

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 2023 of 2021.**

**In the matter of:**

**Petition under Section 42 read with Section 86 of the Electricity Act, 2003 and Regulation 32 of the GERC (Terms and Conditions of Intra-State Open Access) Regulations, 2011 for breach of GERC's Regulations by Respondent No. 1 and CERC (Deviation Settlement Mechanism), 2011 as adopted in the State of Gujarat and illegal issuance of supplementary bill dated 16.10.2021 and revised monthly bills by Respondent No. 1.**

Petitioner : Shah Alloys Limited

Represented by : Ld. Sr. Adv. Amit Kapoor along  
With Adv. Mr. Abhishek Shah

Vs.

Respondent No. 1 : Uttar Gujarat Vij Company Limited

Represented by : Ld. Adv. Ms. Shristi Kindaria along with  
Mr. R. B. Ninama and Mr. K. B. Chaudhari

Respondent No. 2 : State Load Despatch Centre

Represented by : Ld. Adv. Mr. Utkarsh Singh and Mr. Utpal I  
Patel

**CORAM:**

**Mehul M. Gandhi, Member  
S. R. Pandey, Member**

**Date: 09/06/2025.**

**DAILY ORDER**

1. The matter was kept for hearing on 29.11.2024.

2. The Petitioner has filed the present Petition under Section 42 read with Section 86 of the Electricity Act, 2003 and Regulation 32 of the GERC (Terms and Conditions of Intra-State Open Access) Regulations, 2011 for breach of GERC's Regulations by Respondent No. 1 and CERC (Deviation Settlement Mechanism), 2011 as adopted in the State of Gujarat and illegal issuance of supplementary bill dated 16.10.2021 and revised monthly bills by Respondent No. 1 UGVCL.
  - 2.1. It is submitted that the Petitioner is the beneficiary within the meaning of Regulation 2 (1) (d) of the CERC (Deviation Settlement Mechanism and Related Matters) Regulations, 2014 and the allegations of gaming can only be charged under Regulation 2 (1) (i) of the said Regulations.
  - 2.2. He further submitted that the Respondent No. 1 has raised impugned Bills on the Petitioner for the electricity actually consumed by the Petitioner from the Respondent No. 1. The impugned bills make clear that the impugned bills are issued on account of deviation against the scheduled generation which is not correct and illegal.
  - 2.3. He further denied the contentions raised by the Respondent in its Reply and submitted that the State Energy Account (SEA) are not subject to revision from time to time. In terms of para No. 15 of the Order No. 03 of 2006 dated 11.08.2006 passed by the Commission, the SEA were open for inspection for a period of only 2 weeks. Moreover, under the DSM Regulations, as adopted by the Commission no further power is conferred to revise the SEA.
  - 2.4. It is further submitted that in any case, the action of the Respondent No. 1 of revising the energy account of the Petitioner for the period commencing from April 2013 till June 2020, is barred by limitation. The SEA reports cannot be allowed to re-write or amend the same. As Respondent No. 2, SLDC – Gujarat is a public utility hence the law of limitation would apply on

it. The Respondent No. 2 SLDC has already preferred Petition No. 1930 of 2021 for recovery of a sum amounting to Rs. 85.60 Crores.

3. On the query of the Commission about the Petitions pending between the parties, Ld. Adv. of Petitioner submitted that presently there are two Petitions before the Commission and one Petition preferred by Respondent No. 1 UGVCL before the Civil Court at Kalol being Special Civil Suit No. 76 of 2024. He further sought time to file its submissions on the genesis of the present matter.
4. Ld. Adv. Ms. Srishti Kindaria appearing on behalf of the Respondent No 1 submitted that the present Petition has been filed by the Petitioner for quashing of the invoices raised by the Respondent No. 1 UGVCL, however the suit filed by the UGVCL for recovery of the amounts and said suit filed at Civil Court Kalal does not in any manner affect the present Petition. She further submitted that the supplementary bill dated 16.10.2021 has been correctly raised by the UGVCL for the electricity actually consumed by the Petitioner from the Respondent No.1 consequent to the revision in the SEA by the Respondent No. 2 SLDC – Gujarat.
5. Ld. Adv. Utkarsh Singh appearing for Respondent SLDC submitted that primary issue is of over/ under injection as well as supplementary bill raised by the Respondent No. 1 which could be decided by the Commission.
6. Heard the parties. We note that the Petitioner has filed the present Petition under Section 42 read with Section 86 of the Electricity Act, 2003 and Regulation 32 of the GERC (Terms and Conditions of Intra-State Open Access) Regulations, 2011 for breach of GERC's Regulations by Respondent No. 1 and CERC (Deviation Settlement Mechanism), 2011 as adopted in the State of Gujarat and illegal issuance of supplementary bill dated 16.10.2021 and revised monthly bills by Respondent No. 1 UGVCL. Ld. Adv. of the Petitioner submitted that he requires more time to argue in the matter with consideration of the

issues involved in the matter. He requested to grant the time and the Respondent has no objection on it.

7. The next date of hearing will be intimated separately.

8. Order accordingly.

**Sd/-**  
**(S.R. Pandey)**  
**Member**

**Sd/-**  
**(Mehul M. Gandhi)**  
**Member**

Place: Gandhinagar

Date: 09/06/2025.

