

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
AT GANDHINAGAR**

Petition No. 2531 of 2025

In the matter of:

Petition under Section 86(1)(b), 86(1)(e), Section 86(1)(f) and 86(1)(k) of the Electricity Act, 2003 read with Article 8 of the Power Purchase Agreement dated 10.05.2023 executed between M/s Juniper Green Beam Private Limited and Gujarat Urja Vikas Nigam Limited, for supply of 50 MW wind power from its project in the state of Gujarat, seeking inter alia extension of the Scheduled Commercial Operation Date on account of certain Force Majeure events affecting the project implementation and thereby passing appropriate Order(s) / Direction(s) in this regard to the extent prayed for herein.

Along with

I.A. No. 75 of 2025 in Petition No. 2531 of 2025

In the matter of:

Interlocutory Application under Section 94(2) of the Electricity Act, 2003 read with Regulations 66 and 80 of the GERC (Conduct Of Business) Regulations 2004 seeking issuance of appropriate interim Orders against the Respondent along with supporting affidavit.

Petitioner / Applicant : Juniper Green Beam Private Limited

Represented by : Ld. Adv. Ms. Parichita Chowdhury along with
Mr. Mandeep Saluja Ms. Sanjeevani Mishra

V/s.

Respondent : Gujarat Urja Vikas Nigam Limited

Represented by : Ld. Adv. Ms. Srishti Khindaria along with
Mr. Rahul Pareek

CORAM:

Shri Mehul M Gandhi, Member

Shri S.R. Pandey, Member

Date: 02/09/2025

DAILY ORDER

1. The matter was kept for hearing on 29.08.2025.
2. Ld. Adv. Ms. Parichita Chowdhury, appearing on behalf of the Petitioner, Juniper Green Beam Private Limited, submitted that the present Petition has been filed by the Petitioner under Section 86(1)(b), 86(1)(e), 86(1)(f) and 86(1)(k) of the Electricity Act, 2003 read with Article 8 of the Power Purchase Agreement (PPA) dated 10.05.2023 executed between M/s Juniper Green Beam Private Limited and Gujarat Urja Vikas Nigam Limited (Respondent), for supply of 50 MW wind power from its project in the state of Gujarat, seeking inter alia extension of the Scheduled Commercial Operation Date (SCOD) on account of certain Force Majeure events affecting the project implementation and thereby passing appropriate Order(s) / Direction(s) in this regard to the extent prayed for herein.
 - 2.1. It is submitted that the Petitioner is setting up 50 MW wind power project at Villages Bhogat, Bhatvadiya, Gojines, Hadmatiya, Kenedi and nearby villages, Taluka: Kalyanpur and Dwarka, Dist.: Devbhoomi Dwarka, Gujarat. As per Power Purchase Agreement (PPA) dated 10.05.2023 executed between the Petitioner and the Respondent, Gujarat Urja Vikas Nigam Limited (GUVNL), the SCOD of the Project is 09.05.2025 (Original SCOD). However, the SCOD of the Project was extended by the Respondent due to delay in adoption of tariff, through its communication dated 05.02.2024, therefore the SCOD of the Project has now been revised to 17.10.2025 (Revised SCOD).
 - 2.2. It is submitted that the SCOD of the Project was revised on account of the delay in adoption of tariff, since the Respondent preferred the proceedings for adoption of tariff before the Commission belatedly, as a result of which, the process for adopting the tariff by the Commission for the Petitioner's

Project got delayed which ultimately hampered the development and commissioning timelines of the Petitioner's Project. The Petitioner has no say in so far as the process of adoption of tariff is concerned, accordingly, the Respondent extended the SCOD of the Project by 161 days on account of the aforesaid reason.

2.3. It is submitted that while the Petitioner was granted the extension of SCOD of the Project on account of delay in adoption of tariff process, however, due to the occurrence of the following force majeure event(s), the Petitioner apprehends that the Project may not be commissioned even by the Revised SCOD:

- (a) Delay in allotment of land and obtaining land approval for setting up the Project - FM Event 1
- (b) Administrative Disruptions caused due to general Elections in Gujarat - FM Event 2
- (c) Delay due to Right of Way Issues - FM Event 3
- (d) Supply Chain Bottlenecks due to Critical Shortage of Solid-core Insulators required for production of Isolators - FM Event 4
- (e) Notification dated 03.03.2025 issued by Superintendent of Police, Devbhoomi Dwarka, which restricted movement of the vehicles - FM Event 5
- (f) Indefinite Strike across Quarries and Mines in Gujarat – FM Event 6
- (g) India - Pakistan War (undeclared) - FM Event 7
- (h) Delay due to lack on regulatory certainty on the requirement for installation of Remote Terminal Unit at each Wind Turbine Generator in terms of the Commission's Order dated 31.08.2024 in Petition No. 05 of 2024 - FM Event 8

2.4. The Petitioner / Applicant has requested the Commission to issue appropriate ex-parte, ad-interim direction(s) / order(s) restraining the Respondent, GUVNL, to take any coercive and/or precipitative step(s) against

the Petitioner, including invocation and/or encashment of the Performance Bank Guarantee amounting to ₹ 10 Crores, which has been submitted by the Petitioner in terms of the PPA, till the final disposal of the accompanying petition.

- 2.5. The Petitioner / Applicant has further requested the Commission to issue appropriate ex-parte, ad-interim direction(s) / order(s) restraining Gujarat Urja Vikas Nigam Limited to take any coercive and/or precipitative step(s) against the Petitioner, including imposition of any liquidated damages upon the Petitioner for not meeting the timelines as obligated under the PPA, on account of the Force Majeure events faced by the Petitioner during the construction and development of the Project.
3. Ld. Adv. Ms. Srishti Khindaria, appearing on behalf of the Respondent, Gujarat Urja Vikas Nigam Limited (GUVNL), submitted that the Respondent would file its submissions in the present matter. She submitted that the Commission may grant two weeks' time to file reply in the matter.
4. Ld. Adv. Ms. Parichita Chowdhury, appearing on behalf of the Petitioner, in response requested to grant one week time to file reply on submission of the Respondent.
5. Both, the Petitioner and the Respondent, requested for keeping hearing on Saturday of last week of September or first week of October.
6. Heard the parties.
7. We note that the present Petition is filed under Section 86(1)(b), 86(1)(e), 86(1)(f) and 86(1)(k) of the Electricity Act, 2003 read with Article 8 of the Power Purchase Agreement (PPA) dated 10.05.2023 executed between M/s Juniper Green Beam Private Limited and Gujarat Urja Vikas Nigam Limited (Respondent), for supply of 50 MW wind power from its project in the state

of Gujarat, seeking inter alia extension of the Scheduled Commercial Operation Date (SCOD) on account of certain Force Majeure events affecting the project implementation and thereby passing appropriate Order(s) / Direction(s) in this regard to the extent prayed for herein.

- 7.1. We also note the Petitioner / Applicant has requested to issue appropriate ex-parte, ad-interim direction(s) / order(s) restraining the Respondent to take any coercive and/or precipitative step(s) against the Petitioner, including invocation and/or encashment of the Performance Bank Guarantee submitted by the Petitioner in terms of the PPA and imposition of any liquidated damages upon the Petitioner for not meeting the timelines as obligated under the PPA, on account of the Force Majeure events faced by the Petitioner during the construction and development of the Project.
- 7.2. We grant two weeks' time to file submission, if any, in the present Petition by the Respondent and one week thereafter for filing reply on it by the Petitioner, if any.
8. The Respondent is directed to file its submission within 2 weeks' time with a copy to the Petitioner. Further, the Petitioner is also at liberty to file its rejoinder reply, if any, within one week time after the receipt of reply from the Respondent.
9. The next date of hearing will be intimated separately.
10. We order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar
Date: 02/09/2025