

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 2473 of 2025.**

**In the Matter of:**

**Petition under Section 86 (1) (c), (e) and (f) of the Electricity Act, 2003 read with Regulations 80 and 82 of the GERC (Conduct of Business) Regulations, 2004 seeking directions for quashing the letter dated 18.02.2025 issued at the behest of Respondent GETCO and for seeking further extension.**

**And**

**IA No. 32 of 2025 in Petition No. 2473 of 2025**

**In the Matter of:**

**Interlocutory Application is filed under Section 94 (2) of the Electricity Act, 2003 read with Regulation 61 and 80 of the GERC (Conduct of Business) Regulations, 2004 seeking interim stay/ injunction and appropriate interim Orders.**

Applicant/Petitioner : Renewgain Private Ltd.  
Building No. B-1003, Sankalp Iconic  
Bodakdev, Ahmedabad-380054.

Represented By : Ld. Adv. Mr. Aditya K. Singh, Adv. Anukriti Jain,  
Adv. Vineet Gupta & Adv. Divyansh Singh.

V/s.

Respondent : Gujarat Energy Transmission Corporation Limited  
Sardar Patel Vidyut Bhavan  
Race Course Circle, Vadodara – 390007.

Represented By : Ld. Adv. Aneesh Bajaj, Along with  
Mr. Shobraj Jayswal

**CORAM:**

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

**Date: 28/07/2025.**

## DAILY ORDER

1. The present matter was kept for hearing on 26.06.2025.
2. At the outset, Ld. Adv. Mr. Aditya Singh appearing on behalf of the Applicant/Petitioner made submissions traversing through various documents and argued the matter referring to different provisions of the Detailed Procedure, factual aspects and relevant judgements. He further submitted that in pursuant to the reply filed by the Respondent on 23.04.2025, the Applicant/ Petitioner has filed its rejoinder reply on 24.06.2025 and copy of the said rejoinder reply is served to the Respondent.
  - 2.1. He submitted that the Applicant/Petitioner has been granted connectivity for evacuation of 20 MW Hybrid Power project at 66 kV for captive use at 66 kV Daldi sub-station of GETCO and GETCO has agreed to the connection of 20 MW Hybrid Power project of Petitioner to the transmission system of GETCO at the interconnection point at 66kV level at 66 kV Daldi sub-station.
  - 2.2. It is submitted that on 18.02.2025 the Respondent GETCO issued the letter intimating the Applicant/Petitioner that under Procedure for grant of Connectivity to Project based on Renewable sources to Intra-State Transmission System dated 07.01.2023 (*"Procedure for the Grant of Connectivity 2023"*) and relevant Tariff Order regarding the completion of the evacuation line for the 20 MW Hybrid power project evacuation at 66 kV Daldi S/s along with bays, metering system and commissioning full capacity of the project within 12 months i.e. by 30.03.2025, failing which GETCO shall initiate the action stipulated in the approved procedure/Tariff Order including but not limited to encashment of BG/cancellation of connectivity /Open Access.
  - 2.3. He referred the para 10.2 (A) of the *Procedure for "Grant of connectivity to projects based on Renewable energy sources to Intra State Transmission System"* and submitted that Stage-II Connectivity grantees shall require to

complete the dedicated transmission line(s) including required bays, bus-bar at transmission licensees sub-station and generator pooling sub-station(s) etc. within timeline specified by the State Commission in relevant Orders/LOA/LOI/PPA for projects, as applicable from time to time.

- 2.4. Para 10.2 (B) of Detailed Procedure provides that if a grantee fails to complete the dedicated transmission line(s), including required bays, bus-bar at transmission licensees sub-station and/or generator pooling station(s) within the timeline stipulated under sub-Para Clause (A) above, Stage-II Connectivity shall be revoked and BG shall be encashed.
- 2.5. Para 10.2 (C) of Detailed Procedure provides that the Stage-II grantee shall commission at least 10% of the allotted capacity within one month of charging of evacuation line, failing which; the Stage-II grantee shall be liable to pay long-term Transmission Charges for 10% of allotted capacity till such 10% of allotted capacity is commissioned. Balance 90% capacity shall be required to be commissioned within two years failing which STU shall cancel the capacity allotment to the extent of capacity not commissioned and the developer shall have no claim on such capacity. Further, STU shall include such cancelled capacity in the list of spare capacity for RE Integration to be published on their website for prospective consumers or as per the State Commission's Order, if any.
- 2.6. He submitted that the Respondent is misreading provisions of Procedure for the grant of Connectivity, 2023 to communicate that the Applicant/Petitioner is required to commission entire generation and evacuation capacity within 12 months. He further submitted that there is no provision in the Tariff Order for Hybrid Project to revoke the connectivity if someone fails to commission the connectivity within timeline stipulated. He further submitted that there is a penalty provision prescribed in the Tariff Order which states if there is any delay in commissioning then the Applicant/Petitioner will not be entitled for any rebate in payment of the

liquidated damages in terms of the respective power purchase agreements with the offtaker.

- 2.7. He submitted that the Commission had issued Tariff Order No. 1 of 2024 dated 22.02.2024 for *Tariff framework for procurement of power by distribution licensees and others from Wind – Solar Hybrid projects for the State of Gujarat*. Clause 3.9 of the Tariff Order No. 01 of 2024 provides for the period for commissioning the entire evacuation line alongwith Bays and metering system by the project developer has been stated as 12 months from the date of allotment of transmission capacity. Further, the Commission has power to issue extension, if the developer fails to commission the entire evacuation line along with bays and metering system within the stipulated time period due to unforeseen reasons.
- 2.8. He submitted that in total two (02) years is being provided from the allotment of the transmission capacity till the commissioning of the entire 100% capacity. He further submitted that there is misunderstanding on the part of the Respondent, vide the letter dated 18.02.2025, which restricts the time frame only to one (01) year.
- 2.9. He submitted that the Applicant/Petitioner submitted an application seeking Stage-I Connectivity for evacuation of 20 MW Hybrid power at 66 KV Daldi sub-station of GETCO on 66 kV level for captive use on 06.02.2024. along with the Bank guarantee of Rs. 2,00,00,000 ( Rupees Two Crores Only) issued by ICICI limited on behalf of the Petitioner to the Respondent GETCO and the claim expiry period is upto 07.08.2026. On 30.03.2024 GETCO intimated approval to the Petitioner for Stage- I grid connectivity and on 31.03.2024 the Respondent intimated approval to the Petitioner for Stage-II grid connectivity.
- 2.10. It is also submitted that the Respondent GETCO has issued the provisional estimate of supervision charges on 18.04.2024 for erection of 66 KV feeder

bay for evacuation of 20 MW Hybrid power and the said estimate was paid by the Applicant/Petitioner on 03.05.2024 and the connection agreement was executed between the Respondent GETCO and the Applicant/Petitioner on 09.05.2024 for establishing connectivity of 20 MW Hybrid Power project with 66kV Daldi sub-station of GETCO.

- 2.11. He further submitted that the Applicant/Petitioner has submitted the land document on 28.09.2024 for their two Wind Solar Hybrid projects at the 66 kV Daldi substation, covering a total of 28 MW connectivity. The Respondent requested a bifurcation of the land for the two project, for which a separate undertaking detailing the land required for each project's Wind and Solar components was provided by the Applicant/Petitioner.
- 2.12. He further submitted that the Respondent on 09.10.2024 issued letter to the Petitioner providing standardized drawings for the erection of a 66 kV feeder bay at the 66 kV Daldi GETCO sub-station for evacuation of 20 +8 MW Hybrid Power Project.
- 2.13. He submitted that on 03.10.2024, a non-binding term sheet for contracted capacity of 2.1 MW Wind Solar Hybrid power was entered into by the Petitioner and a potential consumer.
- 2.14. He submitted that the kick-off meeting for the 20+8 MW Hybrid project at 66 kV Daldi sub-station was held on 15.10.2024, where Petitioner confirmed the understanding of the project procedures. On 21.12.2024, the Respondent issued a letter approving the layout (R2) for the 66 kV feeder bay for the evacuation of 28.0 MW (20 +8 MW) Hybrid power at 66 kV Daldi sub-station for the Petitioner under the deposit scheme Option-III. On 26.12.2024, a joint meeting was held at the 66 kV Daldi GETCO sub-station of the commencement of work for the erection of 66 kV feeder bay for the evacuation of 28 MW ( 20 + 8 MW) Hybrid Power Project. The Applicant/Petitioner was handed the approved layout as per the reference

letter and was instructed to execute the work accordingly. The Applicant/Petitioner was required to arrange 24 hour security during work execution and follow safety protocols including appointing a safety officer. Additionally, the Petitioner was asked to submit a complete “ Health and Safety Checklist” and ensure the work adhered to GETCO’s standard FQP.

- 2.15. He further submitted that the Applicant / Petitioner on 21.01.2025 sent a letter to the Respondent wherein discussion regarding the standard drawing for the erection of 66 kV feeder bay for the evacuation of 28 MW (20+8MW) Hybrid Power at the 66 kV Daldi GETCO sub-station was discussed.
- 2.16. He further submitted that on 06.02.2025 the Petitioner submitted a covering letter to the Respondent, regarding the clarification of land document submission for their two Wind Solar Hybrid power projects at GETCO 66 KV Daldi substation.
- 2.17. He also submitted that the Applicant/Petitioner had initiated construction work for evacuation infrastructure on time but it has faced lot of unforeseen difficulties such as (i) Delay due to banking facility clarification, (ii) Delay in transformer delivery due to market demand crisis.
- 2.18. He submitted that in respect of delay due to clarification of Banking facility, the Commission has issued GERC (Terms and Conditions for Green Energy Open Access) Regulations, 2024, on 21.02.2024, in furtherance of the Electricity (Promoting Renewable Energy through Green Energy Open Access) Rules, 2022 notified by Ministry of Power, Govt. of India. Regulation 17 of the said Regulations provides for banking facility and applicable charges, which states that banking facility shall be permitted to consumers availing Green Energy Open Access. Further, it provides that the permitted quantum of banked energy by the Green Energy Open Access consumers shall be at least 30% of total consumption of electricity from the distribution licensee by the consumers during the billing period. Meaning thereby, the

consumer should be allowed banking facilities of minimum 30% of total consumption. However, this was interpreted by the concerned authorities in Gujarat as that they would only allow banking for the quantum of energy which was above 30% of total consumption. This interpretation led to uncertainty amongst stakeholders. In absence of any clarification, investment in Gujarat was at standstill and stakeholders of the Applicant/Petitioner started awaiting relevant clarification because present interpretation had ignored infirm nature of renewable energy. Thereafter, the MoP, Govt. of India issued a clarification on 21.08.2024 with respect to the banking provision of the GEOA Rules, 2022 wherein it is stated that (a) energy obtained through open access arrangements, either through a third-party supplier or via captive generation utilizing the distribution network will be excluded from the calculation of banked energy and (b) the permissible quantum of banked energy, a minimum of 30% of total monthly consumption, only the energy directly procured from the distribution licensee shall be considered.

- 2.19. He submitted that post clarification of Banking Provisions by MoP, the GUVNL vide letter dated 31.08.2024 also issued clarification on banking provisions wherein it is stated that (a) permitted quantum of banked energy by the Green Energy Open Access consumers shall be maximum upto 30% of total consumption of electricity from the distribution licensee by the consumers during the billing period with payment of Banking charges as per the prevailing Regulation, (b) for calculating quantum of total consumption of electricity from the distribution licensee, electricity obtained through Open Access arrangements either from a third-party supplier or via captive generation utilizing the distribution network, shall be excluded. Therefore, from 13.02.2024 to 31.08.2024, the progress and development of the Applicant/Petitioner's project was severely impacted.

- 2.20. He submitted that the delay in the delivery of Transformer can be attributed to an ongoing market demand crisis and significant disruptions in the global supply chain, both of which constitute unforeseeable events that lie beyond the Petitioner's control. He further submitted that in the meeting held on 21.12.2023 by Ministry of Power, the issue of transformer and reactor shortages was discussed in detail.
- 2.21. He further made submissions traversing through various communications exchanged between the Petitioner and OEM suppliers. He further submitted that even the vendors were facing delay in the delivery of the 25/31.5 MVA, 66/33KV Power Transformer for the 28MW Hybrid Power Project at Daldi. The delay has been caused by unforeseen global supply chain disruptions, including severe shortages of essential raw materials such as porcelain bushings, OLTC, and main tank components, along with a significant surge in demand across the industrial and renewable sectors.
- 2.22. In support of the above submissions, the Ld. Advocate for the Petitioner has relied upon the following judgements:
- (a) Judgement in the matter of Hirehalli Solar Power Project LLP- Vs. Bangalore Electricity Supply Company Ltd. 2021 SCC Online APTEL 66.
  - (b) Judgement in the matter of Bangalore Electricity Supply Company Ltd. Vs. Hirehalli Solar Power project LLP and Others, 2024 SCC Online SC 2253.
  - (c) Judgement in the matter of Chennamangathihalli Solar Power project LLP. Vs. Bangalore Electricity Supply Company Limited, 2020 SCC Online APTEL 75.
  - (d) Judgement in the matter of Bangalore Electricity Supply Company Ltd. Vs. Chennamangathihalli Solar Power Project LLP and Others.
3. Ld. Adv. Aneesh Bajaj appearing on behalf of the Respondent GETCO, submitted that the issue involved in the present Petition is pertaining to

extension of SCOD for infrastructure being developed by the Applicant/Petitioner for creation of transmission system by the Applicant/Petitioner.

- 3.1. It is contended that the Applicant/Petitioner was granted Stage-II Connectivity vide letter dated 31.03.2024 for 20 MW Hybrid Power Project at 66 KV for captive use at 66kV Daldi Sub-station of GETCO. The estimate was issued on 18.04.2024 as lead generator and the payment was made on 03.05.2024 and connection Agreement signed on 13.05.2024 and not on 09.05.2024 as claimed by the Petitioner. He further submitted that Stage-II connectivity was granted for 8 MW Hybrid Power project under captive mode at 66 kV Daldi sub-station of GETCO on 31.05.2024. Since there are two connectivity, separate land documents are to be submitted by the Petitioner.
- 3.2. It is further submitted that in the present case the Petitioner has referred only 20 MW. In the terms of the prevailing timelines on the date of Stage-II connectivity being 12 months, the Petitioner is required to complete by 30.03.2025. The Applicant/Petitioner had undertaken the project under captive mode and was well aware of the timelines and requirements. It is the responsibility of the Applicant/Petitioner to ensure that the evacuation facilities/project is developed within time. It was the Applicant/Petitioner who choose to apply for connectivity being well aware of the timelines and the consequences thereof.
- 3.3. It is contended that in terms of the Hybrid Tariff Order dated 22.02.2024, the extension can be granted only by the Commission and the Respondent GETCO cannot grant any extension. Therefore, GETCO had issued the letter dated 18.02.2025 is just reminding the timelines and consequence thereof. The issuance of letter is not necessity under the Detailed Procedure and the said letter dated 18.02.2025 cannot be set aside. It is the responsibility of the Applicant/Petitioner to ensure that the extension was sought within time.

The burden of proof in this regard lies on the Petitioner and the Applicant/Petitioner is required to substantiate its claim and the Commission may verify the same. If there was any default or imprudency on part of the Applicant/Petitioner, an extension shall not be allowed to the Applicant/Petitioner.

- 3.4. He further contended that the Applicant/Petitioner is seeking relief on the basis of two aspects i.e. (a) lack of clarity on the Banking Regulation, (b) Delay in transfer and raw material delivery due to market demand crisis.
- 3.5. It is contended that as regards to the issue of lack of clarity on the Banking Regulation is concerned, the Applicant/Petitioner has claimed that there was lack of clarity on banking in terms of the GERC Green Open Access Regulations, 2024. While there was no revision in the Regulations and the letter dated 31.08.2024 was issued by GUVNL is as a clarification based on the clarification dated 21.08.2024 by the Ministry of Power. It may be noted that the Applicant/Petitioner had obtained connectivity for 20 MW and 8 MW prior to the above and final capacity also appears to be 28 MW only. The Petitioner has claimed the uncertainty from 12.03.2024 to 31.08.2024 without any basis. There is no basis for any claim for 12.03.2024 particularly when the Stage-II connectivity itself was granted on 31.03.2024.
- 3.6. He contended that the Applicant/Petitioner has referred to confusion in terms of the quantum of banking allowed. However, it is not clear who the concerned authorities are. Even otherwise, it is not clear how this impacted the Applicant/Petitioner. The Applicant/Petitioner has also not provided any details of how it was affected nor has it been specifically stated that the project activities were at a standstill. The Applicant/Petitioner has to clarify if it is its claim that no activity was carried out during this period. It may be noted that the Applicant/Petitioner has not provided any details of approaching this Commission for clarification nor has it stated the efforts taken by it. The Applicant/Petitioner also did not approach the Commission

at this time for any aspect of delay. The Commission may consider whether such aspects can be considered and to what extent, if any, the above alleged confusion had any impact on the timelines for the construction of the evacuation line and whether there are supporting documents to that effect. It may be noted that the capacity of the evacuation line as per the Detailed Procedure is based on voltage of connectivity and not the capacity of the project. Therefore, the capacity of the line to be constructed by the Applicant/Petitioner at 66 KV connectivity would have remained same, irrespective of capacity of the project.

- 3.7. With regard to delay in transfer and raw material delivery due to market demand crisis, he submitted that there is no role of GETCO and is responding only based on documents and claims of the Petitioner. He further submitted that the Petitioner has placed reliance on the Purchase Order placed by Hitech Transformer Pvt. Ltd. in September 2024. One of the Orders has a delivery Schedule of 4<sup>th</sup> Week of December 2025.
- 3.8. He contended that it is the responsibility of the Applicant/Petitioner to arrange for all inputs/equipment etc. and cannot seek extension merely because there has been a delay as this cannot be unforeseen reason. The delay by its contractor cannot be the basis of claiming extension. Further, the reason for delay is not any specific event but that there is allegedly sudden increase in demand. However, the Commission may consider as to whether such claims can be considered as an unforeseen reason for allowing extension.
- 3.9. In support of the above submissions, the Ld. Counsel for the Respondent GETCO has relied upon the following judgements:
  - (a) Judgement in the matter of Halliburton Offshore services Inc. Vs. Vedanta Limited and Ors. dated 29.05.2020.

(b) Judgement in the matter of NTPC Vidyut Vyapar Nigam Ltd. Vs. Precision Technik Pvt. Ltd. 2018, SCC Online Del 13102.

3.10. Based on the above submissions, he submitted that the Commission may consider the above aspects while considering as to whether any extension can be granted to the Applicant/Petitioner.

4. Heard the parties. We note that the present Petition has been filed by the Applicant/Petitioner under Section 86 (1) (c), (e) and (f) of the Electricity Act, 2003 read with Regulations 80 and 82 of the GERC (Conduct of Business) Regulations, 2004 seeking directions for quashing the letter dated 18.02.2025 issued at the behest of Respondent GETCO and for seeking extension of two hundred & seventy (270) days for commissioning the entire evacuation infrastructure and further declare that the Petitioner is allowed one year from the date of charging of evacuation system to commission the entire project capacity.

5. We have considered the submissions made by Ld. Advocate appearing on behalf of the Applicant/Petitioner and Ld. Advocate appearing on behalf of the Respondent GETCO at length. Both the parties have made their submissions and completed their arguments in the matter. Parties are directed to file their written submissions, if any, within 4 weeks' time. The matter is now reserved for Final Order.

6. Order accordingly.

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

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

Place: Gandhinagar.

Date: 28/07/2025.