

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 2560 of 2025.**

**In the Matter of:**

**Petition filed under Section 86 of the Electricity Act, 2003 read with Order dated 31.08.2024 passed by this Commission in Order No. 6 of 2024 in the matter of tariff Framework for Procurement for Solar procurement of Power by Distribution Licensees and others from solar energy projects and other commercial issues for the State of Gujarat and read with Regulations 80, 82 and 85 of the GERC (Conduct of Business) Regulations, 2004 seeking inter-alia extension of the commercial operation date of 15 MW solar power project of the Petitioner on account of certain unforeseen reasons, affecting the project implementation and thereby passing appropriate Order(s)/ Direction(s) in this regard to the extent prayed for herein.**

**Along with**

**IA No. 96 of 2025 in Petition No. 2560 of 2025.**

**In the matter of:**

**Interlocutory Application filed under Section 94 (2) of the Electricity Act, 2003 read with Regulations 66 and 80 of the GERC (Conduct of Business) Regulations, 2004 seeking issuance of appropriate Interim Orders against the Respondent along with Supporting Affidavit.**

**And**

**IA No. 97 of 2025 in Petition No. 2560 of 2025.**

**In the matter of:**

**Interlocutory Application filed under Section 94 (2) of the Electricity Act, 2003 read with Regulations 66 and 80 of the GERC (Conduct of Business) Regulations, 2004 seeking urgent listing of the captioned petition along with supporting Affidavit.**

Applicant/Petitioner : M/s Iscon Balaji Foods Pvt. Limited

Represented By : Ld. Advocates Mr. Rishabh Sehgal, Mr.  
Mandeep Singh along with Mr. Vansh

V/s.

Respondent : Gujarat Energy Transmission Corp. Limited

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

**CORAM:**

**Pankaj Joshi, Chairman**

**Hiren Shah, Member**

**Jatin N. Thakkar, Member**

**Date: 06/03/2026.**

**ORDER**

1. The present Petition has been filed by the Applicant/Petitioner M/s Iscon Balaji Foods Pvt. Ltd., under Section 86 of the Electricity Act, 2003 read with Order dated 31.08.2024 passed by this Commission in Order No. 6 of 2024 in the matter of tariff Framework for Procurement for Solar procurement of Power by Distribution Licensees and others from solar energy projects and other commercial issues for the State of Gujarat and read with Regulations 80, 82 and 85 of the GERC (Conduct of Business) Regulations, 2004, seeking inter-alia extension of the commercial operation date of 15 MW solar power project of the Petitioner on account of certain unforeseen reasons, affecting the project implementation and thereby passing appropriate Order(s)/ Direction(s) in this regard.
2. The Applicant/Petitioner has *inter alia* sought the following reliefs in Petition No. 2560 of 2025:
  - a) *Admit and allow the Present Petition;*

- b) *Declare and hold that the ROW from the farmers/landowners for the purpose of construction and development of the Project qualifies as a unforeseen situation and the Petitioner is, accordingly, entitled to the consequential relief of extension in the SCOD of the Project and the Petitioner is entitled to grant of an extension of SCOD of the Project;*
- c) *Declare and hold that the extraordinary and unforeseen situation of unprecedented heavy rainfall in the month of July, 2025 till September 2025 which hampered the development of the Project qualifies as a unforeseen situation and the Petitioner is accordingly, entitled to the consequential relief of extension in the SCOD of the Project and the Petitioner is entitled to grant of an extension of SCOD of the Project;*
- d) *Declare and hold that the extraordinary and unforeseen situation of heavy wind/gusty in the month of May/June 2025 which impacted the construction activities of the Project qualifies as a unforeseen situation and the Petitioner is accordingly, entitled to the consequential relief of extension in the SCOD of the Project and the Petitioner is entitled to grant of an extension of SCOD of the Project;*
- e) *In the interim, this Hon'ble Commission may direct Gujarat Electricity Transmission Corporation Limited to not encash the Bank Guarantee bearing No. 06GT02241800012 dated 28.06.2024, amounting to Rs. Seventy-Five Lakhs, which has been submitted by the Petitioner in terms of the Tariff Framework, 2024;*

*f) In the interim, this Hon'ble Commission may direct Gujarat Electricity Transmission Corporation Limited to not impose any liquidated damages upon the Petitioner for not meeting the timelines as obligated under Clause 3.9 of Tariff Framework, 2024 on account of the unforeseen events faced by the Petitioner during the construction and development of the Project;*

*g) Pass such further Order or Order(s) as deemed appropriate by this Hon'ble Commission in facts and circumstances of the present case.*

3. The Applicant/Petitioner has filed IA No. 96 of 2025 in Petition No. 2560 of 2026, *inter alia* seeking following prayers:

*a) Admit and allow the present Application;*

*b) Issue appropriate ex-parte, ad-interim direction(s) / order(s) restraining Gujarat Electricity Transmission Corporation Limited to take any coercive and/ or precipitative step(s) against the Applicant herein, including invocation and / or encashment of the Bank Guarantee bearing No. 006GT02241800012 amounting to Rs. Seventy-Five Lakhs in favour of GETCO, which has been submitted by the Petitioner/ Applicant till the final disposal of the accompanying petition;*

*c) Issue appropriate ex-parte, ad-interim direction(s)/ order(s) restraining Gujarat Electricity Transmission Corporation Limited to take any coercive and/ or precipitative step(s) against the Applicant herein, including imposition of any liquidated damages upon the Petitioner for not meeting the*

*timelines as obligated under the Tariff Framework for Procurement of Power by Distribution Licensees and Others from Solar Energy Projects and Other Commercial issues for the State of Gujarat, 2024, on account of the unforeseen events faced by the Petitioner/Applicant during the construction and development of the Project;*

*d) Pass any such other or further order(s) as deemed appropriate by this Hon'ble Commission in the facts and circumstances.*

4. The Applicant/Petitioner has also filed IA No. 97 of 2025 in Petition No. 2560 of 2026, *inter alia* seeking following prayers:

*(a) Allow urgent listing of the present Petition so that the same may be listed for hearing on 06.10.2025 or at the earliest convenience of this Hon'ble Commission;*

*(b) Issue appropriate direction(s)/order (s) to the registry to raise defect (s) for the earliest listing of the accompanying appeal and application (s).*

5. The present matter alongwith above IAs were listed for hearing on 26.02.2026. During the hearing, Ld. Adv. appearing on behalf of the Applicant/Petitioner, submitted that the Commission has passed Order dated 21.01.2026 in Petition No. 2564 of 2025 filed by GETCO, wherein the timeframe for commissioning of evacuation line is amended from 12 months to 18 months for RE capacity up to 100 MW. Further, in the said Order, the Commission also clarified that the amended timeframe of 18 months shall also be applicable to RE projects which are at various stage of development and yet to be commissioned. It is further submitted that the case of the

Applicant/Petitioner is covered by the Order dated 21.01.2026 passed by the Commission and accordingly with consideration of the same, the prayers sought by the Applicant/Petitioner in the present matter, are satisfied as per the amended timeframe for completion of evacuation line and clarity provided about charging of RE capacity vide Order dated 21.01.2026. Therefore, the Applicant/Petitioner desired to withdraw the present Petition & IAs unconditionally.

6. Ld. Adv. Mr. Aneesh Bajaj, appearing on behalf of the Respondent GETCO has preferred not to contest the above submissions of the Applicant/Petitioner and submitted that there is no objection to unconditional withdrawal of the Petition & IAs, as sought by the Applicant/Petitioner.
7. Heard the parties. We note that the Commission has passed Order dated 21.01.2026 in Petition No. 2564 of 2025, filed by GETCO wherein the Commission has modified the timeframe for the commissioning of the evacuation line for the RE projects and also removed ambiguity with regard to commissioning of RE generation capacity after commission of evacuation line/infrastructure. Further, the Commission in the said Order dated 21.01.2026 has also stipulated that the timeframe provided for completion of evacuation line and clarity provided about commissioning of the RE capacity, shall be applicable to RE projects which are at various stage of development and yet to be commissioned. We note the submissions of the counsel for the Applicant/Petitioner that by virtue of the Order dated 21.01.2026 passed by the Commission in Petition No. 2564 of 2025, the prayers of the Applicant/Petitioner in the present Petition stands satisfied in terms of the Order dated 21.01.2026 passed by the Commission. As such, the Applicant/Petitioner has sought

unconditional withdrawal of the present Petition & IAs and the Respondent GETCO has not contested the aforesaid submissions of the Applicant/Petitioner and also not objected the unconditional withdrawal of the Petition & IAs by the Applicant/Petitioner. In view of the above and recording the statements made by the counsels of the Applicant/Petitioner as well as the Respondent, we allow unconditional withdrawal of the present Petition & IAs by the Applicant/Petitioner.

8. In view of the above, the present Petition & IAs stands disposed off accordingly.
9. Order accordingly.

**Sd/-**  
**[Jatin N. Thakkar]**  
**Member**

**Sd/-**  
**[Hiren Shah]**  
**Member**

**Sd/-**  
**[Pankaj Joshi]**  
**Chairman**

Place: Gandhinagar.  
Date: 06/03/2026.