

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2438 of 2025.

In the Matter of:

Petition under Section 86 of the Electricity Act, 2003 read with Regulations 80 and 82 of the GERC (Conduct of Business) Regulations, 2004 read with Gujarat Renewable Energy Policy, 2023 and Amendments thereof and the Tariff Order dated 31.08.2024 praying before the Commission to exercise its powers under Section 86 of the Electricity Act, 2003 and direct the Respondent GETCO to grant extension of time for commissioning of the Evacuation Line along with bays and metering system of the 4.15 MW Solar - Wind Hybrid Project.

Petitioner /Applicant : Durga Processors Pvt. Ltd.
A/501 - B, International Commerce Centre,
Nr. Kadiwala School, Opp. Civil Hospital,
Ring Road, Surat, Gujarat - 395 002.

Represented By : Ld. Adv. M. N. Marfatia
V/s.

Respondent No. 1 : Gujarat Energy Transmission Corp. Ltd.
Sardar Patel Vidyut Bhavan,
Race Course, Vadodara - 390 007.

Represented By : Mr. Aneesh Bajaj along with Mr. Shobhraj
Jaiswal

Respondent No. 2 : Gujarat Energy Development Agency
4th Floor, Block No. 11 & 12, Udyog Bhavan,
Sector -11, Gandhinagar - 382 017.

Represented by : Mr. Anil Patel and Mr. Parthik Patel

Respondent No. 3 : Gujarat Urja Vikas Nigam Ltd.
Sardar Patel Vidyut Bhavan,
Race Course, Vadodara - 390 007.

Represented by : Mr. K. N. Bharmbhatt

CORAM:

Mehul M. Gandhi, Member

S.R. Pandey, Member

Date: 02/08/2025.

DAILY ORDER

1. The matter was kept for hearing on 17.07.2025.
2. Ld. Adv. M. N. Marfatia appearing on behalf the Petitioner submitted that the present Petition is filed by the Petitioner under Section 86 of the Electricity Act, 2003 read with Regulations 80 and 82 of the GERC (Conduct of Business) Regulations, 2004 read with Gujarat Renewable Energy Policy, 2023 and Amendments thereof and the Tariff Order dated 31.08.2024 praying to the Commission to direct the Respondent GETCO to grant extension of time for commissioning of the Evacuation Line along with bays and metering system of the 4.15 MW Solar – Wind Hybrid Project.
 - 2.1. Ld. Adv. submitted that during the pendency of the present matter, Respondent GETCO has executed bulk power Transmission Agreement on 09.04.2025 for 2.48 MW capacity. He also referred the provisional agreement signed between the parties on 15.04.2025 for 2.48 MW capacity. He submitted about the reasons for delay of the power project is due to ROW issues faced by the Petitioner. He also sought some time to file its rejoinder to the Reply filed by the Respondent.

3. On the query of the Commission that when was the project commissioned and what were the reasons for delay in commissioning of the power project. Ld. Adv. of Petitioner replied that it was commissioned on 27.05.2025. For delay in commissioning, he submitted that there were ROW issues being faced by the Petitioner and there were various correspondences between the Petitioner and the farmers to sort out the ROW issues. There was delay in finalisation of format 6 for 3 months due being the mandatory agreement among the lead generator and the Petitioner and other generators.
4. On the further query of the Commission that regarding other generators and has the Petitioner impleaded them as party to the present Petition, Ld. Adv. of Petitioner replied that Gokulanand Petro Fibres and GTX Pvt. Ltd. were the other generators and those parties are not impleaded in the present Petition.
5. On the further query of the Commission that if you have not made those developers as party in the present Petition than how can you substantiate your claim, Ld. Adv. of Petitioner replied that the project is commissioned now and he would clarify in the submissions about its claim. He referred the Bank Guarantee issued by Bank of Baroda on 15.11.2023, which would expire on 01.12.2025 and claim period valid till 01.12.2026 .
6. Ld. Adv. Mr. Aneesh Bajaj appearing on behalf of the Respondent submitted that during the hearing the Petitioner has argued for two issues only, hence the Respondent would reply to those issues. Referring to the first issue raised by the

Petitioner about prescribed format 6 for signing the agreement, he submitted that the Detailed Procedure provides for sharing of connectivity infrastructure and Dedicated Transmission line and therefore the Petitioner cannot claim the same to the unforeseen reasons. Further, the Stage II connectivity approval also stated that infrastructure of the Petitioner shall be utilised for the RE developer in future also and the integration and conditions were also provided. Hence, to comply with format -6 as per Connectivity Procedure for signing the agreement was the sole responsibility of the Petitioner.

7. On the query of the Commission that who was the lead generator and if there is any delay than it would also impact others. Ld. Adv. of the Respondent submitted that the generators have to co-ordinate and complete the work on time. The Petitioner was the lead generator.
8. On the further query of the Commission how much delay caused and when was the bay allocated to the Petitioner and being a lead generator what did the Petitioner do to complete the work on time. Ld. Adv. of the Petitioner submitted that the Petitioner would file the details.
9. Ld. Adv. of the Respondent submitted that for the claim of ROW clearance from the landowners for the three towers out of five on 15.06.2024, 20.06.2024 and 07.12.2024 even though the Stage II connectivity was granted on 30.12.2023. The Petitioner merely claimed that there was delay in regard to ROW for third tower but has not substantiated its claim. The Petitioner did not start the work till June 2024.

10. He further submitted that as per the Detailed Procedure, the Petitioner has to complete the work within 18 months-time period. It is the responsibility of the Petitioner to obtain approvals from the Government of Gujarat for laying down the line and the Petitioner was informed about the stage II connectivity approval on 30.12.2023 itself. However, the Petitioner has not disclosed about the dates when did it approached the Govt. of Gujarat for approvals. He further submitted that the Petitioner has to substantiate its claim for delay in commissioning of the power project.

11. Heard the parties. We note that the Petitioner has sought time to file its Rejoinder in the matter. As the Petitioner requested to file the Rejoinder, hence let it be filed within four weeks-time with a copy to the Respondent. The Respondent is at liberty to file its Reply, if any, within three weeks-time with a copy to the Petitioner.

11.1. We direct the parties to complete their pleadings in the present matter before the next date of hearing.

12. The next date of hearing would be intimated separately.

13. We Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 02/08/2025.