

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2564 of 2025.

In the Matter of:

Petition under Section 61 (h), 62, 86(1)(c) and (e) and 181 and other applicable provisions of Electricity Act, 2003 for amendment of Order No. 06 of 2024.

Petitioner : Gujarat Energy Transmission Corp. Limited
Represented by : Ld. Adv. Mr. Aneesh Bajaj with Mr. P.P. Shah,
Mr. J.D. Trivedi and Mr. Shobhraj Jayswal.

V/s.

Respondent No. 1 : Madhya Gujarat Vij Company Limited

Represented by : Nobody was present.

Respondent No. 2 : Uttar Gujarat Vij Company Limited

Represented by : Nobody was present.

Respondent No. 3 : Paschim Gujarat Vij Company Limited

Represented by : Nobody was present.

Respondent No. 4 : Dakshin Gujarat Vij Company Limited

Represented by : Mr. S.P. Patel

Respondent No. 5 : Torrent Power Limited

Represented by : Mr. Jignesh Langalia

Respondent No. 6 : MPSEZ Utilities Limited

Represented by : Nobody was present.

Respondent No. 7 : Deendayal Port Trust

Represented by : Nobody was present.

Respondent No. 8 : Aspen Infrastructures Limited
Represented by : Nobody was present.

Respondent No. 9 : Jubilant Infrastructures Limited
Represented by : Nobody was present.

Respondent No. 10 : GIFT Power Company Limited
Represented by : Nobody was present.

Respondent No. 11 : Prozel Green Energy Pvt. Limited
Represented by : Nobody was present.

Respondent No. 12 : Gujarat Urja Vikas Nigam Limited
Represented by : Mr. M.K. Jani and Mr. M.M. Pandya

Respondent No. 13 : APTEL Consultancy Pvt. Limited
Represented by : Nobody was present.

Respondent No. 14 : State Load Dispatch Centre – Gujarat
Represented by : Nobody was present.

Respondent No. 15 : Mr. Gopal Lakhana
Represented by : Nobody was present.

Respondent No. 16 : Clean Max Enviro Energy Solutions Pvt. Limited
Represented by : Mr. Ashu Gupta

Respondent No. 17 : Gujarat Energy Development Agency
Represented by : Nobody was present.

Objector No. 1 : P Solar Power
Represented by : Mr. Parthiv Dave

Objector No. 2 : Drasta Power Consultants Pvt. Limited
Represented by : Mr. Ajay Shah

Objector No. 3 : The Chamber of Commerce & Industry, Kutch

Represented by : Mr. Paulik Desai
Objector No. 4 : Continuum Green Energy (India) Pvt. Limited
Represented by : Ld. Adv. Ms. Shreya Dubey
Objector No. 5 : Vena Energy Renewables Resources Pvt.
Limited
Represented by : Mr. Sidhharth Richhariya
Objector No. 6 : FPL Mercury Pvt. Limited
Represented by : Ld. Adv. Mr. Mridul Gupta

CORAM:

**Pankaj Joshi, Chairman
Hiren N. Shah, Member**

Date: 21/01/2026.

ORDER

1. The Petition No. 2564 of 2025 is filed by the Petitioner GETCO, seeking amendment of the Order No. 06 of 2024 dated 31.08.2024 passed by the Commission in matter of "*Tariff Framework for Procurement of Power by Distribution licensees and Others from Solar Energy Projects and Other Commercial issues for State of Gujarat*", in regard to the timelines prescribed for the completion of the evacuation system.
2. The Petitioner is *inter-alia* seeking following prayers in the Petition No. 2564 of 2025:
 - a. *Admit this present Petition;*

- b. *Initiate proceedings for amendment of the Order No. 06 of 2024 dated 31.08.2024 as per above; and*
- c. *To pass any other Order as the Commission may deem fit and appropriate under the circumstances of the case and in the interest of justice.*

3. The facts mentioned in the Petition, in brief, are as under:

- 3.1. It is stated that the Petitioner GETCO is a company incorporated under the provisions of the Companies Act 1956 and is the transmission licensee and State Transmission Utility in the State of Gujarat and also entrusted *inter alia* with functions of the grant of connectivity as per the Open Access Regulations read with the Detailed Procedure approved on 07.01.2023 for renewable projects.
- 3.2. The Commission has framed GERC (Terms and Conditions of Inter-State Open Access) Regulations 2011 wherein it is provided that the Detailed Procedure may be approved by the Commission which would *inter-alia*, include aspects on application for connectivity and open access and other issues. In terms of the same, 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 to invite comments

and suggestions and thereafter the same was placed before the Commission.

3.3. It is stated that the Commission approved the detailed procedure for grant of connectivity to projects based on renewable sources to Intra-State Transmission system on 07.01.2023 and thereafter on 04.08.2025.

a. The Detailed Procedure approved on 04.08.2025 provides as under:

7.15. In case of DISCOM bid and REIA, connectivity grantee shall complete their project including evacuation line, bays, metering arrangement, etc. in accordance with PPA.

In case of other connectivity grantees, project shall be completed in accordance with timeline specified by the Commission in respective Order. Further, in case of connectivity grantee with ATS, timeline will be governed as per the connectivity granted by STU/DISCOM, as the case may be, as mentioned in Clause 7.7.

The connectivity grantee shall commission at least 10% of the allotted capacity within one month of charging of evacuation line, failing which; the connectivity grantee shall be liable to pay long-term Transmission / Wheeling Charges for 10% of allotted capacity till such 10% of allotted capacity is commissioned. Balance 90% capacity shall be required to be commissioned within the timeline specified in Orders by the Commission from time to time.

After expiry of timeline as specified above, connectivity for the un-commissioned capacity shall stand revoked and all applicable Bs shall be encashed proportionately.

The applicable Bank Guarantees shall be returned only after commissioning of entire capacity of the RE project in accordance with the relevant GERC order amendment time to time / PPA with DISCOMS/REIA as applicable, within 30 days.

b. The detailed Procedure approved on 07.01.2023 provided as under:

5. Provisions with regards to Connectivity and Bank Guarantee

5.1 This provision is governed in accordance with the GERC Connectivity Regulations and relevant orders issued by the State Commission for projects based on Renewable Energy Sources, as applicable from time to time.

10. Process Monitoring of renewable projects after grant of Stage-II Connectivity

10.1 Stage-II Connectivity grantee shall furnish updated progress report of the monitoring parameters on quarterly basis as per FORMAT-4 attached with this procedure within 15 days of end of the quarter STU shall upload the same on it's website. Failure to update progress of the monitoring parameters shall be considered as adverse progress and such cases, STU shall take appropriate actions, with the approval of the Commission.

10.2 (A) Stage-II Connectivity grantees shall require to complete the dedicated transmission line(s) including require bays, bus-bar at transmission licensees substation and generator pooling substation(s) etc. within timeline specified by the State Commission in

relevant Orders/ LOA/LOI/ PPA for projects, as applicable time to time.

(B) If a grantee fails to complete the dedicated transmission line(s), including require bays, bus-bar at transmission licensees sub-station and/or generator pooling station(s) within the timeline stipulated under sub-Para Clause (A) above, Stage-II Connectivity shall be revoked and BG shall be encashed.

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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 Tariff Order, 2024 provide for cancellation with encashment of bank guarantee in case the Grantee does not meet the requirements. That in terms of the above, the timelines for completion of the dedicated transmission lines etc., in regard to Solar power projects other than those which have a PPA with the Distribution Licensees are to be considered as per the Tariff Order, 2024.

3.5. It is stated that prior to the Tariff Order, 2024, the earlier order passed by the Commission, i.e., Solar Order No. 03 of 2020 dated 08.05.2020 provided for the following timelines as under:

Table 3-1: Capacity and Commissioning Period for the Solar Projects

<i>Solar Capacity in MW</i>	<i>Period for commissioning the entire evacuation line along with bays and metering system</i>
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<i>1 MW to 100 MW</i>	<i>1.5 years from the date of allotment of transmission capacity</i>
<i>101 MW to 200 MW</i>	<i>2 years from the date of allotment of transmission capacity</i>
<i>201MW to 400 MW</i>	<i>2.5 years from the date of allotment of transmission capacity</i>
<i>401 MW to 600 MW</i>	<i>3.5 years from the date of allotment of transmission capacity</i>

3.6. Thereafter, the Gujarat Renewable Policy dated 04.10.2023 provided as under:

“In cases where RE projects are set up for captive use or third-party sale, the project developer shall submit Bank Guarantee towards security deposit in accordance with the connectivity procedure approved by GERC to STU / DISCOM, as the case may be, for ensuring timely completion of the evacuation facility for RE project. In case the RE developer fails to commission the entire evacuation line along with bays and the metering system within the time period mentioned hereunder, STU or DISCOM, as the case may be, shall encash the bank guarantee.

<i>RE Capacity(MW)</i>	<i>Period for commissioning the entire evacuation line along with bays and metering system</i>
<i>1 MW to 100 MW</i>	<i>12 months from date of allotment of transmission capacity</i>
<i>>100 MW to 200 MW</i>	<i>15 months from date of allotment of transmission capacity</i>
<i>>200MW to 400 MW</i>	<i>18 months from date of allotment of transmission capacity</i>
<i>>400 MW to 1000 MW</i>	<i>24 months from date of allotment of transmission capacity</i>
<i>> 1000 MW</i>	<i>30 months from date of allotment of transmission capacity</i>

3.7. It is stated that the Order No. 06 of 2024 dated 31.08.2024 (Tariff Order 2024), provides as under:

3.9 Security Deposit

The objective of specifying tariff framework for procurement of solar power is to promote development of renewable energy in the state. A procedure of giving permission for the proposed Solar projects, based on the load flow studies has been followed by the GETCO.

Thus, the proposed evacuation system from the pooling station of Solar projects forms part of the overall GETCO System. While timely completion of power evacuation system for such Solar projects is essential, timely execution of project is also equally important. Non-completion of Solar projects leads to idling of transmission resources. The security deposit is furnished by the project developer in order to assure GETCO about the seriousness of the project. It is proposed that for the new control period.

The Solar Power Project Developer shall be required to provide Bank Guarantee @ Rs. 10 lakhs per MW to GETCO based on allotment of transmission capacity and in case the Developer fails to commission the capacity within the time-period mentioned hereunder, GETCO shall encash the Bank Guarantee.

<i>Sr. No.</i>	<i>RE Capacity in MW</i>	<i>Period for commissioning the entire evacuation line along with bays and metering system</i>
<i>1</i>	<i>1 MW to 100 MW</i>	<i>12 months from date of allotment of transmission capacity</i>
<i>2</i>	<i>>100 MW to 200 MW</i>	<i>15 months from date of allotment of transmission capacity</i>
<i>3</i>	<i>>200MW to 400 MW</i>	<i>18 months from date of allotment of transmission capacity</i>

The Solar Project Developer shall ensure and prove that the Evacuation System consist of Transmission and/or Distribution System shall be ready prior to SCOD or aforesaid timeframe, whichever is earlier. Failure to it,

the project developer is not eligible to get any waiver in Liquidated Damages payable by it, in terms of Agreement/PPA.

The Solar Power Project Developer shall commission the project for at least 10% of the allotted capacity within one month of charging the evacuation line or as per timeframe stipulated table above, whichever is earlier, failing which, the Developer shall be liable to pay long-term transmission charges for 10% of the allotted capacity until such 10% of the allotted capacity is commissioned.

The balance 90% capacity shall require to be commissioned within one year of charging of evacuation line or as per timeframe stipulated above, whichever is earlier, failing which STU shall cancel the connectivity and Open Access granted, to the extent of capacity not commissioned and the RE developer shall have no claim on such capacity and pay relinquishment charges as determined by the Commission. Further, STU shall include such cancelled capacity in the list of spare available capacity for RE integration to be published on their website for prospective consumers.

If the Solar Project Developer (as Generator / Consumer / Licensee) fails to commission the entire allocated evacuation system along with bays and metering system within stipulated time-period due to unforeseen reasons, they may approach to the Commission seeking for extension of time period.

In case of Solar Power Project set up under competitive bidding route, in that case the aforesaid provision shall be governed by the provisions of approved bid documents/PPA.

- 3.8. It is stated that similar provisions were also made in the Tariff Order for Wind Projects and Hybrid Projects.

- 3.9. It is stated that in terms of the Tariff order 2024, the Developers with projects upto 100 MW have to construct the project along with the evacuation facilities within a period of 12 months from the date of allotment of capacity and similarly the timelines for other capacity is also provided. Thus, there has been a reduction in the timelines from 1.5 years, 2 years, 2.5 years, 3.5 years provided earlier in the Tariff Order, 2020 to 12 months, 15 months, 18 months in the Tariff order, 2024. GETCO has considered the above time frame as per the above Order for the connectivity granted.
- 3.10. It is stated that since the issuance of the Tariff Order, 2024, it appears that there has been difficulties for the developers to meet the timelines and majority of the developers seem to have failed to adhere to the new timelines. Many of the RE developers including Solar power developers have already filed Petitions before the Commission seeking extension. Further, there are Petitions filed in relation to extension of timelines in regard to Connectivity to DISCOM network.
- 3.11. It is stated that it is apprehended that the timelines as provided in the Tariff Order, 2024 are not sufficient for the developers and the timelines as earlier prescribed may be more appropriate.
- 3.12. Further in the Tariff Order, 2024, the Commission has also provided the timelines for the commissioning of the power project:

- a. 10% within 1 month of charging of line or timeframe stipulated, whichever is earlier - failing which the long term transmission charges are payable.
- b. 90% within one year of charging of evacuation line or timeframe stipulated whichever is earlier, failing which the connectivity and open access to the extent of capacity not commissioned is cancelled and consequences provided.

3.13. It is stated that the timelines for the commissioning of the power project is also the timeframe stipulated i.e. the timelines for the evacuation system. Therefore, for a project of less than 100 MW, the timeframe stipulated in the Order at present is 12 months (subject to the amendment if any in pursuance to the present Petition), and such timeframe is likely to be earlier than the period of 1 year from the charging of evacuation line and therefore the same would apply as per the above order. In such scenario, it is anticipated that the provision of time of one year from charging of evacuation line would not be available to the developers in most cases and the timelines provided in the Table for completion of evacuation line would be the same as for commissioning of the entire capacity.

3.14. In this regard, it may be considered whether the condition of “*or as per timeframe stipulated above, whichever is earlier*” may be deleted from the Tariff Order, 2024 and the timeframe for commissioning of the

power plant is considered only at 10% within one month of charging of evacuation line and balance 90% within one year of charging of evacuation line. The consequences for failure to commission as per the above would continue.

3.15. It is further stated that the present Tariff Order, 2024 and the Detailed Procedure provide only for cancellation and revocation of bank guarantee on expiry of timelines and there is no provision for allowing the continuation of connectivity on payment of charges. The latter provision can provide that even in cases of delay or failure to meet timelines, the developers are subject to payment of charges but the connectivity is not cancelled immediately but only if the project is not completed even within the further period. In this regard, the Commission may consider addition of provisions in Detailed Procedure/or Tariff Order, 2024 for completion of projects/evacuation system which are delayed along with the payment of charges in a graded manner, upto a certain period, without cancelling the connectivity of the Applicant/Developer. In this regard, the charges would be payable on per day per MW basis for certain period and at the end of the said period, if the evacuation system etc. is not completed, the connectivity would be cancelled with revocation of the bank guarantee of security deposit. In case of non-payment of charges on weekly basis, the connectivity would be cancelled with revocation of bank guarantee. In

this regard, the consideration of the period and charges per day per MW has to be decided by the Commission and the following factors may be considered:

1. The calculation based on long term transmission charges for GETCO as per Order dated 29.03.2025 is Rs. 3,918.01 per MW per day.
2. As per the PPA with GUVNL and the Guidelines under the Section 63 of the Act for power projects, the period of six months is considered on payment of liquidated damages.
3. To the knowledge of GETCO, Maharashtra and Karnataka have incorporated charges for extension but the same is one lumpsum charge for the period of extension; however, it is felt that it may be more appropriate to include graded charges to reflect the period of delay.

3.16. It is stated that in view of the difficulties faced by the developers, GETCO is approached the Commission seeking appropriate amendments in the Tariff Order, 2024 for extension of timelines provided for commissioning of projects along with transmission facilities. Further, GETCO is requesting for consideration of the further period of connectivity with payment of charges.

3.17. It is submitted that under Sections 61, 62, 86 and other applicable provisions of the Electricity Act, 2003, the Commission has jurisdiction

to entertain the present petition for amendment of the Tariff Order, 2024 issued by the Commission.

4. The matter was kept for hearing on 12.11.2025 and the Commission passed the Daily Order dated 12.11.2025 wherein it was decided that necessary consultative process needs to be followed prior to make amendment in the Order No. 06 of 2024 and accordingly, it was directed the Petitioner GETCO to issue a public notice inviting comments/suggestions/objections from the Stakeholders before deciding with the present matter. The Commission also recorded in the said Daily Order that the Petitioner had only joined distribution licensees of the State as party Respondents and not joined other objectors who had participated and communicated their views during the original proceedings initiated by the Commission in the matter of Order No. 06 of 2024. Therefore, the Commission also directed the Petitioner, GETCO to implead all the objectors (as per Annexure – I & II of Order No. 06 of 2024) as party Respondents in the present Petition in order to provide an opportunity to all the aforesaid parties to make their submissions in the present matter, and to amend the present Petition in accordance with law and file amended memo of parties in the present matter, with a direction to provide a copy of Petition with amended

memo of parties along with all other documents to the aforesaid Respondents including newly joined Respondents in the present matter.

4.1. In compliance to the directives of the Commission, the Petitioner has filed the affidavit dated 02.01.2026 before the Commission on 03.01.2026 in the matter and submitted that the Petitioner has joined the objectors who had communicated their views during the proceedings in the matter of Order No. 06 of 2024 and impleaded them as party Respondents and also issued the public notices invited comments/suggestions from the stakeholders.

4.2. Thereafter, the matter was listed on 06.01.2026. During the hearing, it was submitted by the Petitioner that the Commission passed Daily Order dated 12.11.2025, wherein directions were given to the Petitioner for inviting comments/suggestions/objections from the stakeholders in the present Petition by issuing public notices in newspaper and accordingly, in compliance thereof, the Petitioner has published the same in 'The Times of India' in English Language and 'Divya Bhaskar' newspaper on 11.12.2025 in Gujarati Language having wide circulation in the entire State of Gujarat and also uploaded on its website for inviting the objections and suggestions from the stakeholders in the present Petition. It is further submitted that in pursuance to the directives of the Commission in its Daily Order dated 12.11.2025, the

Petitioner GETCO has filed its compliance affidavit dated 02.01.2026 in the matter.

4.3. Ld. Adv. for the Petitioner reiterated the contents of the Petition as mentioned in the paras above and requested the Commission to decide the prayers of the Petitioner accordingly. Further, the Respondents / Objectors have also concluded their submissions in the matter for consideration of the Commission and the Commission passed the Daily Order dated 09.01.2026 recording the proceedings held on 06.01.2026 in the matter.

4.4. The Commission also noted in the aforesaid Daily Order dated 09.01.2026 that the representatives for Respondents who appeared in the Petition No. 2490 of 2025 which was also listed on the same day i.e. on 06.01.2026, submitted that the subject matter of the present Petition No. 2364 of 2025 is identical in nature to the Petition No. 2490 of 2025 for which they have made elaborate submissions and concluded the arguments. As such, they requested the Commission to consider the submission made in the matter of Petition No. 2490 of 2025 as their submission in the present matter also and decide the present Petition accordingly.

4.5. Therefore, in view of submission made by the Respondents/ Objectors and as recorded in the Daily Order dated 09.01.2026, requesting the

Commission to consider the submissions/suggestions/objections made by them in the matter of the Petition No. 2490 of 2025, as their submission in the present petition also, the Commission deemed it appropriate to deal with the same, in the subsequent part of this Order.

Submissions, Suggestions, Objections of Respondents/Objectors

5. The Objector FPL submitted that they affirmed the initiative of GETCO to seek amendments in the provisions of the Tariff Order with respect to the timelines of the commissioning of the entire evacuation system and removal of ambiguity/amendment of the timelines for the development of the balance of the 90% of the project capacity.
 - 5.1. It is submitted that the timelines for commissioning the entire Evacuation line along with bays and metering system varies substantially basis the voltage i.e., 11 KV, 33 KV, 66 KV, 132 KV and 220 KV.
 - 5.2. It is submitted that the Petitioner GETCO has recognised that the developers are finding it difficult to comply with the timeline although it has not offered any solution apart from payment of certain charges. FPL is praying that timeline for commissioning the entire evacuation line along with bays and metering system should be as below:

Sr. No.	Voltage Class of Connectivity	Period for commissioning the entire evacuation line along with bays and metering system (from the date of issuance of Estimate)
1.	66 kV	1.5 years from date of allotment of transmission capacity
2.	132 kV	2 years from date of allotment of transmission capacity
3.	220 kV	2.5 years from date of allotment of transmission capacity
4.	400 kV	3.5 years from date of allotment of transmission capacity

5.3. It is submitted that commissioning of evacuation infrastructure is dependent upon the voltage level. It is also submitted that existing provision pushes the construction of evacuation lines of Low Tension (LT), High Tension (HT) and Extra High Voltage (EHV) and other higher voltages all under the same umbrella requiring the same timelines, irrespective of their complexities, distances, land requirement for acquisition, Right of Way (RoW) issues, bill of material, its availability and lead times as well as installation time and associated magnitude of work. The average distance between any two LT, HT and EHV substations also varies significantly which means the average length of the substation from any parcel of land increases based on voltage levels. Accordingly, it is submitted that the timelines for the evacuation line and associated bays and metering system required to be constructed ought to be based on the voltage levels and not on the capacity of the respective RE plant. Reliance is placed upon the minutes of the meeting

of 24th National Committee on Transmission (NCT) Meeting dated 23.10.2024 convened by the Central Electricity Authority (CEA), wherein it was approved that minimum timelines for the development of a 220 KV evacuation infrastructure required is approximately 24 months for general States and 30 months for the special category States. It is submitted that the proposal of FPL is also in alignment with the Renewable Energy Policy.

5.4. It is submitted that presently, the timelines for commissioning of the power project vide the Tariff Order, 2024 is as follows:

- i. 10% within 1 month of charging of line or timeframe stipulated, whichever is earlier - failing which the long term transmission charges are payable;
- ii. 90% within one year of charging of evacuation line or time frame stipulated whichever is earlier, failing which the connectivity and open access to the extent of capacity not commissioned is cancelled and consequences provided.

5.5. It is submitted that GETCO has submitting that the reading of the aforementioned provisions indicates that the timelines for the commissioning of the power project is also the timeframe stipulated i.e., the timelines for the evacuation system. Therefore, for a project of less than 100 MW, the timeframe stipulated in the orders presently is 12 months, and such timeframe is likely to be earlier than the period of 1

year from the charging of evacuation line and therefore, the same would apply as per the said Tariff Order, 2024. In such scenario, it is anticipated that the provision of time of one year from charging of evacuation line would not be available to the Developers in most cases and the timelines provided in the table above for completion of evacuation line would be the same as for commissioning of the entire capacity. Accordingly, GETCO in its Petition No. 2564 of 2025 has submitted that it may be considered by the Commission that whether the condition of “*or as per timeframe stipulated above, whichever is earlier*” ought to be deleted from the Tariff Order, 2024 and the timeframe for commissioning of the power plant is considered only at 10% within one month of charging of evacuation line and balance 90% within one year of charging of evacuation line. The consequences for failure to commission as per the above would continue. In this regard, it is submitted that FPL while supporting the submission of GETCO to this end highlights that present applicable Regulations also provide the aforementioned timeline i.e., balance 90% within one year of charging of evacuation line.

- 5.6. It is submitted that GETCO has categorically highlighted that Tariff Order, 2024 read with the Detailed Procedures provide for cancellation and revocation of Bank Guarantee upon the expiry of timeline only. Currently, there is no provision for allowing the continuation of connectivity on the payment of charges. FPL is supporting this proposal

of GETCO to allow continuation of connectivity upon payment of requisite charges.

5.7. The FPEL suggested to constitute an independent committee to approve the extension if the connectivity grantee's ability to commission/construct the generation/evacuation infrastructure is impacted by occurrence of Force Majeure Events.

6. The Objector Vena Energy Renewables Resources Pvt. Limited filed its submissions vide affidavit dated 05.01.2026 and submitted as under:

6.1. With respect to timeline for commissioning of evacuation system for Solar Power Projects, it is submitted that prior to the issuance of GERC Tariff Order No. 06 of 2024, the stipulated timeline for completion of the 100% evacuation system for projects up to 100 MW capacity in the earlier Tariff Order No. 03 of 2020 was 1.5 years i.e. 18 months. However, the said timeline has been reduced to 12 months in the Tariff Order No. 06 of 2024, which has made compliance extremely challenging for project developers. It is submitted that completion of the evacuation system for the power project involves multiple interdependent factors such as land procurement, availability and delivery timelines of power transformers, WTGs, Solar Modules and other critical equipment, Right of Way (RoW) issues, weather (rains), interdependency with the Lead Generator and time required to obtain

in various Government approvals. Any delay in one or more of these factors has a cascading effect on the overall project schedule, making adherence to the revised timeline of 12 months practically unfeasible. Further, in case of dependency on lead generator's evacuation system, the timeline for the same should be further extended by 60 days from commissioning of evacuation system of lead generator (similar to the timeline given for lead/single generator in case of delay in readiness of grid evacuation system). In view of the above, it is requested that the Commission may reconsider the existing timeline of 12 months for completion of the evacuation system and restore it to at least 18 months, in line with earlier Tariff Order No. 03 of 2020, which would enable stakeholders to make informed and sustainable investments based on realistic and practical timelines, while ensuring orderly development of projects. Further, the Commission may also consider providing for extension of timelines on a day-to-day basis for applicants/ developers, subject to payment of applicable transmission charges, to address unavoidable delays without jeopardizing project viability.

- 6.2. It is submitted that as per the Clause 3.9 of the GERC's Order No. 06 of 2024, it appears that commissioning timeline for 100% project capacity may be construed as 12 months from the grant of the connectivity in view of the text '*or as per timeframe stipulated above, whichever is*

earlier”, for projects having capacity up to 100 MW rendering the following timeline as provided in Clause 3.9 inapplicable:

- (a) At least 10% project commissioning within one month of charging the evacuation line; and
- (b) The remaining 90% within one year of charging the evacuation line.

6.3. It is also submitted that the intent is not to restrict the timeline for commissioning the power project same as timeline for commissioning evacuation system i.e. but to give additional time post commissioning of the entire evacuation line along with bays and metering system. Hence, the text *“or as per timeframe stipulated above, whichever is earlier”* should be removed from Clause 3.9 of the GERC's Order No. 06 of 2024. The aforesaid is also consistent with the provision in the earlier Tariff Order No. 03 of 2020 and accordingly, supported the views of the GETCO.

6.4. It is submitted that applicability of the extended timelines in pursuant to the present Petition should be applicable to all the Solar Power Projects covered under the GERC's Order No. 06 of 2024. Considering that large number of power developers are already facing difficulties due to the stringent timelines for commissioning the evacuation system and project capacity prescribed in current tariff Order No. 06 of 2024, any order of the Commission revising the existing timelines may be

made applicable to all the Solar Project developers whose projects are covered under current Tariff Order No. 06 of 2024 so as to provide relief and regulatory comfort to the affected and genuinely struggling applicants/developers.

7. The Objector M/s P Solar Power, vide its application dated 05.01.2026 seeking permission to submit objections and to be joined as a party as Objector in the present Petition and stated as under:

- 7.1. It is submitted that on perusal of the website of Commission, it appears that at present the post of Judicial Member is vacant. The present Petition is filed by the Petitioner GETCO along with distribution companies of the State as Respondents, is a petition seeking for amendment of an Order. Therefore, whether such amendment can be allowed as per the established provisions of law is a legal question and for the same the presence of a Judicial Member is mandatory. Without a Judicial Member, this petition cannot be heard and a decision cannot be taken. If it is heard, it would be in violation of law and in violation of the orders of the Hon'ble High Court and the Hon'ble Supreme Court, which cannot be accepted.

- 7.2. In the present case, the Petitioner has made submissions seeking amendment of the orders of the Commission. It is necessary to determine whether such amendment can be made as per the

established principles of law. It is submitted that the amendments sought by the Petitioner cannot be accepted under any circumstances. The GETCO has sought amendment of the Commission's Orders No. 05/2024, 01/2024 and 06/2024. The reasons stated for such amendments were already considered by the Commission at the time of passing those orders. After passing such orders, the Commission cannot make any change in its orders by any legal method as it becomes functus officio. After passing an order, the Commission can only review the order to a limited extent, such as clerical mistakes, absence of documentary proof, etc., as provided under the Electricity Act, 2003 and the Commission's own Regulations. If the Petitioner GETCO desires any modification in the above orders, the Petitioner must file a petition before the Hon'ble Appellate Tribunal or the Hon'ble High Court and obtain appropriate orders.

- 7.3. It is submitted that the present petition has been filed after approximately one and a half years by stating different reasons for amendment of the above orders and the same cannot be accepted under any circumstances as per legal provisions and therefore, the above petition cannot be allowed on those grounds as well.
- 7.4. It is further submitted that the Petitioner GETCO has stated that changes are required in the time limit for laying transmission lines. However, it

is brought to the notice of the Commission that in the orders approved under the PM-KUSUM Scheme and the SSDSP (Small Scale Distributed Solar Power Project) Scheme, the time limit for laying transmission lines up to 4.00 MW is kept as one year. Similarly, in competitive bidding for power procurement conducted by GUVNL, the time limit for completion of transmission lines and projects is very short. Till date, the Petitioner GETCO has not demanded extension of such time limits and thousands of megawatts of projects have been completed. Therefore, considering these circumstances, the demand of the Petitioner GETCO cannot be accepted.

- 7.5. It is submitted that the Petitioner GETCO has not given any details as to which project developers delayed the project or the transmission line after signing the agreement with GUVNL or any other licensee, what were the reasons for such delay and which developers have filed such petitions. It is also not clarified whether such projects were for sale of power to GUVNL, for own consumption, or for third-party sale. If the projects were for own use or third-party sale, then due to various reasons such project developers would not delay and would take care that transmission charges are paid. Therefore, the Petitioner GETCO must disclose the above details and only thereafter objections can be filed.

- 7.6. It is submitted that any order passed by the Commission in the present petition cannot be made applicable retrospectively from the date of the original order and can be made applicable only from the date on which such order is passed. There are clear provisions in law regarding this and the Commission cannot give retrospective effect to such orders and if done, the same would be illegal and unlawful.
- 7.7. It is submitted that the Petitioner GETCO has stated that certain project developers have filed petitions before the Commission in which orders have been passed or matters are pending. If such petitions involve disputes which are already decided or pending, then such petitions where disputes are already settled cannot be applied in the present petition. Where disputes are between individual companies and the Petitioner GETCO or others and there is no reference of this petition, such orders cannot be applied. It is necessary to consider the submissions made by the Petitioner GETCO and other companies in such Petitions and thereafter, appropriate orders should be passed by the Commission and the present petition should be disposed of.
- 7.8. The petition filed by the Petitioner GETCO refers to policies and notifications of the Government of India wherein competitive bidding is mentioned and how the same is compatible with the bidding documents

and PPAs issued by GUVNL, must be examined and only thereafter appropriate orders can be passed.

7.9. It is requested the Commission that the Hon'ble High Court and the Hon'ble Supreme Court and many Commissions are conducting online hearings and orders have been passed by the Hon'ble High Court and the Hon'ble Supreme Court in this regard and therefore the Commission may also conduct hearings online and hear the parties.

8. The Respondent Continuum Green Energy Limited has filed its reply vide affidavit dated 07.01.2026 and submitted as under:

8.1. It is submitted that there has been substantial reduction in evacuation commissioning timelines in the Tariff Order 2024 in comparison to the earlier Tariff Order, 2020, which position has been duly acknowledged by GETCO. Therefore, the issue merits consideration in context of the proposed amendments, especially in view of the high pendency of petitions before the Commission in connection with extension of SCOD under the respective PPA's as well as extension of timelines in regard to connectivity.

8.2. The revised commissioning timelines for entire evacuation line along with bays and metering system have been prescribed under the Gujarat RE Policy, 2023 which have been adopted by the Commission under the Tariff Order 2024. It is to note the Clause 31 of the RE Policy, 2023 which

states that the Commission shall only be “guided by the policy” while framing its Rules, Regulations, and Orders. Even otherwise, the Commission while taking note of the RE Policy, 2023, is not precluded from making Regulations/tariff orders duly factoring in difficulties faced by various stakeholders in discharge of its statutory function.

- 8.3. As far as the proposed amendment to remove the condition “*or as per timeframe stipulated above, whichever is earlier*” under para 3.9 of the Solar Order 2024 is concerned, it is submitted that it has no objection to the same and the same may be considered by the Commission. However, the same should be made applicable prospectively for future projects and should not be allowed for projects that are in the course of being set up. The delay in commissioning of the project may arise from several factors, including delays in land acquisition, which are beyond the control of developers. Consequently, connectivity of Projects which was terminated in past on account of such uncontrollable factors would result in discrimination, against them, particularly when compared to projects that would get benefits under the proposed amendments, if such amendments are made applicable retrospectively. Thus, unless the change is applied prospectively, it will result in undue advantage to on-going projects. Such projects should be subject to the same rules as other projects set up under the Solar Tariff Order 2024.

8.4. Further, the Respondent Continuum has requested to reconsider the condition of imposing long-term transmission charges on 10% of the allotted capacity in the event of failure to commission within one month of charging the evacuation line, particularly, where such delay arises from uncontrollable factors not attributable to Solar Project Developers. Imposition of such charges in these circumstances would amount to an additional onerous financial burden on projects established for captive use or third-party sale, despite there being no fault of the Solar Project Developers. The Petitioner GETCO has further proposed amendments to the Solar Tariff Order, 2024 and the Detailed Procedure for Grant of Connectivity to Projects based on Renewable Sources to Intra-State Transmission System dated 04.08.2025 and recommended provision for allowing the continuation of connectivity on payment of charges. It is submitted that Solar Generator should be entitled to extension of time for delays that have been caused by uncontrollable circumstances and no charges should be levied in such circumstances. Further, as acknowledged by the Petitioner GETCO, the timelines of commissioning are unduly short and project hindrances have forced generators to approach the State Government as well as the Commission for extension of time. Any graded extension charges as suggested by the Petitioner GETCO would be unfair and unreasonable instead the Commission may consider nominal lumpsum charge for extension of the Connectivity.

- 8.5. It is submitted that notwithstanding the beneficial and overall general interest behind the proposed amendments, either or both amendments if considered by the Commission must be made operative with prospective effect to connectivity's eligible under the RE Policy, 2023 alike, otherwise the same will be discriminatory against those developers whose connectivity's have already been terminated. Therefore, such connectivity that have been cancelled due to non-adherence to timelines may need to be restored to ensure a balance playing field for all developers alike in case the proposed amendments are made applicable retrospectively.
- 8.6. It is an established legal principle that any amendment must be made applicable with prospective date otherwise the same would open a pandora's box and lead to a barrage of litigation by Generators who would be unfairly prejudiced and impacted under the existing tariff regime. The Tariff Order, 2024 has been issued under 61(1)(a) of the Electricity Act 2003 for the control period 06.06.2022 to 31.03.2027 and reads that *“projects which are commissioned during aforesaid Control Period shall be governed by the provisions MoP' Green Energy Open Access Rules, 2022, read with provisions of GERC' (Terms and Conditions for Green Energy Open Access) Regulations, 2024 and this Order of the Commission and eligible for the benefits stipulated in this*

Order. Further, Solar Project commissioned during the Control Period of this Order shall be liable to pay applicable Open Access charges and provisions related to banking facility, energy accounting etc. and shall be governed by this Order read with GERC/Terms and Conditions for Green Energy Open Access) Regulations, 2024.” Neither the Electricity Act, 2003 nor the GERC (Terms and Conditions for Green Energy Open Access) Regulations, 2024 provide for retrospective modifications to orders passed by the Commission under Section 61(1)1(a) of the Electricity Act, 2003. The Hon’ble APTEL in the matter of Uttarakhand Power Corporation Limited vs. Uttar Bharat Hydro Power Pvt. Limited in Appeal No. 295 of 2018, vide Order dated 24.03.2025 has also affirmed that any subordinate legislation, cannot ordinarily have retrospective effect unless the enabling statute explicitly provides for such application. This position of law flows from PTC India Limited v. CERC (2010) 4 SCC 603.

- 8.7. It is requested that the Commission to take a considered and coherent view of the issues involved so that a definitive, simplified and structured procedure towards grant of connectivity can be laid down and developers are not subject to regulatory uncertainty and compelled to abandon projects due to the frequently changing regulatory regime.

8.8. It is to note that the proposed amendment will constitute as third major regulatory change within a span of two years. The Procedure for 'Grant of Connectivity to Projects based on Renewable Sources to Intra-State Transmission/Distribution System' was approved and issued by the Commission on 27.01.2023 followed by the Renewable Energy Policy, 2023 notified by the Government of Gujarat on 04.10.2023. Thereafter, the Commission issued the GERC (Terms and Conditions for Green Energy Open Access) Regulations, 2024 on 20.02.2024 and subsequently a revised Procedure for Grant of Connectivity to Projects based on Renewable Sources to Intra-State Transmission/Distribution System, 2025 was notified on 04.08.2025. Such frequent and successive regulatory changes create significant uncertainty for developers and investors, making long-term planning and financial commitments extremely difficult. In the interest of regulatory certainty, equity, and ease of doing business, it is submitted that the Commission may consider in that proposed amendment, the relevant clauses of the Renewable Energy Policy, 2025, issued by the Government of Gujarat on 24.12.2025 which are related to proposed amendment. The said clause relates to the period of commissioning of the entire evacuation line along with bays and metering system from the date of signing of the connectivity agreement, wherein the period of commissioning, earlier linked to the capacity of the project has now been linked to connectivity

at different voltage levels. The aforesaid consideration will not only ensure that there will be no ambiguity but also aid to avoid potential future litigation. It is submitted that the Commission has powers and discretion under the Electricity Act, 2003, to consider incorporating such Clause to ensure regulatory certainty.

9. The Representative for Cleanmax Enviro Energy Solutions Pvt. Limited made their submission during the hearing on 06.01.2026 as under:
 - 9.1. It is submitted that in the Order No. 06 of 2024, the Commission has incorporated the timeline as per the timeline prescribed in the prevailing RE Policy, 2023. The State Government has recently notified RE Policy, 2025 by repealing earlier RE Policy, 2023 and the timeline provided under the new RE policy, 2025 is different than timeline prescribed under RE Policy, 2023. Therefore, the Commission is duty bound to align the timeline provided under the RE Policy, 2025.
 - 9.2. He further submitted the Wind-Solar Hybrid Power Project involves two RE component i.e. Wind and Solar instead of single RE component in case of standalone RE project i.e. Wind or Solar. Therefore, additional six months' timeline may be provided for Wind-Solar Hybrid Project as compared to standalone RE project.
 - 9.3. It is further submitted that the scope of work involved for construction of Bays for AIS Pooling Sub-station is completely different than scope of

work involved for GIS based Sub-station .Therefore, the Commission may consider to prescribe separate timeline for AIS and GIS based Sub-station.

10. The representative on behalf of GCCI and Drashta Power, while supporting the Petition and adopting the arguments advanced by the Cleanmax, has additionally submitted that the extended timeline as may be decided by the Commission in the present petition, be counted from the date of Order of the Commission in the present matter so as to enable the RE projects to get benefit of present Order.

Commission's analysis and decision

11. Now we deal with the submissions made by the parties in the matter. While most of the parties having supported the Petition, have made additional submissions seeking for additional timelines for completion of transmission infrastructure/ project capacity and sought other reliefs. Based on submissions made by various parties, the following issues arises for consideration of the Commission:

- (A) Whether the prayer for seeking amendment to the Order No. 06 of 2024 amounts to review of said order and as to whether principle of functus officio is applicable in the fact of present case.

- (B) Whether in the given facts and circumstances of the present case, the timelines prescribed under Order No. 06 of 2024 dated 31.08.2024 for completion of evacuation system and commissioning of projects warrant modification or relaxation or alternation in exercise of regulatory jurisdiction of the Commission.
- (C) Whether the objections that in the absence of a Judicial Member, the Commission cannot adjudicate the present matter, merit the acceptance.
- (D) Whether the Order passed by the Commission in the present Petition shall have prospectively applicability or retrospectively applicability and what treatment to be given for already concluded cases and cases of RE projects having been granted connectivity prior to the date of Order in the present matter and under the various stage of implementation.
- (E) Whether the issues/suggestions relating to (a) providing for voltage based timelines and/ or aligning the timeline with the RE Policy, 2025, (b) separate timeline for AIS based v/s GIS based Sub-station, additional timeline for Wind-Solar Hybrid project as compared to standalone Wind or Solar project, (c) constitution of committee for examining and deciding the delay faced by the

Developers due to unforeseen reasons, (d) continuation of connectivity on payment of charges in lieu of automatic cancellation, (e) to align the timeline of RE projects set up under KUSUM Scheme and SSDSP (Small Scale Distributed Solar Project) with timelines decided in this Order etc., merit acceptance.

12. Now we proceed to deal with the '**Issue A**' as under:

Whether the prayer for seeking amendment to the Order No. 06 of 2024 amounts to review of said order and as to whether principle of functus officio is applicable in the fact of present case.

12.1. We note that the present Petition has been filed by the Petitioner GETCO under Sections 61 (h), 62, 86 (1) (c) and (e) and 181 and other applicable provisions of the Electricity Act, 2003 seeking amendment of the Order No. 06 of 2024 dated 31.08.2024 in the matter of "*Tariff Framework for Procurement of Power by Distribution Licensees and Others from Solar Energy Projects and Other Commercial issues for the State of Gujarat*", insofar as it relates to the timelines prescribed for completion of evacuation systems and commissioning of Renewable Energy (RE) projects.

12.2. As the Petitioner has filed this Petition under Sections 61 (h), 62, 86 (1) (c) and (e) and 181 and other applicable provisions of the

Electricity Act, 2003 seeking amendment of Order No. 06 of 2024 dated 31.08.2024, it is necessary to refer aforesaid Sections which reads as under:

“

Section 61: (Tariff Regulations): -

The Appropriate Commission shall, subject to the provisions of this Act, specify the terms and conditions for the determination of tariff, and in doing so, shall be guided by the following, namely:-

.....

(h) the promotion of co-generation and generation of electricity from renewable sources of energy;

.....”

Section 62 (Determination of Tariff.) -

(1) The Appropriate Commission shall determine the tariff in accordance with the provisions of this Act for: -

(a) supply of electricity by a generating company to a distribution licensee:

Provided that the Appropriate Commission may, in case of shortage of supply of electricity, fix the minimum and maximum ceiling of tariff for sale or purchase of electricity in pursuance of an agreement, entered into between a generating company and a licensee or between licensees, for a period not exceeding one year to ensure reasonable prices of electricity.

.....”

Section 86. (Functions of State Commission): ---

(1) The State Commission shall discharge the following functions, namely: -

.....

(c) facilitate intra-State transmission and wheeling of electricity;

.....

(e) promote co-generation and generation of electricity from renewable sources of energy by providing suitable measures for connectivity with the grid and sale of electricity to any person, and also specify, for purchase of electricity from such sources, a percentage of the total consumption of electricity in the area of a distribution licensee;

12.3. From the above, it is to be noted that the regulatory framework governing the tariff, connectivity, Open Access and evacuation and commissioning for RE projects need to be examined in light of the statutory scheme and purpose of the Electricity Act, 2003, namely promotion of RE based generation and consumption. The Section 61(h) obligates the Commission, while specifying tariff-related terms and conditions, to be guided by the objective of promotion of generation of electricity from renewable sources. Further, Section 86(1)(e) casts mandatory duty upon the State Commission to promote renewable energy by providing suitable measures for connectivity with the grid and facilitating sale of electricity. The Section 86(1)(c) further mandates facilitation of intra-State transmission and wheeling of electricity. These provisions, when read conjointly with Section 62

of the Act, 2003, clearly indicate that tariff and allied regulatory framework cannot be framed or enforced in isolation, but must advance the legislative intent of renewable energy promotion.

12.4. The Order No. 06 of 2024 issued by the Commission for tariff framework for procurement of power by the Distribution Licensees and others from Solar Energy Projects and other commercial issues, which is a Tariff Order issued/passed under Electricity Act, 2003. The said tariff order consists of other commercial terms and conditions like transmission, wheeling of energy, its charges and losses, Cross Subsidy Surcharge, Additional Surcharge, security mechanism, terms and conditions for grid connectivity and open access, energy accounting etc. These are not orders passed in adjudication of disputes between parties which are final and binding and can be modified only in Appeal or Review.

12.5. We further note that the Hon'ble Supreme Court in UP Power Corporation Limited v. National Thermal Power Corporation Limited [(2009) 6 SCC 235] upheld as under:

"21. Power and/or jurisdiction of the Central Commission to frame tariff and/or carry out revision thereof is not in dispute. It is in fact well settled that the Central Commission has the exclusive

jurisdiction to frame not only tariff but also any amendment, alterations and additions in regard thereto....

35. Revision of a tariff must be distinguished from review of a tariff order. Whereas Regulation 92 of the 1999 Regulations provides for revision of tariff, Regulations 110 to 117 also provide for extensive power to be exercised by the Central Commission in regard to the proceedings before it....

40. Regulations 92 and 94, in our opinion, do not restrict the power of the Central Commission to make additions or alterations in the tariff. Making of a tariff is a continuous process. It can be amended or altered by the Central Commission, if any occasion arises therefor. The said power can be exercised not only on an application filed by the generating companies but by the Commission also on its own motion.

46. The concept of regulatory jurisdiction provides for revisit of the tariff. It is now a well-settled principle of law that a subordinate legislation validly made becomes a part of the Act and should be read as such."

In the aforesaid decision, the Hon'ble Supreme Court held that the Commission has power to amend the tariff order as the tariff determination is a continuous exercise.

12.6. The doctrine of functus officio applies to judicial or quasi-judicial adjudication, where an authority becomes powerless after final determination of a dispute. The doctrine has no application to legislative or regulatory powers, which are inherently continuing in nature.

12.7. We also note that though the present proceedings are legislative in nature, necessary procedure with regard for issuing amendment in tariff order has been duly followed by the Commission by directing the Petitioner to implead the stakeholders who participated in the original tariff proceedings and direction to issue public notice for inviting objections/comments and thereafter public hearing was held. During the public hearing, objectors, respondents and the petitioner were heard by the Commission. Thus, the Commission has followed the due procedure and therefore, the Commission can pass the amendments to the Order.

12.8. Considering the above, we are of the view that the Commission has power to amend the tariff order under Section 62(4) and 64 (6) of the Act, after following the due process of law. The present petition filed by the Petitioner for amendment in the tariff Order No. 06 of 2024 dated 31.08.2024 is permissible under the provisions of the Electricity

Act, 2003 after due consideration on merit of the issues and after following due process of law.

13. Now we deal with the 'Issue B':

Whether in the given facts and circumstances of the case, the timelines prescribed under Order No. 06 of 2024 dated 31.08.2024 for completion of evacuation system and commissioning of projects warrant modification or relaxation or alternation in exercise of regulatory jurisdiction of the Commission.

13.1. The Commission notes that prior to issuance of Order No. 06 of 2024, the earlier Solar Tariff Order No. 03 of 2020 dated 08.05.2020 provided longer timelines ranging from 1.5 years to 3.5 years for completion of evacuation systems depending upon project capacity. Subsequently, the Gujarat Renewable Energy Policy, 2023 and Order No. 06 of 2024 dated 31.08.2024 significantly compressed these timelines to 12, 15 and 18 months. While the revised timelines were introduced with the objective of expeditious project execution and optimal utilisation of transmission infrastructure, the Commission takes note of the submission of GETCO that RE developers are facing various difficulties to adhere to the revised timelines and therefore approached the Commission for extension.

13.2. The Commission further notes the submissions of the Petitioner that while the intent behind compressing the timelines was to ensure timely execution of projects and avoid idling of transmission infrastructure, practical experience after issuance of Order No. 06 of 2024 indicates that the developers have faced genuine difficulties in adhering to the revised timelines. The Commission takes cognizance of the fact that multiple petitions have already been filed before it seeking extension of timelines, both in respect of evacuation systems and commissioning of projects, and that representations have also been made at various level highlighting such difficulties.

13.3. As being observed from the Petitions filed by several developers before the Commission seeking extensions of time, both in respect of evacuation infrastructure and project commissioning, though reasons for delay attributable to different factors, indicates systemic and practical constraints rather than isolated delays attributable to individual developers. The representations made to the State Government and the filing of multiple petitions seeking relaxation of timelines reinforce the existence of genuine implementation challenges faced by RE project developers, which are generic in nature. Common issues faced by the RE project developers are mainly right-of-way issues, coordination with multiple agencies, supply chain constraints, statutory clearances, and execution of associated

transmission infrastructure etc., which are beyond the reasonable control of developers and transmission utilities.

13.4. The Commission is also conscious that while regulatory discipline and certainty are essential for orderly development of the power sector, an unduly rigid framework may inadvertently defeat the very objective of renewable energy promotion envisaged under the Act. Cancellation of connectivity not only impacts the developer but also leads to sub-optimal utilisation of already planned or created transmission infrastructure, thereby affecting system efficiency and long-term sectoral interests. The Commission is of the view that regulatory measures governing timelines and consequences of delay must strike a balance between enforcement of discipline and facilitation of renewable energy development. The Commission is also guided by the consistent jurisprudence that RE tariff orders and regulatory frameworks are not static instruments but are required to evolve to respond to sectoral developments, operational experience and public interest considerations. Any regulatory framework that inadvertently hampers renewable energy deployment would require timely correction to remain aligned with the objectives of the Electricity Act, 2003.

13.5. We also note that the Petitioner GETCO submitted that the Commission, in the Tariff Orders of 2024, has prescribed that 10% of

the project capacity shall be commissioned within one month from charging of the evacuation line or within the stipulated timeframe, whichever is earlier, failing which long term transmission charges shall be payable, and the balance 90% capacity shall be commissioned within one year from charging of the evacuation line or within the stipulated timeframe, whichever is earlier, failing which connectivity and open access to the extent of uncommissioned capacity shall stand cancelled with consequential action. However, it is observed that the phrase “timeframe stipulated above” effectively links the commissioning timelines with the stipulated timelines for completion of the evacuation system and, therefore, in case of projects below 100 MW, where such stipulated timeframe is 12 months, the benefit of one year from charging of the evacuation line may not be available in most cases and the evacuation timeline would operate as the commissioning timeline for the entire capacity; accordingly, it is requested by the Petitioner to the Commission to consider deletion of the condition “*or as per timeframe stipulated above, whichever is earlier*” in all three Orders, so that the commissioning timelines are reckoned solely with reference to the date of charging of the evacuation line, i.e. 10% within one month and balance 90% within one year, while retaining the existing consequences for delay or non-commissioning.

13.6. We further note that the parties while responding to the proposal of the Petitioner above commissioning timeline, broadly submitted that the existing commissioning stipulation in the Tariff Order of 2024, i.e., commissioning of 10% within one month from charging of the evacuation line and balance 90% within one year from charging of the evacuation line, coupled with the condition “*or as per timeframe stipulated above, whichever is earlier*”, creates ambiguity and, in effect, makes the commissioning timelines co-terminus with the evacuation completion timelines, particularly for projects below 100 MW where the stipulated timeframe is presently 12 months, thereby rendering the provision of “one year from charging of evacuation line” practically redundant in most cases; accordingly, the parties such as Vena Energy, Continuum, and FPL Mercury supported GETCO’s suggestion that the phrase “whichever is earlier” may be deleted so that commissioning timelines are reckoned only with reference to the charging of the evacuation line, while retaining the existing consequences for non-commissioning, and it was further submitted that such clarity would remove unintended hardship and provide certainty for project execution. Some stakeholders also urged that in cases of delays attributable to factors beyond the developer’s control such as RoW issues, approvals, supply-chain constraints and inter-dependency on

transmission readiness, the Commission may adopt a fair and balanced approach in implementation of consequences.

13.7. Based on the above discussion, the Commission finds merit in the prayer of the Petitioner GETCO to the extent of modification of timelines for completion of evacuation systems and removal of ambiguity related to commissioning of renewable energy projects. The Commission is of the view that allowing modification in timeline and removal of ambiguity would strike an appropriate balance between renewable energy facilitation and regulatory oversight, without diluting accountability.

14. Now we deal with the 'Issue C':

Whether the objections that in the absence of a Judicial Member, the Commission cannot adjudicate the present matter, merit the acceptance.

14.1. We note that the present Petition has been filed by GETCO seeking amendment and rationalisation of timelines and allied regulatory conditions contained in Order No. 06 of 2024, which is a tariff framework notified under Sections 61, 62, 86 and 181 of the Electricity Act, 2003.

14.2. The Commission finds that the proceedings do not involve adjudication of any *lis* between contesting parties, no past rights or

liabilities of any individual developer are being determined and no contractual disputes, penalties, damages, or inter-se claims are being adjudicated. The exercise undertaken by the Commission is normative, policy-oriented and of general application, intended to refine and clarify the regulatory framework governing renewable energy projects.

14.3. It is now well settled that tariff determination, tariff amendment, and regulatory framework formulation are legislative or subordinate legislative functions, and not judicial or quasi-judicial functions. The Hon'ble Supreme Court in *PTC India Ltd. v. CERC* (2010) 4 SCC 603 has categorically held that tariff orders and regulations issued by electricity regulatory commissions are legislative in character. This position has been consistently reiterated in subsequent judgments, including *UP Power Corporation Ltd. v. NTPC Ltd.* (2009) 6 SCC 235. Accordingly, the Commission holds that the present proceedings are legislative/regulatory in nature, and not adjudicatory.

14.4. We note that the Objector has contended that in the absence of a Judicial Member, the Commission lacks competence to decide the present Petition. The Commission finds this objection to be misconceived and legally untenable.

14.5. We note that the Hon'ble Supreme Court, in its judgment dated 12.04.2018 in Civil Appeal No. 14697 of 2015, has held as under:

“

Conclusion:

114. In view of our observations above, we conclude as under:

.....

ii. It is mandatory that there should be a person of law as a Member of the Commission, which requires a person, who is, or has been holding a judicial office or is a person possessing professional qualifications with substantial experience in the practice of law, who has the requisite qualifications to have been appointed as a Judge of the High Court or a District Judge.

*iii. That **in any adjudicatory function** of the State Commission, it is mandatory for a member having the aforesaid legal expertise to be a member of the Bench.*

(emphasis added)

A plain reading of the above makes it abundantly clear that the requirement of a Judicial Member is mandatory only when the Commission discharges adjudicatory functions, i.e., when it decides disputes affecting rights of parties. The Supreme Court has consciously confined this requirement to adjudicatory proceedings and has not extended it to legislative or regulatory functions such as framing or amending tariff orders.

14.6. Since the present proceedings do not involve adjudication of disputes but are confined to regulatory amendment of a tariff framework of general application, the absence of a Judicial Member does not vitiate the proceedings. Accepting the Objector's contention would lead to an anomalous situation where regulatory commissions are rendered incapable of exercising legislative functions during any temporary vacancy, which is neither contemplated by the Electricity Act, 2003 nor supported by constitutional jurisprudence governing regulatory bodies.

14.7. We further note that the Hon'ble APTEL has repeatedly held that tariff determination, tariff amendment and regulatory frameworks are legislative functions. The requirement of a Judicial Member applies only where adjudicatory powers are exercised. The absence of a Judicial Member does not invalidate regulatory or legislative action of a Commission. In *Essar Power Limited v. Uttar Pradesh Electricity Regulatory Commission (Appeal No. 82 of 2010)*, the Hon'ble APTEL held that tariff fixation is a legislative function and principles applicable to judicial adjudication cannot be imported wholesale into tariff proceedings.

14.8. Similarly, in *Gujarat Urja Vikas Nigam Ltd. v. Gujarat Electricity Regulatory Commission (Appeal No. 179 of 2011)*, the Hon'ble APTEL observed that the Commission, while framing or modifying tariff

orders, acts as a statutory regulator exercising delegated legislative powers, and such exercise is not vitiated merely because the proceedings involve interpretation of law incidental to the regulatory function. The Hon'ble APTEL has further clarified that incidental consideration of legal issues does not convert a legislative proceeding into an adjudicatory one, nor does it trigger mandatory composition requirements applicable to adjudicatory benches. Applying the aforesaid settled principles, the Commission holds that the present proceedings being confined to amendment of a tariff framework of general application fall squarely within the Commission's legislative and regulatory domain, and are fully valid notwithstanding the absence of a Judicial Member.

14.9. The Commission also deems it necessary to refer the constitutional position governing regulatory bodies. The Regulatory Commissions under the Electricity Act, 2003 are expert bodies created to discharge a mix of legislative, executive and adjudicatory functions. The Constitution does not mandate that every function of such a body must be discharged by a judicially constituted bench. The Hon'ble Supreme Court, in *Union of India v. Madras Bar Association* (2010) 11 SCC 1 and subsequent judgments, has consistently held as under:

“.....Legislative and regulatory functions may validly be exercised by expert bodies without judicial members. The Hon’ble Supreme Court has also held that judicial safeguards are required only when core judicial or adjudicatory powers are exercised.”

14.10. Further, the Electricity Act, 2003 does not provide that the functioning of the Commission or its legislative powers shall stand suspended due to a vacancy in any category of Member. Any such interpretation would lead to institutional paralysis, defeating statutory purpose and public interest. The Commission further observes that the present proceedings have adhered to heightened procedural safeguards, including stakeholder consultation, public notice, and reasoned decision-making. Therefore, even on the touchstone of Article 14 and principles of administrative fairness, the present Order fully satisfies constitutional requirements. Accordingly, the objection premised on absence of a Judicial Member fails not only on statutory interpretation, but also on constitutional and administrative law principles. Accordingly, the objection regarding absence of a Judicial Member is not accepted and the same is hereby rejected.

15. Now we deal with the **‘Issue D’** as under:

Whether the Order passed by the Commission in the present Petition shall have prospectively applicability or retrospectively

applicability and what treatment to be given for already concluded cases and case of RE projects having been granted connectivity prior to the date of Order in the present matter and under the various stage of implementation.

15.1. We note that while most of the Respondents/Objectors have supported the Petition seeking for modification of timeline, some of them have requested that the order providing the revised timeline be made effective retrospectively to even cover the RE projects which are under various stage of implementation, whereas others have requested to apply it prospectively to cover future RE projects to be undertaken /granted connectivity after the date of order in the present matter stating that in certain cases GETCO/DISCOM would have taken actions in terms of encashment of bank guarantee, cancellation of connectivity etc due to not achieving the timeline and these cases cannot be reponed. Further, concerns have been raised with regard to treatment to be given for the already concluded cases by the Commission and cases of RE projects which are under various stage of implementation i.e. RE projects which have been granted connectivity prior to the date of order in the present matter .

15.2. The Commission has carefully considered the submissions regarding retrospective applicability of the amendments, including (i) removal of the condition *“or as per timeframe stipulated above, whichever is*

earlier” and (ii) extension of timelines prescribed for commissioning of evacuation lines, in light of the legal principles laid down by the Hon’ble Supreme Court in PTC India Limited v. CERC (2010) 4 SCC 603 and the Hon’ble Appellate Tribunal for Electricity in Uttarakhand Power Corporation Limited v. Uttar Bharat Hydro Power Pvt. Limited (Appeal No. 295 of 2018).

15.3. The Commission is mindful of the settled position that subordinate legislation ordinarily operates prospectively unless the enabling statute expressly provides otherwise. However, the Commission finds that this principle does not operate as an absolute bar where the regulatory amendment is clarificatory, curative or remedial in nature, and where such amendment neither imposes new substantive obligations nor creates additional financial liabilities nor unsettles vested or crystallised rights.

15.4. In the present case, both amendments, namely, (a) deletion of the phrase *“or as per timeframe stipulated above, whichever is earlier”* and (b) modification of timelines for commissioning of evacuation infrastructure have been carried out to address unintended ambiguity and practical implementation difficulties encountered after issuance of the Tariff Order, 2024. These amendments are generic in nature without dealing with specific cases and do not introduce any new

charge or penalty and do not dilute regulatory discipline. Rather, they clarify the intended applicability of the existing framework and ensure feasibility and orderly implementation of renewable energy projects.

15.5. It is to be noted that in *PTC India Limited v. CERC*, the Hon'ble Supreme Court has recognised that tariff orders and regulations framed by Electricity Regulatory Commissions are legislative in character and that such subordinate legislation may be amended, modified or clarified by the Commission in exercise of its continuing statutory powers under the Electricity Act, 2003. The said judgment does not prohibit application of clarificatory or corrective amendments to ongoing situations, particularly where such amendments do not reopen concluded matters.

15.6. The Commission further notes that in *Uttarakhand Power Corporation Limited v. Uttar Bharat Hydro Power Pvt. Limited*, the Hon'ble APTEL held that subordinate legislation cannot ordinarily be given retrospective effect in the absence of express statutory authorisation. However, the Tribunal also recognised the settled distinction between amendments which retrospectively impose substantive liabilities or disturb vested rights and those which are explanatory, procedural or curative in nature. The present amendments fall squarely in the latter category, as they neither invalidate past actions nor restore

connectivity already cancelled, but only regulate the manner of implementation for projects whose commissioning and evacuation activities are still ongoing.

- 15.7. While holding that there is no bar to apply the amendment to the tariff order retrospectively, in the present facts and circumstances, the Commission find it appropriate to consider the applicability of this amendment in a following manner;

In respect of RE projects who have been granted connectivity prior to the date of this Order but the same are under various stage of implementation and yet to be commissioned shall be governed by this Order. The Commission finds that applying the aforesaid amendments to projects which are under implementation stage does not offend Article 14 of the Constitution of India. The Projects which are under implementation and have not yet achieved commissioning constitute a distinct, intelligible and reasonable class, clearly distinguishable from projects whose connectivity has already been cancelled. The classification is based on an objective and rational criterion, namely, the stage of project execution and bears a direct nexus with the object sought to be achieved, i.e., removal of regulatory ambiguity, prevention of unintended hardship, and facilitation of renewable energy development in accordance with Sections 61 and 86 of the Electricity

Act, 2003. On the contrary, denial of the benefit of the amendments to projects under implementation would lead to unequal treatment of similarly situated developers, thereby attracting the vice of arbitrariness under Article 14 of Indian Constitution. The Commission, therefore, observed that the retrospective application of the amendments to pipeline projects promotes equality, regulatory consistency and fairness. Thus, the projects which are in the pipeline as on the date of this Order and whose commissioning has not been completed, shall be governed under this Order.

In respect to the cases wherein GETCO/DISCOM has already taken actions, the Commission observes that the Tariff Order of 2024 and the applicable regulatory framework provide a mechanism prescribing timelines for commissioning and the consequences of non-achievement thereof, including cancellation of connectivity/open access to the extent of uncommissioned capacity, are irreversible in nature. The Commission notes that such consequences were an integral part of the prevailing framework for ensuring timely implementation, and optimal utilisation of transmission infrastructure, as well as to safeguard other eligible applicants from being deprived of connectivity due to blockage of capacity by non-serious projects. The Commission further notes that the amendment being considered in the present proceedings is in the nature of a

regulatory refinement to remove ambiguity and streamline implementation and the same cannot be construed to invalidate actions already taken under the prevailing Orders, which were binding and operative at the relevant time. Therefore, actions already concluded by GETCO/DISCOM under the Clause 3.9 of the Order No. 06 of 2024, including cancellation of connectivity or encashment of bank guarantees shall not be reopened.

Further, in order to ensure finality to already decided cases by the Commission in the subject matter, it is to clarify that the decision of the Commission in the present matter shall not reopen any cases or petitions which are already decided by the Commission on case-to-case basis prior to issuance of this Order.

16. Now we deal with the 'Issue E' as under:

Whether the issues/suggestions relating to (a) providing for voltage based timelines and/ or aligning the timeline with the RE Policy, 2025, (b) separate timeline for AIS based v/s GIS based Sub-station, additional timeline for Wind-Solar Hybrid project as compared to standalone Wind or Solar project, (c) constitution of committee for examining and deciding the delay faced by the Developers due to unforeseen reasons, (d) continuation of connectivity on payment of charges in lieu of automatic cancellation, (e) to align the timeline of RE projects set up under KUSUM Scheme and SSDSP (Small Scale Distributed Solar Project) with timelines decided in this Order etc., merit acceptance.

16.1. We note the suggestions of the some of the Respondent/Objectors that the present timeline linked only to project capacity is impractical and does not account for the complexities of developing evacuation infrastructure at different voltage levels. Accordingly, the Respondents have submitted that commissioning of the evacuation line along with bays and metering varies substantially based on voltage class (11 kV/33 kV/66 kV/132 kV/220 kV etc.), and therefore, timelines must be rationalised voltage-wise rather than capacity-wise as provided under RE Policy, 2025, proposing timelines such as 66 kV-1.5 years, 132 kV-2 years, 220 kV-2.5 years and 400 kV-3.5 years from the date of allotment/estimate, highlighting issues like RoW, land acquisition, distance, bill of material, lead time and magnitude of work, and also relying upon national level planning norms (NCT/CEA minutes) indicating that 220 kV evacuation infrastructure itself requires about 24 months. We further note that some of the Respondents have requested to provide for additional 6 months' time for Wind-Solar Hybrid Project as compared to timeline provided for standalone Wind or Solar Project and to provide separate timeline for GIS Sub-station and AIS Sub-station. We also note that Respondents further supported GETCO's suggestion that instead of immediate cancellation upon expiry of stipulated timelines, the Commission may permit continuation of connectivity on payment of requisite graded charges.

We note that some of the Respondents/Objectors suggested to constitute an independent committee to examine and approve extension where delay is caused due to Force Majeure events so that genuine cases are decided at GETCO level before approaching to Commission. In similar context, the Petitioner GETCO proposed that the existing Tariff Order/Detailed Procedure provides only for cancellation and BG encashment and does not provide a structured mechanism for continuation of connectivity, therefore, the Commission may introduce a graded extension model wherein connectivity may continue for a further period upon payment of per day per MW charges, failing which connectivity may be cancelled and BG encashed, suggesting indicative computation of such charges based on long term transmission charges (about ₹ 3,918.01 per MW per day) and also noting that certain States provide extension charges on lump-sum basis but a graded structure may better reflect the period of delay. Additionally, the stakeholders such as Vena Energy supported the need for realistic timelines and a day-to-day extension framework subject to payment of applicable charges to address unavoidable delays due to factors such as land procurement, approvals, RoW issues, equipment supply timelines and interdependency with lead generator evacuation readiness, whereas the Respondent Continuum Green submitted that extension should be available for delays due to uncontrollable

circumstances and no penal/graded charges should be levied in such cases and suggesting that at best a nominal lumpsum charge may be considered instead of graded charges, so that projects are not forced to abandon connectivity merely on account of factors beyond their control.

16.2. The Commission noted the aforesaid submissions of the parties seeking (i) prescription of voltage-based timeframe in line with RE Policy, 2025 for completion/charging of evacuation system and commissioning of projects, (ii) constitution of a Force Majeure/independent committee for examining and granting extensions, (iii) allowing continuation of connectivity/open access on payment of charges in lieu of automatic cancellation upon non-commissioning within stipulated timelines and (iv) allowing additional 6 months' time for Wind Solar Hybrid Project and separate timeline for AIS and GIS based Sub-station.

16.3. The Commission notes that the parties while making aforesaid suggestions/submissions, are in effect seeking additional time and/or other relaxations in relation to completion of transmission infrastructure and commissioning of RE capacity. We note that the tariff determination and governing Open Access and connectivity framework are ever evolving process. While, there is need to address

the hardship faced by the projects developers and to amend the timeline, the objective of ensuring expeditious implementation of the RE projects cannot be undermined. In order to ensure discipline in implementation of renewable energy projects, as the timely commissioning of such projects is critical for effective transmission planning, and availability of connectivity to other eligible applicants, we are of the view that the present amendment in the timeline would largely address the major concerns of the RE project developers. We also consider that under the generic tariff framework, it is not possible to cover specific case of each individuals. Considering these aspects, in the Order No. 06 of 2024, liberty has been granted to the RE project developers to approach the Commission seeking for extension of time on case to base basis if they face delay on account of unforeseen reasons. This will address the specific concerns, if any, of the individual RE project developers. With consideration of this, at present, the Commission is not inclined to make any change / amendment in the order on aforesaid aspects suggested by the parties.

- 16.4. With regard to the suggestions that the time limit extension as proposed by the Petitioner in its Petition is not provided to the developers developing RE projects under the PM KUSUM Scheme and SSDSP (Small Scale Distributed Solar Project) Scheme and the timelines for such projects are need to be governed by this Order is

concerned, the Commission is of the view that the Order No. 06 2024 recognizes different treatments for the RE project set up under the competitive bidding process or under the different schemes like PM-KUSUM, etc. issued by the Government. Thus, the aforesaid objections/suggestions of the Objector along with the suggestion to conduct the online hearing etc. are beyond the scope of the subject matter of the present Petition and hence, the same are not deliberated herein.

17. Based on the foregoing, the Commission decides to grant modification in the timelines for completion of evacuation systems and associated RE generation capacity and also to remove ambiguity related to commissioning of renewable energy projects. The Commission is of the view that allowing such modification in timelines and removal of ambiguity would strike an appropriate balance between renewable energy facilitation and regulatory oversight, without diluting the objective of ensuring expeditious implementation RE projects. Further, the Commission observes that in the previous Solar Tariff Order No. 03 of 2020 dated 08.05.2020 as well as in the Wind Solar Hybrid Tariff Order No. 1 of 2024 dated 22.02.2024, there is separate timelines for RE projects capacity more than 400 MW. Therefore, in order to ensure uniformity, it is decided to incorporate timelines of 3.5 years for RE project capacity more than 400 MW.

17.1. Accordingly, we decide to substitute the para 3.9 of the Order No. 06 of 2024 dated 31.08.2024 with the following paragraphs :

“3.9 Security Deposit

.....

The Solar Project Developer shall be required to provide Bank Guarantee @ Rs. 10 lakhs per MW to GETCO based on allotment of transmission capacity and in case the developer fails to commission the Solar capacity within the time-period mentioned hereunder, GETCO shall encash the Bank Guarantee.

<i>Sr. No.</i>	<i>RE capacity in MW</i>	<i>Period for commissioning the entire evacuation line along with bays and metering system</i>
<i>1.</i>	<i>Up to 100 MW</i>	<i>1.5 years from the date of allotment of transmission capacity</i>
<i>2.</i>	<i>>100 MW to 200 MW</i>	<i>2 years from the date of allotment of transmission capacity</i>
<i>3.</i>	<i>>200 MW to 400 MW</i>	<i>2.5 years from the date of allotment of transmission capacity</i>
<i>4.</i>	<i>>400 MW to 1000 MW</i>	<i>3.5 years from the date of allotment of transmission capacity</i>

The Solar Project Developer shall ensure and prove that the Evacuation System consist of Transmission and /or Distribution System shall be ready prior to SCOD or aforesaid timeframe, whichever is earlier. Failure to it, the project developer is not eligible to get any waiver in Liquidated Damages payable by it, in terms of respective Agreement/ PPA.

The Solar Project Developer shall commission the project for at least 10% of the allotted capacity within one month of charging the evacuation line failing which, the Developer shall be liable to

pay long-term transmission charges for 10% of the allotted capacity until such 10% of the allotted capacity is commissioned.

The balance 90% capacity shall require to be commissioned within one year of charging of evacuation line failing which STU shall cancel the connectivity and Open Access granted, to the extent of capacity not commissioned and the RE developer shall have no claim on such capacity and pay relinquishment charges as determined by the Commission. Further, STU shall include such cancelled capacity in the list of spare available capacity for RE integration to be published on their website for prospective consumers.

If the Solar Project Developer (as Generator / Consumer/ Licensee) fails to commission the entire allocated evacuation system along with bays and metering System within stipulated time-period due to unforeseen reasons, they may approach to the Commission seeking for extension of time period.

In case of Solar Project set up under competitive bidding route, in that case, the aforesaid provision shall be governed by the provisions of approved bid documents /PPA.

The other terms and conditions of the Order No. 06 of 2024 dated 31.08.2024 shall remain unchanged.

17.2. It is further clarified that the actions already concluded by GETCO/DISCOM under the Clause 3.9 of Order No. 06 of 2024, including cancellation of connectivity or encashment of bank guarantees etc., shall not be reopened.

17.3. It is clarified that the decision of the Commission in the present Order shall not reopen any cases or petitions already decided by the Commission in the subject matter on case-to-case basis prior to issuance of this Order.

17.4. It is clarified that the RE project developers who have been granted connectivity prior to the date of this Order and are under various stage of implementation and yet to be commissioned, shall be governed by this Order.

18. In view of the above, the present Petition is partly allowed in terms of above Para 17 of this Order.

19. Order accordingly.

20. With this Order, the present Petition stands disposed off.

Sd/-
[Hiren N. Shah]
Member

Sd/-
[Pankaj Joshi]
Chairman

Place: Gandhinagar.
Date: 21/01/2026.