

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 2367 of 2024.**

**In the matter of:**

**Petition under Section 86 (1) (f) of the Electricity Act, 2003 read with Regulations 80 and 82 of the Gujarat Electricity Regulatory Commission (Conduct of Business) Regulations, 2004.**

**Alongwith**

**IA No. 33 of 2024 in Petition No. 2367 of 2024.**

**In the matter of:**

**Interlocutory Application for Directions in main Petition No. 2367 of 2024.**

Petitioner No.1	:	Atul Limited
Petitioner No.2	:	Atul Product Limited
Represented by.	:	Ld. Sr. Adv. Sh. Saurabh Soparkar, along with Ld. Adv. Sh. Nisarg Desai, Ld. Adv. Sh. Yash Dadhich, Sh. D.N. Thakkar and Sh.Manish Lad.
Respondent No.1.	:	Dakshin Gujarat Vij Company Limited
Represented By	:	Ld. Adv. Ms. Sristi Kindaria along with Sh. S.P. Patel
Respondent No.2.	:	Gujarat Energy Transmission Corporation Ltd.
Represented By	:	Ld. Adv. Ms. Sristi Kindaria along with Sh. Shobhraj Jayswal

**CORAM:**

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

**Date: 17/10/2024.**

**DAILY ORDER**

1. The matter was kept for hearing on 17.09.2024.
2. Ld. Sr. Advocate appearing on behalf of the Petitioner has submitted that the Respondent No.1 DGVCL has issued notice dated 25.04.2024 to the Petitioner Atul Limited to show cause as to why the Petitioner Atul Ltd should not be called upon to pay the Parallel Operation Charges for 23 MW Captive Power Plant (CPP) from the date of Commissioning of CPP i.e. from 17.03.2016 in accordance with the Order dated 01.06.2011 of the Commission and interest and other charges. The amount of Parallel Operation Charges (POC) is claimed to be worked out to Rs. 7.43 Crores for the period from March 2016 until April 2024 without considering any Delayed Payment Charges.
  - 2.1. It is submitted that the present Petition is filed before the Commission inter alia seeking direction from the Commission that:
    - (i) the Petitioner is not liable to pay any Parallel Operation Charges for operation of its 23 MW Captive Power Plant (CPP) situated at Atul Ltd., Valsad;
    - (ii) to quash and set aside show cause notice dated 25.04.2024 issued by Respondent No.1 DGVCL on the Petitioner No.1 for levy of Parallel Operation Charges for 23 MW CPP;
    - (iii) to quash and set aside the show case notice dated 30.04.2024 issued by Respondent No.2 GETCO on the Petitioner Atul Ltd. seeking to take action against the Petitioner Atul Ltd. under Section 138 of the Electricity Act, 2003.

2.2. In the meantime, the Petitioner is in receipt of notice dated 04.09.2024 from Respondent No.1 DGVCL demanding Delayed Payment Charges (DPC) of Rs. 4,54,19,302.67 on the claim of Parallel Operation Charges for amount of Rs. 7,50,32,271/- The demand of Delayed Payment Charges is being made for the period from the year 2016 by way of aforesaid disconnection notice dated 04.09.2024 despite the issue of levy of POC for the said period is sub judice before the Commission in the present petition.

2.3. It is submitted that the Petitioner has already furnished Bank Guarantee dated 21.06.2024 for amount of Rs. 7,50,32,271/- against POC claim for the period between March 2016 to April 2024 and also started to make payment of POC under protest for future bills from July 2024 onwards without any delay.

2.4. It is submitted that the Petitioner has also filed Interlocutory Application on 13.09.2024 in the present petition seeking to challenge the demand of Delayed Payment Charges made on Parallel Operation Charges by the Respondent No.1 DGVCL by way of notice dated 04.09.2024 and also sought direction to the Respondent No.1 DGVCL not to levy Delayed Payment Charges till the issue of levy of Parallel Operation Charges is not decided by the Commission in the present matter.

3. Ld. Adv. Ms. Srishti Khindaria appearing on behalf of the Respondent No.1 has submitted that the Respondent No.1 DGVCL will not press for disconnection during the pendency of present petition in pursuance of the disconnection notice dated 04.09.2024.

3.1. She further requested for time to file reply of the Respondents in the Petition.

3.2. We have considered the submissions made by the parties. We note that the Petition is filed under Section 86 (1) (f) of the Electricity Act, 2003 read with

Regulations 80 and 82 of the Gujarat Electricity Regulatory Commission (Conduct of Business) Regulations, 2004 seeking direction from the Commission that the Petitioner is not liable to pay any Parallel Operation Charges for operation of its 23 MW Captive Power Plant (CPP) situated at Atul Ltd., Valsad and to quash and set aside show cause notice dated 25.04.2024 issued by Respondent No.1 DGVCL on the Petitioner No.1 for levy of Parallel Operation Charges for 23 MW CPP and to quash and set aside the show cause notice dated 30.04.2024 issued by Respondent No.2 GETCO on the Petitioner Atul Ltd. seeking to take action against the Petitioner Atul Ltd., which is CPP. Thus, the dispute is between the Petitioner as generating company and Respondents DGVCL & GETCO as licensees on Parallel operating charges whether leviable or not and hence, the Commission has jurisdiction to decide the same. Hence, we decide to admit the Petition.

3.3. We also note that the Respondents have requested for time to file their reply in the present Petition. Accordingly, the Respondents are directed to file their reply in the Petition within six weeks' time from the date of this Order with a copy to the Petitioners. We further grant liberty to Petitioners to file their rejoinder, if any, within four weeks' from the receipt of reply with a copy to the Respondents.

4. Next date of hearing will be intimated separately.

5. Order accordingly.

**Sd/-**

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

**Sd/-**

**[Mehul M. Gandhi]  
Member**

Place: Gandhinagar.

Date: 17/10/2024.