

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2498 of 2025.

In the Matter of:

Petition under Section 86 (1) (b) (e) (f) & (k) and Section 86 (4) of the Electricity Act, 2003 read with Regulations 80, 81, 82, 84, 85 of the GERC (Conduct of Business) Regulations 2004 seeking directions to GETCO to comply with the GERC's Regulations.

And

IA No. 47 of 2025 in Petition No. 2498 of 2025.

In the Matter of:

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

Applicant/Petitioner: Cleanmax Vayu Private Limited
13 A, Floor – 13, Plot - 400
The Peregrine Apartment, Kismat Cinema
Prabhadevi, Mumbai – Maharashtra - 400025.

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

V/s.

Respondent: Gujarat Energy Transmission Corp. Limited
Sardar Patel Vidyut Bhavan
Racecourse Circle, Vadodara – 390007.

Represented By: Ld. Adv. Ms. Ranjitha Ramachandran along with
Mr. P. P. Shah and Mr. Shobhraj Jayswal

CORAM:

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

Date: 03/11/2025.

Order on the Interim Application filed by the Petitioner

1. The matter was kept for hearing on 19/09/2025.
2. The learned advocate Mr. Aditya Singh appearing on behalf of the Petitioner has submitted that the Petitioner approached the Commission for seeking the relief of extension in commissioning with all approvals of 10 MW WSH Power Projects of commissioning within a period of 12 months imposed by the Respondent GETCO vide letter dated 08.04.2025. The Petitioner has submitted that the said letter is against the procedure for "Grant of Connectivity to projects based on Renewable Sources to intra-state Transmission System" ("Connectivity Procedure") and also Order No. 01 of 2024 dated 22.02.2024 of the Commission and hence to be quashed and set aside.
3. He submitted that the Petitioner was granted with the Stage-II connectivity on 31.05.2024.
4. He further submitted that the "Grant of Connectivity to projects based on Renewable Sources to intra-state Transmission System" ("Connectivity Procedure") dated 07.01.2023 wherein it was decided that after installation of 10% of RE project within 12 months for capacity of project of 1 to 100 MW balance 90% of the Hybrid power projects are required to be commissioned within a period of 2 years from the date of commissioning and charging of the evacuation system.

5. The Petitioner has also submitted that the connectivity procedure framed by the GETCO approved by the Commission provides that the connectivity ones obtained by the project developer the evacuation infrastructure including transmission system needs to be created by the project developer within period of 12 months from the date of such connectivity for RE project having capacity of 1 to 100 MW. It is also provided that the project developer shall require to Commission at least 10% of capacity within a period of one month from the date of commissioning of the evacuation system. The transmission system needed to be created within period of one year from the date of connectivity provided by GETCO and 10% capacity shall be commissioned within a period of one month from the date of charging of transmission system by the project developer. Further it provides that the balance capacity of 90% or any is required to be commissioned in one year which create ambiguity in the aforesaid provision.
6. The Petitioner is developing 10 MW wind solar hybrid project at Rajkot district and has obtained connectivity to connect the project at 66 kV Mota Khijadiya substation of GETCO.
7. The Petitioner has created necessary evacuation infrastructure and transmission system for 10 MW Wind Solar Hybrid Power Project for power generation and evacuation successfully on 28.05.2025 in support of it the Petitioner has relied on commissioning MoM and Charging Permission on 28.05.2025.

8. The Petitioner has also commissioned 6.6 MW of Wind Solar hybrid power project out of 10 MW on 31.05.2025 which is on or prior to 31.05.2025 i.e. within one year from the date of grant of connectivity by the Respondent. Thus, the Petitioner has commissioned more than 10% i.e. 66% of capacity of the plant from which the Petitioner has obtained connectivity for evacuation of power of 10 MW hence the Petitioner has complied with the provision of grant of connectivity. It shows the genuine effort taken by the Petitioner for compliance of the provision of connectivity and Order of this Commission.
9. He further submitted that the remaining 3.3 MW of wind solar hybrid project which consists of 3.3 MW wind and 1.8 MW solar was installed and was ready for commissioning prior to 31.05.2025 i.e. on 28.05.2025 onwards, however the commissioning of power project involves the presence of officials of GEDA, GETCO and DISCOMs representatives, Moreover it is also necessary to sign the LTOA and Wheeling and Banking Agreement (WBA) with the GETCO and DISCOMs respectively.
10. After achieving the meter sealing of the project on 02.05.2025 for wind and 08.05.2025 for solar the Petitioner has applied for LTOA on 28.05.2025 which is pending before GETCO, Moreover the LTOA is not signed by Respondent on the grounds that the period of one year is expiring on 31.05.2025 and therefore the same is not signed and approved by them due to which commissioning of the wind solar hybrid power plant is pending.

11. He submitted that 3.3 MW WSH power plant of Petitioner was installed and ready for commissioning from 28.05.2025 which could not be commissioned for the reason beyond the control of the Petitioner because LTOA and WBA are not signed by GETCO and the distribution licensee whereas wheeling agreement is signed by distribution licensee only after signing of LTOA by GETCO.
12. The Petitioner has submitted that they have invested 35 Crores for the installation of part of 10 MW WSH power project which is stranded and the Petitioner is not able to generate electricity and realise revenue and the Petitioner is also required to pay interest and principal on the loan and O&M expenses and it will further increase interest on working capital and IDC affecting to the viability of the RE project desire to be set up by the Petitioner.
13. He submitted that the denial of signing of LTOA and other approvals for commissioning jeopardise the investment made by the Petitioner and he is suffering heavily on this account.
14. He requested the Commission may pass an interim order to direct the Respondent, GETCO and other agencies to allow commissioning of 3.3 MW WSH power project which is ready for commissioning since 28.05.2025.
15. He submitted that the Respondent will not suffer if the commissioning of already installed 3.3 MW WSH power project is allowed by the Commission not only on monetary aspect but it will also help to utilise optimally transmission network of the Respondent.

16. The prima facie case and balance of convenience is in favour of the Petitioner. Based on the above, he submitted that the Commission may pass interim relief in IA No. 47 of 2025 in this Petition by allowing the 3.3 MW WSH power project subject to outcome of the Petition No 2498 of 2025.
17. Ld. Adv. for the Respondent submitted that the Petitioner is seeking directions in regard to its connectivity with respect to timelines for commissioning of the 10 MW Wind- Solar Hybrid Power project. The Petitioner was granted Stage-II connectivity on 31.05.2024 after the Order dated 22.02.2024 in Order No. 1 of 2024
18. It is submitted that the Petitioner has claimed to have completed the evacuation system for 10 MW on 28.05.2025. Against 10 MW as per the understanding of the Respondent, 6.6 MW capacity commissioned on 31.05.2025. The Letter dated 08.04.2024 was issued by the Respondent in regard to 10 MW as a reminder of the timelines as per the Detailed procedure read with tariff Order and there is no such required under the Detailed procedure.
19. The timelines as per the Order dated 22.02.2024 expires on 31.05.2025, while the Petitioner has completed the dedicated transmission line on sharing basis on 28.05.2025, the Petitioner is also required to commission the entire 10 MW capacity to the extent it is not commissioned.

20. The letter dated 04.10.2024 also provides that the Petitioner has to comply with the provisions of the Order dated 22.02.2024 and procedure dated 07.01.2023.
21. The Respondent have also submitted that the Respondent GETCO has filed a Petition being Petition No. 2490 of 2025 along with application dated 23.05.2025 for amendment in regard to the timelines *inter alia* as per the Hybrid Tariff Order dated 22.02.2024 which may have implications on the timeline.
22. Heard the parties. The present Petition has been filed by the Petitioner seeking to;
- (a) Quash and set aside the impugned letter dated 08.04.2025 issued by the Respondent-GETCO, to the extent it erroneously mandates commissioning of the entire 10 MW Hybrid Power Project within 12 months of connectivity.
 - (b) Declare and clarify that the Petitioner is entitled to a period of up to two (2) years from the date of charging of the evacuation system to commission the full capacity of the Project, as per the Procedure for the Grant of Connectivity, 2023.
 - (c) In the interim, direct the Respondent not to take any coercive steps including encashment of Bank Guarantee, cancellation of connectivity, or revocation of Open Access against the Petitioner on the basis of the impugned letter.
23. It is undisputed by the parties that the Petitioner was granted connectivity on 31.05.2024. The Petitioner was developing 10 MW WSH and it has applied for connectivity for evacuation of power for aforesaid plant by utilising the transmission network of the

Respondent GETCO. The Petitioner has installed 6.6 MW capacity and has also applied for LTOA with the Respondent.

24. It is also undisputed that the Petitioner has completed transmission and evacuation system of 10 MW on 28.05.2025. thus, it has complied with the provisions of procedure for the grant of connectivity wherein it is specified that project developer of 1-100 MW capacity of RE project needs to create evacuation and transmission system in 12 months.
25. The issue raised in the IA is with respect to allowing 3.3 MW WSH power project which is ready for commissioning as per the submission of the Petitioner where the Petitioner has applied for LTOA of 3.3 MW on 29.05.2025. Further the meter and the metering system for the said projects were sealed on 02.08.2025 for the wind and for solar on 08.05.2025.
26. We note that the Petitioner has submitted that the Petitioner has installed & successfully commissioned the 6.6 MW WSH RE project by 31.05.2025 out of 10 MW on or prior to 31.05.2025 Moreover it is also submitted by the Petitioner that 3.3 MW WSH power project including WTG and Solar part is also ready for commissioning since 28.05.2025 however in absence of insurance of LTOA by Respondent in other approvals the Petitioner is unable to Commission the project and evacuate the power to be generated from the set project. The Petitioner has also submitted that the Petitioner has incurred 35 crores amount in developing the 3.3 MW wind solar hybrid project which is installed in a waiting for commissioning and evacuation of

power from it, hence we are of the view that the Petitioner has made investment for installation of 3.3 MW WSH power project which is ready for commissioning since 28.05.2025 which is not able to generate electricity and inject in grid in absence of commissioning allowed by Respondent GETCO.

27. We note that it is undisputed facts that the Petitioner has installed 6.6 MW WSH capacity prior to 12 months. It is also a fact that the transmission evacuation infrastructure also created by the Petitioner. It is also not disputed by the Respondent that the Petitioner has installed and ready for commissioning on 28.05.2025 for 3.3 MW WSH and metering of it also done by the Petitioner.
28. However, in absence of grant of LTOA by the Respondent, no wheeling Agreement has been done by the DISCOMs. The Respondent had denied on the ground that the 12 months from the date of grant of Stage-II connectivity expires on 31.05.2025. The Application dated 28.05.2025 of LTOA is also not disputed between the parties. Thus, denial of LTOA lead to denial of wheeling agreement with DISCOMs leads to denial of the commissioning of 3.3 MW WTG and 1.8 MW solar project of the Petitioner. Thus, it is fact that the Petitioner who invested in installation of 3.3 WTG and 1.8 MW solar power plant unable to generate electricity, inject into the grid and earn revenue for repayment of loan, increase IDC of project which hampers financial aspect of the Petitioner. While the Respondent also lose the network charges and optimum utilization of it. Thus, the Prima facie case is in favour of the Petitioner and Balance of convenience also in favour of

the Petitioner. Hence, we are of the view that the Petitioner be permitted to energize its 3.3 MW WSH projects.

29. We note that in view of the fact that the 3.3 WSH Project has been duly developed and the meter sealing has been completed within the stipulated period, the Petitioner requested that, in the larger public interest, there ought to be no impediment in permitting the Developer to obtain conditional permission for the generation and injection of power into the grid whether or not an extension of time is to be granted may be appropriately dealt with in the Commission's final order in the main matter.
30. We also note and decide that the accounting and settlement of such injected energy in the consumer's account shall remain subject to the Commission's final determination/ decision in the main Petition. In the event that the Commission does not grant an extension, the Petitioner undertakes that no financial or contractual liability shall arise upon the State Utility on account of the said generation, and that the energy injected shall be treated as inadvertent power, without any claim or compensation from the Petitioner.
31. Accordingly, as an interim relief in the present Interlocutory Application (IA) bearing number 47 of 2025, in this case the Commission direct GEDA, GETCO, and DGVCL to grant conditional approval to the Petitioner for the generation and injection of power into the grid, pending further Orders of the Commission.

32. The Respondent have also submitted that the Respondent GETCO has filed a Petition being Petition No. 2490 of 2025 for amendment in regard to the timelines *inter alia* as per the hybrid Tariff Order dated 22.02.2024 which may have implications on the timeline.
33. The Respondent will not suffer, if interim relief is granted to the Petitioner but it is beneficial for the Respondent for optimum utilization of their resources and earn revenue as part of transmission charges and losses.
34. We note that the balance of convenience is in favour of the Petitioner for allowing 3.3 MW which is installed and ready for commissioning, therefore we decide and direct Respondent GETCO to allow on ad hoc basis commissioning of 3.3 MW wind solar hybrid power project of the Petitioner as an interim relief subject to the outcome of the present petition. The ad hoc grant of Commission does not create any right of equity in favour of Petitioner against the Respondent because the interim relief as stated above granted without going into the merits of case, the facts and other legal aspects, grounds in the present orders.
35. We clarify that by the grant of interim relief there is no equity arise between the parties against each other and the same is subject to final outcome of the petition No. 2498 of 2025.
36. By passing this order in IA No: 47 of 2025 Purpose and relief are decided and therefore the IA No. 47 of 2025 is disposed of.

37. Both the parties have made their submissions and completed their arguments in the matter. Parties are at liberty to file their written submissions in the main matter, if any, within 1 weeks' time. The matter will thereafter be reserved for Final Order.

38. We order accordingly.

Sd/-

[S. R. Pandey]

Member

Sd/-

[Mehul M. Gandhi]

Member

Place: Gandhinagar.
Date: 03/11 /2025.

