

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2542 of 2025.

In the Matter of:

Petition for adjudication of the disputes between the licensees and generating company under Section 86 (1) (e) & (f) of EA, 2003 and regulations 80 and 82 of the GERC (Conduct of Business) Regulations 2004 for seeking directions for signing of wheeling agreement and issuance of project commissioning certificate and set off to be given by the Respondent DGVCL to the Petitioner in the future energy bill for the 37,69,663 units injected into the grid for getting delayed the commissioning of the Solar Power Project under Gujarat Solar Power Policy, 2021.

And

IA No. 94 of 2025 in Petition No. 2542 of 2025.

In the matter of:

Application for taking up the main Petition for urgent listing and interim reliefs as prayed in terms of para 40 of the Petition interalia as prayed in the prayer clause of the present IA.

Applicant/Petitioner : M/s Ultra Denim Limited
Plot No. C-9, Gujarat Eco Textile Park
N.H. 8, Palsana, Surat – 394 315 Gujarat.

Represented by : Mr. Kalpesh Ramjiyani

Vs.

Respondent No. 1 : Dakshin Gujarat Vij Company Limited
Urja Sadan, Nana Varachha Road

Kapodara Char Rasta
Surat Gujarat – 395 006.

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

Respondent No. 2 : Gujarat Energy Trans. Corp. Limited
Sardar Patel Vidyut Bhavan
Race Course Circle, Vadodara – 390 007.

Represented by : Mr. Shobhraj Jaiswal

Respondent No. 3 : Gujarat Energy Development Agency
4th Floor, Block No. 11 & 12
Udyog Bhavan, Gandhinagar, 382 017.

Represented by : Ld. Adv. Mr. Jignesh R. Modi

CORAM:

Pankaj Joshi, Chairman
Hiren Shah, Member

Date: 02/02/2026.

ORDER

1. The present Petition is filed by the Applicant/Petitioner, *inter-alia*, seeking following reliefs:

(a) To decide and declare that the Petitioner project was ready for commissioning on 18.07.2024 and denial by DGVCL for not

signing of wheeling agreement and denial by GEDA for non-issuance of the commissioning certificate is in violation of provisions of Electricity Act inter alia Rules, Regulations and orders notified by the Commission;

- (b) To decide and declare that the Petitioner plant was commissioned on 18.07.2024 and started injecting electricity into the grid for captive use;*
- (c) Pending decision in the present Petition, the Commission may please direct the Respondent DGVCL and GEDA to declare that the 2 MW solar captive plant of the Petitioner is commissioned;*
- (d) To direct respondent DGVCL to sign the wheeling agreement and direct the Respondent GEDA to issue project commissioning certificate enabling Petitioner to use its captive power plant from the date of energization of plant from 18.07.2024 as declared commissioned which is substantiated by CEI certificate;*
- (e) To direct Petitioner DGVCL to give the set-off of 37,69,663 units Injected into the GRID from July - 2024 to July - 2025 or provide compensation for it.*
- (f) To declare that the Petitioner is entitled for self-consumption of energy generated from its captive power plant of 2 MW which is energized on 18.07.2024 and commissioned for the self-consumption.*

(g) To allow petitioner to file a separate petition for compensation in case of set-off is not adjusted into the future energy bill of the Petitioner by the Respondent DGVCL

(h) To pass such other order or Orders as this Commission wish to pass for doing substantial justice in the present Petition.

2. The matter was earlier listed for hearing on 18.10.2025. During the proceedings, upon consensus of the parties to convene a joint meeting for discussing the issues involved in the present matter and to explore the possibility of an amicable resolution, the Commission passed a Daily Order dated 04.11.2025, whereby it recorded the submissions of the parties and directed them to hold the said meeting and arrive at a mutually acceptable solution, if any. The Commission also took note of the fact that the present matter pertains to a Renewable Energy project set up by an MSME consumer, which has been injecting energy into the Grid since 18.07.2024. The parties were further directed to submit to the Commission a report on the outcome of the aforesaid meeting and the amicable solution so arrived at, if any.
3. Pursuant to the aforesaid directions, both the Applicant/Petitioner and Respondent DGVCL have filed joint application vide affidavits dated 23.12.2025 alongwith Minutes of Meeting in the matter wherein it is stated that the meeting was held on 28.11.2025 at DGVCL's Corporate office wherein it was discussed that the wheeling agreement would be executed between the Applicant/Petitioner and the Respondent DGVCL for the prospective period and effective date would be from the date of

execution of the wheeling agreement and the Applicant/Petitioner shall withdraw the present Petition and allied IAs.

4. Thereafter, the matter was listed for hearing on 08.01.2026. Mr. Kalpesh Ramjiyani, appearing for the Applicant/Petitioner referred to the prayers of the Petition and submitted that the Applicant/Petitioner's 2 MW Solar Captive Power Project is ready for commissioning and as such it has already started injection of electricity into the grid from 18.07.2024.
- 4.1. He further submitted that pursuant to Daily Order dated 04.11.2025, the meeting was held on 28.11.2025 with the Respondent DGVCL at its Corporate Office and it was discussed and decided that the wheeling agreement would be executed by the Respondent No. 1 DGVCL with the Applicant/Petitioner for the prospective period and effective date would be from the date of execution of the wheeling agreement and the Applicant/Petitioner shall withdraw the present Petition and allied IAs, filed before the Commission. He submitted that despite of decision taken in the aforesaid meeting, DGVCL has yet not executed the wheeling agreement for its Solar Power Project. He further prayed the Commission to permit the Applicant/Petitioner to withdraw the present Petition & IA unconditionally, with directions to the Respondent DGVCL to forthwith execute/sign the Wheeling Agreement, and to GEDA to expeditiously issue the commissioning certificate for the subject project. He further prayed that the SLDC may also be directed to carry out the energy accounting in respect of the said power project.

5. Ld. Adv. Mr. Jignesh R. Modi appearing for Respondent No. 3 GEDA submitted that he has been recently appointed as an arguing counsel by the Respondent GEDA in the matter. He submitted that GEDA vide its letter dated 04.07.2022 informed the Applicant/Petitioner about the registration of Solar Ground Mounted Project set up by the Applicant/Petitioner for captive use. While referring the conditions No. 11 of the said letter dated 04.07.2022, he submitted that the commissioning shall be undertaken by GEDA after the receipt of CEIG energisation permission, along with connectivity and wheeling agreement with DISCOM and N. A. Permission for the project land, which has yet not been submitted by the Applicant/Petitioner. He also submitted that first the Applicant/Petitioner is required to execute the wheeling agreement with Respondent DGVCL and submit the same to GEDA for initiating the process of commissioning certification for the project..
6. In response to the query of the Commission, Ld. Adv. Mr. Aneesh Bajaj, appearing on behalf of the Respondent DGVCL submitted that the Respondent DGVCL has agreed to sign the wheeling agreement with prospective effect with the Applicant/Petitioner in terms of Minutes of Meeting dated 28.11.2025, however, the same has yet not been executed and the Respondent is waiting for the Order of Commission in the matter allowing the Applicant/Petitioner to withdraw the present Petition and allied IA.
7. Heard the parties. We note that the present Petition is filed by the Applicant/Petitioner for adjudication of the disputes between the

licensees and generating company under Section 86 (1) (e) & (f) of EA, 2003 and Regulations 80 and 82 of the GERC (Conduct of Business) Regulations 2004 for seeking directions for signing of wheeling agreement and issuance of project commissioning certificate and set off to be given by the Respondent DGVCL to the Applicant/Petitioner in the future energy bill.

- 7.1. We also note that pursuant to the directives of the Commission vide Daily Order dated 04.11.2025, the Petitioner and Respondent have conducted a joint meeting on 28.11.2025 for discussion of the issues involved in the present matter so as to arrive at a mutually acceptable solution with consideration that the RE project is set up by the MSME consumer and injecting energy in the grid since 18.07.2024. Accordingly, they have filed their Joint submission vide affidavits dated 23.12.2025 wherein it is stated that they have reached at an amicable solution as per agreed terms and conditions recorded in the Minutes of Meeting and requested the Commission to allow withdraw of the Petition & IA accordingly.
- 7.2. As the Applicant/Petitioner and the Respondent DGVCL have mutually arrived at an amicable solutions and settled the issues involved in the present Petition and also filed their joint application vide affidavits dated 23.12.2025 requesting the Commission to allow for withdrawal of the Petition and IA unconditionally, we allow the unconditional withdrawal of Petition and IA accordingly. In the given facts and circumstances, we deemed it appropriate to direct the Respondent DGVCL to sign the wheeling agreement with the Applicant/Petitioner within 3 days from the date of this Order and upon the execution of the wheeling agreement

with the Applicant/Petitioner, the Petitioner shall be at liberty to approach the GEDA for getting the commissioning certificate for its Solar Power Project and in that case GEDA will initiate the process of issuing commissioning certificate in accordance with law. Both the parties are directed to submit the copy of duly executed wheeling agreement on affidavit, to the Commission.

8. Order accordingly.
9. With this Order, the present Petition alongwith IA, stand disposed off as withdrawn by the Applicant/Petitioner.

Sd/-
[Hiren Shah]
Member

Sd/-
[Pankaj Joshi]
Chairman

Place: Gandhinagar.

Date: 02/02/2026.