

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2044 of 2022.

In the Matter of:

Petition under Section 86 (1)(f) read with Section 86 (1)(b) of the Electricity Act, 2003 and Regulation 85 of the GERC (Conduct of Business) Regulations, 2004, seeking extension of Scheduled Commercial Operation Date under Power Purchase Agreement dated 13.09.2019 in respect of 14.9 MW Municipal Solid Waste based Power Project set up at Village - Makarpura, Vadodara, Gujarat.

And

IA No. 02 of 2022 in Petition No. 2044 of 2022.

In the Matter of:

Interlocutory Application seeking extension of Scheduled Commercial Operation Date (SCOD) on account of force majeure events and consequential reliefs under Section 86(1)(f) of the Electricity Act, 2003 read with Article 10.4 of the Power Purchase Agreement executed between the Parties and also to grant interim stay on any form of coercive action by GUVNL including but not limited to (i) no levy of LD (ii) restoration of BGs invoked by GUVNL on 01.10.2021 or (iii) no termination of PPA, (iv) continuation of tariff of Rs. 7.01/kwh and effectively no reduction in tariff.

Petitioner/Applicant : Goodwatts WTE Vadodara Pvt. Limited
10th Floor, Sangeeta Complex, Near Parimal Crossing,
Ellisbridge, Ahmedabad – 380006.

Represented By : Mr. Krutarth Oza, Mr. Tejas Vasani, Mr. Achint Dwivedi and
Mr. Aatrey Pandya

V/s.

Respondent No. 1 : Gujarat Urja Vikas Nigam Limited
Sardar Patel Vidyut Bhavan,
Race Course Circle, Vadodara-390007.

Represented By : Ld. Advocate Mr. Aneesh Bajaj alongwith Mr. Rahul Pareek

Respondent No. 2 : MPSEZ Utilities Limited
Adani Corporate House, Shantigram, S. G. Highway
Ahmedabad- 382421

Represented By : Mr. Ranjan Kumar

Objector No. 1 : Utility Users Welfare Association..

Represented By : Nobody was present

Objector No. 2 : Laghu Udyog Bharati.

Represented By : Nobody was present

Objector No. 3 : Mr. Nitin Madam

Represented By : Nobody was present

CORAM:

**Anil Mukim, Chairman
Mehul M. Gandhi, Member
S. R. Pandey, Member**

Date: 18/03/2025

DAILY ORDER

1. Above matters were heard on 06.01.2025.
2. When the matter was called out, despite notice, nobody was present on behalf of the Objectors and no communication regarding difficulty in appearing has been received.
3. At the outset, the Petitioner submitted that pursuant to joint discussion with the GUVNL, Energy and Petrochemicals Department, GoG and Urban Development Department, GoG, the Petitioner would like to withdraw present Petition subject to getting confirmation of the extension of the

Scheduled Commercial Operation Date (SCOD) from the GUVNL and RMC/UDD. It is further stated that the withdrawal of this Petition is without prejudice to the Petitioner's rights to seek relief under the law.

4. Ld. Adv. Mr. Aneesh Bajaj, appearing on behalf of the Respondent GUVNL, has submitted that there is no deviation from Minutes of Meeting wherein it was decided to grant extension for the projects under pipeline till March 2025 without levy of LD charge. It is also stated in MOM that no further extension under any pretext will be granted beyond March, 2025 and that the Petitioner has confirmed that they will commission all the projects and submit the project commissioning schedule for each project and also agreed to withdraw all Petitions of SPVs of Abellon for Ahmedabad, Vadodara and Rajkot as filed before the Commission. He submitted that any additional conditions etc. which are not part of the settlement be permitted.
 - 4.1. He also submitted that although GUVNL has informed the Petitioner through various communications regarding to expedite to take appropriate action for withdrawal of present petition, but no further steps were taken by the Petitioner. He further submitted that there cannot be any conditional withdrawal nor can be withdrawal of the present Petition without any prejudice. The Respondent GUVNL, vide its reply dated 02.01.2025 has placed on record various letters related to the extension of SCOD of the project needs to be considered.
5. In response to the above contentions of the Respondent GUVNL, the representative appearing on behalf of the Petitioner, submitted that the arguing counsel of the Petitioner is not available today on account of his prior engagement in the matter before the Hon'ble Supreme Court. It is requested that the Commission while granting adjournment in the matter, may also grant some time to the Petitioner to make further submissions in the matter, which is not objected by the Respondent GUVNL.
6. We have considered the submissions made by the parties. We note that when the matter was called out, nobody was present on behalf of the Objectors and no communication regarding difficulty in appearing has been received despite notice. Considering the request of the Petitioner to adjourn the matter due to non-availability of their arguing counsel and there is no objection to the same by the Respondents, the matter is adjourned in the interest of justice. The Petitioner would be at liberty to file its submissions, if

any, within two weeks' time from the date of hearing with a copy to the Respondents and the Objectors.

7. Next date of hearing will be intimated separately.
8. Order accordingly.

sd/-
[S. R. Pandey]
Member

sd/-
[Mehul M. Gandhi]
Member

sd/-
[Anil Mukim]
Chairman

Place: Gandhinagar.
Date: 18/03/2025.

