

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 972 of 2009.

In the Matter of:

Petition for adjudication of the dispute that have arisen between the petitioner and the respondents on the interpretation and the implementation of the Power Purchase Agreement dated 30th May 1996.

Petitioner : Gujarat Urja Vikas Nigam Limited

Represented By : Ld. Sr. Adv. Mr. M.G. Ramachandran and Ld. Adv. Ms. Shrishti Khindaria along with Ms. Girija Dave and Ms. Rashmi Fumakia

V/s.

Respondent : Essar Power Limited

Represented By : Ld. Sr. Adv. Mr. Buddy Ranganadhan and Ld. Advocates Mr. Nisarg Desai, Mr. Gaurav Ray, Ms. Shaifali Tripathi, Mr. Vaibhav Mehta, alongwith Mr. Bhaven Bhatt and Mr. Pankaj Naik

CORAM:

Mehul M. Gandhi, Member

S. R. Pandey, Member

Date: 09/10/2025.

DAILY ORDER

1. The present matter was listed for hearing on 06.10.2025.
2. At the outset, Ld. Sr. Adv. Mr. M.G. Ramachandran, appearing on behalf of the Petitioner GUVNL, submitted that being aggrieved by the Judgement/Order dated 21.03.2025 of the Hon'ble APTEL in Appeals No. 138/2021 & 201/2023, GUVNL has filed a Civil Appeal being Civil Appeal No. 6581-82 of

2025 before the Hon'ble Supreme Court. He submitted that during the pendency of the aforesaid Civil appeal, the Respondent Essar Power Limited has filed its submissions and the computations in the present matter on 25.07.2025 before the Commission and the Petitioner has also filed its reply on 29.08.2025. He further submitted that the Hon'ble Supreme Court vide its judgement dated 25.09.2025 in Civil Appeal No. 6581-82 of 2025 has modified the judgement/Order dated 21.03.2025 of the Hon'ble APTEL and Order dated 27.12.2019 passed by the Commission in Petition No. 972 of 2009.

- 2.1. He further submitted that the Petitioner GUVNL has filed IA in the present matter to place on record judgement of the Hon'ble Supreme Court dated 25.09.2025 wherein the Order/Judgment of the Hon'ble APTEL and Order of the Commission has been modified and allowed the compensation on restitution principles. Further, in the aforesaid IA, the Petitioner also filed computation with consideration of judgement of the Hon'ble Supreme Court for which the Respondent may require time to file its reply on the same.
- 2.2. LD. Counsel for the Petitioner further submitted that in the present matter now only limited aspects have remained to be decided by the Commission relating to (i) diverted quantum, (ii) fixed charges related to diverted quantum and (iii) computation of HTP-1 tariff on the diverted quantum.
- 2.3. He further submitted that considering the urgency in the matter, the Commission may post the matter for final hearing on any shorter date subject to its convenient.
3. Ld. Sr. Adv. Mr. Buddy Ranganadhan, appearing on behalf of the Respondent EPL, submitted that the Respondent has recently received a copy of IA from the Petitioner. He requested the Commission to grant some time to file its reply in the IA filed by the Petitioner and post the matter for final hearing on any shorter date subject to its convenience.

4. We have considered the submissions made by the parties. We note the submissions of Ld. Sr. Counsel for the Petitioner that the Petitioner has filed Interlocutory Application in the present matter to place on record the judgement of the Hon'ble Supreme Court dated 25.09.2025 and the submissions made by GUVNL in the determination of the compensation payable by Essar Power to GUVNL. Let the said Interlocutory Application be registered and numbered in accordance with law, if not already get registered and numbered. We also direct the staff of the Commission to list the aforesaid IA alongwith present matter for hearing on 14.10.2025 after its registration. The Parties would be at liberty to file their respective submissions, if any, within four (4) days with a copy to each other.
5. As agreed by the Ld. counsels of both the parties, the next date of hearing will be 14.10.2025 at 11:30 Hours.
6. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 09/10/2025.