

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2474 of 2025.

In the Matter of:

Petition under Section 86 (1) (c) (e) and (f) of the Electricity Act, 2003 read with Regulations 80 and 82 of the GERC (Conduct of Business) Regulations, 2004 seeking directions for quashing the letter dated 18.02.2025 issued at the behest of Respondent GETCO and for seeking extension in completion of evacuation system.

And

IA No. 33 of 2025 in Petition No. 2474 of 2025

In the Matter of:

Interlocutory Application is filed under Section 94 (2) of the Electricity Act, 2003 read with Regulations 61 and 80 of the GERC (Conduct of Business) Regulations, 2004 seeking interim stay/ injunction and appropriate interim Orders along with supporting Affidavit.

Applicant/Petitioner : JSW Renewable Energy (Anjar) Limited,
JSW Center, Bandra Kurla Complex,
Bandra (East), Mumbai-400051.

Represented By : Ld. Adv. Mr. Aditya K. Singh, Adv. Anukriti Jain,
Adv. Vineet Gupta & Adv. Divyansh Singh.

V/s.

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

Represented By : Ld. Adv. Aneesh Bajaj, Along with
Mr. Shobraj Jayswal

CORAM:

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

Date: 24/07/2025.

DAILY ORDER

1. The present matter was kept for hearing on 26.06.2025.
2. At the outset, Ld. Adv. Mr. Aditya Singh appearing on behalf of the Applicant/Petitioner made submissions traversing through, various documents and argued the matter referring to different provisions of the Detailed procedure, factual aspects and relevant judgements. He further submitted that in pursuance to the reply filed by the Respondent on 04.06.2025, the Applicant/ Petitioner has filed its rejoinder reply on 24.06.2025 and copy of the said rejoinder reply is served to the Respondent.
 - 2.1. He submitted that JSW Neo Energy Limited through its subsidiary, M/s. JSW Renewable Energy (Anjar) Limited i.e. Petitioner, is developing a 16.5 MW solar Wind Hybrid Project. The Applicant/Petitioner has been granted connectivity for evacuation of 9 MW Hybrid Power project at GETCO 66/11 kV Gangiyavadar substation from 66 kV S/C transmission line from 66/33 kV pooling substation at village Morthala, Taluka – Thangadh, District-Surendranagar. GETCO has agreed to the connection of project to the transmission system of GETCO at the interconnection point at the aforesaid substation.
 - 2.2. He submitted that on 28.03.2023 the Petitioner applied for Stage-I grid connectivity for evacuation of 18 MW hybrid Power at GETCO 66 kV Gangiyavadar substation on 66 kV class for captive use. The GETCO intimated approval to the Petitioner for Stage-I connectivity on 30.09.2023. On 03.02.2024, the Petitioner applied for Stage-II connectivity and submitted BG of an amount of INR 90 Lacs. The GETCO intimated approval to the Petitioner for Stage-II connectivity on 31.03.2024. The GETCO issued provisional estimate of supervision charges on 16.04.2024 for erection of feeder bay for evacuation of electricity from the project which was paid by the Petitioner on 15.05.2024. On 23.05.2024, Connection Agreement was

executed between the GETCO and the Petitioner for establishing connectivity of the project with GETCO substation.

- 2.3. It is submitted that on 18.02.2025 the Respondent GETCO issued a letter intimating the Applicant/Petitioner that under Procedure for grant of Connectivity to Project based on Renewable sources to Intra-State Transmission System dated 07.01.2023 (*“Procedure for the Grant of Connectivity 2023”*) and relevant Tariff Order regarding the completion of the evacuation line for the 9 MW Hybrid power project evacuation at 66 kV Gangiyavadar S/s along with bays, metering system and commissioning full capacity of the project within 12 months i.e. by 30.03.2025, failing which GETCO shall initiate the action stipulated in the approved procedure/tariff order including but not limited to encashment of BG/cancellation of connectivity /Open Access.
- 2.4. He further submitted that in reply to the Respondent’s letter dated 18.02.2025 the Applicant/ Petitioner vide letter dated 04.03.2025 requested for extension in completion of the evacuation infrastructure due to occurrence of various unforeseen events including but not limited to ROW issues and heavy rainfall. He further submitted that Respondent GETCO vide letter dated 13.03.2025 replied letter dated 04.03.2025 of the Petitioner suggesting the Petitioner to approach the Commission.
- 2.5. He referred para 10.2 (A) of the *Procedure for “Grant of connectivity to projects based on Renewable energy sources to Intra State Transmission System”* and submitted that Stage-II Connectivity grantees shall require to complete the dedicated transmission line(s) including required bays, bus-bar at transmission licensees sub-station and generator pooling sub-station(s) etc. within timeline specified by the State Commission in relevant Orders/LOA/LOI/PPA for projects, as applicable from time to time.

- 2.6. Para 10.2 (B) of the Detailed Procedure provides that if a grantee fails to complete the dedicated transmission line(s), including required bays, bus-bar at transmission licensee's sub-station and/or generator pooling station(s) within the timeline stipulated under sub-Para Clause (A) above, Stage-II Connectivity shall be revoked and BG shall be encashed.
- 2.7. Para 10.2 (C) of Detailed Procedure provides that the Stage-II grantee shall commission at least 10% of the allotted capacity within one month of charging of evacuation line, failing which; the Stage-II grantee shall be liable to pay long-term Transmission Charges for 10% of allotted capacity till such 10% of allotted capacity is commissioned. Balance 90% capacity shall be required to be commissioned within two years failing which STU shall cancel the capacity allotment to the extent of capacity not commissioned and the developer shall have no claim on such capacity. Further, STU shall include such cancelled capacity in the list of spare capacity for RE Integration to be published on their website for prospective consumers or as per the State Commission's Order, if any.
- 2.8. He submitted that the Commission had issued Tariff Order No. 1 of 2024 dated 22.02.2024 for *Tariff framework for procurement of power by distribution licensees and others from Wind – Solar Hybrid projects for the State of Gujarat*. Clause 3.9 of the Tariff Order No. 01 of 2024 provides for the period for commissioning the entire evacuation line alongwith Bays and metering system by the project developer has been stated as 12 months from the date of allotment of transmission capacity. Further, the Commission has power to issue extension if the developer fails to commission the entire evacuation line along with bays and metering system within the stipulated time period due to unforeseen reasons.
- 2.9. He submitted that the Applicant/Petitioner had initiated construction work for evacuation infrastructure on time but it has faced lot of unforeseen

difficulties such as (i) Right of Way issues (ii) Heavy Rainfall and cyclone, Asana hit Gujarat in August 2024 which had a cascading effect till October 2024 resulting in disruption of project activities significantly. Logistics, material delivery and roadworks were severely affected during this period. (iii) Delay in raw material delivery due to market demand crisis.

2.10. With regard to delay due to Right of Way (ROW) issue is concerned, the first issue arose on 01.03.2024, when the local Sarpanch expressed an intention to take over the project from the vendor, Shree Samarth. This concern was addressed by engaging with various stakeholders to facilitate dialogue and resolve the matter. Another major ROW dispute occurred between 10.10.2024 and 25.12.2024 when solar project activities were halted at two out of six land parcels due to a legal case filed by a landowner, alleging under payment relating to prior agreements. The vendor actively engaged in discussion with landowner, and a counterclaim for land encroachment was filed which law enforcement was involved to expedite resolution. On 21.10.2024, when ROW issues were exacerbated by various individuals who obstructed access routes, proposing alternative pathways which significantly hindered the project timelines. The Petitioner took immediate action to mediate and resolve this issue. Another ROW issue arose between the vendor and sub vendor on 01.01.2025 and again on 07.03.2025 due to outstanding payment issues. These disputes were proactively managed through intervention but have caused significant delay in the execution of the evacuation line and commissioning of the project.

2.11. He further submitted that a case has been filed by Mr. Karamshibhai Bhalabhai Degama against M/s. JSW Renewable Energy Anjar Limited for land bearing survey No. 1035 for village: Morthla, Tal: Thangadh, Dist.- Surendranagar before Taluka Court- Thangadh which has been registered vide case No. RCS/69/2024. The first hearing was held on 28.11.2024 and the case is still pending before the court.

- 2.12. He further submitted that heavy rainfall and cyclone Asana hit Gujarat in August 2024 which had a cascading effect till October 2024 in the place where the project is located resulting in disruption of project activities significantly. Project activities could only resume in November 2024 after revising the original project schedule. The project site experienced significant adverse effects from this natural disaster.
- 2.13. He further submitted that there is inclement weather conditions unfavourable for construction activities during July to October wherein, the project sites in India are affected by severe waterlogging, floods and high winds. The extremely wet conditions made the movement of construction machinery very challenging slowing down the progress rate tremendously as well as posing health and safety hazard to the construction workers at the project site. He further contended that the high wind conditions do not allow the erection of wind turbines during this period. Thus, an extension in validity of connectivity needs to be granted for such period by the Commission.
- 2.14. He submitted that the delay in the delivery of 66 kV Protection and metering CT and 33 kV metering CT can be attributed to an ongoing market demand crisis and significant disruptions in the global supply chain, both of which constitute unforeseeable events that lie beyond the Petitioner's control. The current global supply chain issues, which have affected industries worldwide, have resulted in severe shortages of critical components, including the specific circuit breakers required for this project. Despite the Petitioner's best efforts, including proactive and continuous follow-up with the Original Equipment Manufacturers (OEM) suppliers, there has been no feasible way to expedite the delivery process within the initially anticipated timeframe.

2.15. In support of the above submissions, the Ld. Advocate for the Petitioner has relied upon the following judgements:

(a) Judgement in the matter of Hirehalli Solar Power Project LLP- Vs. Bangalore Electricity Supply Company Ltd. 2021 SCC Online APTEL 66.

(b) Judgement in the matter of Bangalore Electricity Supply Company Ltd. Vs. Hirehalli Solar Power project LLP and Others, 2024 SCC Online SC 2253.

(c) Judgement in the matter of Chennamangathihalli Solar Power project LLP. Vs. Bangalore Electricity Supply Company Limited, 2020 SCC Online APTEL 75.

2.16. Ld. Adv. for the Applicant / Petitioner requested for granting extension of 158 days, for commissioning the entire evacuation line along with bays and metering system for evacuation of 9 MW Hybrid power project from the project of the Petitioner due to delays suffered on account of unforeseen event.

3. Ld. Adv. Aneesh Bajaj appearing on behalf of the Respondent GETCO, submitted that the issue involves in the present Petition pertaining to extension of time for completion of the evacuation system being developed by the Applicant/Petitioner.

3.1. It is contended that the Applicant/Petitioner was granted Stage-II Connectivity vide letter dated 31.03.2024 for 9 MW hybrid power project at 66 KV Gangiyavadar Sub-station of GETCO and in terms of the prevailing timelines on the date of Stage-II connectivity being 12 months, the Petitioner is required to complete by 30.03.2025.

- 3.2. The estimate was issued on 16.04.2024 and the payment was made on 15.05.2024 and connection Agreement signed on 23.05.2024. He further submitted that Stage-II connectivity was granted for 9 MW hybrid power project under captive mode at 66 kV Gangiyavadar sub-station of GETCO on 31.03.2024.
- 3.3. He further submitted that the Applicant/Petitioner has submitted Bank Guarantee dated 21.03.2024 for an amount of Rs. 90,00,000/- which is expiring on 30.06.2025 with claim period until 30.06.2026. He further submitted that the Applicant/Petitioner entered into the consortium agreement and the same was submitted to GETCO on 07.10.2024 and Operas as lead generator requested for kick off meeting on 07.10.2024 which was organized by the Respondent GETCO on 10.10.2024.
- 3.4. It is contended that in terms of the Hybrid Tariff Order dated 22.02.2024, the extension can be granted only by the Commission and the Respondent GETCO cannot grant any extension. Therefore, GETCO had issued the letter dated 18.02.2025 is just reminding the timelines and consequence thereof. The issuance of letter is not necessity under the Detailed Procedure and the said letter dated 18.02.2025 cannot be set aside. It is the responsibility of the Applicant/Petitioner to ensure that the extension was sought within time. Even after such letter, the Applicant/ Petitioner did not approach the Commission but choose to write to the Respondent GETCO. The Applicant / Petitioner only approached the Commission vide letter on 18.03.2025 and thereafter filed the Petition on 29.03.2025..
- 3.5. He further contended that the Applicant/Petitioner is seeking relief on the basis of two aspects i.e. (a) Right of Way issues (b) Heavy Rainfall and Cyclone Asana in August 2024 (c) Delay in raw material delivery due to market demand crisis.

- 3.6. It is contended that as regards the Right of Way issue is concerned, the Petitioner has to demonstrate the efforts taken by it. Further, it appears that the alleged ROW issues relate to the Power project although the Applicant/Petitioner may clarify on such aspects. He further submitted that the Petitioner in one of the ROW issues has sought to claim that the issue between vendor and sub-vendor due to outstanding payment issues as ROW which is not correct. This is not ROW issue.
- 3.7. He further submitted that the Petitioner has referred to Court cases but it has not been stated that there was any stay or otherwise any bar in construction. Even if the power project was affected, it has not been clarified if the transmission line was affected. The arrangement of land and resolving of ROW issues, if any, is the responsibility of the Petitioner and the Petitioner is required to demonstrate that there were unforeseen reasons causing delay.
- 3.8. He further submitted that the Petitioner has claimed Right of Way issues in 2024 but in the progress report submitted on 27.01.2025 for quarter ending December 2024 states that the expected date of commissioning as 31.03.2025 and, therefore, it is clear that the Petitioner had not considered that there was any delay due to the above issues. Further, in the said status report, it was claimed that all foundations, tower erections and stringing was done.
- 3.9. He further submitted that as regards unfavourable weather conditions during monsoon season and high wind season and similar events are concerned, the Petitioner has admitted that the season is in every year and therefore, the said period is already considered by the Commission in the timelines provided in the Detailed Procedure / Orders. He further submitted that the Petitioner has sought to claim that there was heavy rainfall and cyclone Asana hit Gujarat in August 2024 which disrupted the project and could resume only in November 2024. However, the cyclone claimed is only

for 25th August to 2nd September and even for that there is no substantiation. But the Applicant/Petitioner is claiming a delay of 03.07.2024 to 25.10.2024 which is patently incorrect. The cyclone was admittedly not in July 2024 and did not continue till October 2024.

- 3.10. He submitted that as regards the issue raised by the Petitioner regarding delay in raw material due to market demand crisis is concerned, the Petitioner has not provided any details of when the order was placed, the delivery schedule or the actual delivery or any communication or proof of any of its contentions. The claim of global supply chain disruption is not substantiated. The delay by its contractor cannot be the basis of claiming extension.
- 3.11. He contended that it is the responsibility of the Applicant/Petitioner to arrange for all inputs/equipment etc. and cannot seek extension merely because there has been a delay as this cannot be an unforeseen reason. The delay by its contractor cannot be the basis of claiming extension. Further, the reason for delay is not any specific event but that there is allegedly sudden increase in demand. However, the Commission may consider as to whether such claims can be considered as an unforeseen reason for allowing extension.
4. Heard the parties. We note that the present Petition has been filed by the Applicant/Petitioner under Section 86 (1) (c), (e) and (f) of the Electricity Act, 2003 read with Regulations 80 and 82 of the GERC (Conduct of Business) Regulations, 2004 seeking directions for quashing the letter dated 18.02.2025 issued at the behest of Respondent GETCO and for seeking extension in completion of evacuation system.
5. We have considered the submissions made by Ld. Advocate appearing on behalf of the Applicant/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 4 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: 24/07/2025.

