

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2513 of 2025

In the Matter of:

Petition under Section 86 (1) (c), (e) & (f) and other applicable provisions of the Electricity Act, 2003 read with Regulations 80 & 82 of the GERC (Conduct of Business) Regulations, 2004 seeking extension of the time period for construction of the evacuation infrastructure and quashing of the letter dated 13.06.2025 issued by the Respondent GETCO.

Along with

IA No. 57 of 2025 in Petition No. 2513 of 2025

In the Matter of:

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

Petitioner : Tisza Solar Pvt. Limited,
5th Floor, M3M T-Point,
North Tower, Sector 65,
Gurgaon – 122 018, Haryana.

Represented By : Ld. Adv. Mr. Aditya K. Singh along with Ld. Adv.
Mr. Vineet Gupta and Ld. Adv. Mr. Divyansh
Singh

V/s.

Respondent : Gujarat Energy Transmission Corp. Ltd.
Sardar Patel Vidyut Bhavan
Race Course Circle, Vadodara – 390 007.

Represented By : Ld. Adv. Utkarsh Singh along with
Mr. Shobhraj Jaiswal.

CORAM:
Mehul M. Gandhi, Member
S.R. Pandey, Member

Date: 05/11/2025

ORDER

1. The present Petition has been filed by the Petitioner seeking the following reliefs:
 - a) To hold and declare that the delay caused in construction of the evacuation infrastructure and bays and commissioning of the 50 MW wind power Hybrid project at 220 KV Kamlapur Substation of GETCO was due to unforeseen events not attributable to the Petitioner; and
 - b) To grant an extension of 180 day from the date of order of the Commission in the present petition for construction of evacuation infrastructure and bays at 50 MW wind power Hybrid project at 220 KV Kamlapur Substation of GETCO for delay caused due to unforeseen Events not attributable to the Petitioner; and
 - c) In the interim, direct the Respondent to not take any coercive action including but not limited to revocation of connectivity, encashment of the bank guarantee till the pronouncement of order; and
2. The facts of the case mentioned in the present Petition in brief, are as under:

- 2.1. The Petitioner is a company incorporated under the Companies Act, 2013. The Petitioner is developing a 50 MW wind power Hybrid project at 220 KV Kamlapur Substation of the Respondent Gujarat Electricity Transmission Corporation Limited.
- 2.2. The Respondent-GETCO is a Company incorporated under the provisions of the Companies Act, 1956. GETCO is a State Transmission Utility wholly owned by the Government of Gujarat, within the meaning of Section 2(67) of Electricity Act, 2003, in the State of Gujarat.
- 2.3. GERC on 31.05.2011 issued GERC (Terms and Conditions of Intra State Open Access) Regulations, 2011, wherein Regulation 20 of the said regulations directed the state transmission utility of Gujarat to submit a detailed procedure for application of connectivity, long term and medium-term open access.
- 2.4. On 07.01.2023 the Commission approved Procedure for grant of Connectivity in pursuance to clause 20 of the GERC(Terms and Conditions of Intra State Open Access) Regulations, 2011. This procedure for grant of Connectivity 2023 provides timeline for evacuation and generation capacity both in two stages. It also stipulates penalty for delay in both from completion of the evacuation infrastructure and also of commissioning of the generation capacity.
- 2.5. The Commission on 22.02.2024 issued Tariff Order for Hybrid projects i.e. Order No. 1 of 2024. The Procedure for the grant of connectivity

2023 states that Stage-I and Stage-II connectivity grantees shall require to complete the dedicated transmission line(s) including require bays, bus – bar at transmission licensees sub-station and generator pooling sub-station(s) etc. within timeline specified by the State Commission in relevant Orders/ LOA/LOI/PPA for project as applicable time.

- 2.6. As per the Order No.1 of 2024-Tariff Order for Hybrid Projects, the entire evacuation line along with bays and metering system needs to be completed within 12 months from the date of allotment of transmission capacity.
- 2.7. The Petitioner on 31.05.2024 applied for Stage-I grid connectivity for evacuation of 50 MW Hybrid Power at GETCO 220KV Mota Kamlapur substation.
- 2.8. GETCO on 29.06.2024 intimated approval to the Petitioner for Stage-I grid connectivity for evacuation of 50 MW Hybrid Power at GETCO 220KV Mota Kamlapur substation.
- 2.9. The Petitioner on 21.06.2024, applied for Stage-II Connectivity and submitted BG dated 03.06.2024 for of an amount of INR 5 Cr.
- 2.10. On 30.07.2024, GETCO intimated approval to the Petitioner for Stage-II grid connectivity for connection of the Project with GETCO 220KV Mota Kamlapur substation.

- 2.11. The Connection Agreement was executed between GETCO and the Petitioner on 29.08.2024, for establishing connectivity of the Project with GETCO Substation.
- 2.12. As per the Detailed Procedure, the Petitioner was required to pay the Provisional Estimate within 30 days of the issuance of the same and further sign the Connectivity Agreement within the next 5 days thereafter. Thus, the Petitioner, vide on 27.08.2024 paid the supervision charges.
- 2.13. The Petitioner thereafter initiated the work on constructing of the evacuation infrastructure but the construction of the same has been delayed due to reasons not attributable to the Petitioner. Therefore, the Petitioner has approached the Commission seeking an extension for construction of the evacuation line with bays along with metering system for the unforeseen reasons:
- 2.14. The Petitioner had initially identified land with Survey Number 311, under Registered Lease Agreement No. 334-2025 dated 03.03.2025, for the construction of the PSS and accordingly submitted the application dated 15.03.2025 for Section 68 and 164 approvals. However, at a later stage, on 01.04.2025, a landowner objected to the construction of the PSS on his land, necessitating a shift to an alternate location at Survey Number 578/P2.

2.15. The landowner, Mr. Mahendrabhai Dadabhai Dhandhal, residing at Dharai Village, Taluka Chotila, District Surendranagar on 01.04.2025, communicated his objection to the construction of a powerhouse (substation) on the leased agricultural land bearing Survey No. 311, leased under Registered Lease Agreement No. 334-2025 dated 03.03.2025. In his letter, the landowner expressed concerns that the deep concrete and steel foundations and erection of electrical towers required for the substation would cause significant and lasting damage to his land. He also highlighted the risk of future hardship if the substation structure is not removed after the lease period of 29 years and 11 months. Consequently, he requested that only solar panels be installed on his land, and the construction of the substation be avoided. Due to this objection, the Petitioner was compelled to relocate the substation to an alternate site at Survey Number 578/P2 and reapply for the necessary Section 68 and 164 approvals on 05.05.2025.

2.16. The Petitioner due the aforesaid intervention had to cancel its application under Section 68 and 164 of the Electricity Act, 2003. The application is generally processed within 60 days.

2.17. On 05.05.2025, the Petitioner re-applied for approval under Sections 68 and 164 of the Electricity Act, 2003, for a new site, vide online application Ref. No. ELA/2025/274. Despite the submission of all requisite documents, the said approval remains pending as on date. In

accordance with the applicable regulatory provisions, no development activity can be initiated at the site without obtaining the aforesaid approval.

2.18. On 26.06.2025, the Petitioner submitted a letter to the Principal Secretary, Energy & Petrochemicals Department, Government of Gujarat and requested for prompt approval of its application dated 05.05.2025 under Sections 68 and 164 of the Electricity Act, 2003. The Petitioner emphasized that no development activity can commence until the approval is granted and stated that any delay could negatively affect their project commissioning schedule. The Petitioner requested the department to expedite the approval process. However, there was no reply from the department on the aforesaid letter and the application of the Petitioner was pending.

2.19. The objection raised by the landowner on 01.04.2025 was not a mere inconvenience but a material and substantive impediment, highlighting concerns over irreversible damage to agricultural land and legal uncertainty at the end of the lease period. These concerns could not be addressed unilaterally or brushed aside and warranted a shift in project location to avoid potential litigation and project disruption.

2.20. The Petitioner submitted that the claim that Right of Way issues cannot arise before formal approval under Sections 68 and 164 is overly

technical and dismisses the realities of field-level execution. The Petitioner's decision to shift sites was not due to lack of diligence but to responsibly address legitimate landowner concerns. The Petitioner initially applied on 01.04.2025 but had to cancel the same on 01.05.2025, due to concerns of landlord and to change from site. Further, Petitioner reapplied on 05.05.2025. This action was in accordance with prudent utility practices, aiming to de-risk the project at an early stage.

- 2.21. The time between the Stage-II connectivity on 30.07.2024 and application in March 2025 was used for site identification, lease negotiation, land documentation, and securing internal approvals. A few months' time for such preparatory work is standard across infrastructure projects.
- 2.22. Works such as tower foundations and limited stringing have commenced, these were undertaken strictly on private lands where no ROW was involved, and only after oral confirmations and interim approvals. The construction was limited and subject to final approval, and the Petitioner had taken care not to violate statutory provisions.
- 2.23. The application dated 05.05.2025 was followed up through a detailed letter dated 26.06.2025, with no response till the date of filing. The approval was not received until 25.07.2025 (as claimed by the Respondent), which is 80 days from initial application beyond the

implied reasonable timeframe. The delay is thus not only proven but has had measurable impact on project timelines.

- 2.24. The delay caused by the authorities directly contributed to the postponement of critical construction activities, and this period ought to be accounted for when assessing project execution timelines and compliance
- 2.25. During the delivery of materials and route survey conducted in 28 February 2025 in preparation for the commencement of transmission line construction, a significant Right of Way (ROW) obstruction arose. This involved objections by a private landowner affecting tower locations within Span Nos. 6 to 8 of the proposed 66 kV transmission line.
- 2.26. On 30.06.2025, the Petitioner addressed a representation to the Collector and District Magistrate, Rajkot, seeking intervention under Section 164 of the Electricity Act, 2003 read with Section 16(1) of the Indian Telegraph Act, 1885 for permission to complete the work of erecting a 66 kV transmission line.
- 2.27. The project involves laying a 3.883 km transmission line from the 66 kV Tisza Solar Private Limited Sub Station to the 66 kV (220 kV) Kamalapur Sub Station of Gujarat Energy Transmission Corporation Limited (GETCO) at Jasdan, District Rajkot. The route comprises 18 towers, including 2 H-Cam DPs, with 3.183 km of overhead line and

0.700 km of underground cable, with an estimated project cost of INR 10 crores (Rs. 1000 lakhs). Out of this, 15 towers and 2.085 km of conductor stringing have already been completed.

- 2.28. The ongoing work has been obstructed by farmers of village Kamlapur (Moti Aniyali), Taluka Jasdan, claiming personal compensation demands. Despite repeated visits, legal notices, and explanations from the company, the farmers continue to obstruct the legally authorized work.
- 2.29. The Petitioner also submitted that the compensation for standing crops, if any, will be paid in accordance with the law after completion of the work, and that no land acquisition is required for the erection of the line under the applicable laws.
- 2.30. Section 68 and 164 is a route approval, without route finalization, Section 68 and 164 cannot be applied. Due to severe right of way issues, there was delay in filing application for Section 68 and 164 approval, which led to further delay in procurement of Section 68 and 164 approval.
- 2.31. While formal Section 164 approval may not have been in place in February 2025, the objections raised by landowners during preparatory works created a real and immediate obstruction to the project timeline.

- 2.32. The discrepancy in the number of days claimed (120 vs. 180) is due to evolving on-ground circumstances and does not diminish the reality of the disruption. The Petitioner has suffered continuous obstruction from February through to the present, and the 180-day estimate reflects the cumulative period of delay.
- 2.33. The present status of issues of ROW on tower no 19 & Stringing from Tower No. 18 to 20 are still continued and for which the Petitioner has approached District Collector vide letter dated 30.06.2025 for which DC has issued an order dated 12.09.2025 to local police and Petitioner has also approached to police authorities and perusing with them vide request letter dated 17.09.2025 and frequently also requested to them but the issue is still persisting and awaiting the police action to resolve the issue according to law. The ROW issue is still continued. When the petition was filed it was envisaged that the dispute will be resolved in short time of 120 days but it is still continued. It is beyond the control of Petitioner and qualified as unforeseen reason. Further, on 17.06.2025, the Petitioner addressed a letter to the Taluka office requesting to be informed whether payment of compensation to the Government of Gujarat was required for transmission lines passing through any government waste land.
- 2.34. This Commission issued Gujarat Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations,

2024 on 21.02.2024, in furtherance of the Electricity (Promoting Renewable energy through Green Energy Open access) Rules, 2022.

- 2.35. The GEOA Regulations are applicable for allowing open access to electricity generated from green energy sources and are applicable to the licensees, green energy generators or consumers with a contract demand or sanctioned load of 100 KW or more.
- 2.36. Regulation 17 of the said regulations provides for banking facility and applicable charges. It states that banking facility shall be permitted to consumers availing green energy open access. Further, it provides that the permitted quantum of banked energy by the green energy open access consumers shall be at least 30% of total consumption of electricity from the distribution licensee by the consumers during the billing period.
- 2.37. Plain meaning of Regulations 17 and 17.6, reflects that the consumer should be allowed banking facilities of minimum 30% of total consumption. However, this issue was interpreted by the concerned authorities in Gujarat by only allowing banking for the quantum of energy which was above 30% of total consumption. This interpretation led to uncertainty amongst stakeholders. Relevant developers started staring towards regulatory vacuum and initiated to approach relevant authorities to intervene. In absence of any clarification, investment in Gujarat was at standstill. The stakeholders

as well as Petitioner started awaiting relevant clarification because present interpretation had ignored infirm nature of renewable energy. Being an important stakeholder, clarity was then sought by the Energy and Petrochemicals Department, Government of Gujarat from the Ministry of Power, Government of India regarding interpretation of banking provisions of the GEOA Rules, 2022.

2.38. The MoP, on 21.08.2024 issued a clarification with respect to the banking provision of the GEOA 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.

2.39. Post receipt of clarification, on 31.08.2024, GUVNL issued a clarification on banking provisions. Uncertainty concerning banking was put to rest. Therefore, from 30.07.2024 till 31.08.2024 ability of the Petitioner to progress with the development was severely impacted.

- 2.40. Vide order dated 19.06.2025, the Hon'ble High Court of Gujarat has also stayed the aforementioned clarification letter, creating further confusion and uncertainty on the banking facility.
- 2.41. Delay of 30 days was attributed to clarification due banking issue from date of order 31.08.2024 to date of grant of connectivity i.e. 31.07.2024.
- 2.42. The delay in the delivery of CRT can be attributed to an ongoing market demand crisis and significant disruptions in the global supply chain, both of which constitute unforeseeable events that lie beyond the Petitioner's control. The current global supply chain issues, which have affected industries worldwide, have resulted in severe shortages of critical components, including the specific circuit breakers required for this Project. Despite the Petitioner's contractors best efforts, including proactive and continuous follow-up with the Original Equipment Manufacturers (OEM) suppliers, there has been no feasible way to expedite the delivery process within the initially anticipated timeframe.
- 2.43. In fact, in the meeting held on 21.12.2023 by Ministry of Power (MOP), the issue of transformer and reactor shortages was discussed in detail. Representatives from the Indian Electrical and Electronics Manufacturers' Association (IEEMA) explained that due to a high number of tenders being released in 2023, the industry's

manufacturing capacities have already been booked for 2024. As a result, manufacturers are unable to supply Extra High Voltage (EHV) transformers and reactors (400 kV and above) before March 2025. Additionally, the transformer industry is facing significant challenges due to a heavy reliance on imports for key components like CRGO and Copper, contributing to price fluctuations and supply chain constraints.

2.44. This situation mirrors the Petitioner's predicament, where delays in transformer deliveries are largely due to global supply chain disruptions and market demand crises. Despite proactive efforts to follow up with suppliers and procure the necessary materials, these unforeseen supply challenges have caused substantial setbacks, making it impossible to meet the original project timelines due to this unforeseen circumstance. The Petitioner, like the industry at large, faces delays in fulfilling transformer orders due to limited manufacturing capacity, compounded by geopolitical factors and price volatility of essential materials. These issues were not anticipated during the project's planning phase, highlighting how such disruptions are beyond the control of the Petitioner.

2.45. It is important to note that these disruptions were entirely outside the Petitioner's control and that every effort has been made to minimize their impact. The Petitioner's contractor has acted in good faith and

even placed purchase orders for the transformer and other raw materials to various vendors. A delay of 60 days was attributed to delay in CRP Panel May 2025 to present.

2.46. Consequently, the Petitioner issued a letter dated 20.05.2025 to GETCO requesting an extension of time for completion of the evacuation infrastructure on grounds of the unforeseen events such as ROW issues, Transformer delivery issues and Power transformer issues.

2.47. Details of the efforts taken by the Petitioner for completion of the evacuation infrastructure are tabulated below:

S.No.	Item Description	Project Progress Current Status	Remarks
1.	66 KV Transmission Line	90%	1) Tower Erection-90% Completed (19/20) 2) Stringing-90% Completed-19/21 Spans (including 1 UG Span)
2.	66/33KV PSS-civil Work	80%	1. MCR-95% Completed 2. Equipment Foundation-70% Work Completed
3.	66/33KV PSS-Electrical Works	70%	1. Yard Equipment &Jumpering-90% Completed 2. Control Cable Laying & Termination-WIP 3. 33KV O/G Feeder DP-WIP 4. CRP Erection & Commissioning WIP
4.	66kV GSS	90%	Minor work is pending

Details of investment Made:
Evacuation Infrastructure

Item	investment made in INR
Land	10.0 Crs
Transmission Line	9.0 Crs
Generator PSS	10.0 Crs
Feeder Bay @GSS	2.0 Crs
GETCO/GEDA Statutory Payments	1.5 Crs
Total Investment	32.5 Crs

2.48. Apart from aforementioned evacuation infrastructure expenses, the Petitioner has placed order for procurement of wind turbine worth of INR 170 Crore.

2.49. Despite issuance of the aforesaid letter dated 20.05.2025 requesting an extension of time for completion of the evacuation infrastructure due to unforeseen circumstances, no reply or response has been received from GETCO till date. In view of the absence of any communication or resolution from GETCO, the Petitioner is constrained to approach the Commission by way of the present Petition, seeking appropriate directions based on the following grounds.

3. Reply of Respondent GETCO

3.1. It is stated that GETCO is a State Transmission Utility under Section 39 of the Electricity Act, 2003 and a transmission licensee under the Electricity Act, 2003. As the State Transmission Utility GETCO discharges the functions as provided under sub-section (2) of Section 39.

- 3.2. The Commission has framed GERC (Terms and Conditions of Inter-State Open Access) Regulations, 2011 whereunder it is provided that the detailed procedure which inter alia include aspects on application for connectivity and open access and other issues.
- 3.3. A Detailed Procedure was drafted in relation to the grant of connectivity to projects based on Renewable Sources to Intra- State Transmission System and in terms of the Open Access Regulations, the draft had been placed on the website of the Respondent to invite comments and suggestions and thereafter the same was placed before the Commission. The Commission approved the detailed procedure for grant of connectivity to project based on Renewable sources to Intra State Transmission system on 07.01.2023.
- 3.4. Therefore, if the Grantee does not construct the dedicated transmission line as per the timelines, the Stage – II Connectivity shall be revoked and the Bank Guarantee encashed. Therefore, the Detailed Procedure read with the relevant tariff order provides for submission of bank Guarantees and provide for cancellation with encashment of Bank Guarantee in case the Grantee does not meet the requirements.
- 3.5. The Petitioner was granted Stage-II connectivity for 50 MW for Hybrid Power Project on 30.07.2024.
- 3.6. The Petitioner has sought for extension of the timelines which has to be considered as per the Commission in terms of the Detailed

Procedure read with Tariff Orders. While there is no specific provision of force majeure, the Tariff Orders only recognize failure to commission on case-to-case basis due to unforeseen reasons. While the Tariff Order recognizes the extension in certain cases, there is no inherent power in terms of the Electricity Act or otherwise in Conduct of Business Regulations or any other regulation for such aspects. Regulation 80 and 82 of the Conduct of Business Regulations do not apply to the present case.

- 3.7. There cannot also be any extension solely on the basis of the Petitioner being a renewable project. The Detailed Procedure as well as Tariff Order has been framed specifically for renewable projects and therefore there is no further consideration while complying with the requirements/provisions of the same. It cannot be that merely because the Petitioner is a renewable project, it can claim any delay or extension. Any issue has to be considered as per the same only.
- 3.8. It is the responsibility of the Petitioner to ensure that the evacuation facilities as well as the project is developed within time. It was the Petitioner which chose to apply for connectivity being well aware of the timelines and the consequences thereof.
- 3.9. The Petitioner is seeking on the basis of alleged aspects:
- a. Delay in grant of approval under Section 68 and Section 164 of the Electricity Act, 2003;

- b. Delay due to Right of Way issues.
- c. Lack of clarity regarding banking facility
- d. Delay in delivery of CRP Panels due to high demand

3.10. The Petitioner has submitted the bank guarantees dated 03.06.2024 of amount of Rs. 5,00,00,000/- which is expiring on 30.04.2027 with claim period until 30.04.2028. The Petitioner is required to ensure that the bank guarantee is valid for the period and GETCO reserves its right to encash the same. The bank guarantee is an unconditional bank guarantee.

3.11. The Petitioner has claimed to have applied for approval under Section 68 and 164 of the Electricity Act, 2003, only on 15.03.2025 and the same was requested to be cancelled by the Petitioner itself. It is submitted that the Petitioner has only provided the screenshot of the application which also does not reflect the date of the application and further not provided the supporting documents. Further the Petitioner has only provided an email seeking cancellation. While the Petitioner claims that the said cancellation was due to alleged ROW issues, it is not clear how there can be ROW issues when the Petitioner had not even obtained Section 164/Section 68 permission yet and could not have carried out any work. The Petitioner cannot claim to be unaware of the requirement of such provisions which are not only the law but also had been indicated in letter by GETCO dated 30.07.2024.

- 3.12. The letter dated 01.04.2025 of the Petitioner is only a request of the landowner to not construct Powerhouse on the land as it may cause loss to the landowner only if the building is not removed. The Petitioner has itself decided to shift the location of the substation instead of resolving the issue with the landowner. The Petitioner has not shown any attempts it made to resolve the issue with the landowner. The issues with the landowner is to be dealt with by the Petitioner. If the Petitioner had not negotiated properly with the landowner nor provided accurate details, and the same leads to issues subsequently, this cannot be accepted.
- 3.13. The lease agreement itself was signed only on 03.03.2025 even as per the Petitioner (though the same has not been reproduced).
- 3.14. The Petitioner has applied for permission at another location only on 05.05.2025 (which date is also not reflected in the Application), after the landowner raised the issue on 01.04.2025 (which letter is also not within knowledge of GETCO). The intermittent delay is clearly on the part of the Petitioner. The Petitioner has also not provided the supporting documents of this application also.
- 3.15. The Petitioner was granted Stage-II connectivity on 30.07.2024 and could have applied for such within a reasonable time after grant of connectivity but waited until March and May 2025 to apply for such approval. The Government authorities cannot be faulted for time taken

when the Petitioner took considerable time to file its application. The Petitioner cannot expect that authorities will process the applications or grant approval on the same day. The timelines to the Petitioner include such procedure and approvals.

3.16. The Petitioner has not provided details of the application and communications with Government and when the approvals were finally received. The Petitioner cannot claim delay from 15.05.2025 when it had applied only then. As per the understanding of GETCO, the Government of Gujarat had granted approval on 25.07.2025 though the Petitioner is required to confirm the same. The Petitioner cannot assume that the Government would not take any time for such consideration of Section 68 and Section 164 approvals. The Petitioner refers to the addressing representations to Collector and District Magistrate on 30.06.2025 under Section 164 but when the approval was not granted yet, it is not clear how the representations could be sent.

3.17. Further the Petitioner is claiming that the approvals are still not obtained but also claims ongoing work and in fact that 15 towers out of 18 and 2.085 km of conductor stringing has been completed. This clearly means that the Petitioner was undertaking work. The claims of the Petitioner are contradictory, and the Petitioner be called upon to explain.

3.18. The time taken by authorities cannot be used for claiming delay unless the Petitioner can demonstrate that there was unreasonable delay and the onus is on the Petitioner to demonstrate what the reasonable time would have been and what is unreasonable time. The Petitioner has not even specified what the reasonable time would have been. In this regard, GETCO referred the following decisions:

- a. NTPC Vidyut Vyapar Nigam Ltd -v- Precision Technik Pvt. Ltd., 2018 SCC OnLine Del 13102:
- b. Pasithea Infrastructure Ltd. -v- Solar Energy Corporation of India & Anr. 2017 SCC OnLine Del 12562 (Delhi High Court)

3.19. The Petitioner has sought to claim that the Petitioner suffered ROW issues starting from February 2025 and the Petitioner still continues to be affected by such ROW issues. The Petitioner has not provided any estimate as to when such RoW issues would be resolved even though the extension sought is not more than 120 days. The Petitioner has also not substantiated the alleged ROW issues.

3.20. In the table provided by the Petitioner at Para 9, the Petitioner has sought for an extension of 120 days on account of RoW issues but at Para F the Petitioner has sought for an extension of 180 days. The Petitioner ought to clarify the said discrepancy.

3.21. When the Petitioner had not even applied for permission under Section 164 and Section 68, it is not clear on what basis the Petitioner was seeking to do any work. In fact, as per the Petitioner, it had sought to

refer to a letter written to Collector and district Magistrate in June 2025 about abeyance of the work of laying the line when the approval was not even there. The Collector could not have passed an order under Section 16 when there was no Section 164 approval. The Petitioner had delayed in applying for approvals and now cannot claim ROW issues on laying down the line.

- 3.22. On one hand, the Petitioner claims that it cannot do any work without approvals, but on the other hand claims that persons were objecting to legally authorised work.
- 3.23. There cannot be any claim from February 2025. Further there is no substantiation of such claims. Even on 15.04.2025 had claimed to be commissioning by 29.07.2025. Therefore, clearly the claims of delay from February 2025 is only an afterthought.
- 3.24. The Petitioner has claimed that there was lack of clarity on banking in terms of the GERC Green Open Access Regulations 2024. At the outset, it is submitted that GETCO at this stage is not responding to the import of the provisions for banking. The interpretation on the aspect of issues of GERC Green Open Access Regulations or banking are not admitted and, in any case, not relevant.
- 3.25. The Petitioner had obtained connectivity for 50 MW and the final capacity also appears to be 50 MW only.

- 3.26. The Petitioner has relied on issues of banking but has not specified how the same affected the project. There is no substantiation or even details of how the Petitioner's project was affected. There are general claims that investment was at standstill or frozen which is clearly not correct as the Petitioner itself had sought connectivity during this time. The Petitioner had applied for connectivity on 31.05.2024 and 21.06.2024 and further paid estimate charges. There was no alleged uncertainty or lack of clarity for the Petitioner. Further the Petitioner had obtained connectivity of 50 MW which was granted on 30.07.2024 and there has been no change in the capacity at any time. There is no reason why the Petitioner had caused any delay for its power project of 50 MW due to any such aspects. Further it is clear that the Petitioner continued with connectivity of 50 MW and therefore there is no reason why such capacity was not commissioned within time.
- 3.27. There is no basis to claim that the ability of the Petitioner was affected between 30.07.2024 to 31.08.2024. It is not clear what ability was affected or what work to be done in that period was affected considering the estimate letter was issued and the payment was made in August 2024 in any case. The Petitioner itself claims that it had commenced construction of evacuation infrastructure thereafter (after payment of supervision charges which itself was 29.08.2024 as per Petitioner). Therefore, it is not clear what delay was there.

3.28. If the contention of the Petitioner is that there was uncertainty or regulatory vacuum it is not clear why the Petitioner proceeded to seek connectivity at the time. Having done so, the Petitioner cannot claim extension on ground of any alleged uncertainty or vacuum. It was the Petitioner's choice to obtain connectivity being aware of the provisions and therefore it cannot later claim that having obtained connectivity, it would not take up any work due to any alleged pre-existing uncertainty. This is not unforeseen reasons.

3.29. The Petitioner has not clarified on what basis it is making the claim and how it impacted the project. The Petitioner had applied for 50 MW for connectivity and even now is continuing with the same capacity. Even otherwise, it is not clear how this impacted the evacuation system to be laid down by the Petitioner to the substation, particularly since the capacity of the line would be the same irrespective of capacity of the power plant. The capacity of the evacuation line as per the Detailed Procedure is based on voltage of connectivity and not the capacity of the project. Therefore, the capacity of the line to be constructed by the Petitioner at 66 KV connectivity remained same, irrespective of capacity of the project.

3.30. Further the Petitioner had not provided how this impacted the project. The Petitioner claims that there was a standstill in the investment but has not substantiated the same and any such claim is denied. It is not

the specific case that there was no work going on. If fact at such alleged period of uncertainty, the application was made for Stage II Connectivity in June 2024.

- 3.31. The Petitioner has not provided any details of approaching the Commission for clarification nor has it stated the efforts taken by it.
- 3.32. The Petitioner has also not provided the timelines it is seeking on this basis.
- 3.33. The aspects of proceedings before the Hon'ble High Court and subsequent proceedings are not relevant to the issue at hand. It is not the case of the Petitioner that there is no work would be carried out in the meantime.
- 3.34. The Petitioner has confused the issue on CRP Panels/CRT/Transformers etc. and none of the issues are substantiated.
- 3.35. If there is delay in placing of order due to any alleged delays in power project or otherwise delays by the Contractor, then this cannot be claimed as reason for extension.
- 3.36. It is the responsibility of the Petitioner to arrange for all inputs/equipments etc. and cannot seek extension merely because there has been a delay. This cannot be an unforeseen reason. Further the reason for delay is not any specific event but vague claims of global supply chain issues.

- 3.37. The claim of global supply chain disruption and delay in delivery is not substantiated. The delay by the Petitioner or its contractor cannot be the basis of claiming extension. The claim of good faith or proactive or continuous follow up is also not substantiated. The Petitioner has to also clarify whether the delay is considered as force majeure in the contract with the supplier/contractor.
- 3.38. The Petitioner has wrongly relied upon the Minutes of Meeting of the Ministry of Power. The same relates to delay in delivery of transformers. In the present case the Petitioner has not raised any issue with respect to delay in delivery of transformers nor is there any document in the Petition. Even otherwise, the said issue was existing even prior to the application for connectivity and therefore is not unforeseen reason.
- 3.39. The letter of contractor of the Petitioner placing the order for CRP Panels etc. is only of 03.04.2025, i.e. almost 8 months after the grant of connectivity to the Petitioner. Further the said letter itself provides for delivery within 18 to 20 weeks from drawing approval for GETCO inspection and the dispatch is likely after that. However considering the order date, the delivery even from purchase order would have exceeded the period of 12 months. Therefore, the purchase order and delivery was already delayed. The payment for the CRP Panels has been claimed to have been made on 21.04.2025. This clearly shows

that there is a delay on the part of the Petitioner in placing the order for CRP Panels.

- 3.40. The delay on the part of the Petitioner can also be made out from the email dated 10.06.2025 of Siemens (the supplier of CRT Panels) that the delivery schedule is 18-20 weeks from the date of MFC.
- 3.41. The Letter dated 21.05.2025 is in response to the Hi-Tech Letter dated 12.05.2025 and this demonstrates that even in May 2025, the approval for drawings were being sought. Further it is clear from the dates that the delay has nothing to do with any issues in delivery but solely due to delay in placing purchase order etc.
- 3.42. It is not clear on what basis the Petitioner is seeking delays from May 2025 when the delivery clearly would not have been scheduled then and in fact the approval of drawings itself was in May 2025. There is also no reference to any letter to claim any such alleged high demand crisis. In fact the only issue is that the Petitioner/Contractor seeking expedited delivery than what was provided in Purchase Order.
- 3.43. While in the Annexures, the Petitioner has only referred to alleged Purchase Order in CRP etc, in the Letter dated 20.05.2025 no reference was made to CRP panels.
- 3.44. In terms of Order dated 22.02.2024, not only evacuation system but the power project capacity is also to be commissioned within 12 months.

- 3.45. The Petitioner has sought to refer to the invocation of bank guarantee. The bank guarantee is an unconditional bank guarantee and there cannot be any restraint. The bank guarantee is to be encashed in case of cancellation of connectivity. The above is not a penalty, but a consequence provided in the Detailed Procedure. When the capacity has been blocked for the Petitioner and the Petitioner does not come in time, there is a loss caused to GETCO and further the capacity remains blocked for other customers which also causes loss to consumers at large. Hence it is necessary that the delays should be discouraged and there has to be consequences for the same.
- 3.46. The Petitioner has only approached the Commission by filing the present Petition on 15.07.2025 even though it was well aware of the timelines. The Petitioner was well aware of the delays and ought to have approached the Commission within time to allow adjudication in a reasonable time. Despite being aware of the provisions of Detailed Procedure and the Tariff Order, the Petitioner wrote to GETCO. There is no power in GETCO to grant any extension. Accordingly, there was no error in GETCO writing the letter dated 13.06.2025, though this was not a requirement under Detailed Procedure but is only an intimation.
4. Ld. Adv. Mr. Aditya Singh appearing on behalf of the Petitioner reiterated the submission and further argued as under:

- 4.1. He argued that the Petitioner is developing a 50 MW wind power Hybrid project at 220 KV kamlapur Substation and the Petitioner has approached the Commission seeking extension for construction of evacuation line with bays along with metering system for the unforeseen reasons are stated below : - (1) Delay in grant of approval under Section 68 and Section 164 of the Electricity Act, 2003; (2) Delay due to Right of Way (RoW) issues; (3) Lack of clarity regarding the banking facility (4) Delay in CRP delivery due to market demand crisis
- 4.2. He argued that the objection raised by the landowner on 01.04.2025 was not a mere inconvenience but a material and substantive impediment, highlighting concerns over irreversible damage to agricultural land and legal uncertainty at the end of the lease period. These concerns could not be addressed unilaterally or brushed aside and warranted a shift in project location to avoid potential litigation and project disruption
- 4.3. He argued that the claim that Right of Way issues cannot arise before formal approval under Sections 68 and 164 is overly technical and dismisses the realities of field-level execution. The Petitioner's decision to shift sites was not due to lack of diligence but to responsibly address legitimate landowner concerns. The Petitioner initially applied on 01.04.2025 but had to cancel the same on 01.05.2025, due to concerns of landlord and change in site. The Petitioner reapplied on

05.05.2025. This action was in accordance with prudent utility practices, aiming to de-risk the project at an early stage.

- 4.4. He argued that the time between the Stage II connectivity on 30.07.2024 and application in March 2025 was used for site identification, lease negotiation, land documentation, and securing internal approvals. A few months' time for such preparatory work is standard across infrastructure projects.
- 4.5. He argued that certain preliminary works such as tower foundations and limited stringing have commenced, these were undertaken strictly on private lands where no ROW was involved, and only after oral confirmations and interim approvals. The construction was limited and subject to final approval, and the Petitioner had taken care not to violate statutory provisions.
- 4.6. He argued that the application dated 05.05.2025 was followed up through a detailed letter dated 26.06.2025, with no response till the date of filing. The approval was not received until 25.07.2025, which is 80 days from initial application beyond the implied reasonable timeframe.
- 4.7. He argued that the delay caused by the authorities directly contributed to the postponement of critical construction activities, and this period ought to be accounted for when assessing project execution timelines and compliance

- 4.8. He argued that the ROW issues commenced during initial ground-level activities, including site inspections, route survey, and material delivery which are standard pre-construction steps undertaken in anticipation of timely receipt of statutory approvals. These activities were lawful and necessary to avoid delays post-approval.
- 4.9. He argued that Section 164 and 68 Approval can only be applied if the preliminary work of land acquisition is not being undertaken. Section 68 and 164 is a route approval, without route finalization, Section 68 and 164 cannot be applied. Due to severe right of way issues, there was delay in filing application for Section 68 and 164 approval, which led to further delay in procurement of Section 68 and 164 approval.
- 4.10. He argued that while formal Section 164 approval may not have been in place in February 2025, the objections raised by landowners during preparatory works created a real and immediate obstruction to the project timeline. The Petitioner proactively approached the District Magistrate on 30.06.2025 for intervention, reflecting its good faith effort to resolve the matter through legal channels.
- 4.11. He argued that it has suffered continuous obstruction from February through to the present, and the 180-day estimate reflects the cumulative period of delay. The 120-day extension request was made in conservative estimation at an earlier stage.

- 4.12. He argued that the Petitioner further clarifies that reporting a target commissioning date in April 2025 was an optimistic projection, contingent on resolution of ROW issues. The Petitioner has always acted diligently and in accordance with prudent utility practices. The transmission line is being constructed solely by the Petitioner, and all responsibilities arising from landowner issues have been addressed in a lawful manner. The delay due to local obstructions is both genuine and documented.
- 4.13. The present status of of ROW on tower no 19 & Stringing from Tower No. 18 to 20 is still continued and for which the petitioner has approached district collector (DC) void letter dated 30.06.2025 for which DC has issued an order dated 12.09.2025 to local police and petitioner has also approached to police authorities and perusing with them vide request letter dated 17.09.2025 and frequently also requested to them but the issue is still persisting and awaiting the police action to resolve the issue according to law. The ROW issue is still continued, and 107 days already passed in it. When the petition was filed it was envisaged that the dispute will be resolved in short time of 120 days, but it is still continued. It is beyond the control of petitioner and qualified as unforeseen reason.
- 4.14. He argued that the issue of banking was central to commercial viability and planning of the project, especially given the infirm nature of

renewable generation. Regulatory uncertainty arising from inconsistent interpretations materially impacted decision-making, including financial closure, scheduling of equipment procurement, and construction timelines.

4.15. He argued that mere procedural progress such as obtaining connectivity or submitting applications does not negate the existence of regulatory uncertainty. These steps were undertaken in anticipation of clarity, which was ultimately provided by the Ministry of Power and GUVNL. The Petitioner reiterates that this uncertainty justifies a reasonable extension in project timelines.

4.16. He argued that the control panel supply delay must be viewed in the broader context of industry-wide disruptions affecting transformer and switchgear manufacturers as highlighted in the MoP-IEEMA meeting of 21.12.2023, which referred to critical supply shortages and booked-out capacities well into 2025.

4.17. He argued that the purchase order for CRT panels was placed in April 2025, this was in sync with the project's sequencing plan and evolving readiness of site infrastructure, which had itself been delayed due to ROW and statutory approval challenges. The OEM's quoted lead time of 18–20 weeks after drawing approvals is standard, but the delay in engineering approvals was a consequence of the vendor backlog and

repeated revalidation requirements, which were themselves affected by supply-side constraints.

- 4.18. He argued that the delay in approval and inspection cycles, therefore, cannot be attributed solely to the Petitioner's internal processes but reflects the strain on OEM capacities and inspection agency timelines.
- 4.19. He argued that while the Petitioner's letter dated 20.05.2025 may not have mentioned "CRT" explicitly, the same letter included the broader context of evacuation infrastructure delays, including transformer-related components. The omission of the acronym "CRT" does not negate the fact that the CRT panels are integral to the transformer bay commissioning process. Hence, the 60-day delay claimed by the Petitioner is reasonable, justifiable, and clearly supported by documentation.
- 4.20. He argued that there was also uncertainty due to confusion on the transferability of the connectivity. To clarify the confusion, Respondent GETCO filed petition bearing number 2377 of 2024 before the Commission prayer to allow transfer of connectivity. Connectivity transfer is a permissible act in all applicable laws, however there was confusion on the applicability of one part of the Order. The Commission vide order dated 21.09.2024 allowed prayer of the GETCO and cloud of uncertainty on transfer of connectivity was over. Therefore, time

period till 21.09.2024 should be excluded in calculating timeline for commissioning.

5. Ld. Adv. Utkarsh Singh appearing on behalf of the Respondent reiterated the submission and further argued that the Petitioner applied under Section 68 and 164 only on 15.03.2025 and withdrew the same voluntarily. The supporting screenshot lacks essential details, including the application date and full documentation. The cancellation was communicated merely by an email, without evidence of a formal withdrawal process.
 - 5.1. He argued that the Petitioner's claim of "Right of Way" (ROW) issues, noting that no such issues can arise prior to obtaining statutory approvals under Sections 68 and 164. Since no activity was legally permissible before the grant of approvals, the Petitioner's justification for cancellation appears unfounded.
 - 5.2. He argued that the objection from the landowner dated 01.04.2025 was a general concern, and the Petitioner made no attempt to resolve the matter through negotiation or other remedial steps. Rather than addressing the concern, the Petitioner chose to shift the project site entirely. The responsibility of resolving such land issues lies solely with the Petitioner.
 - 5.3. He argued that the Petitioner failed to act in a timely manner. Stage II connectivity was granted on 30.07.2024, yet applications were

submitted only in March and May 2025. Delays caused by late filing cannot be attributed to the State. The approvals were reportedly granted on 25.07.2025, which is within a reasonable processing period. Any assumption by the Petitioner of instant approval is unrealistic, and the onus is on the Petitioner to prove what constitutes "unreasonable delay."

- 5.4. He argued that inconsistencies in the Petitioner's narrative on one hand claiming no approval has been granted, while on the other, stating that substantial construction work (15 out of 18 towers and 2.085 km of stringing) has been completed. These contradictions undermine the credibility of the claimed delay
- 5.5. He argued that the Petitioner's claim of a 180-day delay due to ROW issues lacks consistency and supporting evidence. While the Petitioner has sought a 120-day extension in one instance, it now claims 180 days, without clarifying the discrepancy or providing detailed justification
- 5.6. He argued that the Petitioner had not even obtained the statutory approvals under Sections 68 and 164 of the Electricity Act, 2003 at the time it alleges the ROW issues began (February 2025). As such, any construction or preparatory activity undertaken during this period was premature and unauthorized.
- 5.7. He argued that the Collector could not have passed an order under Section 16 of the Telegraph Act without a valid Section 164 approval in

place. Therefore, the Petitioner's reliance on the 30.06.2025 representation is misplaced and premature.

- 5.8. He argued that the Petitioner had itself reported a proposed commissioning date of 29.07.2025 in its April 2025 progress report, which contradicts the claim of delay from February 2025. These contradictions indicate that the ROW claim is an afterthought
- 5.9. He argued that there wasn't any regulatory uncertainty affecting the Petitioner's project and that the Petitioner has failed to demonstrate or substantiate how the issue of banking caused any delay.
- 5.10. He argued that the Petitioner has not suffered any actual prejudice or delay due to the alleged uncertainty regarding banking provisions. Client to provide any documents if available showing effect of banking on our project. These may include delay in getting financing or investment on the project,
- 5.11. He argued that the claim of a "standstill" in investment or development is unsubstantiated and contradicted by the Petitioner's own actions.
- 5.12. He argued that the Petitioner applied for Stage-II connectivity on 10.06.2024 and was granted 50 MW connectivity on 30.07.2024 during the very period it claims was uncertain. Provisional registration from GEDA was obtained on 30.08.2024 and estimate charges were paid, indicating active project development. These actions demonstrate that

the Petitioner was fully aware of the regulatory situation and proceeded with project implementation regardless.

5.13. He argued that there was no change in project capacity; the Petitioner continued with the same 50 MW. As the evacuation system is designed based on capacity, there was no impact on its design or construction due to the banking issue. Therefore, the banking provision had no bearing on the physical progress or timeline of the project.

5.14. He argued that the Petitioner did not approach the Commission directly for clarification on the banking issue. No specific relief or directions were sought by the Petitioner during the alleged period of uncertainty. Reliance on clarifications issued by MoP or GUVNL does not prove that there was a direct delay or hindrance. The request for extension or relief on account of the alleged regulatory vacuum is without basis and unsupported by facts.

5.15. He argued that the Petitioner's claims regarding delay due to high demand and market disruptions are vague, unsubstantiated, and internally inconsistent. No concrete evidence of a "high demand crisis" or a direct causal link to the Petitioner's CRT delay has been provided. The Petitioner has merely attached a general meeting record of the Ministry of Power, which pertained to EHV transformers (400kV and above), not the specific CRT panels involved in this case.

- 5.16. He argued that the contractor's purchase order for CRT panels was placed only on 03.04.2025 nearly 8 months after connectivity was granted. The terms of the PO itself specify a delivery lead time of 18–20 weeks *after* drawing approvals and GETCO inspection. Drawing approvals were being sought as late as May 2025, as seen in correspondence dated 12.05.2025 and 10.06.2025 between Hi-Tech and Siemens, showing delays arose primarily from the Petitioner's side in finalizing documentation and submitting technical approvals.
- 5.17. He further argued that the Petitioner's claim of delay from May 2025 is misplaced, as the delivery of CRT was never realistically scheduled before that time, considering the timelines indicated in the PO. Therefore, there is no actual delay attributable to external factors. Rather, the delay was caused by the Petitioner's late procurement and coordination.
- 5.18. He argued that the Petitioner's letter dated 20.05.2025 to GETCO, while referring to other delays, does not specifically mention CRP/CRT panel issues, further weakening the Petitioner's claim of proactive disclosure or a legitimate basis for requesting time extension on this ground.
6. Heard the parties. The present petition has been filed by the Petitioner seeking declaration of the Commission that the delay caused in construction of the evacuation infrastructure in bay and commissioning of 50 MW wind solar hybrid power project connected at 220 KV

Kamalapur substation of the Respondent was due to unforeseen reasons. It is further prayed to grant an extension in commissioning of infrastructure project by the Commission.

6.1. The undisputed facts in the present petition are as under:

- (a) The Petitioner had applied for 50 MW connectivity of its project under captive mode for Stage-I on 31.5.2024 and Stage-II on 21.6.2024. The Respondent granted stage-I connectivity on 29.6.2024 and Stage-II connectivity on 30.07.2024 at 220 kV Mota Kamalapur Substation of GETCO.
- (b) The Respondent GETCO had issued Procedure for grant of connectivity 2023 on 07.01.2023 for RE project.
- (c) The Govt of Gujarat issued Gujarat Hybrid Policy 2018 on 20.06.2018 and control period of said policy was extended it upto New Gujarat RE Policy 2023 .
- (d) The Commission issued tariff framework for Procurement of Power by Distribution Licensees and Others from Wind-Solar Hybrid Energy Projects and Other Commercial issues for the State of Gujarat i.e. Order No. 4 of 2021 dated 03.04.2021 and effective from control period of said policy was the date of this Order to 31st March, 2023.

- (e) The Commission has passed Tariff Order for Hybrid Projects i.e. Order No. 1 of 2024 on 22.02.2024 and the effective period of it from 20.06.2023 to 31.03.2027
- (f) The Petitioner is under obligation to commission its transmission evacuation infrastructure within a period of 12 months from the date of grant of Stage-II connectivity.
- (g) After completion of evacuation infrastructure, the connectivity holder shall require to commission atleast 10% of allocated capacity within one month after charging of evacuation line. Failure to it, attract long term transmission charge for that 10% of the allotted capacity until such 10% of the allotted capacity is commissioned.
- (h) The Respondent issued a letter dated 13.06.2025 intimating the Petitioner that the evacuation transmission infrastructure from the project required to complete on or before 30.07.2025, failure to it, the connectivity can be cancelled and the Bank guarantee provided by the Petitioner is encashed.
- (i) On 29.08.2024, connection agreement was executed between GETCO and the Petitioner.

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

- (i) Delay in grant of approval under section 68 and section 164 of the Electricity Act,2003

- (ii) Delay due to Right of Way (RoW) issues
- (iii) Lack of clarify regarding the banking facility
- (iv) Delay in CRP Panel delivery due to high demand crisis
- (v) Uncertainty due to confusion on the transferability

7. Now, we deal with the issues emerged for adjudication of the Commission.

7.1. The Petitioner has contended that the delay occurred in grant of approval under section 68 and section 164 of the Electricity Act,2003 by Energy and Petrochemical Department, Government of Gujarat which was started from 15.5.2025 onwards and the same is continued.

7.2. The Petitioner submitted that it has identified land survey No. 311 and applied for lease agreement No.334-2025 dated 03.03.2025 for construction of the PSS and accordingly it had applied on 15.03.2025 for obtaining approval under section 68 and 164 from the appropriate authority.

7.3. The landowner Mr. Mahendrabhai Dadabhai Dhahdhak of Village Dhararyi, Tal: Chotila, Dist. Surendranagar raised the objection to the construction of power substation on lease agricultural land survey No.311 where the registered lease agreement No. 334 -2025 dated. 03.03.2025 was already done between the parties, was objected by landowners for creation of substation on its land saying that the construction of substation in the land create hardship after completion of

lease period of 29 years and 11 months if the substation structure is not removed and he has suggested that only solar panel can be installed on the land. Due to above, the Petitioner was required to relocate the substation in alternate site at survey no. 578E/2 and also compelled to apply a fresh for obtaining approval under section 68 and 164 of the Electricity Act to Energy and Petrochemical Department, Government of Gujarat on 05.05.2025. The application was filed online vide the reference No. ELA/2025/274. The Petitioner had submitted that it had provided all the necessary details and documents along with the aforesaid application dated 05.05.2025. However, there is no permission /approval granted by Energy and Petrochemical Department, Government of Gujarat under section 68 and 164 of the Act to the Petitioner. Though the application was made on 05.05.2025 and consequently on 26.6.2025, the Petitioner requested for approval of the same to the Energy and Petrochemical Department, Government of Gujarat.

- 7.4. Per contra the Respondent submitted that the Petitioner has earlier applied for obtaining permission under Section 68 and 164 of the Electricity Act, 2003 only 15.03.2025 and it has only provided screen shot of the application and not reflect the date of application and supporting documents. The Petitioner has provided email seeking cancellation.

- 7.5. The Petitioner has raised the issue of RoW for cancellation permission without carrying out any work.
- 7.6. The letter dated 01.04.2025 of the landowner to the Petitioner only requesting not to construct substation on its land as it may cause loss to landowner if any building is not removed. The Petitioner has decided to shift the location of substation instead of resolving the issue with landowner.
- 7.7. The Petitioner has not negotiated properly with landowner nor provided accurate details on it. The lease agreement was signed by the Petitioner on 3.3.2025 only. However, the said agreement is not submitted by the Petitioner.
- 7.8. The Petitioner has applied for permission at another location on 05.05.2025 after landowner raised the issue on 01.04.2025.
- 7.9. The Petitioner was granted Stage-II connection on 30.07.2024 and it had applied for approval in March and May 2025 which is after lapse of substantial period from grant of connectivity by the Respondent.
- 7.10. The Government authority took reasonable time to consider and approve the proposal or not.
- 7.11. The Petitioner has not provided details of application and communication with Government stating that when the approvals were finally received. The Petitioner cannot be eligible to claim the delay from 15.05.2025 when it had applied on 05.05.2025.

- 7.12. As per understanding of the Respondent, the Government has granted approval under Section 68 and 164 to the Petitioner on 25.07.2025.
- 7.13. The Petitioner has referred the representation made to the Collector and District Magistrate on 30.06.2025 under Section 164 but when the approval was not granted it is not clear how the representation could be sent.
- 7.14. The Petitioner has claimed that the work of transmission system is going on and out of 18 towers, 15 towers works is going on and 2.085 Km conductor stringing work has been completed. In absence of approval, how such work is completed.
- 7.15. Considering the submissions made by the rival party, we note that the Petitioner has claimed that there was delay occurred in obtaining approval under Section 68 and 164 of the Electricity Act, 2003 from the Energy and Petrochemical Department, Government of Gujarat for laying down the transmission network. The aforesaid approval is statutory approval under the Electricity Act, 2003 and the same shall be necessary to be obtained by the project developer.
- 7.16. We also note that the Petitioner has been granted Stage-II connectivity by the Respondent on 30.07.2024 and the Petitioner was required to construct the transmission network within a period of one year with consideration of the project size of the Petitioner of 50 MW.

7.17. We also note that the Petitioner has submitted that it has carried out Registered lease agreement No. 334-2025 dated 03.03.2025 and obtain right for construction of substation for its plant on the lease basis from Mr. Mahendra Dadabhai Dhandhal.

7.18. The Petitioner has also applied for permission under section 68 and 164 of the Electricity Act, 2003 to the Energy & Petrochemicals Deptt., Govt. of Gujarat on 15.03.2025 by filing online application. The Petitioner has submitted the screen shot of the said application.

7.19. The said application states that the Petitioner has applied vide application No. ELA/2025 /246 for 66 KV single circuit line from its project site at Village Dharaia Tal: Kamalpur, Chotila, Dist: Surendranagar to 220/66 KV GETCO Kamalpur substation.

7.20. The Petitioner has submitted a letter dated 01.04.2025 of Shri Mahendrabhai Dadabhai Dhandal of Village Dharai, Tal: Chotila, Dist: Surendrangar wherein it has stated that the request of use of lease land only for solar panel installation and not for substation construction work. The said letter is reproduced below:

“

*Mahendrabhai Dadabhai Dhandhal
Residing at: Dharai Village,
Taluka: Chotila, District:
Surendranagar
Date: 01/04/2025*

*To
Tisza Solar Pvt. Ltd.,
5th Floor, M3M T-Point,*

*North Tower, Sector 65,
Gurgaon, Haryana*

*Subject: Request to Use Leased Land Only for Solar Panel Installation, Not
for Substation Construction*

Respected Sir/Madam,

I, the undersigned, own agricultural land located in village Dharai, Taluka Chotila, District Surendranagar, bearing Khata No. 452, Survey No. 311 (Old Survey No. 91/P2/P2) This land was leased to your company, Tisza Solar Pvt. Ltd., through Registered Lease Agreement No. 334-2025 dated 03/03/2025.

As per the conditions of this lease, a powerhouse (substation) is proposed to be constructed on our land. However, considering the specific terms of the lease and the fact that the construction of the powerhouse involves deep concrete and steel foundations and erection of electrical towers, we believe this could cause long-term and significant damage to our land. Moreover, if your company does not remove the building after 29 years and 11 months, it would be a major concern for us and cause serious hardship in the future.

Therefore, we humbly request the concerned officers of your company to kindly refrain from constructing a powerhouse on our land, and instead, install only solar panels.

We sincerely appeal to you to consider our request favorably.

*Sincerely,
Mahendrabhai Dadabhai Dhandhal*

.....”

7.21. The aforesaid letter recognizes that the applicant /landowner of land survey khata no.452 and survey No.311 old survey no.91/P2 for which registered lease agreement No. 334-2025 dated 03.03.2025 executed between the Petitioner and the aforesaid landowner restrained the Petitioner for construction of substation at its land instead of installation of only solar panel. Thus, the aforesaid letter recognizes that the

Petitioner has been restrained to carry out the substation installation work on aforesaid land by landowner and the permission for laying down transmission system under section 68 and 164 of the Electricity Act, 2003 to Energy & Petrochemicals deptt. vide Application No.ELA/2025/246 is not pursued by the Petitioner. It is beyond the control of the Petitioner in absence of the permission granted by landowner who agreed to provide the land on lease basis to the Petitioner.

7.22. We also note that the Petitioner has vide its email dated 01.05.2025 to the Principal Secretary, Energy & Petrochemicals Deptt. requested to cancel its application No.ELA/2025 /246 . The said email is reproduced below:

“

From : Ravinder Kumar on behalf of Tisza Solar

Sent : 01 May 2025 18:53

To. : Sokepd@gmail.com: cei-epd@gujarat.gov.in help-ceiced@gujarat.gov.in PARESHBHAL, jay.vataliya@fsge.co.in; jayesh.a@hitechprofile.com, ceo@fsge.co.in; nishant.desai@fsge.co.in; pm1@fsge.co.in pg@fsge.co.in Manoj Rathore: Prakriti Kumari, Ravinder Kumar

Subject : Tisza Solar Pvt Ltd-Cancellation of section 68 & 164 Application Nos. ELA/2025/246 regarding 68 & 164 application.jpg

Attachments:

Kind Attention:

*The Principal Secretary,
Energy & Petrochemicals Department,
Government of Gujarat, Block No 5, 5th floor,*

Sachivalaya, Gandhinagar.

Respected Sir.

"We humbly wish to inform you that we had submitted Application Nos, ELA/2025/246 (EPD Portal Application Screen Photo Attached Herewith) for Approval of Sec. 68 and 164 for the proposed 66kV EHV transmission line under the TISZA Solar project, connecting from 66 KV (220 KV) Kamalapur GETCO S/S to M/s. TISZA Solar Private Limited END PSS (Switchyard) at Dharai Village.

Due to certain unforeseen circumstances, our 56 KV (220 KV) Kamalapur GETCO S/S to M/s. TISZA Solar Private Limited END PSS (Switchyard) at Dharal Village could not proceed as planned...

We kindly request your good office to consider the cancellation of the above-mentioned applications.

The screenshot of online application is attached herewith or your ready reference.

We sincerely appreciate your continued cooperation and support and remain grateful for the assistance extended to us throughout the process."

Kind regards,

*Ravinder Rana
Head-Regulatory*

....."

From the above, it is clear that after filing the online application by the Petitioner for obtaining permission under section 68 and 164 of the Electricity Act, 2003, to the Energy & Petrochemicals Deptt., the said application was withdrawn/ cancelled by it on 01.05.2025 on a ground that the landowner restrained the Petitioner to carry out substation work on its registered lease land. The aforesaid fact proves that it is

beyond the control of the Petitioner to continue its application and construct the substation work on the land and continue the process of application for approval under section 68 read with 164 of the Electricity Act,2003.

7.23. Considering the above we note that the time spent for applying and withdrawal of the application to the Energy and Petrochemical Department, Government of Gujarat for obtaining approval under section 68 & 164 of electricity Act, 2003 for the Period from 15.03.2025 to 01.05.2025 i.e. 48 days is beyond the control of the Petitioner and it is unforeseen reasons qualify for extension of time limit for execution of the project.

7.24. It is also undisputed fact that the Petitioner has applied for permission under 68 and 164 of the Electricity Act,2003 again on 05.05.2025 by filing an application No. EHA/2025/274 for 66 KV single circuit line between Petitioner plant to 220 /66 KV Kamalpur substation of the Respondent.

7.25. It is also observed that the Petitioner has requested to Principal Secretary, Energy & Petrochemicals Deptt. vide its letter dated 26.6.2025 for grant of permission under Section 68 and 164 for its application No. ELA/2025/274 dated 05.05.2025. The said letter is reproduced below:

“

Letter Reference Number: TSPL/GoG/Sec-68&164/26062025

Dated: 26 June-2025

To,
The Principal Secretary,
Energy & Petrochemicals Department,
Government of Gujarat, Black No 5,
5th floor, Sachivalaya,
Gandhinagar Gujarat-382010

Subject : Request to grant Section 68-164 approval of Tisza
Solar Private Limited

Ref. No.: Tisza Solar Online Application for Section 68 & 164
Approval vide Ref. No. ELA/2025/274 dated 5th May
2025

Respected Sir,

With reference to our application under Section 68 and 164, vide Ref. No. ELA/2025/274 dated 5th May 2025, we humbly request your esteemed office to kindly grant us the necessary approvals at the earliest.

We would like to bring to your kind attention the fact that no development activity can be undertaken on the ground until the aforesaid approval is received. Any further delay may adversely impact our commissioning schedule.

In view of the above, we earnestly request your good office to expedite the approval process.

We shall remain ever grateful for your support and kind consideration.

Yours sincerely,
Sincerely Yours
For, Tisza Solar Private Limited

(Authorized signatory)

.....”

7.26. We note that there is no document on record specifying that the Petitioner has obtained approval for aforesaid application dated

05.05.2025 filed by it for obtaining approval under section 68 and 164 of the Electricity Act, 2003. However, the Respondent in its reply dated 03.10.2025 submitted that as per their information, the Petitioner was granted approval by the Energy & Petrochemicals Deptt. on 25.07.2025. We note that the Petitioner has in its written submission admitted it. The submission of the Respondent and Petitioner is considered, it is clear that the time between 05.05.2025 to 25.7.2025 is time taken by the Energy & Petrochemicals Deptt. for granting approval under section 68 and 164 of the Electricity Act,2003 works out to 82 days.

7.27. The Respondent has submitted that the Government officials took some time for grant of approval on application received by it and the Petitioner cannot expect that the authority will process the application or grant approval within the same day. We note that the approval under section 68 and 164 of the Electricity Act,2003 which are the statutory approval needs to obtain by the RE project developer who are developing the transmission network from its plant to connectivity place of the Respondent but there is no timeline specified in the Electricity Act,2003. In absence of any specific timeline specified in the Act, or the timeline considered for creation of transmission network in the procedure and order, it is not possible to decide the period under which such statutory approval is envisaged.

7.28. The Respondent has contended that the Petitioner has approached to District Collector & SDM vide its letter dated 30.06.2025 and requested for approval for laying down its transmission systems from its project to Respondent substation wherein there is objection raised by the farmers/ villagers in construction of transmission network lay down by the Petitioner. The Petitioner has also contended that they have constructed 15 towers out of 18 tower and also carried out stringing work of 2.085 KM conductor. The aforesaid admission on the part of the Petitioner proves that in absence of the approval under section 68 and 164 of the Electricity Act, 2003 how the Petitioner is able to carry out the work of transmission network.

7.29. In response to aforesaid submissions, the Petitioner has submitted that the aforesaid application/ letter dated 30.06.2025 of the Petitioner is with regard to obtaining approval from the District Collector & SDM for laying down its transmission system on the places where the villagers/ farmers are restraining the Petitioner from doing such work. The Petitioner has requested to the authorities that they may take action against the objectors as per the provision of Indian Telegraph Act and Indian Electricity Act,2003. The Petitioner has also stated that they are ready to pay the compensation to farmers /objectors in whose land there is damage to crop or any other item. Thus, it is incorrect to state that the

said letter dated 30.06.2025 is proved that the Petitioner has obtained the approval.

- 7.30. Considering the above, we are of the view that the delay occurred in obtaining approval under Section 68 read with 164 of the Electricity Act, 2003 to the Petitioner on a reason of cancellation of land proposed for substation initially and delay in approval for laying down the transmission system under section 68 and 164 of the Electricity Act,2003, the said period is from the date of second application to the Energy & Petrochemicals Deptt. by the Petitioner on 05.05.2025 to 25.07.2025 works out to 82 days. We further note that the time spent for applying and withdrawal of the application to the Energy and Petrochemical Department, Government of Gujarat for obtaining approval under section 68 & 164 of electricity Act, 2003 for the Period from 15.03.2025 to 01.05.2025 i.e. 48 days and from 5.5.2025 to 25.07.2025 i.e. 82 days which is beyond the control of the Petitioner and it is unforeseen reasons and qualify for extension of time limit for execution of the project. Thus, the Petitioner is eligible for extension in completion of evacuation infrastructure for the said period i.e. 130 (48+82 days) as the same qualify as unforeseen event which is beyond the control of the Petitioner.
8. Now, we deal with the issue raised by the Petitioner that there was delay occurred on account of Right of Way issues.

- 8.1. The Petitioner submitted that while delivering materials to the project site and conducting the survey on 28 February 2025 in order to commence construction work immediately upon obtaining section 68 and 164 approvals, the Petitioner observed the objection raised by landowner expressing their dissent on the proposed tower which falls within span No. 6 to 8 of the plant stinking route. The Petitioner on 30.06.2025 has made representation to Collector & District Magistrate, Rajkot for intervening the matter under section 68 and 164 of the Electricity Act,2003 and section 16 (1) of the Indian Telegraph Act,1885.
- 8.2. The Petitioner submitted that the total work involved for laying a 3.883 km transmission line from the 66 KV Petitioner's substation to the 66 kV (220kV) Kamalapur substation of the Respondent at Jasdan, District Rajkot. The route comprises 18 towers, including 2 H-Cam DPs with 3.183 km of overhead line and 0.700 km of underground cable, with an estimated project cost of INR 10 crores. Out of this, 15 towers and 2.085 km of conductor stringing have already been completed.
- 8.3. The Petitioner submitted that the ongoing work has been obstructed by farmers of village Kamlapur (Moti Aniyali), Taluka Jasdan, claiming personal compensation demands. Despite repeated visits, legal notices and explanations from the company, the farmers continue to obstruct the legally authorized work.

- 8.4. The Petitioner also submitted that the compensation for standing crops, if any, will be paid in accordance with the law after completion of the work, and that no land acquisition is required for the erection of the line under the applicable laws.
- 5.1 The Petitioner submitted that due to continuing unlawful obstruction and delay, the company sought urgent intervention by the District Magistrate for issuance of appropriate orders under section 16(1) of the Telegraph Act,1885 to allow lawful execution of work, including with police protection, if required.
- 8.5. The Petitioner has also approached to the Police authorities for protection and laying the tower work at the disputed place as per the District Collector/ District Magistrate order which is still pending.
- 8.6. Based on above, the Petitioner submitted that the ROW issue is still persisting, and the Petitioner has approached to Government officials to resolve the ROW issue and complete the transmission network as a duty bound by the Petitioner.
- 8.7. Per contra the Respondent contended that the Petitioner raised the issue that they suffer from ROW issue from February,2025 onwards. Further, it is not clarified that when the ROW issue would be resolved though the extension is not more than 120 days.
- 8.8. The Petitioner has also stated different periods for ROW earlier para 9, as 120 days and as 180 days at different paras of the petition.

- 8.9. The Petitioner had not applied for permission under section 68 and 164 of the Electricity Act, 2003 in that condition how the Petitioner has sought /written letter to Collector & District Magistrate in June 2025 about abeyance of work of laying the line when the approval was not given. The Collector would not have passed an order under section 16 of Telegraph Act when there was no approval under section 164 of the Electricity Act, 2003.
- 8.10. The delay was in laying the transmission line and ROW is on account of the Petitioner. In absence of approval, no work can be carried out for transmission network by the person. Thus, the claim of the Petitioner that ROW issue arose is not correct.
- 8.11. The Petitioner has on 15.04.2025, claimed commissioning of transmission system by 29.07.2025. Thus, the claim of delay from February 2025 is only an afterthought. The Petitioner has not undertaken work on behalf of GETCO.
- 8.12. We have considered the submissions of the Petitioner and the Respondent with regard to ROW issue. The Petitioner contended that the ROW issue arose in laying down the transmission network affected to them, and the delay occurred in completion of the transmission network due to aforesaid issue which is beyond the control of the Petitioner. The Petitioner has contended that it has while delivering the material at project site and conducting survey in February 2025 to start the work of

transmission network immediately after obtaining permission under section 68 and 164 of the Act. It is observed that landowner expressed their dissent for the proposed tower which fall within the span no.6 to 8 of the stinking route.

8.13. We note that the Petitioner on 30.06.2025 has made its representation to the District Collector & District Magistrate seeking his intervention under section 164 of the Electricity Act,2003 read with section 16(1) of the Indian Telegraph Act,1885 for permission to complete the work of erection of 66 KV transmission line. The contents of the said letter are necessary to refer and is reproduced below:

“

Ref. No.: 2025-26/GUJ-KAMLAPUR/56 KV LINE/

Date: 30/06/2025

પ્રતિશ્રી,

માન. કલેક્ટરશ્રી તથા માન. જીલ્લા મેજિસ્ટ્રેટ સાહેબશ્રી,
કલેક્ટરશ્રીની કચેરી,
રાજકોટ.

વિષય- ૬૬ કે.વી. ટીસઆ સોલાર પ્રાઇવેટ લીમીટેડ સબ સ્ટેશન થી ગુજરાત એનર્જી ટ્રાન્સમીશન કોર્પોરેશન લીમીટેડનાં ૬૬ કે.વી. (૨૨૦ કે.વી.) કમળાપુર સબ સ્ટેશન, મું. કમળાપુર, તા. જસદણ, જી. રાજકોટ સબ સ્ટેશન સુધી ગુજરાત સરકારશ્રીની રીન્યુએબલ એનર્જી હાઇબ્રીડ (સોલાર તથા વીન્ડ) ની યોજના અંતર્ગત એકવડી વીજરેષા ટાવર લાઇન ઉભી કરવાની કામગીરી મોજે ગામ :- કમળાપુર (મોટી અણીયાળી), તા. :- જસદણ, જ. :- રાજકોટનાં ખેડૂતશ્રીઓ દ્વારા અટકાવતા ઇન્ડિયન ઇલેક્ટ્રીસીટી એક્ટ- ૨૦૦૩ ની કલમ નં. ૧૬૪ ની સત્તાની રૂ એ વીજરેષા ટાવર લાઇન પ્રસ્થાપિત કરવાની પરવાનગી આપતોહુકમ કરવા બાબત,

- સંદર્ભ :- ૧) ગુજરાત એનર્જી ટ્રાન્સમીશન કોર્પોરેશન લીમીટેડ, વડોદરાનાં પત્રાંક :-ગેટકો/આરએન્ડસી/સ્ટેજ ૧૦૦૦૬૧૮/તા. ૨૯-૦૬-૨૦૨૪.
- ૨) ગુજરાત એનર્જી ટ્રાન્સમીશન કોર્પોરેશન લીમીટેડ, વડોદરાનાં પત્રાંક :-ગેટકો/આરએન્ડસી/સ્ટેજ૨૦૦૦૨૦૧,તા. ૩૦-૦૭-૨૦૨૪.
- ૩) ગુજરાત સરકારશ્રીનાં ઉર્જા અને પેટ્રોકેમીકલ્સ વિભાગ, સચિવાલય, ગાંધીનગર નાં ઠરાવ ક્રમાંક:- જીઈટી-૧૧-૨૦૧૫-જીઓઆઈ-૧૯૯ ક, તારીખ :- ૧૪/૦૮/૨૦૧૭.
- ૪) ગુજરાત સરકારશ્રીના ઉર્જા અને પેટ્રોકેમીકલ્સ વિભાગ, સચિવાલય, ગાંધીનગર નાં ઠરાવ ક્રમાંક :- જીઈટી-૧૧-૨૦૧૫-જીઓઆઈ-૧૯૯-ક તારીખ :- ૩૧/૧૨/૨૦૨૧.
- ૫) ગુજરાત સરકારશ્રીના ઉર્જા અને પેટ્રોકેમીકલ્સ વિભાગ, સચિવાલય, ગાંધીનગર નાં ઠરાવ ક્રમાંક :- જીઈટી-૧૧-૨૦૧૫-જીઓઆઈ-૧૯૯-ક તારીખ :- ૦૧/૦૩/૨૦૨૪
- ૬) ગુજરાત સરકારશ્રીનાં એનર્જી એન્ડ પેટ્રોકેમીકલ્સ ડીપાર્ટમેન્ટનાં ઓનલાઈન પોર્ટલમાં અમારા દ્વારા એપ્લીકેશન નંબર :- ઇએલએ/૨૦૨૫/૨૭૪, તારીખ :- ૦૫.૦૫.૨૦૨૫ ના રોજ કલમ - ૬૮ તથા ૧૬૪ ની કાર્યવાહી માટે અમોને અધિકૃત કરવા માટે પરવાનગી આપવા માટે એપ્લીકેશન.

માનનીય સાહેબશ્રી,

જય ભારત સાથે ઉપરોક્ત વિષય તથા સંદર્ભ પત્ર અનુસંધાને આપ સાહેબશ્રીને સવિનય વિનંતી સાથે જણાવવાનું કે, ગુજરાત સરકારશ્રીની રીન્યુએબલ એનર્જી હાઈબ્રીડ (સોલાર તથા વીન્ડ)ની યોજના હેઠળ ગુજરાત એનર્જી ટ્રાન્સમિશન કોર્પોરેશન લીમીટેડનો ૬૬ કે.વી. (૨૨૦ - કે.વી.) કમળાપુર સબ સ્ટેશન, મું. કમળાપુર. તા. કમળાપુર, જી. રાજકોટ સુધી વિજ પુરવઠાનું પ્રવહન તથા વિતરણ કરવા માટે અમારા દ્વારા કામગીરી શરૂ કરવામાં આવેલ છે.

હાલમાં ગુજરાત સરકારશ્રીની રીન્યુએબલ એનર્જી હાઈબ્રીડ (સોલાર તથા વીન્ડ)ની યોજના અંતર્ગત રાજકોટ જીલ્લાનાં જસદણ તાલુકાનાં મોજે :- કમળાપુરમાં આવેલ ૬૬ કે.વી. ટીસઝા સોલાર પ્રાઈવેટ લીમીટેડ સબ સ્ટેશન થી ગુજરાત એનર્જી ટ્રાન્સમીશન કોર્પોરેશન લીમીટેડનાં ૬૬ કે.વી. (૨૨૦ કે.વી.) કમળાપુર સબ સ્ટેશન, મું. કમળાપુર, તા. જસદણ, જી. રાજકોટ સબ સ્ટેશન સુધી ગુજરાત સરકારશ્રીની રીન્યુએબલ એનર્જી હાઈબ્રીડ (સોલાર તથા વીન્ડ) ની

યોજના અંતર્ગત એકવડી વીજરેષાની ટાવર લાઇન ઉભી કરવાની કામગીરી હાથ ધરવામાં આવેલ છે. સદરહુ લાઇન પ્રસ્થાપિત કરવાનો હેતુ જરાત સરકારશ્રીની રીન્યુએબલ એનર્જી હાઇબ્રીડ (સોલાર તથા વીન્ડ) ની યોજના અંતર્ગત લાગુ પડતા નિયમો મુજબ વિજળી પ્રાપ્ત કરવાનો છે. હાલમાં આ વિસ્તારમાં સરકારશ્રીની રીન્યુએબલ એનર્જી હાઇબ્રીડ (સોલાર તથા વીન્ડ) ની યોજના માટેની લાઇનનું કાર્ય તા. ૦૧.૦૪.૨૦૨૫ થી પ્રાથમીક રીતે કાર્યરત છે. પરંતુ આ લાઇનના રૂટમાં આવતા ખેડુત ખાતેદારશ્રીઓ દ્વારા આ લાઇન નાખવા બાબતે વિરોધ થતાં ખેડુતોથીઓ દ્વારા અટકાવતાં આ લાઇનનું કામ હાલમાં ખોરંભે પડેલ છે. આ લાઇનનું કામ સમય મર્યાદામાં પુરૂ કરવું અત્યંત જરૂરી છે.

આ યોજના ગુજરાત રાજ્યમાં સરકારશ્રીની રીન્યુએબલ એનર્જી હાઇબ્રીડ (સોલાર તથા વીન્ડ) ની યોજના અંતર્ગત લાગુ પડતા નિયમો મુજબ ૬૬ કે.વી. ટીસઝા સોલાર પ્રાઇવેટ લીમીટેડ સબ સ્ટેશન થી ગુજરાત એનર્જી ટ્રાન્સમીશન કોર્પોરેશન લીમીટેડનાં ૬૬ કે.વી. (૨૨૦ કે.વી.) કમળાપુર સબ સ્ટેશન, મું-કમળાપુર, તા. જસદણ, જ. રાજકોટ સબ સ્ટેશન સુધી ઈલેક્ટ્રીક (ટ્રાન્સમીશન લાઇન) પહોંચાડવાની ગુજરાત એનર્જી ટ્રાન્સમિશન કોર્પોરેશન લીમીટેડનાં ઉપરોક્ત સંદર્ભ પત્રથી અમોને સોંપવામાં આવેલ છે. જે પત્ર મુજબ ઈન્ડિયન ઈલેક્ટ્રીસીટી એક્ટ - ૨૦૦૩ ની કલમ - ૬૮ તથા ૧૬૪ મુજબની કાર્યવાહી પણ અમારે કરવાની થાય છે. જેથી ગુજરાત એનર્જી ટ્રાન્સમિશન કોર્પોરેશન લીમીટેડનાં બદલે અમારી કંપની દ્વારા ટીસઝા સોલાર પ્રાઇવેટ લીમીટેડ આ અરજી રજૂ કરીએ છીએ. વધુમાં જણાવવાનું કે, ગુજરાત સરકારશ્રીનાં એનર્જી એન્ડ પેટ્રોકેમીકલ્સ ડીપાર્ટમેન્ટનાં ઓનલાઇન પોર્ટલમાં અમારા દવારા ઉપરોક્ત સંદર્ભ પત્ર - ૬ નાં અનુસંધાને એપ્લીકેશન નંબર :- ઈએલએ/૨૦૨૫/૨૭૪, તારીખ :- ૦૫.૦૫.૨૦૨૫ ના રોજ કલમ - ૬૮ તથા ૧૬૪ ની કાર્યવાહી માટે અમોને અધિકૃત કરવા માટે પરવાનગી આપવા માટે એપ્લીકેશન કરવામાં આવેલ છે. ગુજરાત સરકારશ્રીનાં એનર્જી એન્ડ પેટ્રોકેમીકલ્સ ડીપાર્ટમેન્ટ દ્વારા સદરહુ કામગીરી કરવા માટે કલમ - ૬૮ તથા ૧૬૪ ની કાર્યવાહી માટે અમોને અધિકૃત કરવામાં આવ્યા બાદ સદરહુ આ લાઇન ગુજરાત સરકારશ્રીનાં ગેઝેટ નોટીફિકેશનનાં જાહેરનામાં દ્વારા પ્રસ્થાપિત કરવા માટેની કાર્યવાહી કરી જાહેરનામું દૈનિક અખબારમાં પ્રસિધ્ધ કરવામાં આવશે.

૬૬ કે.વી. ટીસઝા સોલાર પ્રાઇવેટ લીમીટેડ સબ સ્ટેશન થી ગુજરાત એનર્જી ટ્રાન્સમીશન કોર્પોરેશન લીમીટેડનાં ૬૬ કે.વી. (૨૨૦ કે.વી.) કમળાપુર સબ સ્ટેશન, મું. કમળાપુર, તા. જસદણ, જ. રાજકોટ સબ સ્ટેશન સુધી લાઇનમાં કુલ

૧૮ - ટાવર તથા ૦૨ - એચ. ફેમ ડીપી સાથે અંદાજીત ૩.૧૮૩ - કિ.મી. ઓવરહેડ તથા અંદાજીત ૦.૭૦૦ - કિ.મી. ૬૬ કે.વી. અન્ડર ગ્રાઉન્ડ કેબલ મળી કુલ અંદાજીત ૩.૮૮૩ - કી.મી.ની ટોટલ ટ્રાન્સમીશન લાઈન આવે છે. સરદરુ આ કામ માટે માલ મજૂરી સહિત અંદાજીત રૂ. ૧,૦૦૦/- લાખનો ખર્ચ થનાર છે. આ લાઈનના કામમાં કુલ ૧૮- ટાવર તથા ૦૨ - એચ. ફેમ ડીપી નાં કાઉન્ટેશન તથા કુલ ૧૫ - ટાવર તથા ૦૨ - એચ. ફેમ ડીપી ઈરેક્શન કામગીરી તેમજ અંદાજીત ૨.૦૮૫ - કી.મી. કન્ક્રટ સ્ટ્રીંગીંગની કામગીરી પુર્ણ થઈ ગયેલ છે.

આ સાથે બિડવામાં આવેલ નકશામાં દર્શાવ્યા પ્રમાણે મંજૂર થયેલા રૂટ મુજબ આ સાથે જોડેલ લીસ્ટ પ્રમાણેના ટાવરનાં લોકેશન તાલુકો જસદણનાં મોજે:-- જસદણ ગામની સીમમાંથી પસાર થાય છે જેમાં દર્શાવેલ ખેડૂત ખાતેદારશ્રીઓએ વાંધો કરી કામગીરી અટકાવેલ છે. તેમજ અમારા પ્રતિનીધીઓ દ્વારા ખેડૂતોશ્રીઓને સ્થળ ઉપર જઈ રૂબરૂ સરદરુ કામગીરી માટે સમજાવેલ તે બાબતનું પંચ રોજકામ પણ આ સાથે સામેલ રાખવામાં આવેલ છે.

મંજૂર થયેલ અને અખત્યાર કરવામાં આવેલ રૂટ તદ્દન સીધો, ટૂંકામાં ટૂંકો અને જરૂરીયાત મુજબનો એંગલ પોઈન્ટ વાળો છે. જે આર્થિકરીતે ઓછો ખર્ચાળ અને ઉર્જાનાં ઓછા વ્યય વાળો તેમજ ખેડાણ જમીનનો ઓછામાં ઓછો વ્યય થાય તેવો છે અને વિજ પુરવઠા અધિનિયમ ૧૯૪૮ ની જોગવાઈઓને સુસંગત છે.

વધુમાં સ્પષ્ટતાં કરવાની કે, આ યોજનાં નોટીફાઈડ છે અને ટેલીગ્રાફ એક્ટ ૧૮૮૫ તથા E.ACT 2003ની જોગવાઈઓને આધારે મળેલ સત્તાની રૂએ આ લાઈનનું કામ હાથ ઉપર લીધેલ છે. આમ, લાઈનનની કામગીરી અધિકૃત અને કાયદેસરની છે. લાઈનનું કામ કરવાની જગ્યાએ હાલ જે કાંઈ પાક ઉભો છે તેના વળતરની રેવન્યુ રાહે કાયદેસરની વ્યવસ્થા છે, જે પુર્વ શરત વિના કામ પુરૂ થયે ધોરણસર ચુકવવાની પ્રથા છે. જેથી આર્થિક નુકસાનીનો પ્રશ્ન રહેતો નથી. વધુમાં નિયમ મુજબ જમીન સંપાદન કરવાની થતી નથી તેથી ક્ષતીપુર્તીનો કોઈ પ્રશ્ન રહેતો નથી.

આવી અતિ મહત્વની સરકારશ્રીની યોજનામાં આ સાથે જોડેલ લીસ્ટમાં જણાવેલ ખેડૂત ખાતેદારો તેમના અંગત લાભ તેમજ નિયમ કરતાં વધારે અવ્યવહારિક વળતરની માંગણી કરી કામમાં રૂકાવટ કરી રહ્યા છે. વારંવાર રૂબરૂ મળીને અને કાયદેસર નોટિસ આપીને તેમને સમજાવવા છતાં ગુજરાત સરકારશ્રીની અધિકૃત અને કાયદેસરની કાર્યવાહીમાં કાયદો હાથમાં લઈને

વિજરેષાની પ્રસ્થાપનની કામગીરી કરવા ઈધેલ નથી અને કાયદેસરની કામગીરીમાં રૂકાવટ ઊભી કરેલ છે.

સદરહુ યોજના વિકાસલક્ષી છે અને અંદાજીત રૂ. 1,000- લાખના ખર્ચે આ ટાવર લાઈનમાં વિજરેષા વડે વિજ પ્રવહન ન કરવામાં આવે તો સરકારશ્રીની મહત્વની યોજનાનાં કાર્યને ખુબ જ અને અંદાજી ન શકાય તેવું નુકશાન થાય તેમ છે આથી તેને અટકાવવું તે કુદરતી ન્યાયના સિધ્ધાંતની વિરુધ્ધમાં છે. અમારા દ્વારા જે ખેડૂત ખાતેદારશ્રીઓને નોટીસ આપેલ છે, જેની નકલ આ સાથે સામેલ છે. પરંતુ ખેડૂતથીઓ કારા ટાવર નાખવા તથા વાયરીંગ કામ કરવા ન દેવા મૌખીક વાંધો લીધેલ છે તથા અંગત લાભ અને વધુ વળતર ની અપેક્ષા સહ કામ અટકાવેલ છે.

આથી આપ સાહેબશ્રીને નમ્ર અરજ છે કે સઘળી વિગતોને ધ્યાનમાં લઈને આવી સરકારશ્રીની યોજનામાં રૂકાવટ કરવી તે ન્યાયનાં સિધ્ધાંત વિરુધ્ધ હોઈ આપ સાહેબશ્રીને નમ્ર અરજ કે ઉપરોક્ત કામમાં રૂકાવટ ઊભી કરનાર ખાતેદારોને તાકાલીક બોલાવી, સાંભળી, સમજાવી કલમ - ૧૬/૧, ભારતીય ટેલીગ્રાફ એક્ટ - ૧૮૮૫, ઈન્ડીયન ઈલેક્ટ્રીસીટી એક્ટ- ૨૦૦૩ ની કલમ નં. ૧૬૪ ની સત્તાની રૂચે વીજરેષા ટાવર લાઈન પ્રસ્થાપિત કરવાની પરવાનગી અન્વયે ખેતી વિષયક જમીનમાં ટાવર લાઈન નાખવાની કામગીરી કરવાની પરવાનગી આપતો હુકમ થવા અરજ છે અને જરૂર પડયે પોલીસ રક્ષણ હેઠળ પણ કામ કરવાની પરવાનગી આપતો હુકમ થવા નમ્ર અરજ છે.

આભાર સહ

આપનો વિશ્વાસુ

મેનેજર,

ટીસઝા સોલાર પ્રાઇવેટ લીમીટેડ.

.....”

8.14. The aforesaid letter state that the Petitioner has requested the intervention of District Collector & District Magistrate, Rajkot in the laying down of transmission network by it for its projects.

8.15. We also note that the Petitioner has started that the transmission line from the Petitioner plant i.e Tisza Solar Plant to 220 KV Kamalpur S/s of

the Respondent at Jasdan Dist: Rajkot lay down by the Petitioner. The said route /line comprises of 18 towers including 2 H-Cam DP and 3.183 Km overhead line and 0.700 km of underground cable with an estimate of project cost of Rs. 10 crores. Out of the 15 towers and 2.085 km of conductor stinking have already been completed. The said submission is not disputed by the Respondent GETCO.

8.16. We note that on 17.06.2025, the Petitioner addressed a letter to the Taluka office requesting to be informed whether payment of compensation to the Government of Gujarat was required for transmission lines passing through any government waste land. The said letter is reproduced below:

“.....

નંબર :- ૬૬ કે.વી. કમળાપુર - ટીસઝા સોલાર લાઈન /. તારીખ :- ૧૭-૦૬-૨૦૨૫.

પ્રતિ,

મામલતદાર સાહેબશ્રી,

જસદણ તાલુકો,

જસદણ

વિષય :- ટ્રાન્સમીશન લાઈન કોઈ સરકારી પડતર જમીન અથવા સરકારી ખરાબાની જમીન અથવા કોઈપણ સરકારી /સ્થાનિક સંસ્થાઓની જમીનમાંથી પસાર થતા તેના વળતરની ચુકવણી સરકારશ્રીમાં જમા કરવા બાબત.

કામનું નામ:- ગુજરાત એનર્જી ટ્રાન્સમીશન કોર્પોરેશન લીમીટેડનાં ૬૬ કે.વી. (૨૨૦ કે.વી.) કમળાપુર સબ સ્ટેશન, મુ. કમળાપુર, તા. જસદણ, જી. રાજકોટ માંથી મુ. કમળાપુર, તા. જસદણ, શ્રી. રાજકોટ ખાતે આવેલ ૬૬ કે.વી. ટીસઝા સોલાર પ્રાઈવેટ લીમીટેડનાં સબ સ્ટેશન સુધી ગુજરાત સરકારશ્રીની રીન્યુએબલ પાવરની યોજના ટ્રાન્સમીશન લાઈન ડબલ સર્કીટ ટાવર સાથે ઈકા પેન્થર

(૩૫૩ સ્કવેર એમ.એમ.) ઈકવીલન્ટ ટુ એસીએસઆર પેનથર કન્ડક્ટર સાથેની ટાવર લાઈન (ટાન્સમીશન લાઈન) ની કામગીરી.

સંદર્ભ :-

ગુજરાત એનર્જી ટ્રાન્સમીશન કોર્પોરેશન લીમિટેડ, વડોદરાનાં પત્રાંક:

૧) ગેટકો/આરએન્ડસી/સ્ટેજ૧૦૦૦૬૧૮/તા. ૨૯-૦૬-૨૦૨૪ તથા

૨) ગેટકો / આરએન્ડસી/ સ્ટેજ૨૦૦૦૨૦૧/તા. ૩૦-૦૭-૨૦૨૪

ગુજરાત સરકારશ્રીનાં ઉર્જા અને પેટ્રોકેમિકલ્સ વિભાગ, સચિવાલય, ગાંધીનગર નાં ઠરાવ ક્રમાંક :-

૩) જીઈટી-૧૧-૨૦૧૫-જીઓઆઈ-૧૯૯-ક, તારીખ :- ૧૪/૦૮/૨૦૧૭ નો ઠરાવ તથા

(૪) જીઈટી-૧૧-૨૦૧૫-જીઓઆઈ ૧૯૯-ક, તારીખ :- ૩૧/૧૨/૨૦૨૧ નો ઠરાવ તથા

(૫) જીઈટી-૧૧-૨૦૧૫-જીઓઆઈ-૧૯૯-ક તારીખ :- ૦૧/૦૩/૨૦૨૪ નો ઠરાવ.

માનનિય સાહેબશ્રી,

જય ભારત સાથે ઉપરોક્ત વિષય તેમજ સંદર્ભ પત્ર અન્વયે જણાવવાનું કે, ઉપરોક્ત ટ્રાન્સમીશનલાઈન પ્રસ્થાપિત કરવાની કામગીરી મોજે. કમળાપુર, તા. જસદણ, જી. રાજકોટનાં વિસ્તારમાંથી પસાર થાય છે.

વધુમાં આપશ્રીને જણાવવાનું કે, ઉપરોક્ત દર્શાવેલ સંદર્ભ પત્ર - ૩ નાં પેરા ૨.૯ પ્રમાણે જો ટ્રાન્સમીશન લાઈન કોઈ સરકારી પડતર અથવા સરકારી ખરાબાની જમીન અથવા કોઈપણ સરકારી / સંસ્થાઓની જમીનમાંથી પસાર થતી હોય તો ટ્રાન્સમીશન કંપની ટ્રાન્સમીશન લાયસંસીઓએ, ટ્રાન્સમીશન ટાવર/માળખું ઊભું કરવામાં, આવી જમીન (ટાવરનાં ચાર પાયા વચ્ચેના ભાગની જમીન) નો વપરાશ કરવાના કારણોસર, ગુજરાત પાણી અને ગેસ પાઈપલાઈન્સ (જમીનમાં વપરાશકર્તા હકક સંપાદન) અધિનીયમ - ૨૦૦૦ની કલમ - ૧૦(૪) ની જોગવાઈઓને આધીન, જમીનનાં ભાગનાં મુલ્યની બજાર કિંમતના દસ ટકા લેખે થતી રકમ, સરકારશ્રીમાં લાગુ પડતા સદરે ચલણથી જમા કરવાનું જણાવવામાં આવેલ છે.

જેથી આપ સાહેબશ્રીને જણાવવાનું કે, ઉપરોક્ત લાઈન મોજે. કમળાપુર, તા. જસદણ, જી. રાજકોટ ગામની સરકારી જમીનમાંથી પસાર થાય છે જેની વિગતવાર માહિતી નીચે પ્રમાણે છે.

અ.નં	લાઈનનું નામ	લોકેશન નંબર	ગામનું નામ	સર્વે નંબર	ચાર પાયાનું ક્ષેત્રફળ ચો.મી.	બજાર કિંમત	બજાર કિંમતનાં ૧૦% લેખે	ટોટલ

૧	૬૬ કે.વી (૨૨૦ કે.વી કમળાપુર થી ૬૬ કે.વી ટીસઝા સોલાર પ્રાઇવેટ લીમીટેડ	એ.પી- ૧ થી કમળાપુર સબસ્ટેશન સુધી અન્ડર ગાઉન્ડ કેબલ	કમળાપુર (મોટી અલીયાળી)	૪૭૭ પૈકી ૧	લંબાઇ ૪૫૦- મીટર (૪૫૦ x૧)ફૂલ- ૪૫૦ ચો.મીટર			
૨	ટ્રાન્સમીશન	૧/૦		૪૭૭ પૈકી ૧	૪૬.૨૪			
૩	લાઇન	૫/૦		૪૯૨ પૈકી ૧	૬૪.૦૦			
૪		૬/૦		૪૯૨ પૈકી ૧	૪૭.૬૧			
૫		૮/એ/૦		૭૭૧ પૈકી ૩૪	૬૪.૦૦			
૬		૧૦/૦		૭૭૧ પૈકી ૩૪	૪૬.૨૪			
૭		૧૦/૧		૭૭૧ પૈકી ૩૪	૮૨.૦૦			
૮		૧૦/૨		૭૭૧ પૈકી ૩૪	૮૨.૦૦			
૯		૧૧/૦		૭૭૧ પૈકી ૪૦	૪૬.૨૪			
૧૦		૧૨/૦		૭૭૧ પૈકી ૪૦	૩૪.૮૧			
૧૧		૧૩/૦		૭૭૧ પૈકી ૩૯	૪૬.૨૪			
૧૨		૧૪/૦		૭૭૧ પૈકી ૩૯	૪૬.૨૪			
૧૩		૧૫/૦		૭૭૧ પૈકી ૩૯	૪૬.૨૪			

આમ સાહેબશ્રીને વિનંતી સાથે જણાવવાનું કે, ઉપરોક્ત વિગતે દર્શાવેલ ટેબલમાં મોજે, કમળાપુર, તા. જસદણ, જી. રાજકોટ ગામના સર્વે નંબરમાં બજાર કિંમતનાં ૧૦, લેખે ભરવા પાત્ર રકમની ડીમાન્ડ નોટ સત્વરે અમોને આપવા વિનંતી છે જેથી ઉપરોક્ત સંદર્ભ ૧ નો પરિપત્ર પ્રમાણે જે રકમ ભરવા પાત્ર થાય છે તે અમોને મંજૂર છે. અને તે રકમ અમારા દ્વારા સત્વરે ભરી શકીએ.

ઉપરોક્ત તમામ સંદર્ભ પત્ર તથા ટ્રાન્સમીશન લાઇનનો રૂટ દર્શાવતો મોજે કમળાપુર, તા. જસદણ, જી. રાજકોટ ગામનો નકશો તથા સર્વે નંબરનાં ૭/૧૨ ની નકલ પણ આપ સાહેબશ્રીની જાણ માટે આ સાથે સામેલ રાખવામાં આવે છે.

....”

8.17. We note that the Petitioner has submitted that the District Collector has passed an order dated 12.09.2025 under Telegraph Act and directed for obtaining Police protection to carry out transmission work by the

Petitioner at location within span Nos. 6 to 8 of the transmission network created by the Petitioner which is pending due to ROW issue at aforesaid place. The relevant portion of the order of the District Collector is reproduced:

“.....

-::હુકમ:-

રાજ્યના જાહેર હિતમાં અને રાજ્ય અને રાષ્ટ્રના વિકાસને ધ્યાનમાં રાખી ૬૬ કે.વી. ટીસઝા સોલાર પ્રાઇવેટ લીમીટેડ સબ સ્ટેશનથી ગુજરાત એનર્જી ટ્રાન્સમીશન કોર્પોરેશન લીમીટેડનાં ૬૬ કે.વી. (૨૨૦ કે.વી.) કમળાપુર સબ સ્ટેશન, મુ. કમળાપુર, તા. જસદણ, જિ. રાજકોટ સબ સ્ટેશન સુધી ગુજરાત સરકારશ્રીની રીન્યુએબલ એનર્જી હાઇબ્રીડ (સોલાર તથા વિન્ડ) ની યોજના અંતર્ગત એકવડી વિજરેષા ટાવર લાઇન ઉભી કરવાની કામગીરીમાં "પ્રતિ" માં દર્શાવેલ ખાતેદાર ખેડૂતની જમીનમાં ઓછામાં ઓછું નુકશાન થાય તે રીતે લાઇન કામ કરવા ટીસઝા સોલાર પ્રાઇવેટ લીમીટેડ, ગોરેગાંવ, હરીયાણાને ૬૬ કે.વી. ટીસઝા સોલાર પ્રાઇવેટ લીમીટેડ સબ સ્ટેશનથી ગુજરાત એનર્જી ટ્રાન્સમીશન કોર્પોરેશન લીમીટેડનાં ૬૬ કે.વી. (૨૨૦ કે.વી.) કમળાપુર સબ સ્ટેશન, મુ.કમળાપુર, તા. જસદણ, જિ.રાજકોટ સબ સ્ટેશન સુધી ગુજરાત સરકારશ્રીની રીન્યુએબલ એનર્જી હાઇબ્રીડ (સોલાર તથા વિન્ડ) ની યોજના અંતર્ગત એકવડી વિજરેષા ટાવર લાઇન પ્રસ્થાપિત કરવાની કામગીરી માટે ઈન્ડિયન ટેલિગ્રાફ એક્ટ-૧૮૮૫ ની કલમ-૧૬ હેઠળ મળેલ સત્તાની રૂએ મંજૂરી આપવામાં આવે છે.

આ હુકમનું પાલન ન કરનાર ભારીય ન્યાય સંહિતા (BNS)-૨૦૨૩ ની કલમ-૨૨૩ હેઠળ સજાને પાત્ર બનશે. ગુજરાત એનર્જી ટ્રાન્સમીશન કોર્પોરેશન લી. તરફથી વીજ લાઇન નાંખવાના કારણે પ્રોપર્ટી માલિકો-ખાતેદારોને થનાર નુકશાન સામે પ્રવર્તમાન કાયદા ઈન્ડિયન ટેલિગ્રાફ એક્ટની કલમ-૧૦(ડી) હેઠળ તેમજ સરકારશ્રીના વખતોવખતના પ્રવર્તમાન ઠરાવ મુજબ પુરતુ વળતર આપવાનું રહેશે. ટીસઝા સોલાર પ્રાઇવેટ લીમીટેડ, ગોરેગાંવ, હરીયાણા તરફથી ચૂકવવામાં આવતા વળતર બાબતે કોઈ અસંતોષ હોય તો તે સામે પ્રોપર્ટી માલિક/ખાતેદાર નામદાર ડિસ્ટ્રીક્ટ કોર્ટ સમક્ષ ઈન્ડિયન ટેલિગ્રાફની કલમ-૧૬(૩) હેઠળ અપીલ કરી શકે છે તેની પણ પક્ષકારોને જાણ કરવામાં આવે છે.

આજ તા.૧૨. માહે : સપ્ટેમ્બર-૨૦૨૫ના રોજ મારી સહી તથા કચેરીના સીલ સાથે હુકમ બહાર પાડ્યો.

(એ.કે. ગૌતમ)

અધિક જિલ્લા મેજિસ્ટ્રેટ

રાજકોટ જિલ્લા

.....”

8.18. We also note that the Petitioner has also approached to police authorities and perusing them vide request letter dated 17.09.2025 and requested to them but the issue is still persisting and awaiting the police action to resolve the issue according to law. The letter dated 17.09.2025 is reproduced below:

“

Ref. No.: 2025-26/GUJ-RAJKOT-KAMLAPUR/66 KV LINE/ Date: 17/09/2025.

પ્રતિશ્રી,

પોલીસ અધિક્ષકશ્રી,
પોલીસ અધિક્ષકશ્રીની કચેરી,
રાજકોટ ગ્રામ્ય, રાજકોટ.

વિષય- ૬૬ કે.વી. ટીસઆ સોલાર પ્રાઈવેટ લીમીટેડ સબ સ્ટેશન થી ગુજરાત એનર્જી ટ્રાન્સમિશન કોર્પોરેશન લીમીટેડનાં ૬૬ કે.વી. (૨૨૦ કે.વી.) કમળાપુર સબ સ્ટેશન, મુ. કમળાપુર, તા. જસદણ, જી. રાજકોટ સબ સ્ટેશન સુધી ગુજરાત સરકારશ્રીની રીન્યુએબલ એનજી હાઈબ્રીડ (સોલાર તથા વીન્ડ) ની યોજના અંતર્ગત એકવડી વીજરેષા ટાવર લાઈન ઉભી કરવાની કામગીરી માજે ગામ :- કમળાપુર (મોટી અણીવાળી), તા. :- જસદણ, જી. :- રાજકોટના ખેડૂતશ્રીઓ દ્વારા અટકાવતા ઇન્ડિયન ઇલેક્ટ્રીસિટી એક્ટ- ૨૦૦૩ ની કલમ નં. ૧૬૪ ની સત્તાની રૂ એ વીજરેષા ટાવર લાઈન પ્રસ્થાપિત કરવાના કામ માટે જરૂરી પોલીસ રક્ષણ પુરૂ પાડવા માટે પરવાનગી આપતો હુકમ આપવા બાબત.

સંદર્ભ:- માન. કલેક્ટરશ્રી તથા માન. જીલ્લા મેજિસ્ટ્રેટ સાહેબશ્રી, રાજકોટની કોર્ટનો હુકમ નં. :- એમએજી/કાવ્ય/ઈટીએ/કેસ નં. ૧૫/૨૦૨૫/તા. ૧૨-૦૯-૨૦૨૫.

માનનીય સાહેબશ્રી,

જય ભારત સાથે ઉપરોક્ત વિષયતથા સદર્ભ પત્ર અનુસંધાને આપ સાહેબશ્રીને સવિનય વિનંતી સાથે જણાવવાનું કે, ગુજરાત સરકારશ્રીની રીન્યુએબલ એનજી હાઈબ્રીડ (સોલાર તથા વીન્ડ) ની યોજના અંતર્ગત એકવડી વીજરેષા ટાવર લાઈન ઉભી કરવાની કામગીરી હેઠળ ગુજરાત એનર્જી ટ્રાન્સમિશન કોર્પોરેશન લીમીટેડનાં ૬૬ કે.વી. (૨૨૦ કે.વી.) કમળાપુર સબ સ્ટેશન, મુ. કમળાપુર,

તા. જસદણ, જી. રાજકોટ સબ સ્ટેશન સુધી વિજ પુરવઠાનું પ્રવહન તથા વિતરણ કરવા માટે અમારા દ્વારા કામગીરી શરૂ કરવામાં આવેલ છે.

હાલમાં ૬૬ કે.વી. ટીસઆ સોલાર પ્રાઇવેટ લીમીટેડ સબ સ્ટેશન થી ગુજરાત એનર્જી ટ્રાન્સમીશન કોર્પોરેશન લીમીટેડનાં ૬૬ કે.વી. (૨૨૦ કે.વી.) કમળાપુર સબ સ્ટેશન, મુ. કમળાપુર, તા. જસદણ, જી. રાજકોટ સબ સ્ટેશન સુધી ગુજરાત સરકારશ્રીની રીન્યુએબલ એનર્જી હાઇબ્રીડ (સોલાર તથા વીન્ડ) ની યોજના અંતર્ગત એકવડી વીજરેયા ટાવર લાઇન ઉભી કરવાની કામગીરી હાથ ધરવામાં આવેલ છે.

.....”

8.19. Considering the above, we are of the view that ROW issue arose in the present case from 28.02.2025 onwards and is still continue as per the submission of the petitioner on 01.11.2025. Thus, the period from 28.02.2025 to 01.11.2025 i.e. 247 qualify as unforeseen event which is beyond the control of the Petitioner. The Petitioner is eligible for extension in completion of evacuation infrastructure for the said period i.e. days as the same qualify as unforeseen event which is beyond the control of the Petitioner

9. Delay due to lack of clarity regarding the banking facility

9.1. The Petitioner submitted that the Commission has issued GERC (Terms and Conditions for Green Energy Open Access) Regulations, 2024, on 21.02.2024. Regulation 17 of the said Regulations provides for banking facility and applicable charges, which states that banking facility shall be permitted to consumers availing Green Energy Open Access. Further, it provides that the permitted quantum of banked energy by the Green Energy Open Access consumers shall be at least 30% of total

consumption of electricity from the distribution licensee by the consumers during the billing period. Meaning thereby, the consumer should be allowed banking facilities of minimum 30% of total consumption. However, this was interpreted by the concerned authorities in Gujarat as that they would only allow banking for the quantum of energy which was above 30% of total consumption. This interpretation led to uncertainty amongst stakeholders. In absence of any clarification, investment in Gujarat was at standstill and stakeholders of the Applicant/Petitioner started awaiting relevant clarification because present interpretation had ignored infirm nature of renewable energy. Thereafter, the MoP, Govt. of India issued a clarification on 21.08.2024 with respect to the banking provision of the GEOA Rules, 2022. Post clarification of Banking Provisions by MoP, the GUVNL vide letter dated 31.08.2024 also issued clarification on banking provisions. Therefore from 30.07.2024 till 31.08.2024 ability of the Petitioner to progress with the development was impacted.

- 9.2. Further, vide order dated 19.06.2025, the High Court of Gujarat has also stayed the aforementioned clarification letter, creating further confusion and uncertainty on the banking facility. A 30 days delay were attributed to clarification due to banking issue from date of order 31.08.2024 to date of grant of connectivity i.e. 31.07.2024.

9.3. Per contra the Respondent submitted that the Petitioner is seeking to rely on issues of banking but has not specified how the same affected the project. There is no substantiation or even details of how the Petitioner's project was affected. There is general claims that investment was at standstill or frozen which is clearly not correct as the Petitioner itself had sought connectivity during this time. The Petitioner had applied for connectivity on 31.05.2024 and on 21.06.2024 and further paid estimate charges. There was no alleged uncertainty or lack of clarity for the Petitioner. Further the Petitioner had obtained connectivity of 50 MW which was granted on 30.07.2024 and there has been no change in the capacity at any time. There is no reason why the Petitioner had caused any delay for its power project of 50 MW due to any such aspects. Further it is clear that the Petitioner continued with connectivity of 50 MW and therefore, there is no reason why such capacity was not commissioned within time.

9.4. The Petitioner had applied for 50 MW for connectivity and even now is continuing with the same capacity. It is not clear how this impacted the evacuation system to be laid down by the Petitioner to the substation, particularly since the capacity of the line would be the same irrespective of capacity of the power plant. The capacity of the evacuation line as per the Detailed Procedure is based on voltage of connectivity and not the capacity of the project. Therefore, the capacity of the line to be

constructed by the Petitioner at 66 KV connectivity would have remained same, irrespective of capacity of the project.

- 9.5. We note that the Commission has issued GERC (Terms and Conditions for Green Energy Open Access) Regulations, 2024, on 21.02.2024. the relevant provisions of the said regulation is reproduced below:

“17. Energy Banking facility and Charges,

Energy Settlement and Open Access Charges, Payment Security Mechanism and Relinquishment of Open Access Rights for Green Energy Open Access:

17.6. Banking facility and charges.

(vi) The permitted quantum of banked energy by the green energy open access consumers shall be at least 30% of total consumption of electricity from the distribution licensee by the consumers during the billing period.”

The aforesaid regulation provides that the permitted quantum of banked energy by the green energy open access consumers shall be at least 30% of total consumption of electricity from the distribution licensee by the consumers during the billing period.

- 9.6. We note that Regulation 17 of the said Regulations provides for banking facility and applicable charges. It states that banking facility shall be permitted to consumers availing green energy open access. Further, it provides that the permitted quantum of banked energy by the green

energy open access consumers shall be at least 30% of total consumption of electricity from the distribution licensee by the consumers during the billing period.

- 9.7. We note that the contention of the Petitioner that there is regulatory vacuum/ Lack of clarity regarding the banking facility during 30.07.2024 to 31.08.2024 on account of the banking permissible under green energy open access and vide order dated 19.06.2025, the High Court of Gujarat has also stayed the aforementioned clarification letter, creating further confusion and uncertainty on the banking facility is concerned, we note that the Petitioner had applied for connectivity and evacuation of power from its 50 MW Wind Project hybrid project.
- 9.8. We note that the Petitioner had applied for Stage-I connectivity on 31.05.2024 and had obtained the approval from GETCO on 29.06.2024. On 21.06.2024 the Petitioner applied for Stage-II connectivity and submitted BG dated 03.06.2024. The Petitioner was granted stage-II connectivity on 30.07.2024 and connection agreement was executed between the Respondent and Petitioner on 29.08.2024. The Petitioner on 27.08.2024 paid the supervision charges. Thus, there was no alleged uncertainty or lack of clarity for the Petitioner.
- 9.9. We also note that the Petitioner had obtained connectivity of 50 MW which was granted on 30.07.2024 and there has been no change in the capacity at any time.

9.10. We also note that the Petitioner has not clarified on what basis it is making the claim and how it impacted the project. The Petitioner had applied for 50 MW connectivity and even now is continuing with the same capacity. We also note that the Petitioner has not substantiated that how this impacted the evacuation system to be laid down by the Petitioner to the substation, particularly since the capacity of the line would be the same irrespective of capacity of the power plant. The capacity of the evacuation line as per the Detailed Procedure is based on voltage of connectivity and not the capacity of the project. Thus, the transmission infrastructure and bay facility which required to be created by the Petitioner is at the voltage capacity of such infrastructure i.e. at 66 kV/66 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 50MW Wind power hybrid project of the Petitioner. We further note that the Petitioner has claimed that there was a standstill in the investment but has not substantiated the same.

9.11. 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 affected the Petitioner to create the transmission infrastructure.

9.12. Considering the above, we are of the view that the claim of the Petitioner that due to non- 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 documentary evidence and not a ground for grant of extension.

10. Delay in CRP/CRT Delivery due to market demand crisis.

10.1. The Petitioner submitted that the delay in delivery of CRP/CRT can be attributed to an ongoing market demand crisis and significant disruptions in the global supply chain, both of which constitute unforeseeable events that lie beyond the Petitioner's control. He further submitted that in the meeting held on 21.12.2023 by Ministry of Power, the issue of transformer and reactor shortages was discussed in detail. The delay in delivery of CRP/CRT is a continuing issue and is still from May 2025 to present.

10.2. Per contra the Respondent submitted that delay in placing of order due to alleged delays in power project or otherwise delays by the contractor cannot be claimed as reason for extension. The Petitioner has to arrange for all Inputs/equipments etc. and cannot seek extension merely because there has been a delay. The Minutes of Meeting of the Ministry of Power relates to delay in delivery of transformers. The Petitioner has not raised any issue with respect to delay in delivery of transformers nor is there any document in the Petition.

- 10.3. The letter of contractor of the Petitioner placing the order for CRP Panels etc. is only of 03.04.2025, i.e. almost 8 months after the grant of connectivity to the Petitioner. The said letter provides for delivery 18 to 20 weeks from drawing approval for GETCO inspection and the dispatch is likely after that. The delivery even from purchase order would have exceeded the period of 12 months. The payment for the CRP Panels has been claimed to have been made on 21.04.2025. There is a delay on the part of the Petitioner in placing the order for CRP Panels.
- 10.4. We note that the Petitioner has claimed that there is a force Majeure event occurred due to delay in supply of CPT/CRT panels due to disturbance in global supply chain.
- 10.5. We note that on 12.01.2024 the Ministry of Power, Government of India, issued Minutes of Meeting conducted on 21.12.2023 wherein the issue regarding shortage of transformer and reactor shortages was discussed and issued guidelines for the RE project developer that there is shortfall in availability of power transformers, its material, etc. which led to delay in supply of material which requires to be installed by the project developer like Petitioner so that the plant will be commissioned in time and available power can be evacuated from such plants economically without affecting the power plant's efficiency.
- 10.6. We note that the letter of contractor of the Petitioner placing the order for CRP Panels etc. is only of 03.04.2025. The delivery time provided in the said letter is of 18 to 20 weeks from drawing approval for GETCO inspection and

the dispatch is likely after that. The payment for the CRP Panels has been claimed to have been made on 21.04.2025. We note that the delivery even from purchase order would have exceeded the period of 12 months. Thus, there is a delay on the part of the Petitioner in placing the order for CRP Panels.

10.7. We note that it is the duty of the Petitioner who is one of the project developers and obtained connectivity for 50 MW at GETCO S/s for evacuation of power generated from it with Wind power hybrid project power plant and consumed by the Procurer under third party sale or captive mode to construct the project as well as transmission system in stipulated time. The shortfall in availability of material like CRP/CRT Panels due to demand in the market as well as supply chain disruption affected to availability of such power plant is dependent on when the Petitioner put up such order to supplier and what are the terms and conditions of such order. It is a separate and distinct contract between the contractor and the Petitioner which is not qualified for extension of the time limit of evacuation infrastructure and bays sought by the Petitioner. It is the responsibility of the Petitioner to arrange for all Inputs/equipments etc. and cannot seek extension merely because there has been a delay. This cannot be considered as an unforeseen reason.

10.8. Considering the above, we are of the view that the delay caused if any in respect of CRP/CRT Panels due to prevailing market conditions with

regard to non-availability of such CRP/CRT Panels is not a ground for extending the time limit of transmission system sought by the Petitioner and the same is not accepted and rejected.

11. The Petitioner submitted that there was uncertainty due to confusion on the transferability of the connectivity. To clarify the confusion, the Respondent GETCO filed Petition bearing No. 2377 of 2024 before the Commission prayer to allow transfer of connectivity. Connectivity transfer is a permissible act in all applicable laws, however, there was confusion on the applicability of one part of the order. The Commission vide order dated 21.09.2024 allowed the prayer of the GETCO and cloud of uncertainty on transfer of connectivity was over. Therefore, the time period till 21.09.2024 should be exclude in calculating timeline for commissioning

11.1. We note that the Petitioner has raised issue with regard to uncertainty due to confusion on the transferability of the connectivity is concerned, we note that to clarify the confusion, the Respondent GETCO filed Petition bearing No. 2377 of 2024 before the Commission prayer to allow transfer of connectivity. The Commission vide order dated 21.09.2024 allowed the prayer of the GETCO.

11.2. We note that the Petitioner on 31.05.2024 applied for Stage-I grid connectivity and on 29.06.2024, GETCO intimated approval to the Petitioner for Stage-I grid connectivity for evacuation of 50 MW Hybrid

Power at 220 kV Mota Kamlapur substation. The Petitioner on 21.06.2024 applied for Stage-II connectivity and submitted Bank Guarantee (BG) on 03.06.2024. GETCO on 30.07.2024 intimated approval to the Petitioner for Stage-II grid connectivity for connection of the project with GETCO at 220 kV Mota Kamlapur substation. The Connection Agreement was executed between Respondent and the Petitioner on 29.08.2024. The Petitioner on 27.08.2024 paid the supervision charges.

11.3. In absence of the supporting documents this claim of the Petitioner is not accepted and rejected.

12. We note that the Petitioner has submitted the project status which is as under:

Sr. No.	Item Description	Project Progress Current Status	Remarks
1	66 kV Transmission Line	90%	1. Tower Erection 90% completed (19/20) 2. Stringing -90% completed-19/21 spans (including 1 UG Span)
2	66/33 kV PSS civil works	80%	1. MCR-95% completed 2. Equipment foundation -70% work completed
3	66/33 kV PSS Electrical works	70%	1. Yard Equipment & Jumpering-90% completed. 2. Control Cable Laying & Termination - WIP 3. 33 kV O/G Feeder DP-WIP 4. CRP Erection & Commissioning WIP
4	66 kV GSS	90%	Minor Work is pending

ORDER

13. In view thereof, the present petition partially allowed. We hold that there were following unforeseen reasons which led to delay in completion of transmission network as under:

(1) Delay due to grant of approval under section 68 and section 164 of the Electricity Act from Period from 15.03.2025 to 01.05.2025 i.e. 48 and from 05.05.2025 to 25.07.2025 i.e. 82. The Petitioner is, therefore, eligible to get extension in completion of evacuation infrastructure for a period of 130 days.

(2) Delay due to ROW issues continuing from 28.02.2025 onwards and is continue as per the submission of the petitioner on 01.11.2025 and after 1.11.2025 onwards also. Thus, the period from 28.02.2025 to 01.11.2025 i.e. 247 is eligible to get extension in completion of evacuation infrastructure.

14. Thus, the Petitioner is therefore, eligible to get extension in completion of evacuation infrastructure of a period of 247 days and the same is still continuing.

15. We order accordingly.

16. With this order, the petition alongwith IA if any, stands disposed of.

Sd/-
[S.R.Pandey]
Member

Sd/-
[Mehul M.Gandhi]
Member

Place: Gandhinagar.

Date: 05/11/2025