

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2518 of 2025.

In the Matter of:

Petition under Section under Section 86 (1) (f) of the Electricity Act, 2003 seeking quashing/setting aside the email dated 14.02.2025 and the letter dated 01.03.2025 issued by GETCO thereby illegally rejecting Stage - II connectivity application of the Petitioner qua the infrastructure being developed by it for evacuation of power from its 35 MW Wind Power Project to GETCO's 66 KV Nadadhri Sub-station for extraneous reasons untenable in the eyes of law.

Petitioner : Suzlon Energy Limited
'SUZLON', House 5, Shrimali Society
Near Shri Krishna Complex, Navrangpura
Ahmedabad - 380 009.

Represented By : Ld. Sr. Adv. Mr. Rashesh Sanjanwala with
Advocates Mr. Mridul Chakravarty and Mr.
Devansh Pundir

V/s.

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

Represented by : Ld. Adv. Mr. Aneesh Bajaj along with Mr.
Shobhraj Jaiswal.

CORAM:

Mehul M. Gandhi, Member

S.R. Pandey, Member

Date: 23/09/2025.

DAILY ORDER

1. The matter was kept for hearing on 22.09.2025.

2. At the outset, Ld. Adv. Sr. Counsel Mr. Rashesh Sanjanwala, appearing on behalf of the Petitioner, submitted that the Commission has passed Daily Order dated 20.09.2025 wherein it was recorded that the present Petition and IA have been filed by the Suzlon Energy Limited and the affidavit verifying the Petition as well as IA are signed by authorised signatory persons of Suzlon Energy Limited, whereas, the Cause title of Petition showcases the name of Petitioner as 'M/s Suzlon Energy Limited' doing its business through M/s Suzlon Global Services Limited'. Whereas, IA No. 65 of 2025 showcases the name of Applicant/Petitioner as 'M/s Suzlon Energy Limited'. The Cause titles of both 'Petition' and 'IA' establishes that M/s Suzlon Energy Limited has filed the present Petition and IA for seeking adjudication related to disputes arising out of rejection of Stage-II connectivity application of M/s Suzlon Energy Limited. He submitted that the Commission vide the said Daily Order dated 20.09.2025 also vacated the limited status quo granted earlier till next date of hearing with immediate effect.
 - 2.1. He submitted that the Petitioner Suzlon Energy Limited and Suzlon Global Services Limited are not separate legal entity as the Suzlon

Global Services Limited has merged with Suzlon Energy Limited. He submitted that the Suzlon Energy Limited is holding company and Suzlon Global Services Limited is the wholly subsidiary company of Suzlon Energy Limited. He further submitted that the counsel appeared during the hearing on 19.09.2025 not having sufficient knowledge in this regard and therefore, he was unable to reply the contentions raised by the Respondent regarding the *locus standi* of the Petitioner.

2.2. He submitted that it is evident that till 13.03.2025 all the correspondences were made by Suzlon Global Services Limited. During the hearing today, Ld. Sr. Counsel for the Petitioner produced and referred to the Order dated 08.05.2025 passed by the NCLT approving the Scheme of Amalgamation between the Suzlon Global Services Limited and Suzlon Energy Limited and their respective Shareholders and Creditors. He submitted that in the aforesaid NCLT's Order, Suzlon Global Services Limited shown as 'Petitioner Company No. 1, i.e., Transferor Company' and Suzlon Energy Limited shown as 'Petitioner Company No. 2, i.e., Transferee Company'. He also pointed out that the said Order states that the present joint Company Petition has been filed by the Petitioner Companies viz., Suzlon Global Services Limited (Transferor Company) and Suzlon Energy Limited (Transferee Company) under Sections 230-232 and other applicable provisions of

the Companies Act, 2013 read with Companies (Compromise, Arrangement and Amalgamations) Rules, 2016, seeking approval of the proposed Scheme of Amalgamation by way of Merger by Absorption (Scheme) between Suzlon Global Services Limited (Transferor Company) with Suzlon Energy Limited with effect from 15.08.2024 being the Appointed Date as mentioned in the Modified Scheme. The Transferor Company Suzlon Global Services Limited is a wholly owned subsidiary of Transferee Company Suzlon Energy Limited. He further submitted that the NCLT vide its Order dated 08.05.2025 also approved Scheme of Amalgamation between the Suzlon Global Services Limited and Suzlon Energy Limited.

2.3. He referred to the preamble of the Scheme which states that this Scheme seeks to amalgamate and consolidate the business of Transferor Company, which is wholly owned subsidiary of Transferee Company, with and into the Transferee Company pursuant to various Sections of applicable Act, Laws and Regulations. Ld. Counsel for the Petitioner referred to the letter dated 10.07.2025 addressed to the Respondent requesting for approval of Stage – II connectivity. He argued that the said letter was written to the Respondent by Suzlon Energy Limited and not by Suzlon Global Services Limited. Contending this, he stressed upon that the Respondent was well within knowledge

that the above said communication is made by Suzlon Energy Limited and at no point of time, raised any issue about the authority of Suzlon Energy Limited to make correspondence.

2.4. He referred to the Clause 5.2.2 with respect to “Transfer of contracts, deeds etc.” of the said Scheme wherein it was stated that without prejudice to the generality of the foregoing, upon coming into effect of the Scheme and with effect from the Appointed Date, all consents, permissions, licenses, certificates, clearances, authorities, power of attorney given by, issued to or executed in favour of the Transferor Company shall stand transferred to the Transferee Company as if the same were originally given by, issued to or executed in favour of the Transferee Company and the Transferee Company shall be bound by terms thereof, the obligations and duties thereunder and the rights and benefits under the same shall be available to the Transferee company. Referring the same Clause of the Scheme, he further stated that in the said Scheme, it is mentioned that on and from the effective date and thereafter, the Transferee Company shall be entitled to complete and enforce all pending contracts and transactions in respect of the Transferor Company in the name of the Transferor Company in so far as may be necessary until the transfer of rights and obligations of the

Transferor Company to the Transferee Company under this Scheme has been given effect to under such contracts and transactions.

2.5. He further referred to the Clause 5.2.5 with respect to “Transfer of Licensees and Approvals” of the said Scheme wherein it is stated that all approvals, allotments, consents, concessions, clearances, credits, awards, sanctions, exemptions, subsidies, rehabilitation schemes, registrations, no-objection certificates, permits, quotas, rights, entitlements, authorisation, pre-qualifications, bid acceptances, tenders, licenses (including the licenses granted by any governmental, statutory or regulatory bodies for the purpose of carrying on its business or in connection therewith), permissions, privileges, powers, facilities, letter of allotments and certificates of every kind and description whatsoever in relation to the Transferor Company, or to the benefit of which the Transferor Company may be eligible/ entitled, and which are subsisting or having effect immediately before the Effective Date, including the benefits of any applications made for any of the foregoing, shall be and remain in full force and effect in favour of the Transferee Company and may be enforced as fully and effectually as if, instead of the Transferor Company, the Transferee Company had been a party or beneficiary or obligee thereto, it is hereby clarified that if the consent of any third party or authority is required to give effect to the provisions of this Clause, the said third party or authority shall make

and duly record the necessary substitution/endorsement in the name of the Transferee Company pursuant to the sanction of this Scheme by the Appropriate Authority, and upon this Scheme becoming effective in accordance with the terms thereof. For this purpose, the Transferee Company shall file appropriate applications/documents with relevant authorities concerned for information and record purposes.

2.6. He also submitted that there was nothing wrong done by the Petitioner and due to cancellation of Stage – II connectivity, the Petitioner is adversely impacted. There was no intention or attempt of the Petitioner to mislead or misguide the Commission in any manner. While referring the letter dated 10.07.2025 addressed to the Respondent by the Petitioner, he submitted that the said letter is written by the Petitioner Suzlon Energy Limited and this fact is also known to the Respondent GETCO but that time the Respondent has not raised the issue of separate legal entity. Therefore, the issues of *Locus standi*, does not arise in the present Petition as the Suzlon Global Services Limited is subsidiary company of the Petitioner Suzlon Energy Limited and Suzlon Global Services Limited is merged with Suzlon Energy Limited. It is also argued that the title of the Petition also indicates name of both the Companies stating that Suzlon Energy Limited doing its business through Suzlon Global Services Limited.

2.7. He submitted that the Commission vide its Daily Order dated 20.09.2025 has vacated the limited status quo granted earlier till next date of hearing with immediate effect, which should be restored in the present matter and also requested to grant one week time to the Petitioner to file its rejoinder reply to the reply of the Respondent and thereafter, the matter may be listed for final hearing on 29.09.2025 or any other date subject to convenience of the Commission.

3. Ld. Adv. Mr. Aneesh Bajaj, appearing on behalf of the Respondent GETCO, submitted that there is no averments about amalgamation or transfer of Suzlon Global Services Limited with Suzlon Energy Limited in the Petition. He further stated that the limited status quo earlier granted by the Commission is vacated vide Order dated 20.09.2025 in the matter. In the absence of any application/IA requesting to restore the same, is not permissible and the same should also not be granted by the Commission as there cannot be any generalised order passed by the Commission in this regard. He submitted that the Respondent need to allocate the connectivity to the new applicant latest by end of this month as per the provisions of Approved Procedure of the Commission. Any status quo granted to the Petitioner shall hamper the interest of the other applicant/s who are in queue for seeking connectivity from the Respondent. He denied that the Respondent GETCO was aware about

the amalgamation or merger of the Suzlon Energy Limited and Suzlon Global Services Limited or Suzlon Energy Limited is holding and parent company of Suzlon Global Services Limited. He also requested the Commission not to grant any relief to the Petitioner as the Respondent GETCO has already started the connectivity allocation process to the subsequent applicants in terms of the last Order dated 20.09.2025 passed by the Commission.

4. Heard the parties. We note that the Petitioner has not submitted any documents related to amalgamation or merger of Suzlon Energy Limited and Suzlon Global Services Limited at the time of filing the Petition before the Commission though the question was related to cancellation of Stage-II connectivity in respect of Suzlon Global Services Limited. We note that the Respondent vide its reply dated 17.09.2025 (which was sent to the Petitioner through email dated 17.09.2025 with a copy to the Commission) had contended about the *locus standi* of the Petitioner. Even though, on date of hearing dated 19.09.2025, the counsel representing the Petitioner was not in position to respond this particular issue of *locus standi*, as raised by the Respondent. During the course of hearing on 22.09.2025, Ld. Sr. Counsel of the Petitioner has produced certain documents to establish that Suzlon Global Services Limited is now merged into Suzlon Energy Limited.

4.1 We also note that the connectivity of the Petitioner Suzlon Global Services Limited was already cancelled by the Respondent on 01.03.2025 but the Petitioner choose to remain silent till filing of the present Petition before the Commission, i.e., up to 23.07.2025.

4.2 We further note that the Commission vide Daily Order dated 10.09.2025 noted that the Petitioner's connectivity got cancelled in the month of March 2025, and the Petitioner has not only approached the Commission at belated stage but also during last hearing i.e., on 19.09.2025, not in a position to establish its *locus standi* in the present matter and seeking two weeks-time for filing rejoinder reply in the matter.

4.3 We have considered the arguments of both the sides. While perusing the record, it is found that, undisputedly, the Petition has been filed on 14.07.2025, whereas Stage-II connectivity of the Petitioner was ordered to be cancelled by the Respondent's letter dated 01.03.2025. Stage-I connectivity was granted on 05.08.2024. The Petitioner has applied for Stage-II connectivity on 29.01.2025. Respondent GETCO issued a mail on 14.02.2025 raising queries seeking certain documents and information, as stated in para 2.3 of the previous Daily Order dated 10.09.2025 for the hearing held on 31.07.2025. Thus, clearly on the date of filing of the Petition, the Petitioner's connectivity was cancelled,

and it approached the Commission as late as in July 2025. It is required to be further noted that upon filing of the Petition, the Commission kept it for hearing for the first time on 29.7.2025 on which date the Parties were given time to file their respective reply and rejoinder, but no interim relief was granted.

4.4 The matter came up for hearing again on 31.07.2025 on which date the Commission, after hearing the Parties, vide its Daily Order dated 10.09.2025 granted limited status quo only in connection with re-allocation of Stage-II connectivity earlier sanctioned to the Petitioner to somebody else in order to avoid complication. The limited status quo was granted only till the next date of hearing. The Commission also noted in that Order that Respondent GETCO had sought time to file reply but declared that Respondent GETCO would decide on that date, i.e. 31.07.2025, regarding re-allocation/re-awarding of the capacity of connectivity which was earlier granted to the Petitioner to different RE Generator in queue. Thus, Respondent GETCO was supposed to re-allocate the said connectivity capacity to some other entity in queue once connectivity is cancelled, but for the present Petition has not done so. The Commission vide previous Daily Order, granted limited status quo only regarding re-allocation of the capacity and it was made clear that there was no stay regarding encashment of bank guarantee and

creation of any equitable or legal rights in favour of the Petitioner. It is to be noted that till that date, Respondent's reply or rejoinder the Petitioner thereon was not before the Commission. Respondent GETCO has filed its reply to the Petition dated 17.09.2025 raising serious objections.

4.5 The matter was heard again on 19.09.2025 on which date Respondent GETCO raised objection regarding the entity and *locus standi* of the Petitioner as names in the Petition and in the documents of connectivity are different. Learned Advocate for the Petitioner could not explain anything on this aspect. The Commission in its wisdom and discretionary power vacated the interim relief noting the issue of locus standi as well as delayed approach. The matter again was kept on 22.09.2025 on which date learned Senior Advocate Mr. Sanjanwala produced a copy of the NCLT Scheme of Amalgamation and Order merging Suzlon Global Services Limited and Suzlon Energy Limited.

4.6 Further, we have perused the materials that have come on record and considered the arguments. We note that the Petitioner has not filed its rejoinder reply even yet and the capacity of the RE connectivity has become stranded till this date after 01.03.2025.

4.7 Further, it is amply clear that while vacating the status quo, the Commission has noted two important facts regarding delayed approach of the Petitioner to the Commission and *locus standi*. The present Petition involves verification of various documents put forward by the Petitioner commencing from Stage- I application. The Petition also involves analysis of action taken by the Respondent qua the Petitioner. Hence, the request of the Petitioner to restore the same at this juncture is not accepted. With regard to the request of the Petitioner to file rejoinder reply, let the same be filed on or before 25.09.2025 with a copy to the Respondent.

5. The matter is now listed for further hearing on 26.09.2025 at 11.30 hours.

6. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 23/09/2025.