

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**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.**

Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)  
Represented by : Ld. Adv. Ms. Ranjitha Ramachandran along with Mr.  
H.N. Shah and Mr. A.H. Chavda

Vs.

Respondent No. 1 : TEQ Green Power Pvt. Limited (TGPPL)  
Represented by : Ld. Sr. Adv. Mr. Sanjay Sen alongwith Advocates Ms.  
Mandakini Ghosh and Ms. Mazag Andrabi  
Respondent No. 2 : Veena Energy Renewables Urja Pvt. Limited (VERUPL)  
Represented by : Nobody was present.  
Respondent No. 3 : Tata Power Company Limited (TPCL)  
Represented by : Ld. Adv. Mr. Shivam Sinha and Adv. Mr. Ankit Bhandari  
Respondent No. 4 : Gujarat Power Corporation Limited (GPCL)  
Represented by : Ld. Mr. Anuj K. Trivedi

**CORAM:**

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

**Date: 01/03/2024.**

**DAILY ORDER**

1. The matter was kept for hearing on 28.02.2024.
2. When the matter was called out, neither the Respondent No. 2 VERUPL nor any representative on behalf of the Respondent No. 2 was present. However, Office of the Commission received an email dated 28.02.2024 from Ms. Archita Kashyap of PLA

Advocates regarding inability of Mr. Aniket Prasoon to remain present for today's hearing on account of his personal exigency and accordingly requesting to adjourn the matter for a few days.

3. Ld. Adv. Ms. Ranjitha Ramachandran, appearing on behalf of the Petitioner submitted that the Petitioner GUVNL has sent a letters to all bidders selected under competitive bidding process conducted vide RfS dated 18.03.2020 (Phase IX) issued by GUVNL for procurement of 700 MW Solar power to be set up in the Dholera Solar Park, Gujarat. It is submitted that without prejudice the rights and remedies available under law, the Petitioner has made an offer to all bidders regarding Procurement of Power from the Power Project to be set up by developers at the discovered tariff inclusive of the impact of BCD and all other taxes upto date of signing of PPA. In response to the said letter, the Respondent No. 1 TGPPL has not unconditionally but by and large accepted offer of the Petitioner stating that they have agreed to terms of the Petitioner that the Respondent No. 1 accepted all Change in Law pertaining to BCD, GST and other taxes upto the date of signing of the PPA or 15.03.2024 whichever is earlier. Thereafter, if any change in law occurred in terms of the PPA, the Respondent No. 1 is eligible to claim for it. It is also submitted that the Petitioner GUVNL has not received any response from the Respondent No. 2 (VERUPL) whereas the Respondent No. 3 TPCL has sought time for consideration. It is submitted that the Petitioner GUVNL has accepted the discovered tariff of Rs. 2.81 per unit for Respondent No. 1 TGPPL which shall be inclusive of Basic Custom Duty (BCD) & all other taxes up to the date of signing of the PPA instead of 05.02.2024 as suggested by TGPPL. It is further submitted that such tariff of Rs. 2.81 per unit shall be subject to adoption by the Commission and that the PPA to be signed in accordance with the final Order of the Commission in the present matter.
4. Ld. Sr. Adv. Mr. Sanjay Sen, appearing on behalf of the Respondent No. 1, referred the Petitioner GUVNL's letter dated 08.02.2024 and submitted that in response to the said letter, the Respondent TGPPL vide its letter dated 15.02.2024 has given confirmation and accepted the tariff of Rs. 2.81 per unit inclusive of BCD & all other taxes applicable up to the date of signing of the PPA or until 15.03.2024 whichever is earlier, subject to adoption of such tariff by the Commission. It is submitted that if the Change in Law based concession is given, the same cannot be provided open ended. He further

submitted that after signing of the PPA or 15.03.2024 any Change in Law occur other than above Change in Law, as agreed by the Respondent, the same can be qualify for relief under the Change in law by the Respondent. It is submitted that the Commission may secures the present bid of 200 MW capacity as the present tender is of 2019 floated for 1000 MW by the Petitioner. It is further submitted that the Commission may approve the discovered tariff of Rs. 2.81 per unit of the Respondent TGPPL otherwise the allocated capacity of 200 MW of the Respondent will go away in terms of applicability of new taxes or new tariff discovered under competitive bidding process. It is requested that the Commission while considering the adjournment request of other party, may also approve and adopt the tariff of Rs. 2.81 per unit for 200 MW allocated capacity of Respondent No. 1.

- 4.1. Ld. Sr. Adv. for the Respondent No. 1 strongly argued that the RfS dated 18.03.2020 is very old and at present, financial year is nearer to its end and therefore keeping the rest part of the matter pending, the present matter is required to be decided with regard to adoption of allocated capacity of 200 MW of Respondent No. 1 as successful bidder which is also agreed upon by the counsel of the Petitioner GUVNL and further no objections have been raised by the counsels appearing for other Respondents.
5. In response to the above contentions of the Respondent No. 1, the counsel appearing for the Petitioner GUVNL submitted that in regard to the adjournment sought by the Respondent No. 2 is concerned, there is no objection to the same by the Petitioner. However, the Commission may consider and adopt the discovered tariff of Rs. 2.81 per unit for 200 MW allocated capacity for Respondent No. 1 who have participated and became the successful bidder in the aforesaid bidding process conducted by the Petitioner vide RfS dated 18.03.2020 (Phase IX).
6. Ld. Adv. Mr. Shivam Sinha, appearing on behalf of the Respondent No. 3 TPCL, submitted that the Commission may give two weeks' time to file reply in the matter and thereafter post the matter for hearing on any date subject to the convenience of the Commission.
7. Ld. Adv. Ld. Mr. Anuj K. Trivedi, appearing on behalf of the Respondent No. 4, submitted that the Commission may permit filing Vakalatnama on behalf of the Respondent in the present matter and also requested the Commission to give two

weeks' time to file reply in the matter and thereafter post the matter for hearing on any date subject to the convenience of the Commission.

8. We have considered the submissions made by the parties. We note that the counsel of the Petitioner submitted that without prejudice the rights and remedies available under law, the Petitioner GUVNL has offered to all bidders regarding procurement of power from the power project to be set up by developers at the discovered tariff inclusive of the impact of BCD and all other taxes upto date of signing of PPA and in response to the same, the Respondent No. 1 TGPPL has accepted offer of the Petitioner whereas the Respondent No. 2 (VERUPL) has not made any response and the Respondent No. 3 TPCL has sought time for consideration. We also note that the Petitioner GUVNL has accepted the discovered tariff of Rs. 2.81 per unit for Respondent No. 1 TGPPL which shall be inclusive of Basic Custom Duty (BCD) & all other taxes up to the date of signing of the PPA instead of 05.02.2024 as suggested by TGPPL. It is further submitted that such tariff of Rs. 2.81 per unit shall be subject to adoption by the Commission and that the PPA to be signed in accordance with the final Order of the Commission in the present matter. Moreover, the counsel for the Respondent No. 1, submitted that the Respondent TGPPL vide its letter dated 15.02.2024 has given confirmation and accepted the tariff of Rs. 2.81 per unit inclusive of BCD & all other taxes applicable up to the date of signing of the PPA or until 15.03.2024 whichever is earlier, subject to adoption of such tariff by the Commission and also requested the Commission that while considering the adjournment request of other party, also to approve and adopt the tariff of Rs. 2.81 per unit for 200 MW allocated capacity of Respondent No. 1. It appears to us that it is expediate to pass an Order in the present matter in so far as adoption of discovered tariff for allocated capacity of 200 MW of Respondent No. 1 is concerned, more particularly, in view of current financial year which is nearer to be completed by keeping the rest part of the matter pending for the Respondents No. 2 to 4. We also note that the Petitioner GUVNL has agreed to adoption of tariff by the Commission for Respondent No. 1 for 200 MW capacity as successful bidder whereas the counsels of other Respondents do not raise any objection to such contention of the Respondent No. 1. We also note that in so far as adoption of tariff in respect of 200 MW capacity of Respondent No. 1 is concerned, both the Petitioner and the Respondent No. 1 have made their submissions and

completed the arguments in the matter. Hence, we decide to pass an appropriate Order with regard to discovered tariff under bidding process for RfS dated 18.03.2020 for the Respondent No. 1.

8.1. We also note that the counsels appearing for the Respondents No. 3 & 4 have requested and sought time to file their responses in the present matter. Accordingly, the Respondents No. 3 & 4 are directed to file their responses, if any, on or before 02.03.2024 with a copy to the Petitioner. The Commission will decide and pass an appropriate Order with regard to the bids submitted by the Respondents No. 2 & 3 separately, after filing of their responses and hearing the parties concerned in the present matter.

8.2. Having considered the request of counsel of the Respondent No. 2 to adjourn the matter due to personal difficulty and the Petitioner has no objection to the same, the matter is adjourned. In so far as adoption of tariff by the Commission for Respondent No.'s 2 & 3 is concerned, an appropriate Order will be passed by the Commission separately.

9. Next date of the hearing will be on 02.03.2024 at 11.30 A.M.

10. Order accordingly.

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

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

Place: Gandhinagar.

Date: 01/03/2024.