

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2433 of 2024.

In the Matter of:

Petition under Section 86 (1) (f) and Section 86 (1) (k) of the Electricity Act, 2003 read with Regulation 45 of the GERC (Terms and Conditions of Intrastate Open Access) Regulations, 2011 and Regulations 80 and 82 of the GERC (Conduct of Business) Regulations, 2004 inter alia seeking appropriate reliefs.

And

IA No. 22 of 2025 in Petition No. 2433 of 2024.

In the Matter of:

Application for seeking urgent listing of Petition No. 2433 of 2024.

Petitioner/Applicant : Project Twelve Renewables Power Pvt. Limited

Represented By : Ld. Adv. Mr. Nisarg Desai

V/s.

Respondent No. 1 : Gujarat Urja Vikas Nigam Limited

Represented By : Ld. Adv. Mr. Utkarsh Singh along with Mr. Shobhraj Jayswal

Respondent No. 2 : Gujarat Energy Transmission Corporation Limited

Represented By : Ld. Adv. Mr. Utkarsh Singh alongwith Mr. Kishor Lakhani

CORAM:

Mehul M. Gandhi, Member

S. R. Pandey, Member

Date: 23/06/2026.

DAILY ORDER

1. The matter was kept for hearing on 12.06.2025.

2. Ld. Adv. Mr. Nisarg Desai, appearing on behalf of the Applicant/Petitioner, submitted that in terms of Clause 6 of the Procedure for “Grant of Connectivity to Projects based on Renewable Energy Sources to Intra-State Transmission System” dated 07.01.2023, the Applicant/Petitioner has applied for Stage-I and Stage-II connectivity on 21.01.2023 for the Project at the Charkha substation. He submitted that the Applicant/Petitioner also submitted the Original Bank Guarantee from RBL Bank in favour of the Respondent GETCO to the amount of Rs. 7 Crores with a claim validity upto 15.06.2026. He further submitted that the Applicant/Petitioner had prayed for the direction to Respondent GETCO to return the Original Bank guarantee towards the Stage - II connectivity earlier granted to the Applicant/Petitioner by GETCO through its letter dated 16.02.2023.
 - 2.1. He submitted that the Applicant/Petitioner has made numerous attempts to resolve the matter through various letters requesting GETCO for returning of the original bank guarantee, but the Respondent GETCO has refused to return the same which constitutes unjust enrichment. The Applicant/Petitioner has also fulfilled its obligation under the newly granted Stage- II connectivity by submitting the subsequent bank guarantee and the original bank guarantee now serves no practical purpose. He also submitted that the Detailed Procedure does not stipulate that the original bank guarantee submitted by the Applicant/Petitioner shall be retained by GETCO. Therefore, the action of the Respondent to hold the original bank guarantee is against the provisions of the Detailed Procedure. Therefore, the Applicant/Petitioner seeking indulgence of the Commission to direct the GETCO to return the original bank guarantee as submitted by Applicant/Petitioner towards the Stage - II connectivity earlier granted through its letter dated 16.02.2023. He submitted that the pleadings are completed in the present matter and also requested that the Commission may admit the present Petition and list the matter for final hearing on any convenient date.

3. Ld. Adv. Mr. Utkarsh Singh, appearing on behalf of the Respondent GETCO submitted that the present Petition preferred by the Applicant/Petitioner with regard to the return of Bank Guarantee dated 20.01.2023 submitted by the Applicant/Petitioner with respect to the Stage – II connectivity granted by GETCO through letter dated 16.02.2023. He submitted that the said connectivity stood automatically revoked in view of the failure on part of the Applicant/Petitioner to complete the formalities as required in terms of the provisions of Clause 9.7 of the Detailed Procedures dated 07.01.2023.

3.1. He further submitted that it is also incorrect that there are no provisions for the Respondent GETCO to retain the bank guarantee because the bank guarantee submitted by the Applicant/Petitioner is as per the application requirement and there is no provision for return of bank guarantee in the Detailed Procedures. Also, it cannot be disputed that the Stage II connectivity granted on 16.02.2023 stands cancelled in terms of the provisions of Detailed Procedure and therefore, the issue of validity of such cancellation cannot be raised.

3.2. He also submitted that in the absence of any provisions for allowing grantees to withdraw the connectivity without any consequences and return the bank guarantee, the Commission may consider as to whether the prayer of the Applicant/Petitioner can be granted or not. As such, he submitted that there is no objection to the admission of the present Petition and as the pleadings are completed, the Commission may list the present matter for final hearing on any date subject to convenience of the Commission.

4. We have considered the submissions made by the parties. We note that the present Petition is filed under Section 86 (1) (f) and Section 86 (1) (k) of the Electricity Act, 2003 read with Regulation 45 of the GERC (Terms and Conditions of Intrastate Open Access) Regulations, 2011 and Regulations 80 and 82 of the GERC (Conduct of Business) Regulations, 2004 inter alia seeking appropriate reliefs.

4.1. We note that in the present matter, the Applicant/Petitioner Project Twelve Renewable Power Pvt. Limited is a generating company under Section 2 (28) of the Electricity Act, 2003 and is a developer of 140 MW Wind Power Project at Dist.

Amreli, Gujarat and has entered into Power Purchase Agreement (PPA) dated 15.12.2022. We also note that Respondent GETCO is the State Transmission Utility and undertake the transmission business of erstwhile GEB with aim to improve the efficiency in the State's electricity transmission activities. Whereas GUVNL is a licensee which is to procure power from the aforesaid 140 MW Wind Power Project of the Applicant/Petitioner in terms of PPA executed between the parties. Thus, the issue involved in the present matter between the Petitioner and the Respondents being a Generating Company and licensee, this Commission has jurisdiction to decide the dispute between the parties under Section 86(1)(f) of the Electricity Act, 2003. Hence, we decide to admit the Petition.

- 4.2. We also note that the Petitioner has filed IA being IA No. 22 of 2025 in the present Petition seeking urgent listing of Petition No. 2433 of 2024. Since, the Commission has taken up the main matter, the prayer in I.A. No. 22 of 2025 filed for seeking urgent listing of Petition No. 2433 of 2024 is satisfied. Accordingly, I.A. No. 22 of 2025 stands disposed of.
5. Next date of hearing will be intimated separately.
6. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 23/06/2025.