

**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 the Electricity Act, 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 37,69,669 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 *inter alia* 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 – 394315, Gujarat.

Represented by : Ld. Adv. Mr. Ashish Jha alongwith Mr. Kalpesh
Ramjiyani

V/s.

Respondent No. 1 : Dakshin Gujarat Vij Company Limited

Urja Sadan, Nana Varachha Road,
Kapodara Char Rasta, Surat, Gujarat – 395006.

Represented by : Ld. Adv. Ms. Ranjitha Ramachandran alongwith
Mr. S.P. Patel and Mr. Hetal Patel

Respondent No. 2 : Gujarat Energy Transmission Corp. Limited
Sardar Patel Vidyut Bhavan, Race Course Circle
Vadodara – 390007.

Represented by : Mr. Shobhraj Jayswal

Respondent No. 3 : Gujarat Energy Development Agency
4th Floor, Block No. 11 & 12, Udyog Bhavan
Gandhinagar, Gujarat – 382017.

Represented by : Nobody was present.

CORAM:

Mehul M. Gandhi, Member

S. R. Pandey, Member

Date: 04/11/2025.

Daily Order

1. The matter was kept for hearing on 18.10.2025 through Hybrid mode.
2. Ld. Adv. Mr. Ashish Jha, appearing on behalf of the Applicant/Petitioner, submitted that the Applicant/Petitioner who is MSME units and installed 2 MW Solar Power Plant for captive use by the Applicant/Petitioner. It has started generating power from its 2 MW

Solar Power Plant from 18.07.2024 but the injected units into grid are not being utilised under the Captive Use as recognised by Gujarat Solar Power Policy, 2021. Moreover, GERC (Terms and Conditions for Green Energy Open Access) Regulations, 2024 mandates captive use of electricity from green energy sources. He submitted that as per Policy and GERC's Regulations, the Applicant/Petitioner and the Respondent DGVCL are required to execute a Wheeling Agreement for the Captive Consumption of 2 MW generated electricity by Applicant/Petitioner.

- 2.1. He submitted that the Solar PV Power Plant set up under REC scheme by the Applicant/Petitioner was ready for commissioning and started injected units from the Solar PV Plant into the Grid from 18.07.2024. However, the Respondent DGVCL has denied to sign the wheeling Agreement and the Respondent GEDA is not allowing the project commissioning which frustrated the objective of captive consumption by the Applicant/Petitioner.
- 2.2. He submitted that the Applicant/Petitioner vide its letter dated 10.08.2023 submitted various undertaking to GEDA as a part of compliance with respect to avail REC accreditation and also submitted all the documents using online documents submission facility on REC portal and hard copy of the online submitted documents filed with the GEDA. Referring to letter dated 13.01.2024 of CEI, he submitted that the CEI has acknowledged the online application for approval of the drawing for electrical installation. He submitted that CEI vide its letter dated 11.06.2024 has permitted to the Applicant/Petitioner to energize its 2 MW Ground Mounted Solar PV Plant for its captive consumption. He also referred to the letter dated 13.06.2024 of EPC Contractor and submitted that EPC contractor informed the DGVCL with regard to the

installation of ABT meters in context with the Petitioners' Project for Captive Use.

- 2.3. He further submitted that the Solar Power Project of the Applicant/Petitioner has started generating power and fed into the grid from 18.07.2024 to till date, however the Applicant/Petitioner is deprived of benefit of the captive consumption from its own captive power plant and also not able to get REC for such energy generated from its captive power plant of the Applicant/Petitioner due to non-signing of wheeling agreement by DGVCL and non- issuance of commissioning certificate by GEDA which was delayed by one year from the date of energization of plant and injected units into the Grid.
 - 2.4. He submitted that the Applicant/Petitioner also filed the IA being IA No. 94 of 2025 seeking interim relief by directing the Respondent DGVCL to sign the Wheeling Agreement and GEDA to issue the commissioning certificate of its project.
 - 2.5. Based on the above, he requested that the Applicant/Petitioner has good prima facie case and balance of convenience lies in favour of the Applicant/Petitioner. He requested that the Commission may admit the Petition and grant interim reliefs and give time to the Respondents to file its reply, and the Applicant/Petitioner may also be given 7 days' time for filing its rejoinder-in reply to reply filed by the Respondents and to keep the matter for final hearing on any other convenient date.
3. Ld. Adv. Ms. Ranjitha Ramachandran, appearing on behalf of the Respondent DGVCL, submitted that the Petitioner have not served copy of the IA to the Respondent. She requested that the Commission may direct the Applicant/Petitioner to make available the copy of IA to the

Respondent so as to enable the Respondent DGVCL to file reply/response, if any, in the matter. She further submitted that the Commission while granting adjournment may also give three weeks' time to the Respondent to file its reply in the matter and thereafter post the matter for final hearing on any date subject to the convenience of the Commission.

4. In response to the above submissions of DGVCL, the Ld. counsel appearing for the Applicant/Petitioner submitted that there is no objection to the adjournment sought by the Respondent. He also agreed to provide a copy of IA to the Respondent. It is requested that the Commission may also grant some time to the Applicant/Petitioner to file rejoinder reply to the reply of the Respondents in the matter.
5. Both the Ld. Counsels of the Applicant/Petitioner and Respondent have agreed to schedule joint meeting in order to discuss the issue so as to reach an amicable solution and thereafter, file report in this regard in the present matter.
6. Heard the parties. It is undisputed fact that the Applicant/Petitioner who is a MSME unit and set up 2 MW Solar Power Plant for captive use of energy generated from it. The Applicant/Petitioner contended that the plant was operating and injected energy from 18.07.2024. However, due to non-signing of Wheeling Agreement by the Respondent DGVCL and on that ground non-allowing commissioning by GEDA, the Applicant/Petitioner's plant has not obtained Commissioning Certificate and also not able to set-off of energy generated and injected into the grid. We note that the present Petition has been filed by the Applicant/Petitioner seeking direction for signing of wheeling

agreement with DGVCL and issuance of project commissioning certificate by GEDA and set off to be given by the Respondent DGVCL to the Applicant/Petitioner in the future energy bill for the 37,69,669 units injected into the grid for getting delayed the commissioning of the Solar Power Project under Gujarat Solar Power Policy, 2021.

- 6.1. We note that when the matter was called out, nobody was present on behalf of the Respondent No. 3 GEDA, although the hearing notice was issued for hearing to them. Moreover, the Commission has not received any communication from the Respondent GEDA about its inability to remain present in hearing.
- 6.2. We note that the Respondent has received copy of IA from the Applicant/Petitioner and requested the Commission to direct the Applicant/Petitioner to provide the same to the Respondent and the counsel for the Applicant/Petitioner has agreed to provide the same. Hence, we direct the Applicant/Petitioner to provide the copy of IA filed by them to the Respondents and file proof of service in the matter. Considering the request of the Respondent for the adjournment in the present matter and there is no objection to the same by the Applicant/Petitioner, the matter is adjourned. We note that the Ld. Counsel of the Respondent DGVCL requested for time to file reply in the matter. We further note that none of the Respondents have filed their respective reply in the matter. Accordingly, we direct the Respondents to file their respective reply within three weeks' time from the date of this Order with a copy to the Applicant/Petitioner. The Applicant/Petitioner would be at liberty to file their rejoinder reply, if any, within week' time after receipt of reply from the Respondents with a copy to them.

6.3. As agreed in para 5 above regarding joint meeting for discussion of the issue involved in the present matter so as to arrive at a mutually acceptable solution with consideration of RE project of MSME unit, we direct both the parties to discuss the matter within three weeks and to submit the report of such meeting and solution, if any, to the Commission.

7. Next date of hearing will be intimated separately.

8. Order accordingly.

Sd/-
[S.R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 04/11/2025.

