

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 2129 of 2022.**

**In the Matter of:**

**Petition under Section 86 of the Electricity Act, 2003 for recovery of termination compensation under the Power Purchase Agreement (PPA) dated 23.05.2007.**

**And**

**IA No. 63 of 2023 in Petition No. 2129 of 2022.**

**In the Matter of:**

**Application filed by GUVNL under Order 22 Rule 4 of the Code of Civil Procedure, 1908.**

Applicant/Petitioner : Gujarat Urja Vikas Nigam Limited  
Sardar Patel Vidyut Bhavan,  
Race Course Circle, Vadodara - 390007.

Represented By : Ld. Adv. Ms. Kriti Soni  
V/s.

Respondent : M/s Vivek Trading Company  
369, Market Yard, Sangli,  
Maharashtra- 416416.

Represented By : Nobody was present.

**CORAM:**

**Anil Mukim, Chairman**

**Mehul M. Gandhi, Member**

**S. R. Pandey, Member**

**Date: 29/12/2023.**

## **Daily Order**

1. The matter was listed for hearing on 22.12.2023.
2. At the outset, Ld. Adv. Ms. Kriti Soni, appearing for the Applicant/Petitioner GUVNL submitted that the Respondent has sought adjournment vide email dated 20.12.2023 in the present matter. It is also submitted that the Applicant/Petitioner has filed Interlocutory Application under Order 22 Rule 4 of the Code of Civil Procedure, 1908 pursuant to the legal representative of the Respondent filing the death certificate of the sole proprietor Mr. Naresh Shah who was only sole Respondent in the present Petition. It is requested that the Commission to allow the present Application and permit the legal representative to be made a party to this present Petition. It is submitted that the Applicant/Petitioner has no objection to adjournment sought by the Respondent.
3. We note that when the matter was called out, nobody was present on behalf of the Respondent. However, Office of the Commission is in receipt of letter dated 17.12.2023 through email dated 18.12.2023 stating that in respect of IA filed by the Petitioner GUVNL under Order 22 Rule 4 of CPC, the Respondent has not received a copy of the aforesaid IA. It is stated that in absence of the said IA, the Respondent is unable to file reply and also requested to provide a copy of Interim application filed by Petitioner GUVNL. Office of the Commission also received another letter dated 20.12.2023 through email dated 20.12.2023 from the Respondent stating that the Respondent received hearing notice on 20.12.2023 and due to prior commitment and short time notice, it is not possible for the Respondent to attend the hearing on 22.12.2023. It is further stated that the Respondent's advocate is also not available because of bar council election on 22.12.2023 in Gujarat. It is requested that the Commission may grant adjournment in the matter.
  - 3.1. In view of the above, we direct the Applicant/Petitioner GUVNL to provide a copy of present IA to the Respondent, within week' time from the date of this Order and also to file proof of service in this regard. The Respondent is directed to file reply, if any, within two weeks' time with a copy to the Applicant/Petitioner from the receipt of the IA from the Applicant/Petitioner. The Applicant/Petitioner would be at liberty to

file rejoinder reply, if any, with a copy to the Respondent after the receipt of reply from the Respondent.

- 3.2. Considering the request of Respondent for adjournment in the matter and the Applicant/Petitioner having no objection to the same, the matter stands adjourned.
4. Next date of hearing will be intimated separately.
5. Order accordingly.

**Sd/-**  
**[S. R. Pandey]**  
**Member**

**Sd/-**  
**[Mehul M. Gandhi]**  
**Member**

**Sd/-**  
**[Anil Mukim]**  
**Chairman**

Place: Gandhinagar.  
Date: 29/12/2023.

