

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2282 of 2023.

In the matter of:

Petition under Section 63 of the Electricity Act, 2003 read with Guidelines for tariff based Competitive Bidding Process for procurement of power from grid connected Solar PV Power Projects dated 03.08.2017 issued thereunder inter alia seeking adoption of tariff of Rs. 2.78 quoted by the Petitioner in the competitive bidding process conducted by the Respondent by way of RfS No. GUVNL/700 MW/Solar (Phase IX) dated 18.03.2020 for development of Solar PV Projects of 700 MW capacity of Dholera Solar Park and consequential direction to the Respondent to enter into PPA with the Petitioner for 100 MW Solar Project awarded to the Petitioner by way of unequivocal Letter of Award dated 09.10.2020.

Petitioner : Veena Energy Renewable Urja Pvt. Ltd.
Represented by : Ld. Adv. Aman Sheikh, along with Adv. Archita Kashyap and Tanya Sareen
Vs.
Respondent : Gujarat Urja Vikas Nigam Ltd.
Represented by : Ld. Adv. Utkarsh Singh along with Mr. K. N. Brahmbhatt and Mr. A. H. Chavda

Along with

Petition No. 2283 of 2023.

In the matter of:

Petition under Section 63 read with Section 86 (1) (b) of the Electricity Act, 2003 in regard to competitive bidding process conducted vide RfS dated 18.03.2020 (Phase IX) issued by GUVNL.

Along with

IA No. 14 of 2023 in Petition No. 2283 of 2023.

In the matter of:

Application filed by GUVNL to bring on record subsequent events and for impleadment.

And
Along with

IA No. 37 of 2024 in Petition No. 2283 of 2023.

In the matter of:

Application filed by the Petitioner GUVNL for Amendment of the Petition and impleadment of two Respondents in the main Petition No. 2283 of 2023.

Petitioner : Gujarat Urja Vikas Nigam Ltd.

Represented by : Ld. Adv. Utkarsh Singh along with Mr. K. N. Brahmbhatt and Mr. A. H. Chavda

Vs.

Respondent No. 1 : TEQ Green Power Pvt. Ltd.

Represented by : Ld. Adv. Abhishek Shah

Respondent No. 2 : Vena Energy Renewables Urja Pvt. Ltd.

Represented by : Ld. Adv. Aman Sheikh, along with Adv. Archita Kashyap and Tanya Sareen

Respondent No. 3 : Tata Power Company Ltd.

Represented by : Ld. Adv. Shivam Sinha, along with Adv. Chetan Saxena, and Mr. Jatin Ghulani.

Respondent No. 4 : Gujarat Power Corporation Ltd.

Represented by : Mr. Rohit Patel

Respondent No. 5 : SJVN Ltd.

Represented by : Nobody remain present

Respondent No. 6 : ReNew Solar Power Pvt. Ltd.

Represented by : Ld. Adv. Sarvaswa Chhajer.

CORAM:

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

Date: 10.06.2025.

DAILY ORDER

1. The matter was heard on 17.04.2025.
2. Ld. Adv. Utkarsh Singh appearing on behalf of GUVNL submitted that the present Power Project completion is depending on the factor of allotment of the land to the successful bidders. The present matter is listed with other linked Petitions and IA as stated above, which are Petition No. 2282/2023 and 2283/2023 and IAs in that Petition No. 2283/2023 Respondent No. 4 - Gujarat Power Corporation Ltd. (GPCL) has submitted that they are discussing with the Dholera Authority for allocation of land, for solar power projects.
3. On the query of the Commission that why the Petitioner GUVNL in Petition No. 2283 of 2023 not file its submissions regarding the issues being faced for completion of the power projects and non-signing of PPA by the successful bidders of the competitive biddings. In response, Ld. Adv. of GUVNL submitted that as all the three Petitions are inter linked, hence they were waiting for the other parties to file their Submissions/Reply in the linked Petitions, thereafter

they would file a consolidated submission addressing all the issues. The Petitioner has agreed to file the recent PPAs signed with other parties.

4. Ld. Adv. Shivam Sinha appearing for Tata Power Company Ltd. Respondent No. 3 submitted that there is no clarity in the reply filed by the Respondent GPCL with regard to land locations, its coordinates etc. Further, GPCL has claimed additional amount than specified while bidding carried out by the Petitioner and GPCL. The offer is already expired on 31.03.2024 and there is no movement and there is still no clarity on the land allotment and its coordinates aspects. It is also submitted that if the upfront Development Charge (UDC) changes than the Respondent would be affected. He also submitted that the Respondent had offered Rs. 2.78/- per unit. If the land allocation is changed than the Respondent needs to have site inspection and hence, the Commission may direct the GPCL to file its submissions on land related aspects specifying the time required for land allocation and coordination of the land. He requested the Commission to grant some time to file its Reply covering all the aspects.
5. Shri Rohit Patel on behalf of the GPCL submitted that GPCL has no clarity on land related aspects. On further query that whether GPCL has filed its Reply, he submitted that the Reply is being filed. He also submitted that the GPCL is under discussion with the Dholera Authority for allocation of land.

6. On the contention about the land related aspects submitted by the representative of GPCL, Ld. Counsel of Respondent No. 3 Tata Power submitted that the Reply filed by GPCL has no clarity on the aspects of land allocation, its coordinates, additional charges claimed by the GPCL etc. and there are only difficulties mentioned. He also submitted that in 2025, the parties are unable to complete the requirement related to project.

7. Ld. Adv. Abhishek Shah appearing for Respondent TEQ Green Power Pvt. Ltd. submitted that they have signed the PPA. As per terms of PPA, they have required to execute the project and achieve SCOD as specified in the PPA. In absence of it, they shall be liable to pay Liquidated Damages. They have done expenses for the project so that they should complete the project in time and achieve SCOD and not default in it. However, due to non-availability of land, its coordinates, they are suffering on account of non-compliance of PPA provisions and also not able to execute the project and become defaulter due to non-achievement of desired performance provisions and it may lead to pay Liquidated Damages due to no fault on part of the TEQ Green Power Pvt. Ltd. They requires extension of time limit for completion of the Project. Moreover, due to non-clarity of land, its coordinates, the Petitioner not only execute the project but also incurring the loss on accounts of expense incurred by it on various activities already started by it. He also submitted that they are eligible

to claim as Change in Law if any occurred due to action of the Petitioner or GPCL. Their case is different and distinct from the case of other bidders.

8. Ld. Adv. Aman Sheikh on behalf of Veena Energy Renewable Urja Pvt. Ltd. submitted that they have to commission the project till 31.03.2025 and their offer was extended till 30.04.2025. There are no land coordinates provided by GPCL whereas 25% of the development charges are already paid upfront. In absence of clarity of land, its coordinates, and additional expenses claimed by the GPCL, it is difficult for the project developers to decide about the development of the project.
9. Ld. Adv. appearing for the Respondent Tata Power Company Ltd. submitted that all the projects are put on hold because of no clarity on land allocation aspects, its coordinates. Moreover, the additional cost is being demanded by GPCL as specified in the Bid documents.
10. Ld. Adv. Mr. Sarvaswa Chhajer appearing on behalf of the ReNew Solar Power Ltd. submitted that the Petitioner has requested to implead the ReNew Solar Power Ltd. and SJVNL as parties to the present Petition and the Commission may hear the matter and to decide the same.
11. Ld. Adv. Utkarsh Singh appearing for GUVNL submitted that they are waiting for all the Respondents to file their Reply so that they could file their submissions in the matter. However, the land related details are required to be filed by the

Respondent GPCL. He further submitted that GUVNL has not received any reply after October 2024 from any other party. GUVNL has raised the concern to GPCL for allocation of land to the project developers and also communicated to the Gujarat Government.

12. On the aspects to appraise the Commission about the current situation of the project as the present matter is remanded back matter from APTEL which needs to be decided in timely manner and as in this matter there are three types of cases emerged for decision like (i) PPA signed by the successful bidder TEQ Ltd. with GUVNL and the same was approved by the Commission are governed by the provisions of PPA (ii) While in second category of case like Veena Energy Renewable Ltd. and Tata Power Company Ltd. wherein PPAs are still not executed by the Petitioner GUVNL with above successful bidder and approved by the Commission and (iii) Successful bidders in this RfS namely ReNew Solar Power Ltd. and SJVNL who are not original parties in the present Petition have been proposed to be implead as parties in the matter by GUVNL are still not decided. Ld. Adv. for the Petitioner GUVNL submitted that GUVNL will file its detailed submissions on above three types of project developer's contentions and status of land, its related aspects. The GUVNL also approach GPCL, its official and Dholera Authority for clarity of land, its coordinates and make submissions within 15 days.

13. Ld. Adv. appearing for Tata Power submitted that if the allocated land is changed than it would impact on the UDC charges and it would require to be allowed as pass through and needs to be considered for modification of tariff under Change in Law.
14. Heard the parties. We note that the Respondent in Petition No. 2283 of 2023 SJVN Ltd. neither remained present nor communicated its inability to remain present during the course of hearing. The present Petition is linked with the Petition No. 1906 of 2020 and as stated that the parties are yet to file their Submissions/Reply, having impact in the present Petition.
- 14.1 We also note that the parties have jointly and severally raised the issue related to land allotment, its coordination by GPCL who is responsible for allocation of land development for Solar Park at Dholera hence, we direct the Respondent GPCL to file its Reply specifically dealing with the land allocation related issues to the Project Developer and claimed of various charges etc. with a copy to others within 10 days from the date of hearing. We also direct the Respondents in Petition No. 2283 of 2023 to file their Reply within 10 days with a copy to others. Thereafter, Petitioner GUVNL in Petition No. 2283 of 2023 is directed to file its final submissions to appraise the Commission about the present situations including what action are taken by the GUVNL, within one weeks' time with copy to others.

14.2 We also note that in present proceeding there are three different types of cases/issues emerged before the Commission consists of (i) TEQ and the Petitioner GUVNL who have signed the PPA and approved by the Commission. The issue emerge with relates to PPA and Bid documents Clauses disputes governed by PPA Clauses. (ii) The Tata Power Ltd and Veena Energy Ltd who have been selected as successful bidder in the bidding process will have to execute the PPA and approved by the Commission. The issues emerge with reference to the bidding documents provision and deviations in it, if any and (iii) SJVNL and Renew Power Ltd who are not joined as party to the Petition by the Petitioner and now desire to join them as party to the present proceeding by impleading them as party to the present Petition and whether can be permitted or not in terms of bidding documents provisions and subsequent facts in the case and provisions of Bid and Orders of the Commission, if any. The above three categories of disputes/issues are different and distinct from each other and to be decided as per provisions of Law and facts of the case.

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

16. Order accordingly.

Sd/-

[S. R. Pandey]
Member

Sd/-

[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 10.06.2025.