

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2239 of 2023.

In the Matter of:

Petition under Section 86 of the Electricity Act, 2003 read with Regulations 3 (I) and 42 of the GERC (Terms and Conditions of Intra-State Open Access), Regulations, 2011 against recovery of excess amount of relinquishment charges from the Petitioner for allowing termination of extension agreements.

Petitioner : CERA Sanitaryware Limited,
Plot No. 9 GIDC Industrial Estate,
Kadi - 382715,
Dist.: Mehsana.

Represented By : Mr. D.S. Doshi
V/s.

Respondent No. 1 : Gujarat Energy Transmission Corporation
Ltd.

Represented By : Ld. Adv. Ms Srishti Kindaria & along with Mr.
J.D. Trivedi

Respondent No. 2 : Uttar Gujarat Vij Company Ltd.

Represented By : Ld. Adv. Ms Srishti Kindaria & along with Mr.
P.B. Patel & Mr. K.B. Chaudhari

CORAM:

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

Date: 05/12/2023.

DAILY ORDER

1. The matter was listed for hearing on 08.11.2023.
2. Mr. D. S. Doshi on behalf of the Petitioner submitted that the Petitioner is having 1 MW WTG set up under Gujarat Wind Power Policy, 1993 at village Lamba, Taluka Kalyanpur, District Jamnagar for captive use at Petitioner's factory at GIDC, Kadi, Dist. Mehsana. The WTG plant was commissioned in September 1993. Further, the Petitioner has set up 2.5 MW WTG at village Patelka, Taluka Kalyanpur, Dist. Jamnagar for captive use at the Petitioner's factory work at GIDC, Kadi, Dist. Mehsana. The above WTG was commissioned in March-1995.
3. The representative of the Petitioner submitted that WTGs of 2.5 MW capacity was initially established in name of Madhusudan Industries Ltd. which was subsequently transferred in the name of the Petitioner for captive use of factory premises of the Petitioner at Kadi. GEDA has also transferred the name in the above 2.5 MW WTG in the name of the Petitioner.
4. The representative of the Petitioner submitted that for both the WTGs initial period of transmission agreement was for 20 years considering healthy conditions of WTGs. As per the conditions put forth by the GETCO Respondent No. 1. the Petitioner has signed extension in Transmission agreement for a period of 10 year for both WTGs.
5. Thereafter, the Petitioner had approached the Respondent No.1 GETCO for allowing termination of both extension Transmission agreement as per applicable Rules. The Respondent No.1, GETCO had conveyed the payment of compensation amount for termination of transmission agreement and accordingly, the Petitioner had deposited the compensation amount. Subsequently, upon realizing that Respondent No. 1 GETCO had recovered excess amount of relinquishment charges from the Petitioner for allowing termination of transmission agreements based in erroneous calculation. The

Petitioner had requested Respondent No. 1 GETCO to correct the calculations of compensation amount as per the principle decided by the Commission, which was denied by the Respondent No. 1 GETCO. Hence, the present Petition is filed by the Petitioner.

6. Ld. Adv. on behalf of the Respondent No.1 GETCO submitted that the Petitioner upon request for termination of transmission agreement, paid the compensation amount without any protest. If Petitioner had felt that there was error in the computation of compensation amount, the Petitioner was not required to pay the relinquishment charges at that point of time. Ld. Adv. submitted that reply has been filed by the Petitioner in the present Petition.
7. We have heard the parties. The present Petition is filed under Section 86 of Electricity Act, 2003 read with Regulation 3(i) and 42 of the GERC (Terms & conditions of Intra-State Open Access) Regulations, 2011 against recovery of excess amount of relinquishment charges from the Petitioner for allowing termination of extension of transmission agreements. The dispute pertains to transmission agreement and relinquishment charges between the Petitioner & Respondent No.1 therefore, the Commission has jurisdiction to decide the matter. Hence, the present Petition is admitted. We direct the Respondent No. 1 & 2 to file their reply if any, in the Petition filed by the Petitioner within 2 weeks' time. The Petitioner is also at liberty to file rejoinder in reply if any, filed by the Respondents within two weeks.
8. The next date of hearing will be intimated separately.
9. Order accordingly.

Sd/-
[S.R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Sd/-
[Anil Mukim]
Chairman

Place: Gandhinagar.
Date: 05/12/2023.