

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 2477 of 2025.**

**In the Matter of:**

**Petition under Section 86 of the Electricity Act, 2003 read with Regulation 80 and 82 of the GERC (Conduct of Business) Regulations, 2004 read with Gujarat Renewable Energy Policy, 2023 & amendments thereof and the Tariff Order dated 31.08.2024 praying before the Commission to exercise its powers under Section 86 of the Electricity Act, 2003 and direct the Respondent GETCO to grant extension of time for commissioning of the 1.475 MW AC capacity ground mounted Solar Power plant project.**

**Along with**

**IA No. 35 of 2025 in Petition No. 2477 of 2025.**

**In the Matter of:**

**Interlocutory Application is filed for 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.**

Petitioner/ Applicant : Anu Santosh Prints Pvt. Ltd.  
313, Dayabhai Compound, At- Tantithaiya,  
Taluka Palsana District – Surat – 394 327.

Represented By : Ld. Adv. M. N. Marfatia

V/s.

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

Represented by : Mr. Shobhraj Jaiswal.

Respondent No. 2 : Gujarat Urja Vikas Nigam Ltd.  
Sardar Patel Vidyut Bhavan,

Race Course Circle,  
Vadodara – 390007, Gujarat.

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

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

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

**CORAM:**

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

**Date: 30/10/2025.**

**ORDER**

1. The Petitioner has sought following prayers: -
  - a. Admit and allow the Petition;
  - b. Exercise its Regulatory Powers under Section 86 of the Electricity Act and extend the time limit for commissioning of the Transmission Line along with metering system by a period of 6 months from the date of Order of this Commission. Consequently, as per Tariff Order dated 31.08.2024 (Order No. 6 of 2024) Point 3.9 the timelines linked to the commissioning of the transmission line along with metering system may be revised from the date of the extended period granted for the commissioning of the transmission line along with metering system.

- c. To direct Respondent No. 3 and 1 to refrain from invoking the Bank Guarantee of INR 7,37,500/- 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 for RMU 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 Court in the present petition, the parties shall take further steps in accordance with the directions and guidelines issued by the Court.
2. The facts mentioned in the Petition in brief are as under : -
- 2.1 The Petitioner Anu Santosh Prints Private Limited, is a generating company as defined under Section 2(28) of the Electricity Act, 2003.
- 2.2 The Respondent No. 1 GETCO is a company registered under the Companies Act, 1956. The Company was promoted by the erstwhile Gujarat Electricity Board (GEB) as its wholly owned subsidiary in the context of liberalization

and as a part of efforts towards restructuring of the Power Sector. The primary function of Respondent No. 1 is to build, Operate and maintain an efficient Power Transmission System in the State of Gujarat. In the present case, Respondent No. 1 inter alia granted the connectivity and various other approvals required for setting up of the Project.

2.3 The Respondent No. 3 Dakshin Gujarat Vij Company Limited (DGVCL) is a company registered under the Companies Act, 1956. DGVCL is one of the four electricity distribution companies of the State of Gujarat.

2.4 The Commission issued its Tariff Order dated 31.08.2024 (Order No. 6 of 2024) on the tariff framework for procurement of power by Distribution Licensees and others from Solar Power Projects to be commissioned prospectively. Further, the Control Period for which the Tariff Order would be applicable was defined and agreed as being up to 30.12.2024.

2.5 Pursuant to the Tariff Order, the Petitioner was desirous of developing a 1.475 MW AC Capacity, Solar Power Project to be connected to Anu Santosh Prints Solar Plant, (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.

2.6 The Petitioner has applied for provisional GEDA approval for the ground mounted solar power plant project, on which the GEDA has provided the

Petitioner with the provisional GEDA letter as on 17.01.2024. With the provisional GEDA the Petitioner can apply for the technical feasibility at 66kV Selod Sub-station. Provisional GEDA approval is a mandatory step before receiving the final GEDA approval, which is required for the project's commissioning and commercial operation.

2.7 In the response to application made by the Petitioner to get the technical feasibility report, the Respondent No. 1 granted grid connectivity and technical feasibility approval for the Petitioner's solar power project at 66 kV Selod Sub Station, vide letter dated 20.02.2024.

2.8 Upon receipt of the Technical Feasibility Report (TFR), the Petitioner promptly initiated the process of land acquisition for the purpose of setting up the solar power plant project. That initially the Petitioner had intended to set off the project by acquiring land on a long term lease basis, however owing to Land owner's internal dispute and later on change in their decision to sale the Land rather than leasing it, the Petitioner decided to instead acquire the land for setting up of the Project by way of an outright sale. In order to avoid any undue delay, the Petitioner executed an Agreement to Sale (Satakhat) on 30th March, 2024, thereby securing the requisite land for the project.

2.9 The Petitioner through land owner applied to the revenue authorities for seeking permission to use the land for non-agricultural purposes, with the

intention of expediting the project's completion. However, the revenue authorities rejected the said application on the ground that the report of the Department of Land Record had raised certain objections.

2.10 Thereafter substantial time was consumed in removing the objections raised and once the said objections were removed the landowner once again applied for permission for non-agricultural use of the land.

### Summary of NA Applications

Sr.	Document	Date
1	NA Application (Parishist-1) For Plot No 182	23-02-2024
2	NA Application Rejected	16-05-2024
3	NA Application (Parishist-1) For Plot No 182 A-2	28-09-2024
4	Mehsul Payment Intimation (Demand Note) For Plot No 182 A-2	27-11-2024
5	NA Order For Plot No 182 A-2	23-12-2024

2.11 As it can be seen to short out the NA matter it took almost 10 Months and there wasn't any delay from the Petitioners end. A Copies of the subsequent application, the provisional approvals and the final approval are submitted by the Petitioner.

2.12 After receiving NA Order for the solar power project, Petitioner proceeded with the sale deed registration and it was completed as on 16.01.2025. The land was purchased in the name of ANU SANTOSH PRINTS PRIVATE LIMITED through a Sale deed having registration no 103/2025. This documentation confirms the Petitioner's intent to commission the project and Transmission Line along with metering system work without getting delayed.

2.13 The Gujarat Energy Development Agency issued Final GEDA Registration vide letter dated 19.09.2024 on receiving Final GEDA application and required DD from the Petitioner for Final GEDA registration for setting up of Ground Mounted Solar Project under Gujarat Renewable Energy Policy - 2023 for Captive Generating Plant.

2.14 The Petitioner executed a required bank guarantee dated 27.08.2024 in favour of the Respondent No. 3. DGVCL

2.15 The Petitioner has availed a term loan from Small Industries Development Bank of India (SIDBI Bank) specifically for the purpose of financing the Solar Power Plant Project. Petitioner initially applied for the loan on February 5, 2024, and received the sanction letter on June 14, 2024. However, the sanction letter stipulated that disbursement was contingent upon obtaining the necessary Non-Agricultural (NA) clearance. At the time, Petitioner had not yet secured the NA clearance and sale deeds, which prevented Petitioner from availing the sanctioned loan. Consequently, the sanction lapsed.

2.16 Fortunately, Petitioner received the NA clearance and sale deeds on January 22, 2025, and promptly initiated the revalidation process for the sanction. Petitioner anticipate receiving the revalidated sanction within the next week, followed by disbursement within 2-3 days thereafter. Furthermore, significant investments have already been made from the Petitioner's own funds, Due to Delay in Sanction the procurement of necessary materials and equipment required for the solar power plant got delayed.

2.17 Upon receiving the application and requisite documentation from the Petitioner, Respondent No. 3 issued a Line Estimate for supervision charges for the work of erecting a transmission line, vide service request No. 10653386. The Petitioner duly paid the estimated amount of Rs. 14,01,119/- as on dated 29.01.2025.

2.18 That, the Petitioner also applied for required GTP approvals, and the approvals also have been received as on dated 01.02.2025.

2.19 That, despite the Petitioner's diligent efforts to pursue the completion of the project and laying of transmission lines along with metering system, several unforeseen challenges arose, including:

- (i) Delay in Getting NA Order:- Despite the Petitioner's bona fide efforts, the NA process, initiated on 23rd February 2024, was delayed and ultimately completed on 23rd December 2024, due to certain objections. As a

consequence, the execution of the sale deed was hindered, as the same cannot be affected without obtaining the requisite NA Order.

- (ii) Notwithstanding the Petitioner's best efforts to proceed with on-site work, the same was delayed due to land acquisition issues. Concurrently, we endeavored to complete the transmission line work connecting the solar power plant to the 66 kV Selod Sub-station. However, the Petitioner encountered significant delays in obtaining requisite NOC permissions for laying of the transmission line from various statutory authorities, including: (GIDC, R&B and Others). Furthermore, the Petitioner faced delays in securing Right of Way (RoW) clearance from farmers, and local bodies, as the transmission line traverses through their land.
- (iii) Unprecedented heavy rainfall and flooding in the Project area, rendering work and supply receipt impossible delayed the transmission line work;
- (iv) 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. As any revisions to the project capacity could have potentially led to far-reaching changes in the project's configuration, scope, and timeline. and;
- (v) Hike in Module prices:- The project has been delayed due to an unforeseen hike in solar module rates, triggered by the imposition of anti-dumping duty on solar glass. This legislative change has substantially

increased solar module costs and led to a scarcity of modules, impacting the project's timeline and budget.

(vi) Despite being prepared to procure modules at the increased price, the scarcity of required module deliveries has forced the petitioner to explore alternative module options and technologies.

(vii) The delay in obtaining the NA Order and Sale Deed resulted in a holdup in the bank loan disbursement process. This, in turn, has created significant financial barriers for Petitioner, hindering the progress of the solar power plant and resulting to the delay in the project.

These unforeseen circumstances resulted in inadvertent delays, which were beyond the Petitioner's control.

2.20 The Petitioner has no intention of delaying the project. In fact, the Petitioner has been diligently pursuing the necessary approvals such as CEIG Drawing approval letter, ABT meter number letters from DGVCL.

2.21 Thereafter, the Petitioner submitted a project progress report and made extension request to Respondent No. 1 and 3 for an extension of the project deadline for commissioning of project and execution of the transmission line along with metering system project of Solar Power Project, accompanied by a detailed project progress report dated 18.02.2024. The report highlights the Petitioner's significant progress, including:

(i) the land leveling of the project is complete and the fencing work has also been done.

(ii) Structure Legs and earthing material delivered on site and Work Started

(iii) Boundary Wall work going on

(iv) PV Module:- Order already placed planning for delivery soon

(v) IDT yard work is going on

The project progress report, complete with plant progress photos, demonstrates the Petitioner's diligence and commitment to completing the project in a timely manner.

2.22 While the Petitioner was undertaking its work towards completion of the evacuation infrastructure, the looming regulatory uncertainty on account of various aspects created impediments for the Petitioner and proceeded to delay the execution of the said Infrastructure. The details regarding the same have been provided in the ensuing paragraphs.

**(A) Delay in getting NA Order**

That the Petitioner simultaneously initiated the process of obtaining a NA order with the execution of the Agreement to Sale, with the intention of expediting the project's completion. However, the revenue authorities rejected the said application on the ground that the report of the Department of Land Record had raised certain objections.

That, thereafter, substantial time was consumed in removing the objections raised and once the said objections were removed the landowner once again applied for permission for non-agricultural use of the land. The re-submission of the NA application unfortunately resulted in a substantial delay.

**(B) Delay in getting NOC and Right of Way clearance (RoW)**

Notwithstanding our best efforts to proceed with on-site work, the same was delayed due to land acquisition issues. Concurrently, we endeavored to complete the transmission line work connecting the solar power plant to the 66 kV Selod Sub-station. However, Petitioner encountered significant delays in obtaining requisite NOC Permissions and Right of Way (RoW) clearance from Government Authorities, farmers and local bodies, as the transmission line traversed through their land. Numerous meetings and discussions were necessary to resolve the issues and get the NOC from the respective department such as (GIDC, R&B and Other), during which time the Petitioner was unable to proceed with completing the transmission line along with metering system work. Consequently, this led to a delay in the commissioning of execution of the transmission line along with metering system of the project.

**(C) Delay Due to Unprecedented Rainfall and Flooding: -**

The Petitioner experienced delays in completing the transmission line along with metering system work due to unprecedented rainfall and flooding. Despite the Petitioner's best efforts, the project site and transmission line route areas were completely waterlogged, rendering it impossible to carry out civil work on the transmission line. The heavy rainfall made it unsafe for workers to proceed with the work.

The flooding not only delayed progress but also caused damage that required significant time and manpower to rectify.

- Delivery of plant and transmission line equipment, initially planned for the intervening period, had to be rescheduled.
- Unloading of materials at the site was not possible, and already dispatched supplies had to be temporarily stored in highland areas far from the work site.

These unforeseen circumstances inevitably delayed the Petitioner's completion of the transmission line along with metering system.

**(D) Delay Due to banking regulations:-**

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.

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.

It is submitted that the Petitioner acted with due diligence and promptly reassessed the project capacity upon obtaining clarity on the banking regulations. In order to avoid any delays, the Petitioner has opted to proceed with the allotted TFR capacity, notwithstanding the fact that the current factory consumption requirements are lower side as compare to the project initially planned.

**( E ) Unforeseen Hike in Module Rates and Shortage of Delivery:-** The Petitioner hereby notifies that the project has been delayed due to unforeseen circumstances beyond their control. Specifically, the sudden and unforeseen increase in solar module rates, resulting from the imposition of anti-dumping duty on solar glass, has substantially impacted the project's timeline and budget.

Despite the Petitioner's readiness to procure modules at the increased price, the scarcity of required module deliveries has necessitated the exploration of alternative module options and technologies. Consequently, the Petitioner is required to reassess and revise the module-wise project design and drawings.. Additionally, Petitioner must re-submit and obtain revised approvals from the authorities, such as Final GEDA Registration, - CEIG Drawings Application, and again it is a time consuming process.

### **Summary of relevant Submissions of the Petitioners**

The Petitioners in the above said Petition raised the following contentions:

- i. The Petitioner submits that the delay caused in commissioning of the project and evacuation line is inadvertent and beyond the control of the Petitioner.
- ii. That, Getting the NA orders despite of lots of complications is a lengthy and time-consuming process, and the said process is not in the control of the petitioner.
- iii. Due to delay in getting NA subsequently delayed lots of project proceedings such as execution of sale deed, Bank Loan Disbursement, CEIG Approval Application, On site work Progress and Other Approvals.
- iv. That, getting the required NOC'S for accessing lands for laying of transmission lines along with metering system is a cumbersome process and is difficult to determine the time frame within which it is done.
- v. The Petitioner highlighted that unprecedented rainfall and flooding are unavoidable circumstances beyond human control. The heavy rainfall not only delayed progress but also caused damage that required significant time and manpower to rectify, resulting in delays to the transmission line's along with metering system completion.
- vi. The Petitioner noted that fulfilling prerequisites is inherently time-consuming. Furthermore, agencies such as GEDA, GETCO, and DGVCL require time to assess applications from developers and issue necessary permissions. Only after receiving these permissions can project development proceed.

vii. In light of the aforementioned circumstances, the Petitioner respectfully requested a three-month extension for commissioning of project and the evacuation/transmission line along with metering system.

2.23 Thus, on the basis of the above, the period of 1 year is wholly insufficient for undertaking all the processes, approvals, procurement's etc. as required for commissioning of the project and Evacuation Transmission Line along with metering system which is required in setting up of the Power Project.

2.24 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 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 is required to commission minimum 10% of the total project within one month of charging of the evacuation line from the extended period and the remaining project within one year from the charging of evacuation line.

2.25 Aggrieved by the inaction of the Respondent No. 3 and 1 in failing 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 that to direct Respondent No. 1 to grant an extension of 6 months from the date of issuance of the Implementation Order for commissioning of the Evacuation Transmission Line along with metering system.

2.26 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 6 months to the Petitioner for commissioning of the Evacuation Line along with metering system from the date of the Order of this Commission in the current petition.

**3. GETCO filed its reply dated 13.06.2025 are as under:**

3.1 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. 3. 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.

**4. DGVCL's reply dated 20.06.2025 in brief as under:**

- 4.1 The Petitioner is seeking an extension of commissioning for six months for the commissioning of the Transmission Line along with the metering system to be constructed from the Petitioner's Project – 1.475 MW (AC) Capacity Solar Power Project of Anu Santosh Prints solar Plant under the Captive use Category.
- 4.2 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 Licensees 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.
- 4.3 The Petitioner had applied to develop a 1.475 MW (AC) Capacity Solar Power Project and injection of power at 11 kV voltage level system for its Captive Use. The Project is to be developed in terms and 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.
- 4.4 On 17.01.2024, 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 17.01.2024, Gujarat Energy Development Agency (GEDA) through registration no. GEDA/PR/GMS/23-24/01/612/432 has registered 1.475MW (AC) Solar power project of the Petitioner for grid connectivity application at 1 kV voltage level under 66 kV Selod Sub-Station.

- b) On 19.01.2024 the Petitioner had submitted application for seeking grid connectivity for its proposed 1.475 MW (AC) solar project at 11 kV voltage level system under 66 kV Selod Sub-station to DGVCL & GETCO.
- c) On 20.02.2024 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 Selod Sub-station, having capacity of 1.475 MW AC.
- d) On 23.02.2024 NA application (Parishisht-1) for plot No. 182 submitted by the Petitioner.
- e) On 30.03.2024, the Petitioner executed an Agreement to sale (Satakhat)
- f) On 16.05.2024, the NA application for Plot No. 182 was rejected by the revenue authority raising the ground that the DLR record had raised certain objections.
- g) On 27.08.2024 the Petitioner executed the required bank guarantee in favor of DGVCL amounting to Rs. 7,37,000/- (on provisional basis considering the amount of Rs.5 Lacs per MW in terms of the GERC solar tariff order dated 30.08.2024)
- h) On 19.08.2024 GEDA through registration NO. GEDA/SOL/2024/09/OW/3773 issued final registration letter to the Petitioner for setting up of Ground Mounted Solar Project under Gujarat Renewable Energy policy 2023 for Solar Generating Plant.
- i) On 28.09.2024, fresh NA application was submitted by the Petitioner.
- j) On 27.11.2024 Mehsul payment intimation (Demand notice) for Plot No. 182A raised by the Revenue department.
- k) On 23.12.2024 NA Permission received for Plot No. 182
- l) On 16.01.2025 Sale deed registered and land was purchased vide sale deed registration no. 103/2025.

m) On 29.01.2025, Supervision charge estimate of Rs.1401119/- issued by DGVCL was paid for erection of the transmission line.

n) On 01.02.2025 the Petitioner received GTP approvals.

4.5 The Petitioner has prayed that the Respondents 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.

4.6 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 09.01.2025 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.

4.7 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.

4.8 The Petitioner has applied for a 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 Selod Sub-station, the Petitioner had furnished the Bank Guarantee in favour of DGVCL.

4.9 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. Delay in the grant of NA Permission.
- b. Delay in land Acquisition.
- c. Unprecedented Heavy Rainfall and Flooding in the Project Area.
- d. Reassessment of the solar power plant project,
- e. Change in Anti-Dumping duty on Solar Panels,

4.10 The extension of the time, as sought by the Petitioner, must 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 20.02.2024.

4.11 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.

4.12 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. The contention of the Petitioner to the contrary is erroneous.

- 4.13 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.
- 4.14 The responsibility for ensuring the timely development of the evacuation facilities / project rests solely with the Petitioner.
- 4.15 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.
- 4.16 The Petitioner through its application along with GEDA provisional Registration GEDA/PR/GMS/23-24/01/612/432 dated 17.01.2024 had approached GETCO for project registration towards grant of grid connectivity for 1.475 MW of solar power project towards captive use at 66kV Selod Sub-station. GETCO vide letter dated 20.02.2024 awarded TFR for 1.475 MW (AC) solar capacity.

- 4.17 It is further submitted that change in the decision of acquiring land instead of leasing indicates that the delay was solely on the account of the Petitioner the commercial decisions of the Petitioner due to which the delay was caused cannot be fastened up on the DGVCL and has to be solely responsibility of the Petitioner. Further the claim of the Petitioner of seeking approvals in an expedite manner are false and baseless. It is submitted that the Petitioner submitted improper and incomplete application not adhering the requirements of the authorities. Therefore, the Revenue authorities rejected the application of the Petitioner. It cannot be the case that if the authorities rightly rejected the incorrect application as submitted by the Petitioner the delay so caused in seeking the necessary approval will not be the responsibility of the Petitioner
- 4.18 The Bank Guarantee was also submitted in favour of DGVCL for the capacity of 1.475 MW (AC) totaling to Rs.7,37,500/-. The Bank Guarantee is valid until 20.02.2025 with a claim period valid up to 20.02.2026. 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.
- 4.19 It is further submitted that the estimate for supervision charges for the work of erecting the dedicated evacuation line was issued on 28.01.2025 and payment was made on 29.01.2025 which is a matter of record and the alleged loan taken by the Petitioner is not within the knowledge of the Respondent DGVCL.
- 4.20 The Petitioner is obligated to establish the evacuation line for evacuation of its solar power from its proposed project to 66kV Selod Sub-station. Since the project

capacity of the Petitioner is below 4 MW and the grid connectivity at 11kV Voltage level system, and TFR has been awarded to the Petitioner for total applied capacity of 1.475 MW (AC) as convened by the GETCO. 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. 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. 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-

4.21 The Petitioner has claimed ROW issued without any substantial documents or any evidence to support its claim. Even otherwise there is no provision for any timeline provided by the Petitioner or whether there was any unreasonable delay etc. No such details have been provided. Further delays as claimed by the Petitioner for securing necessary clearance was the responsibility of the Petitioner and in no way the same can be an unforeseen event. Moreover, if the line has not even commenced there is no question of ROW issue or getting affected by rainfall. Further, as per the Petitioner itself, the CEI approval for drawing was on 12.02.205 and therefore it is not clear how the Petitioner's line was affected prior to that.

4.22 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.

- 4.23 It is submitted that while 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. On issue of banking and its impact and re-assessment of evacuation line, the Petitioner has also not provided any details of when it allegedly suspended the project activities and re-started the same.
- 4.24 It is not clear how an increase in solar module rates pursuant to the Notification dated 04.12.2024 (i.e. 10 months from the date of the issuance of the TFR) impacts the timelines for the project. Even otherwise, as recognized in *Energy watchdog v Central Electricity regulatory Commission and others (2017) 14 SCC80*, a mere rise in prices is not a force majeure event. Similarly, a mere rise in solar module rates may not be the basis for any grant of extension.
- 4.25 With regards 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.
- 4.26 With regards 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 provide. 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.

- 4.27 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.

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.

- 4.28 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 decided 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.

4.29 With regards to summary of the submissions of the Petitioner, the Petitioner is now seeking six months extension while in the progress report in February 2025 it was seeking three months extension. It is further submitted that the Commission may consider all aspects and decide on issue of timelines and consequent charges/ BG encashment towards failure for noncompliance of aforesaid Policy/Order/Regulation.

**5. Petitioner's Rejoinder reply dated 25.06.2025, and written submission on 22.07.2025 and 04.08.2025**

5.1 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.

5.2 The Petitioner submitted that immediately after receiving the Technical Feasibility Report (TFR), the Petitioner began acquiring land for the solar project. The original plan to lease the land had to be changed because of the landowners' internal conflicts and their ultimate preference to sell. To avoid any undue delay, the Petitioner secured the necessary land by executing an Agreement to Sale (Satakhat) on March 30, 2024.

5.3 In an effort to speed up the project, the Petitioner had the landowner apply for permission to use the land for non-agricultural purposes. However, the revenue authorities denied this request because the Department of Land Record raised several objections. A significant amount of time was spent clearing these objections, and once they were resolved, the landowner reapplied for the permission.

**Summary of NA Applications**

<b>Sr.</b>	<b>Document</b>	<b>Date</b>
1	NA Application (Parishist-1) for plot no 182	23-02-2024
2	NA Application Rejected	16-05-2024
3	NA Application (Parishist-1) for plot no 182 A-2	28-09-2024
4	Mehsul payment Intimation (demand Note) for plot no 182 A-2	27-11-2024
5	NA Order for Plot No 182 A-2	23-12-2024

As it can be seen to sort out the NA matter, it took almost 10 months and there wasn't any delay from the Petitioner's end.

- 5.4 Upon receiving the Non-Agricultural (NA) Order for the project land, the Petitioner finalized the acquisition by completing the sale deed registration on January 16, 2025. The land was purchased in the name of ANU SANTOSH PRINTS PRIVATE LIMITED under Sale Deed No. 103/2025. This timely completion of documentation underscores the Petitioner's commitment to commissioning the project, including its transmission line and metering system, without delay.
- 5.5 The Gujarat Energy Development Agency issued Final GEDA Registration vide letter dated 19.09.2024 on receiving Final GEDA application and required DD from Petitioner for Final GEDA registration for setting up of Ground Mounted Solar Project under Gujarat Renewable Energy Policy -2023 for Captive Generating Plant.
- 5.6 To finance the solar project, the Petitioner applied for a term loan from SIDBI Bank on February 5, 2024, and received a sanction letter on June 14, 2024. However, the bank would not release the funds until the necessary Non-Agricultural (NA) clearance was obtained. Because the Petitioner had not yet secured the NA clearance or the sale deeds at that time, the loan could not be disbursed, and the sanction eventually expired.
- 5.7 Fortunately, Petitioner received the NA clearance and sale deeds on January 22, 2025, and promptly initiated the revalidation process for the sanction. Petitioner anticipate receiving the revalidated sanction within the next week, followed by disbursement within 2-3 days thereafter. Furthermore, significant investments have already been made from the Petitioner's own funds. Due to Delay in Sanction

the procurement of necessary materials and equipment required for the solar power plant got delayed.

5.8 Upon receiving the application and requisite documentation from the Petitioner, Respondent No. 3 issued a Line Estimate for supervision charges for the work of erecting a transmission line, vide Survey No. 10653386. The Petitioner duly paid the estimated amount of Rs.14,01,119/- as on dated 29-01-2025.

5.9 Notwithstanding our best efforts to proceed on-site work, the same was delayed due to land acquisition issues. Concurrently, we endeavoured to complete the transmission line work connecting the solar power plant to the 66 kV Selod Sub-station. However, Petitioner encountered significant delays in obtaining requisite NOC Permissions and Right of Way (RoW) clearance from Government Authorities. Farmers and local bodies, as the transmission line traversed through their land. Numerous meetings and discussions were necessary to resolve the issues and get the NOC from the respective department such as (GIDC, R&B and Other), during which time the Petitioner was unable to proceed with completing the transmission line along with metering system work. Consequently, this led to a delay in the commissioning of execution of the transmission line along with metering system of the project.

5.10 The Petitioner submitted that the following project activities are currently underway and have specific target dates for completion:

- (i) Transmission Line Work is almost completed;
- (ii) DC Wiring Work is targeted to be completed by 10<sup>th</sup> August 2025;
- (iii) VCB procurement and inspection is scheduled by 30<sup>th</sup> August 2025;
- (iv) Module deliveries are pending, for which advance payment have already been made by the Petitioner.
- (v) The information and updates pertaining to the approvals and projects are mentioned as under in tabular form:

<b>APPROVAL UPDATES</b>			
<b>Sr No</b>	<b>Particular</b>	<b>Letter</b>	<b>Approval Date</b>
	Consumer End ABT Meter Number received	DGCS/1522/01/2025	30-01-2025
	Generation End ABT Meter Number received	DGCS/1059/02/2025	25-02-2025
	SS End ABT Meter Number Received (In the name of lead Generator)	GETCO/SLDC/OA/0462	02.07.2025
	Consumer End ABT Meter received	GT247/24-25	06/03/2025
	Generation End ABT Meter received	GT17/25-26	10/04/2025
	SS End ABT Meter is under production	-	
	GTP Approval of RSJ Girders	DGVCLDANKR/0431/01/2025	01-02-2025
	GTP Approval of 11 KV Metering Cubicle Panel (HTMC) with VCB Bracker	DGVCLDANKR/0432/01/2025	01-02-2025
	GTP of 11KV RMU	DGVCLDANKR/0428/01/2025	01-02-2025
	GTP of 11KV 3C*185Sq.mm XLPE Cable	DGVCLDANKR/0430/01/2025	01-02-2025
	Inspection of 11KV 3C*185Sq.mm XLPE Cable	-	Inspection Done, Dated:- 04.06.2025
	Inspection of RSJ Girders	-	Inspection Done, Dated:-
	Inspection of 11KV RMU	-	Inspection Done, Dated:-

			25.05.2025
	Line Estimate	DGVCLSDJG/0045/02/2025	15-02-2025

5.11 Despite the hardships faced by the Petitioner and the unforeseen events that occurred, the project has progressed as under:

Sr No	Particular	Anu Santosh
1	Legs	Complete
2	Structure	Complete
3	Civil Work	Complete
4	Transmission Line cable laying	In progress, delivery of HT cable received at site
	Cable inspection done	Complete
	HDD work for transmission line	Complete
5	IC Yard Work	Complete
6	EARTHING WORK COMPLETE	Complete
8	AC Wire Work	Complete
	DC Wire Work	Pending (Shall be completed by 10/08/2025)
9	IDT Yard	Complete
10	VCB Penal Delivery	Delivery Received at Site
11	Inspection of VCB	Pending (Shall be procured by 30/08/2025)
12	All the Other required Equipment Delivery	Scheduled
13	Planning for Project Commission	Shall be able to complete in 3 months from date of order of this Hon'ble commission.
14	ROW NOC Permissions for laying of Transmission line	Received

5.12 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.

5.13 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.

5.14 Vide written submission dated 04.08.2025, the Petitioner has placed the work completion certificate and other supporting documents on the record of the present proceedings. It is submitted that M/s Sumangal Dyeing & Printing Mills Private Limited is the LEAD GENERATOR and the present Petitioner is the CO-GENERATOR. A copy of the work completion certificate along with supporting documents are annexed by the Petitioner.

5.15 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

## **6. DGVCL's reply dated 17.07.2025**

6.1 The Respondent reiterated the certain contentions as per Para 4 and further submitted as under:

6.2 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) Delay in getting NA Clearance;
- (b) Delay in Land Acquisition;
- (c) Unprecedented Heavy Rainfall and Flooding in the Project Area;
- (d) Reassessment of the solar power plant project;
- (e) Hike in solar modular rates.

**SCOD STATUTORY FRAMEWORK:**

- 6.3 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 19.02.2025.
- 6.4 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:**

- 6.5 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.
- 6.6 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 19.02.2025. 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.

6.7 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.

6.8 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:**

6.9 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.

6.10 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.

6.11 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.

**No documents / proof have been produced to prove the effect of the claims:**

6.12 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.

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

**Unprecedented Rainfall:**

6.14 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 12.02.2025, 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.

6.15 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.

6.16 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.

6.17 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**

6.18 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 10 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:**

6.19 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.

6.20 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 & Delay in Land Acquisition**

6.21 The Petitioner in the present Petition has admitted that its change in the decision of acquiring the land instead of leasing indicates that the delay was solely on the account of the Petitioner's commercial decisions and it was the Petitioner due to which the delay was caused cannot be fastened upon DGVCL and has to be solely the responsibility of the Petitioner.

6.22 The Petitioner has not submitted proper and complete Applications without adhering to the requirements as mandated by the Authorities. Moreover, the Petitioner itself took substantial time to remove the objections as raised by the Department of Land Revenue, which itself showcases a delayed approach on the part of the Petitioner. Having known the strict timelines which has to be followed mandatorily, the Petitioner ought to have diligently sought approvals, which it failed to do so. Therefore, it cannot be the case that if the authorities rightly rejected the incorrect application as submitted by the Petitioner, the delay so caused in seeking the necessary approval will not be the responsibility of the Petitioner.

6.23 The Petitioner in the Petition has alleged that the project got delayed by around 10 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. In its Rejoinder dated 25.06.2025, the Petitioner has sought to provide various dates with respect to the Application approval process, but no documents have been provided to substantiate the same, and without the necessary documents, mere dates as provided by the Petitioner cannot be considered by this e Commission.

6.24 The objections raised by the Authorities cannot, by any stretch, be construed as a delay attributable to the Authorities or to DGVCL, particularly in light of the fact that the Petitioner itself submitted an incomplete and deficient application. The responsibility to ensure that an application is complete in all material respects rests solely with the Petitioner. It cannot be contended that the Authorities are under an obligation to accept any and every submission made before them, irrespective of its compliance with the applicable statutory or procedural requirements. The apparent suggestion by the Petitioner—that mere submission of an application, regardless of its completeness or merit, must result in its unconditional acceptance is misconceived and untenable in law.

6.25 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. It is 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 this Commission may verify the same.

6.26 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 Finding and Analysis:**

7. 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 6 months from the date of Order of this Commission. Consequently, as per Tariff Order dated 31.08.2024 (Order No. 6 of 2024) Point 3.9 the timelines linked to the commissioning of the transmission line along with metering system may be revised from the date of

the extended period granted for the commissioning of the transmission line along with metering system. 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. The Petitioner further requested to direct the Respondents to grant the requisite permissions and execute the necessary agreements, i.e., Connectivity Agreement, MOU agreement for RMU and wheeling agreement during the pendency of this petition, so as to avoid any further delays in the project.

8. The facts which are undisputed between the parties are as under:

8.1 The Petitioner has been granted technical feasibility for set up 1.475 MW (AC) solar power plant for captive use on 20.02.2024 for power injection point at 66kV Selod Sub-station by the Respondent No. 1 GETCO. As per the technical feasibility granted by the Respondent No. 1 GETCO, it is proposed grid connectivity of 1.475 MW (AC) is technically feasible with subject to erection of 1 no. of New Proposed 11kV Solar Feeder Panel.

8.2 As per the connectivity (TFR) granted, the Petitioner was required to commission the transmission line by 19.02.2025.

8.3 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.

8.4 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.

8.5 On 27.08.2024, the Petitioner paid Bank Guarantee of Rs.7,37,500/- to DGVCL, the expiry of which is mentioned as 20.02.2025.

8.6 The claim of expiry date of bank guarantee is mentioned as 20.02.2025.

8.7 The Petitioner has stated that it has completed following works for creation of evacuation infrastructure and also invested huge amount in the project as stated below:

<b>PROJECT UPDATES (PANKAJ ENKA)</b>		
<b>Sr No</b>	<b>Particular</b>	<b>Pankaj Enka</b>
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 <sup>th</sup> September 2025
13	ROW NOC Permissions for laying of Transmission line	Received
14	Testing for ABT Meter:-	Complete

	Generation End	
15	Installation of Sub Station End ABT Meter	Complete

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

9.1 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.

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

9.3 Delay due to increase in solar modules rates.

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

9.5 Delay in getting NOC and Right of Way clearance (RoW)

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

**11. Delay occurred due to Banking facility clarification:**

**Petitioner's Submissions:**

11.1 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, and 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.

11.2 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.

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

11.4 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.

11.5 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.

11.6 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.

11.7 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:**

11.8 Per-contra the Respondent contended that 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.

11.9 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.

11.10 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:**

11.11 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.

11.12 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.

11.13 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 20.02.2024. The bank guarantee was paid by the Petitioner on 27.08.2024. 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 is not accepted and valid because it is an admitted fact that the connectivity was granted to the Petitioner on 20.02.2024 and bank guarantee was paid by the Petitioner on 27.08.2024. 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 27.08.2024.

11.14 We also note that the Petitioner has sought connectivity and applied for open access for evacuation of 1.475 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 1.475 MW power project of the Petitioner.

11.15 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 affect the Petitioner to create the distribution infrastructure.

11.16 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. We may note here that we have adopted same approach in many other recent Petitions, so far as Banking issue is concerned.

**12. 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 submission:**

12.1 We note that as per the Petitioner's submission that 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 at the project site was not possible, and already dispatched supplies had to be temporarily stored in highland areas far from the project site.

12.2 These unforeseen circumstances inevitably delayed the completion of the transmission line along with metering system of the project of the Petitioner.

12.3 The Petitioner highlights that unprecedented rainfall and flooding are unavoidable circumstances beyond human control. The heavy rainfall not only delayed progress but also caused damage that required significant time and manpower to rectify, resulting in delays to the transmission lines along with metering system completion.

**Respondent submission:**

12.4 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.

12.5 Further, it is not clear when the approval for drawings was received, only on 12.02.2025, 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. The claim of the Petitioner is liable to be rejected on this ground alone.

**Commission's Analysis:**

12.6 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, the Petitioner has failed to justify aforesaid ground for extension in timeline for construction of the solar power project of the Petitioner.

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

**Petitioner Submission:**

13.1 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.

13.2 The project has been delayed due to an unforeseen hike in solar module rates, triggered by the imposition of anti-dumping duty on solar glass. This legislative change has substantially increased solar module costs and led to a scarcity of

modules, impacting the project's timeline and budget. Despite being prepared to procure modules at the increased price, the scarcity of required module deliveries has forced the petitioner to explore alternative module options and technologies.

13.3 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.

**Respondent Submission:**

13.4 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 Analysis:**

13.5 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, it is to state that the TFR was issued on 20.02.2024 and the project activities required to complete before the 19.02.2025 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. 19.02.2025. Hence, aforesaid ground is not valid and accepted for extension in timeline for construction of transmission system by the Petitioner.

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

**Petitioner Submission:**

- 14.1 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.
- 14.2 The Petitioner submitted that upon receipt of the Technical Feasibility Report (TFR), the Petitioner promptly initiated the process of land acquisition for the purpose of setting up the solar power plant project. That initially the Petitioner had intended to set up the project by acquiring land on a long term lease basis, however owing to Land owner's internal dispute and later on change in their decision to sale the Land rather than leasing it, the Petitioner decided to instead acquire the land for setting up of the Project by way of an outright sale. In order to avoid any undue delay, the Petitioner executed an Agreement to Sale (Satakhat) on 30th March, 2024, thereby securing the requisite land for the project.
- 14.3 The Petitioner through landowner applied to the revenue authorities for seeking permission to use the land for non-agricultural purposes, with the intention of expediting the project's completion. However, the revenue authorities rejected the said application on the ground that the report of the Department of Land Record had raised certain objections. Thereafter substantial time was consumed in removing the objections raised and once the said objections were removed the landowner once again applied for permission for non-agricultural use of the land. It is submitted that in obtaining the NA permission it took almost 10 Months and there wasn't any delay from the Petitioners end.

**Respondent Submission:**

- 14.4 The Petitioner in the Petition has alleged that the project got delayed by around 10 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. In its Rejoinder dated 25.06.2025, the Petitioner has sought to provide various dates with respect to the Application approval process, but no documents have been provided to substantiate the same, and without the necessary documents, mere dates as provided by the Petitioner cannot be considered by this e Commission.

14.5 The objections raised by the Authorities cannot, by any stretch, be construed as a delay attributable to the Authorities or to DGVCL, particularly in light of the fact that the Petitioner itself submitted an incomplete and deficient application. The responsibility to ensure that an application is complete in all material respects rests solely with the Petitioner. It cannot be contended that the Authorities are under an obligation to accept any and every submission made before them, irrespective of its compliance with the applicable statutory or procedural requirements. The apparent suggestion by the Petitioner that mere submission of an application, regardless of its completeness or merit, must result in its unconditional acceptance is misconceived and untenable in law.

14.6 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. It is 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 this Commission may verify the same.

**Commission Analysis:**

14.7 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 i-ORA Portal vide No. 32105202400461 on 29.03.2024 for use of agricultural land being survey No. 182 Village: Selod for non-agriculture purpose on the name of Shri Rasikbhai Govindbhai Sakariya. The said application was rejected by Collector; Bharuch vide letter dated 16.05.2024. on ground of mismatch of area measurement as per DLR record. Thereafter the Petitioner through landowner had applied for use of agricultural land being survey No. 182 A-2 Village: Selod for non-agriculture purpose on the name of Shri Rasikbhai Govindbhai Sakariya vide application on i-ORAPortal vide No. 321052024028781 on 04.10.2024 on online platform. Collector, Bharuch vide Order dated 1281/21/05/1312024 dated 23.12.2024 has granted NA permission for use of agriculture land being survey No. 182 A-2 for non-agricultural purpose. Similarly in

application for use of agricultural land being land survey No. 182 B Village: Selod Rasikbhai Govindbhai Sakariya had filed an application on on i-ORA Portal on 19.07.2024. vide no 3210520240253. In the said applications, NA permission was granted by the authority for use of agriculture land for non-agricultural purpose on 23.12.2024 vide Order No. 875/21/05/131/2024 dated 12.09.2024. It is further to note that the Petitioner had made sale deed for the said land being Survey No.182 A-2 and 182 B of Village Selod with the landowner on 18.01.2025. Thus a period from 29.03.2024 to 16.05.2024,i.e., 49 days taken by the authority for rejection of the application for NA permission for survey o 182 and thereafter time period from 28.09.2024 to 23.12.2024 i.e., 87 days taken by the authority for granting NA permission for land being survey no. 182 A-2 and 182 B i.e.,136 days 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 136 days.

14.8 We note that, 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

14.9 Considering the extension in completion of transmission system eligible by the Petitioner is 136 days under the NA permission for utilization of agricultural land for non-agricultural purpose. Thus, the time period eligible by the Petitioner is 136 days (4 months & 16 days)

15. We also note that the Petitioner encountered significant delays in obtaining requisite NOC permissions for laying of the transmission line from various statutory authorities, including: (GIDC, and R&B). The Petitioner has placed on record the GIDC Permission for land to be used under right to use for laying of electric cable at Jhagadia industrial estate, GIDC, which are reproduce as under:

“.....

*Gujarat Industrial Development Corporation  
(A Govt. of Gujarat Undertaking) Office of the Regional Manager, GIDC  
Office of the Regional Manager, Gujarat Industrial Development Corporation,  
Administrative Office Building. Plot no. 624/B, Valia Road, GIDC, Ankleshwar-393002,  
Phone- (02646) 221351 221451 221403 Mail*

NO: GIDC/RM/ANK/ROU/PO/JHA2/007. By R.P.A.D.

Date:15/10/2024

ROU 2024267694

To,

ANU SANTOSH PRINTS PVT LTD

TO, A-1027 Kohinoor Textile Market, Ring Road, Surat 395002

Gujarat

Sub: Permission for land to be used under Right of Use for laying of Electric Cable at Jhagadia industrial estate.

Ref: Your application dated 26/08/2024

Route: no.

Dear Sir,

With reference to your application for grant of Permission for land to be used under Right of Use for laying of laying of Electric Cable at Jhagadia Industrial Estate has been considered by the corporation.

The details are as under:

Sr No.	Particulars	
1	Length of Proposed Electric Cable	300.00
2	Width of Proposed. Electric Cable	1.00
3	Total area of Proposed Electric Cable	300.00
4	Total area given for ROU	300.00
5	Total cost of land area Rs. 1910.00/- per sqmt.	573,000.00
6	Rent at 10% for One Time. (Including GST	67614.00

.....

.....

Thanking you,

Your faithfully

Region Manager

e- sign

15.10.2024

.....”

From the aforesaid , it is on record that Application dated 26.08.2024 of the Petitioner has been approved by the GIDC, Jhagadia on 15.10.2024 for laying electric cable at Jhagadia industrial estate and issued estimate amount to be deposited, thereby 51 days taken by the GIDC authority for granting the Permission for laying the cable in the GIDC area.

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 on part of getting NA Permission of agriculture land for developing the project and RoW issued faces by the Petitioner for laying the cable line in the GIDC area is valid and eligible ground.

17. We also note that the Petitioner has placed on record the undertaking dated 04.04.2025 for declaration of name of lead generator for common evacuation facility of solar power from their solar power plant location to the 66 kV Sub-station. We also note that the Respondent has approved the status of lead generator to M/s Sumnagal Dyeing & Printing Mills Private Limited as lead Generators vide letter dated 10.04.2025. The said approval letter is reproduced as under:

“.....

No: DGCS/0540/04/2025 Approved Date: 10-04-2025

DGVCL	<b>DAKSHIN GUJARAT VIJ COMPANY LTD.</b> <b>CIN U401020120035GC042909</b>  <b>Regd. &amp; Corporate Office: "Urja Sadan".</b> <b>Nana Varachha Road, Kapodra Char Rasta, Surat-395006.</b> <b>Website: www.dgycl.com</b>  <b>Email: acegerc.dgvck@gebmail.com</b>
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To,  
Sumnagal Dyeing Printing Mills Pvt Ltd  
& Printing Mills Pvt. Ltd

To  
Laxmee Chemfab Private Limited

Project Location:  
182A-2, 342, Vill. Selod,  
Ta. Jhagadia, Dist. Bharuch

Project Location:  
182A-2, 342, Vill. Selod,  
Ta. Jhagadia, Dist. Bharuch

Dear Applicant/Developers.

This has reference to the undertaking dated 04-04-2025 submitted by Anu Santosh Prints Pvt. Ltd. for declaration of name of lead generator for common evacuation facility of solar power from their SPG location to the 66 kV Selod S/s. The details of the projects are as under:

Sr.	GEDA Registration No.	Name of applicant /Consumer	Proposed Capacity in MW	Location	TFR Details

1	GEDA/SOL/2024/09/OW/3773	ANU SANTOSH PRINTS PRIVATE LIMITED	1.475 MW AC & 1.750 MW DC	182A-2, 182B. Vill. Selod, Ta. Jhagadia, Dist	23- 24/Zagadia/Tech/S olar TFR/66 KV Selod/757 dtd 20- 02-2024
2	GEDA/SOL/2024/12/OW/5240	SUMNAGAL DYEING & PRINTING MILLS PRIVATE LIMITED	1.06 MW AC 2.00 MW DC	182A-2 342, Vill. Selod Ta Jhagadia, Dist. Bharuch.	24-25/CO/BRH/RE- TER/2306
3	GEDA/PR/GMS/24 - 25/01/4984/3554	Laxmee Chemfab Private Limited	0.720 MW AC & 0.972 MW DC	182A-2, Vill. Selod, Ta. Jhagadia. Dist. Bharuch	DGCS/0224/03/202 5

In this regard, it is to state that the stipulated time period for installation and commissioning of the solar power of ANU SANTOSH PRINTS PRIVATE LIMITED for installation of 1.475 MW has been expired on 19-02-2025 i.e. 12 months from the allotment of capacity on 20-02-2025. Thus, ANU SANTOSH PRINTS PRIVATE LIMITED has filed petition before GERC for seeking time limit extension in commissioning of the solar power project. Now, the matter is pending with GERC.

In the circumstance, it is to mention that Sumnagal Dyeing & Printing Mills Private Limited will be the lead Generator and Laxmee Chemfab Private Limited will be the child generator. Further, Sumnagal Dyeing & Printing Mills Private Limited will be responsible for forecasting, scheduling and energy accountings, payment of SLDC charges etc. in terms of the GERC DSM Regulations 2019 and also, bound to adhere any other Regulatory compliance as may be provided under the Provisions of the Electricity Act 2003, the GERC Orders/Regulations.

In light of the above, it is requested to submit fresh undertaking incorporating the name of lead generator and child generator as mentioned hereinabove.

Thanks & Regards,

DGVCL C & R

Copy FWCS to:

1. The Chief Engineer (SLDC), State Load Dispatch Centre

Copy to:

2. The CEO & SE (O & M), Bharuch Circle

3. The Executive Engineer (O & M), Ankleshwar O & M

File No: DGCS/CNR/e-file/454/2024/7444/Commerce and Regulatory Approved By: Additional Chief Engineer, Commerce and Regulatory, verify the E-sign

.....”

18. We also note that the Petitioner has placed on record the work completion certificate issued by the Respondent No 2 DGVCL, which is reproduce as under:

“ .....

No: DGVCLSDJG/0096/07/2025 Approved Date: 24-07-2025

<i>DAXIN GUJARAT VIJ COMPANY LIMITED</i>	
<i>DGVCL</i>	<i>JHAGADIA SUBDIVISION OFFICE-ANKLESHWAR</i>
	<i>VALIA ROAD, BESIDE 66KV SUB STATION, JHAGADIA</i>
	<i>EMAIL: sdo zagadia@gebmail.com</i>
	<i>NO: 1800-233-3003</i>

To

The Executive Engineer

Rural Division Office.

Ankleshwar

Sub: Work Completion Certificate of M/s Sumangal Dyeing & Printing Mills Private Limited for 1.06 MW AC/1.40MW DC AND Laxmee chemfab private limited for 0.720MW AC/ 0.972MW DC. Total Capacity 1.78MW AC/2.372MW DC Solar Plant at Village: Selod, Taluka: Jhagadiya, District: Bharuch, State: Gujarat.

Ref: -

1. GEDA Reg.: Sumangal Dyeing: GEDA/SOL/2024/12/OW/5240, Date: 06.12.2024

2. GEDA Reg: Laxmee Chemfab: GEDA/SOL/2025/04/OW/501, Date: 23.04.2025

3. TFR No.: Sumangal Dyeing: 24-25/Co/BRH/RE-TFR/2306, Date: -02/08/2024

4. TFR No.: Laxmee Chemfab: DGCS/0224/03/2025, Date:-06/03/2025

5. DGVCL Estimate SR no.: DGVCLSDJG/0045/02/2025, Date:-15/02/2025

6. Estimate paid vide receipt no: ZHDFKOOBRA2QI, Date: 29/01/2025

7. DGVCL Letter (For Lead Generator): DGCS/0540/04/2025, Date: 10/04/2025

Respected Sir,

*In connection to above stated subject and reference, it is to inform you that M/s Sumangal Dyeing & Printing Mills Private Limited requested for work completion certificate for Sumangal Dyeing & Printing Mills Private Limited for 1.06 MW AC/1.40MW DC AND Laxmee chemfab private limited for 0.720MW AC/ 0.972MW DC. Total Capacity 1.78MW AC/2.372MW DC Solar Plant at Village Selod, Taluko- Jhagadiya, District- Bharuch at 66KV Selod Substation.*

*Further it is inform you that work of 11KV U/G HT line are completed and ready for charge. This is for your information please.*

*Deputy Engineer (O&M) Subdivision Office,  
Zaghadia.*

*File No: DGVCLSDJG/OTHERS/e-file/4461/2025/0782/Technical Approved By: Deputy Engineer, Technical, DGVCLSDJG Open the document in Adobe Acrobat DC to verify the E-sign*

.....”

From the aforesaid the Petitioner submitted that the work completion certificate received from the Respondent No 2 DGVCL in favor of the lead generator-M/s Sumangal Dyeing & Printing Mills Private Limited for evacuation of power from the solar power plants. Further, the Petitioner submitted status of various activities related with the commissioning of the completion of the Project and also submitted in its written submission that the planning for the commissioning of the project shall be three months from the date of Order of this Commission. Hence, we are of the view that the connectivity which was granted to aforesaid generator with lead generator to M/s Sumangal Dyeing & Printing Mills Private Limited had completed the evacuation infrastructure as a part of obligation on them to create necessary transmission system was already created by them. Now, the Petitioner seeking three-month time for completion of the solar power project.

19. 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 on part of getting NA Permission of agriculture land for developing the project i.e. 136 days and RoW issued faces by the Petitioner for laying the cable line in the GIDC area is 51 days , total of (136+51), i.e., 187 days appear valid and eligible for extension for the completion of the project of the Petitioner, however the evacuation infrastructure is completed as per the work completion certificated dated 24.07.2025 produced by the Petitioner.

20. We are of the view that the Petitioner's project is small RE project having capacity of 1.475 MW capacity only and it has completed the transmission network 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. We note that the original prayer of the Petitioner is not consisting of the prayers with regard to extension of the commissioning of the project.

21. Considering the evacuation infrastructure as shown completed by the Petitioner as per noted in the foregoing paragraphs, we decide to allow extension of time limit up to 187 days in completion of transmission system on a ground of unforeseen reasons. We reject the rest of the claim.

22. We allow the Petition partly, accordingly.

23. With this order, the Petition and IA stands disposed of.

Sd/-  
**[S. R. Pandey]**  
Member

Sd/-  
**[Mehul M. Gandhi]**  
Member

Place: Gandhinagar.  
Date: 30/10/2025.