

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2472 of 2025.

In the Matter of:

Petition under Section 86 (1) (c),(e) and (f) and other applicable provisions of the Electricity Act, 2003 read with Regulations 80 and 82 of the GERC (Conduct of Business) Regulations, 2004 seeking extension of time period for construction of the evacuation infrastructure till 31.12.2025 and for use of spare 220 kV bay at 220 kV Kalavad S/s on temporary basis until 31.12.2025 and for granting the rightful time to the Petitioner for commissioning of the entire capacity of 25 MW of Wind- Solar Hybrid Power at 220 kV Kalavad as per procedure for “ Grant of Connectivity to Projects based on renewable sources to intra-State Transmission system” dated 07.01.2023.

Petitioner : M/s. OP Wind Energy Pvt. Ltd.
207, Kuber Avenue, Punch Bungalow Road,
Near Gurudwara Cross Road, Jamnagar
Gujarat-361001.

Represented By : Ld. Adv. Mr. Aditya K. Singh

V/s.

Respondent : Gujarat Energy Transmission Corporation Limited
Sardar Patel Vidyut Bhavan
Race Course Circle, Vadodara – 390007.

Represented By : Ld. Adv. Mr. Aneesh Bajaj with Mr. Shobhraj Jayswal

CORAM:

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

Date: 14/08/2025.

DAILY ORDER

1. The present matter was kept for hearing on 31.07.2025.
2. Ld. Adv. Mr. Aditya K. Singh appearing on behalf of the Petitioner made submissions traversing through, various documents and argued the matter referring to different provisions of the Detailed Procedure, factual aspects and relevant Judgements.
 - 2.1. He submitted that the Petitioner is seeking extension of time period for construction of the evacuation infrastructure till 31.12.2025 and for use of spare 220 kV bay at 220 kV Kalawad S/s on temporary basis until 31.12.2025 and; for granting an extension of time till 31.12.2025 for construction of evacuation infrastructure and bays at 220 kV Kalwad S/s and; for granting the time to the Petitioner for commissioning of the entire capacity of 25 MW of Wind- Solar Hybrid Power at 220 kV Kalawad S/s as per procedure for “Grant of Connectivity to Projects based on Renewable energy sources to Intra-state Transmission system” issued by GETCO.
 - 2.2. He submitted that the Petitioner is developing a 100 MW hybrid & 50 MW wind power project at village-Nagpur, Ta- Kalwad, Dist- Jamnagar at 220 kV level with 220 kV Kalawad substation of Respondent GETCO.
 - 2.3. He submitted that the Petitioner applied for the grant of Stage-I and Stage-II connectivity in 6 parts i.e. 100 MW (25 +25 +25 +25) MW Hybrid & 50 MW (25 + 25) MW Wind power seeking grant of connectivity for 25 MW each. The Respondent granted Stage-II connectivity of 25 MW + 25 MW + 25 MW on 30.06.2023, (25 MW + 25 MW) on 28.12.2023 and 25 MW on 12.03.2024.
 - 2.4. He submitted that the Petitioner had applied to the Energy Petrochemicals Department, Government of Gujarat for approval under Section 68 and Section 164 to install 220 kV S/C OH line between OEPL's Wind Solar Hybrid Farm Pooling substation at village Nagpur, Ta-Kalwad, Dist-Jamnagar, upto

200 kV Kalawad substation of GETCO for an approximate line length of 8.144 KM. This was duly approved by the Energy Petrochemicals department, Government of Gujarat on 26.10.2023.

- 2.5. He submitted that the progress in the project of the Petitioner was substantially and adversely impacted due to occurrence of following uncontrollable and unforeseeable events tantamount to force majeure events which delay the completion of the construction work and achieving the SCOD of the project, viz.: (i) Delay due to requirement of GIS make (ii) Delay due to requirement of Common drawing approval (iii) Delay due to bay allocation and swapping.
- 2.6. He submitted that as regards the requirement of GIS make, he submitted that the Respondent granted Stage-II connectivity of 25 MW + 25 MW + 25 MW on 30.06.2023. On 28.07.2023 GETCO issued the estimate to be deposited against the supervision charges for the said connectivity which was paid by the Petitioner on 24.08.2023. The first kick-off meeting was called by GETCO for the allocation of bay to the different applicants. The Petitioner requested GETCO for the approved vendor list for development of the evacuation system including GIS. On 25(30).09.2023 GETCO issued the approved makes for all items including the GIS make. M/s Shrinathji Electricals was approved as the contractor for erection of structure and equipment and the list indicated Siemens as the only vendor for GIS bay. The Petitioner approved Siemens for the GIS make, since the existing GIS make of the GETCO substation was made by M/s Chint Electric, the Petitioner was required to obtain the specifications, sizes and measurement of the existing GIS so as to integrate a different make GIS and suitably design the adapter. On 10.11.2023 an email was sent by the Petitioner to GETCO requesting for a scheduled outage to enable it to take the measurement and specifications. The Respondent itself on 23.11.2023 sent an email to M/s Chint Electric for the scheduled shutdown and deployment of its staff at the substation on 30.11.2023. M/s Chint Electric shared a fee

quotation for deployment of its staff for supervision during shutdown. The Petitioner on 28.11.2023 wrote an email to GETCO that the fee quote given by M/s Chit Electric is very high only for deployment of a person when the GIS system is still under warranty. The Petitioner on 12.02.2024 and 02.03.2024 requested GETCO to allow it for existing GIS make vendor i.e. M/s Chint Electric for development & construction of bay. On 02.04.2024 GETCO denied this request of the Petitioner to engage existing vendor of GETCO for development of GIS at Kalawad substation due to restriction of Central Government to use material of make of that country as per the provision of Cross- Border Policy.

- 2.7. With respect to requirement of common drawing approval, he submitted that on 22.02.2024, in another kick off meeting with other generators and GETCO for the bay allocation at the 220 kV Kalawad S/s, it was directed by the GETCO that all developers have to submit common drawings jointly for common approval. This meeting declared the earlier MOM dated 12.09.2023 and 22.11.2023 as null and void. This led to further delays in the construction work. On 22.05.2024 the Respondent, GETCO, sent a letter to all the four generators at the 220 kV Kalawad S/s seeking for submission of common drawing for approval of GETCO. On 27.05.2024 M/s. Morjar and M/s. OPwind applied to GETCO for joint approval for common drawings. The Petitioner communicated that coordination with other two developers i.e. M/s. Cleanmax and Suzlon was an impediment as their work was undertaken already much ahead of the other developers. This continuous change of requirement in relation to common drawing approval further led to delay in bay construction. The Respondent on 11.09.2024 communicated approval of part layout plan and section drawing allocation of 220 kV GIS feeder bays to the Petitioner and other developers.
- 2.8. With respect to the delay in construction due to bay swapping and bay allocation, he submitted that on 12.09.2023 the bay allocated was (1) M/s.

Morjar, (2) M/s. OP Wind (3) M/s. Suzlon. On 16.09.2023 the connectivity granted to M/s. Morjar for 200 MW was revoked consequently, the construction work of the bay allocated to it by GETCO came to a standstill. It was only after the interim order granted by the Hon'ble Gujarat High Court in Application No. 18685 of 2023 the Petitioner was granted Bay by way of meeting dated 22.11.2023. The Petitioner was again placed at Bay -2 after meeting dated 22.12.2023. During the meeting held on 22.02.2024, the earlier MOMs dated 12.09.2023 and 22.11.2023 wherein the bay numbers were allotted to the developers were held void. On 09.08.2024 the bay allocation was finalised with a sequence (1) M/s. Morjar (2) M/s. OP Wind (3) M/s. Cleanmax (4) M/s. Suzlon. Therefore on this ground the Petitioner seeks an extension of 332 days for the unforeseen event from 12.09.2023 to 09.08.2024.

- 2.9. He further submitted that the Petitioner and M/s. Morjar jointly vide letter dated 06.12.2024 written GETCO regarding progress on permanent bay allocated and extension of temporary bay usage.
- 2.10. Ld. Adv. for the Petitioner placed reliance on the following Judgment of the Commission:
- (a) M/s. Morjar Renewables Pvt. Ltd. vs. GETCO in Petition No. 2465 of 2025 Order dated 28.07.2025.
 - (b) M/s. Cleanmax Vayu Private Ltd. vs. GETCO in Petition No. 2401 of 2024 Order dated 17.06.2025.
3. Ld. Adv. Mr. Aneesh Bajaj appearing on behalf of the Respondent GETCO, submitted that the issue involved in the present Petition is pertaining to extension of time for construction of the evacuation infrastructure as well as relief in regard to use on temporary basis under stop gap arrangement of GETCO constructed bay at 220 kV Kalawad sub-station.

- 3.1. He further submitted that the Petitioner is seeking extension till 31.12.2025 or completion whichever is earlier on the basis of three alleged aspects i.e. (i) Delay due to requirement of GIS make (ii) Delay due to requirement of Common drawing approval (iii) Delay due to bay allocation and swapping.
- 3.2. He submitted that as regards delay due to requirement of GIS make – issues in regard to CHINT is concerned, the Petitioner was well aware of the Cross Border Policy and the requirement of another vendor in regard to GIS module. The Petitioner was well aware of the requirement of another vendor and the requirement of adapter and this was even before the grant of State-II connectivity on 28.12.2023. Further this was also clear from the meeting on 22.02.2024. The Petitioner on 12.02.2024 and 02.03.2024 requested to consider CHINT which was duly rejected due to Cross Border Policy on 02.04.2024. He further submitted that it was the Petitioner who was to approach CHINT for necessary coordination and bear any costs thereof. While GETCO wrote to CHINT as in regard to the date etc. the cost has to be borne by the Petitioner and GETCO cannot be involved in negotiation of the cost. The Petitioner is proceeding on the basis that cost quoted by CHINT was too high but that is upto the Petitioner and CHINT.
- 3.3. As far as issue of delay connected with Common drawing approval is concerned, he submitted that in order to accommodate 4 bays in the available space and considering its integration with the existing CHINT make GIS bay, it was technical requirement to have same make GIS in order to avoid requirement of adapter panel in between different make GIS. In case of different make, more space be required towards need of adaptor to connect the different make GIS bay. Considering the same make GIS, approval of common drawing was envisaged. He further submitted that the above was decided in meeting on 22.02.2024 wherein all the developers were present and had participated and agreed to the arrangement. No issue had been raised on common drawings or the common make and further on any issue in

coordination. He further referred the minutes of kick of meeting dated 22.02.2024 wherein it was stated as under:

“.....

11) *All developers shall have to procure same make GIS to accommodate in available space so that GETCO can accommodate future GIS bays as per requirement & Planning of 400/200 kV TR # 4, 220/66kV TR #4, 2 x220 kV bus Reactor.*

15) *All developers have to submit jointly primary and secondary drawings for approval in following order:*

1. *Gas SLD.*
2. *GA of GIS along with valid type tests*
3. *SLD*
4. *Layout plant & Section*
5. *Bus duct layout plan & section for all individual bays*
6. *GIS hall equipment & cable trench layout*
7. *Other secondary drawings as per project requirement*

.....”

3.4. He further submitted that GSLD & GA of GIS drawing was submitted to GETCO on 30.08.2024, which was approved by GETCO on 12.09.2024. The Lay out drawing was submitted to the GETCO on 23.08.2024 and 30.09.2024 which was approved by GETCO on 11.09.2024 and 21.10.2024. The LCC was submitted to GETCO on 18.09.2024 which was approved by the GETCO on 07.10.2024.

3.5. He further submitted that as regards delay in construction due to bay swapping and bay allocation is concerned, initially bay sequence was considered as M/s. Morjar, M/s. OP Wind and M/s. Suzlon in 2023. When M/s. Morjar's connectivity was cancelled, though the capacity was spare, there were interim order vide order dated 23.10.2023 by the Hon'ble High Court of Gujarat. In the minutes of meeting dated 22.11.2023 the bay sequence was

considered as M/s. OP wind- M/s. Suzlon- M/s. Morjar under interim Orders. After order dated 22.12.2023 by the Hon'ble High Court and the capacity allocated to M/s. Morjar being cancelled, fresh connectivity was granted on capacity including to M/s. Morjar and M/s. OP wind. In the meeting dated 22.02.2024 the bay sequence was decided as M/s. Morjar, M/s. OP Wind, M/s. Suzlon and M/s. Cleanmax. He submitted that all times, the bay sequence was agreed to by all developers and no objections were received. He further submitted that the Petitioner is claiming that the construction activity of bay was stopped due to the issues with M/s. Morjar, at this time, the Petitioner was writing to GETCO and CHINT for visit to sub-station etc.

- 3.6. He submitted that in regard to aspect of the temporary bay is concerned, the Petitioner was granted connectivity at the 220 kV Kalawad sub-station and its right to such connectivity is subject to the conditions, including construction of the evacuation line within time. The GETCO had considered the arrangement, based on various consideration and subject to various conditions, however this cannot be considered as a right of Petitioner. He further submitted that the arrangement was purely temporary arrangement and only for a specific period and had a firm timeline. He further submitted that undertaking was submitted from time to time by the Petitioner. He further referred undertaking wherein it is stated as under:

“....

1. *This is purely temporary arrangement for use of GETCO's spare 220KV GIS feeder bay at kalawad S/s by M/s. OP wind Energy Pvt. Ltd with a firm timeline i.e. upto 31.03.2025 by which M/s OP wind Energy Pvt. Ltd would have to disconnect from the feeder bay of GETCO irrespective of whether its own feeder bay is ready or not.*
5. *This temporary arrangement shall not absolve M/s OP Wind energy Pvt. Ltd. from fulfilling all the requirement as per GERC approval procedure dated 07.01.2023, applicable GERC tariff Order(s) any other Regulatory requirement.*

6. *M/s OP Wind Energy Pvt. Ltd. shall not hold GETCO Responsible before regulatory commission or any other legal forum for any Delay in commissioning of RE project/evacuations system and shall not make any financial claim on GETCO towards any delay.*

.....”

4. Heard the parties. We note that the present Petition has been filed by the Petitioner under Section 86 (1) (c),(e) and (f) and other applicable provisions of the Electricity Act, 2003 read with Regulations 80 and 82 of the GERC (Conduct of Business) Regulations, 2004 seeking extension of time period for construction of the evacuation infrastructure till 31.12.2025 and for use of spare 220 kV bay at 220 kV Kalawad S/s on temporary basis until 31.12.2025 and for granting the rightful time to the Petitioner for commissioning of the entire capacity of 25 MW of Wind- Solar Hybrid Power at 220 kV Kalawad S/s as per procedure for “ Grant of Connectivity to Projects based on renewable energy sources to intra-State Transmission system” dated 07.01.2023
5. We have considered the submissions made by Ld. Advocate appearing on behalf of the Petitioner and Ld. Advocate appearing on behalf of the Respondent GETCO at length. Both the parties have made their submissions and completed their arguments in the matter. Parties are directed to file their written submissions, if any, within 2 weeks’ time. The matter is now reserved for Final Order.
6. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 14/08/2025.