

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1773/2018.

In the matter of:

Petition under Section 86(1)(a), (b), (e), (f) read with Section 61(h) and 62(1)(a) of the Electricity Act, 2003 for determination of the Average Power Procurement Cost of the Respondents for each year starting from FY 2009-10 in order to comply with the provisions of the CERC (Terms and Conditions for recognition and issuance of Renewable Energy Certificate for Renewable Energy Generation) Regulations, 2010 dated 14.1.2010 and the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 dated 17.4.2010 and to direct Respondents to comply with the directions given by the Commission vide its Order dated 1.7.2015 in Petition No. 1363 of 2013 as upheld by the Hon'ble APTEL vide Order dated 6.12.2018 in Appeal No. 209 of 2015 whereby the Respondent has been directed to amend the clauses of the PPA and pay the differential amount to Petitioner.

Petitioner : Vish Wind Infrastrukture LLP

Represented By : Learned Advocate Shri Vishal Gupta

V/s.

Respondent No. 1 : Gujarat Urja Vikas Nigam Limited

Represented By : Learned Advocate Ms. Ranjitha Ramachandran with
Shri H.H. Patel

Respondent No. 2 : Madhya Gujarat Vij Company Limited,

Represented By : Ms. U.V. Parmar

Respondent No. 3 : Uttar Gujarat Vij Company Limited

Represented By : Shri K.D. Barot

Respondent No. 4 : Dakshin Gujarat Vij Company Limited

Represented By : Shri B.R. Icecreamwala and Shri J.S. Kedaria

Respondent No. 5 : Paschim Gujarat Vij Company Limited,

Represented By : Nobody was present.

CORAM:

**Shri Anand Kumar, Chairman
Shri P. J. Thakkar, Member**

Date: 17/05/2019.

DAILY ORDER

- 1) The matter was kept for hearing on 14.05.2019.
- 2) Learned Advocate Shri Vishal Gupta, on behalf of the Petitioner, submitted that the present petition has been filed by the Petitioner seeking determination of APPC and direct the Respondents to comply with the decision and directives of the Commission's order dated 01.07.2015 in Petition No. 1363 of 2013 which was upheld by the Hon'ble APTEL vide judgement dated 06.12.2018 read with the Hon'ble Supreme Court order in case of REC based projects.
- 3) Learned Advocate Ms. Ranjitha Ramachandran, on behalf of the Respondent GUVNL, submitted that the decision of the Hon'ble APTEL dated 06.12.2018 was challenged by GUVNL before the Hon'ble Supreme Court where GUVNL has raised a specific issue that the Hon'ble APTEL has not decided the issue of validity of contractual terms. Hence, the Hon'ble Supreme Court has passed order dated 15.02.2019 that without going into the merit, the party is at liberty to approach the Hon'ble APTEL on specific issue which is not decided by the Hon'ble APTEL. In light of the order dated 15.02.2019 of the Hon'ble Supreme Court in Civil Appeal No. 1253 of 2019, GUVNL has filed the review petition before the Hon'ble APTEL which is likely to be listed tomorrow for hearing. Hence, the Commission may grant an adjournment in the matter till review is decided by the Hon'ble APTEL.

- 4) In response to the above, Learned Advocate Shri Vishal Gupta, on behalf the Petitioner, submitted that he has been informed by the Respondent's counsel that the review petition is filed by GUVNL before the Hon'ble APTEL which is likely to be listed tomorrow (15.05.2019) for hearing. He submitted that he has no objection to the adjournment sought by the Respondent till the outcome of review petition before the Hon'ble APTEL.
- 5) Considering the request of the Respondents to adjourn the matter as review of earlier order dated 06.12.2018 is pending before the Hon'ble APTEL and that the Petitioner having no objection to the same, we decide to adjourn the matter. We also direct the Petitioner and the Respondents to intimate the Commission about the outcome of the hearing in review petition filed before the Hon'ble APTEL.
- 6) The next date of hearing will be intimated separately.
- 7) We order accordingly.

Sd/-
[P. J. THAKKAR]
Member

Sd/-
[ANAND KUMAR]
Chairman

Place: Gandhinagar.

Date: 17/05/2019.