

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

IA No. 28 of 2023 in Petition No. 2221 of 2023.

In the matter of:

Interlocutory Application seeking ad interim ex-parte interim relief.

Applicant/Petitioner : Project Twelve Renewables Power Private Limited
Represented by : Ld. Sr. Adv. Mr. Rashesh Sanjanwala alongwith Ld. Advocates Mr. Aniket Prasoan, Ms. Priya Dhankhar Mr. Rishabh Bhardwaj, Mr. Mohit Gupta.

V/s.

Respondent : Gujarat Energy Transmission Corporation Limited
Represented by : Ld. Adv. Ms. Kriti Soni along with Mr. Y. J. Gamit, Mr. Vasant Patel and Mr. Dipak Patel

CORAM:

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

Date: 03/07/2023.

Daily Order

1. The matter was heard on 20.06.2023.
2. Ld. Sr. Adv. Mr. Sanjanwala appearing on behalf of the Applicant/Petitioner submitted that on account of the urgency in the matter, the Applicant/Petitioner has filed the IA being IA No. 28 of 2023 in Petition No. 2221 of 2023 seeking interim relief in the

present matter. It is submitted that in the Daily Order dated 12.06.2023 it was directed to the Respondent to file reply alongwith factual status of connectivity at the Charkha Substation. However, the Applicant/Petitioner has not received the copy of reply and factual status of connectivity at the Charkha Substation till date from the Respondent despite being directions of the Commission.

- 2.1. It is reiterated and submitted that the Respondent GETCO vide its letter dated 17.03.2023 informed the Applicant/Petitioner regarding the provisional estimate of works for evacuation of 140 MW wind power from the Project and also provided a draft agreement to the Applicant/Petitioner for execution of the same. The Respondent GETCO also conveyed that the Applicant/Petitioner is required to pay the aforesaid estimate within 30 days and sign the Connection Agreement within 5 days thereafter. It is submitted that the agreement shared by GETCO was a sample work agreement to be executed between the Applicant/Petitioner and GETCO vide its letter dated 17.03.2023. However, the Applicant/Petitioner was under the impression that the 'sample work agreement' was in fact the connection agreement that is required to be executed as per Clause 9.7 of the Detailed Procedure of RE connectivity.
- 2.2. It is submitted that the Applicant/Petitioner made payment of estimate to GETCO on 13.04.2023 and the same was also conveyed to GETCO on 17.04.2023. Further, the Applicant/Petitioner also provided the draft agreement to GETCO which was conveyed vide letter dated 17.03.2023 and requested the Respondent GETCO to confirm the draft and its availability for executing the same.
- 2.3. It is submitted that the Respondent GETCO has informed the Applicant/Petitioner on 18.04.2023 that the draft agreement provided by the Applicant/Petitioner was not the Connection Agreement and the draft of connection agreement to be signed and submitted, is available on the website of the Respondent GETCO. Accordingly, the Applicant/Petitioner has downloaded the said draft Connection Agreement from the website of the Respondent and prepared to submit the same to the Respondent in compliance to provisions of the Clause 9.7 of the Detailed Procedure of RE connectivity. It is submitted that the Applicant/Petitioner was under the mistaken belief that the

execution of the Connection Agreement would be pursuant to GETCO confirming the receipt of supervision charges as the payment was made to Amreli division of GETCO. It was clarified by the Respondent GETCO that payment receipt of the estimate is not a pre-requisite for signing of the Connection Agreement. Thereafter, the Applicant/Petitioner has signed the Connection Agreement on 28.04.2023 with the Respondent GETCO and submitted the signed copies of the Connectivity Agreement to the Respondent on 01.05.2023. It is also submitted that the Applicant/Petitioner met with the officials of GETCO on 26.04.2023 to discuss in detail the exact scope of the work to be done for evacuation of power from the Project. It is further submitted that after receipt of the letter dated 31.05.2023 of the Respondent GETCO cancelling the Stage – II connectivity of the project of the Applicant/Petitioner as a precautionary measure the Applicant/Petitioner on 31.05.2023 once again applied for Stage – I and Stage – II connectivity for the project from the Charkha substation of the Respondent. However the Respondent GETCO has rejected said application of the Applicant/Petitioner, vide letter dated 02.06.2023 for Stage – I connectivity. The Applicant/Petitioner was under impression that the Stage-II connectivity granted to the Applicant/Petitioner on 16.02.2023 is valid despite being there was delay of 9 days on the part of the Applicant/Petitioner in submission of the Connection Agreement as per Clause 9.7 of the Detailed Procedure of RE connectivity. However, GETCO vide its letter dated 31.05.2023 cancelled the Stage-II connectivity of the Applicant/Petitioner as the Applicant/Petitioner had not complied with the timeline stipulated in Clause 9.7 of the Detailed Procedure for RE connectivity related to submission of the signed Connection Agreement i.e. by or before 22.04.2023.

- 2.4. It is further submitted that pursuant to the cancellation as stated above, Charkha substation of the Respondent was once again included in the list of stations with available capacity for RE integration. Accordingly, the Applicant/Petitioner vide its letter dated 31.05.2023 conveyed the Respondent that the delay in submission of the Connection Agreement was unintentional and bonafide and accordingly requested GETCO to not alter the status quo of the connectivity granted to the Applicant/Petitioner and to execute the Connection Agreement with the Applicant/Petitioner. Further, as a measure of abundant caution also, the

Applicant/Petitioner on 31.05.2023 itself once again applied for Stage-I and Stage-II connectivity for the Project from the Charkha Substation of the Respondent. However, on 02.06.2023, the Respondent GETCO has rejected the Applicant/Petitioner's application dated 31.05.2023 for Stage-I connectivity on a ground that no capacity available in Charkha Sub-Station.

- 2.5. It is submitted that the Applicant/Petitioner has obligation under the PPA to commission the Project by 14.12.2024 for which connectivity is an essential requirement and has made investments for the same. Therefore, in absence of the connection agreement with the Respondent GETCO for the Project at this stage would occur serious financial implications on the Applicant/Petitioner. It is also submitted that the Applicant/Petitioner would become a defaulter if the financial closures not achieved by it and that could have the cascading effect on it.
- 2.6. It is further submitted that on 31.05.2023, the Respondent GETCO had shown available capacity with it and soon after, it has allotted the said capacity to some other generators and the name of generators also not disclosed yet by the Respondent GETCO.
- 2.7. It is reiterated that as the Applicant/Petitioner has not received the copy of reply and factual status of connectivity at the Charkha Substation from the Respondent till date despite being directions of the Commission, it is requested that the matter may be kept for hearing on any early date subject to the convenience of the Commission.
3. Ld. Adv. Ms. Kriti Soni, on behalf of the Respondent GETCO submitted that the detailed reply and factual status of connectivity at the Charkha Substation could not be filed by the Respondent GETCO on account of engagement of Senior officials of the Respondent in the cyclonic area since the last week. She requested the Commission to grant one week time to the Respondent to file the reply and factual status of connectivity in the IA and three weeks' time in the Petition and thereafter list the matter for any date subject to the convenience of the Commission, for hearing of IA.
4. We have considered the submissions made by the parties. We note that the Respondent GETCO has not filed their reply in the present matter and have sought time for the same

due to senior officials being busy in restoration work in cyclone affected areas. Accordingly, the Respondent GETCO is directed to file its reply in the IA within weeks' time and within three weeks' time in the Petition, if any, well in advance, with a copy to the Petitioner. The Petitioner is also at liberty to file its rejoinder reply, if any, with a copy to the Respondent after receipt of reply from the Respondent GETCO.

5. Next date of hearing will be on 05.07.2023 at 12:30 hours.

6. Order accordingly.

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

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

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

Place: Gandhinagar.

Date: 03/07/2023.

