited to an upper cap of 30% of the net consumption from the Distribution Company (DISCOM), thereby necessitating a thorough re-evaluation of the Petitioner's ground-mounted solar power plant capacity. In consequence of the said clarification, the

Petitioner was compelled to temporarily suspend plant activities, as any revisions to the project capacity could have potentially led to far-reaching changes in the project's configuration, scope, and timeline. Following the clarification on banking and reassessment of project capacity, the Petitioner resumed work with full speed to meet the commissioning deadline.

12.7. Therefore, the Petitioner was unable to carry out project development work due to uncertainty about the banking affecting the designing of the project.

Respondent's submission:

12.8. As per the Respondent, the contention of the Petitioner with regard to non-clarity on banking facility is not permissible as a ground for extension of the time limit for the transmission system.

12.9. There was no revision in the Banking Regulations as such, the letter dated 31.08.2024 was issued as a clarification based on the clarification as issued by the Ministry of Power.

12.10. The Petitioner has not shown how lack of clarity in banking regulation impacting the evacuation system to be laid down by the Petitioner. The Petitioner has not provided any details of approaching to the Commission for clarification nor has stated the efforts taken by it. The Petitioner did not approach the Commission at that time for any aspects of delay. The capacity for evacuation of line as per the procedure is based on voltage of connectivity and not capacity of the project. The capacity of the line to be constructed by the Petitioner would have remained same irrespective of capacity of the project. Hence, the contention of the Petitioner on above aspect is not valid.

Commission's Analysis:

12.11. We note that the Petitioner has raised the issue that Regulation 17 of the Green Energy Open Access Regulation which state with regard to banking

facility is not having clarity, it provides the banking quantum is permitted to green energy open access consumer shall be at least 30% of total consumption of electricity from the distribution licensee by the consumer which means the banking permitted is minimum 30% of total consumption of the licensee. The interpretation of the same provision led to uncertainty, and it creates regulatory vacuum. In absence of the clarification on it the investment be on standstill position. The said issue was clear with clarification dated 31.08.2024 issued by GUVNL based on MoP clarification dated 21.08.2024.

12.12. Per contra the Respondent submitted that the Petitioner has not shown how lack of clarity affected on evacuation of system to be laid down by the Petitioner. They had neither approached to the Commission nor taken any efforts against it. The evacuation line as per the detailed procedure is based on voltage of connectivity and not for the capacity of the project.

12.13. We note that the contention of the Petitioner is that there is regulatory vacuum during 13.02.2024 to 31.08.2024 on account of the banking permissible under green energy open access is concerned, we note that the Petitioner had applied for connectivity and evacuation of power from its 2.48 MW ground mounted solar Project. The Respondent GETCO had granted Technical Feasibility approval on 11.03.2024. The bank guarantee was paid by the Petitioner on 18.04.2024. The aforesaid facts transpires that the claim of the Petitioner that the regulatory vacuum on banking aspects affected to execute the transmission network by the Petitioner cannot be accepted and valid because it is an admitted fact that the connectivity was granted to the Petitioner on 11.03.2024 and bank guarantee was paid by the Petitioner on 18.04.2024. Thus, prior to above date the claim of the Petitioner that regulatory vacuum on banking aspects affected to the Petitioner to create necessary infrastructure is not correct and valid for the period prior to 18.04.2024.

12.14. We also note that the Petitioner has sought connectivity and applied for open access for evacuation of 1.1 MW project which is permissible based on the voltage capacity of the line on which such power evacuation is permissible. Thus, the transmission infrastructure and other facility which required to be created by the Petitioner is at the voltage capacity of such infrastructure i.e. at 11 kV transmission system including lines. It has no impact on banking facility because the necessary transmission infrastructure be created for evacuation of energy generated from 1.1 MW power project of the Petitioner.

12.15. We also note that the Petitioner has neither filed any Petition for clarification of banking provision to the Commission nor it had provided any supporting documents specifying that in absence of clarification on banking aspects it affects the Petitioner to create the distribution infrastructure.

12.16. Considering the above, we are of the view that the claim of the Petitioner that due to no clarification/clarity on permissible banking capacity under green energy open access regulations affected the Petitioner to create the necessary transmission infrastructure is not substantiated with facts and documents and it is not a ground for grant of extension.

12.17. We also note that the Petitioner has obtained the permission for the use of land for non- agriculture purpose only in September-2024 i.e., after clarification issued by MOP and GUVNL. Thus when project activity which are not started without that land how affecting the project work of the Petitioner due to non-clarification banking as alleged by the Petitioner. Hence, the contention of the Petitioner are not accepted and rejected.

13. Now we deal with the issue raised by the Petitioner that delay occurred in construction of transmission system due to unprecedented rainfall and Flooding.

Petitioner's submission:

- 13.1. We note that as per the Petitioner's submission it experienced delays in completing the transmission line along with metering system work due to unprecedented rainfall and flooding. The erection of transmission line works was not carried out due to surrounding areas were completely waterlogged, and unsafe for workers to proceed with the work. It has further submitted that delivery of plant and transmission line materials, initially planned for intervening period, had to be rescheduled. Unloading of materials to the project site was not possible, and already dispatched supplies had to be temporarily stored in highland areas far from the project site.
- 13.2. These unforeseen circumstances inevitably delayed the completion of the transmission line along with metering system of the project of the Petitioner.

Respondent's submission:

- 13.3. Per-contra the Respondent submitted that the rainfall during the rainy season is normal and expected. The Petitioner required to demonstrate that the same was unforeseen. Petitioner has not been able to bring on record any reliable report from the Meteorological Department to support its claims for heavy rainfall and flooding in the area of the project site. The claim of the Petitioner is liable to be rejected on this ground.

Commission's Analysis:

- 13.4. We note that the unprecedented rainfall and flood as stated by the Petitioner is without any supporting documentation. We note that the Petitioner has not placed on record the IMD data for heavy rainfall and flooding in the area of

the Project which are authenticated data and on relying on the same, the claim of the Petitioner can be justified. Hence, aforesaid ground is not valid and accepted for extension in timeline for construction of the solar power project of the Petitioner.

14. Now we deal with the issue raised by the Petitioner that there was delay due to hike in price of solar modules:

Petitioner's Submission:

- 14.1. The Petitioner submitted that one of the reasons for the delay in the project is the unforeseen hike in solar module rates, which is a direct consequence of the change in law pertaining to the imposition of anti-dumping duty on solar glass, thereby impacting the project's timeline and budget, necessitating a reassessment of the project's overall feasibility and scheduling.
- 14.2. That the Petitioner also faced problems with regard to the increase in anti-dumping duty on solar glass and therefore the module delivery got delayed by 2 months.

Respondent's Submission:

- 14.3. Per contra the Respondent submitted that the Ministry of Finance (Department of Revenue), Central Government, vide notification no. G.S.R. 749 (E) no. 26/2024-CUSTOMS (ADD) dated 04.12.2024 has imposed Anti-Dumping Duty on specific countries originated textured toughened (tempered) coated and uncoated glass. Since the notification for the imposition of Anti-Dumping Duty by the Central Government is of 4th December 2024, which is almost after 11 months from the date of TFR award, any reliance of the Petitioner on said notification for delay in project timeline and budget is not acceptable. In any event, these are financial and commercial

decisions of the Petitioner, which can never be considered as a force majeure event.

Commission's Analysis:

14.4. We note that the claim of the Petitioner for rise in solar modules rate vide notification dated 05.12.2024 affected the project timelines is concerned, we note that the TFR was issued on 11.03.2024 and the project activities required to complete before 10.03.2025 by the Petitioner. The price rise of modules rate effective after the notification dated 05.12.2024 where by the Petitioner had to place the order for the procurement of solar modules so that the Petitioner would complete the project related activities before the SCOD i.e. 10.03.2025. It is duty of the project developer to procure the materials, award contract etc. well in time so that the project shall be completed in time. Further the Petitioner has made the submissions of increase in project cost due to increase in module price, imposition of Anti-Dumping Duty by the Central Government etc. but there is no documentary evidence on record to substantiate the same. In absence of it, the claim of the Petitioner for delay of the project and evacuation establishment is not accepted and same is rejected. Hence, aforesaid ground is not valid and accepted for extension in timeline for construction of transmission system by the Petitioner.

15. **Now we deal with the issue raised by the Petitioner that there was delay due to getting NA Permission by the government authority.**

Petitioner's Submission:

15.1. The Petitioner submitted that it has faced issue with regard to delays in issuance of non-agriculture use permission which was due to delays by the State Government.

15.2. The Petitioner received the NA permission use of the land only on 14.9.2024 and 16.9.2024. Therefore the Petitioner lost around 6 months due to delay in grant of NA permission by the authorities and for no fault on the part of the Petitioner. That, at the time of filing the present petition, the land levelling of the project is complete and the fencing work has also been done. These unforeseen circumstances resulted in inadvertent delays, which were beyond the Petitioner's control.

Respondent's submission:

15.3. The Petitioner submitted that it received the NA permission for using the land on 14.09.2024 and 16.09.2024. No further details as to when the same was applied or how much time the process took have been provided by the Petitioner. Any RE Project is required to obtain and avail all project-related approvals from the designated authorities/offices in terms of the applicable law, Regulations/Orders and RE Policy.

15.4. Further, it is a settled principle of law that the Government or authorities of the Government would take some reasonable time to process any request and this cannot be claimed as Force Majeure.

Commission's Analysis:

15.5. We note that the Petitioner has raised the issue with regard to delay in NA permission by the authority for the land which want to utilize for the project. We also note that the Petitioner has placed on record the copy of NA Permission and lease deed in respect of Land. The Petitioner has stated that it had filed an application on 06.05.2024 for use of agricultural land being survey No. 428 Village: Hirapor for non-agriculture purpose on i-ORA Portal on the name of Shri Dolat Sinh Prabhat Sinh Kher. In the said application, NA permission was granted by the authority for use of agriculture land for non-agricultural purpose on 14.09.2024 vide Order No. IORA/31/21/102/141/2024. Similarly in application for use of agricultural

land being land survey No. 427 Village: Hirapor Shri Surendrasinh Umangsinh Gohil had filed an application on on i-ORA Portal on 06.05.2024. In the said applications, NA permission was granted by the authority for use of agriculture land for non-agricultural purpose on 16.09.2024 vide Order No. OIRA/31/21/102/142/2024 dated 16.09.2024. It is further to note that the Petitioner had made lease deed for the said land being Survey No. 427 and 428 of Village Hirapor with the landowner. Thus, a period from 06.05.2024 to 14/16.09.2024, taken by the authority for issuance of NA permission in pursuance to application for use of agriculture land for non - agricultural purpose is an unforeseen reason which is beyond the control of the Petitioner and qualify for extension of 134 days.

- 15.6. Considering the extension in completion of transmission system eligible by the petitioner is 134 days under the NA permission for utilization of agricultural land for nonagricultural purpose. Thus, the time period eligible by the Petitioner is 134 days (4 months & 14 days).
16. Consideration of the above observation, out of the various grounds raised by the Petitioner for delay in completion of evacuation infrastructure for its project, the delay in getting NA Permission for use of agriculture land for developing the project is only valid and eligible.
17. The Petitioner is eligible to get extension of time for the completion of the project (i) Period from 06.05.2024 to 16.09.2024 i.e., 134 days became qualified against getting of NA Permission for use of agriculture land to non-agriculture industrial purpose as unforeseen events. Thus, the time period eligible by the Petitioner is 134 days (3 months & 14 days).
18. We also note that the Petitioner has placed on record the GEDA commissioning certificate., which is reproduced as under.

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To,

M/s. Harmony Yarns Private Limited

1st Floor, 65, Subhash Nagar Society, Gho Dod Road, At-Surat, Ta-Surat,

Dist.- Surat- 395001

Sub: Corrigendum in commissioning certificate in the Registration no.
GMSPVINDGEDA29092023-758

Ref: GEDA letter no. GEDA/SOL-758/2024/09/OW/4108 dated
21/09/2024

Dear Sir,

GEDA has issued commissioning certificate of a Solar Project having registration number referred in the above cited subject. In above certificate, site address be read as Survey no.434, 315 of Village-Hirapor, Ta- Valia, Dist.- Bharuch instead of Survey no. 434, 315 of Village- Fulvadi, Ta-Zagadiya, Dist.- Bharuch.

Thanking you,

Yours faithfully

(Jatin Desai)

Sr. Project Executive I/c.

.....”

19. From the aforesaid, the Petitioner submitted that the work completion certificate received from the Respondent DGVCL in favor of the lead generator-Harmony Yarn Pvt. Ltd. Further the Petitioner submitted that the planning for the Commissioning of the project up to 30.09.2025. and submitted the status of various activities reports for the solar power project. Hence, we are of the view that the connectivity which was granted to aforesaid generator and as a part of obligation on them to create necessary

transmission system was already created by them. Therefore, they should be allowed to continue their transmission connection with the Respondents.

20. We are of the view that the Petitioner project is small RE project having capacity of 1.1MW capacity only and it has completed the transmission network which is undisputed between the parties. We also note that certain delay is beyond the control of the Petitioner as stated in earlier part of this Order for 134 days. Further, the Petitioner has sought time of 3 months for commissioning of the power projects in the Petition and thereafter as per progress report submitted by the Petitioner wherein, time period up to 30.09.2025 sought by the Petitioner. We decide to allow extension of time for period of 134 days to the Petitioner for the commissioning of the solar power project and transmission system associated with the project.

21. We order accordingly.

22. With this Order, the Petition stands disposed of.

Sd/-
[S.R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 09/10/2025.