

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2282 of 2023.

In the matter of:

Petition under Section 63 of the Electricity Act, 2003 read with Guidelines for tariff based Competitive Bidding Process for procurement of power from grid connected Solar PV Power Projects dated 03.08.2017 issued thereunder interalia seeking adoption of tariff of Rs. 2.78 quoted by the Petitioner in the competitive bidding process conducted by the Respondent by way of RfS No. GUVNL/700 MW/Solar (Phase IX) dated 18.03.2020 for development of Solar PV Projects of 700 MW capacity of Dholera Solar Park and consequential direction to the Respondent to enter into PPA with the Petitioner for 100 MW Solar Project awarded to the Petitioner by way of unequivocal Letter of Award dated 09.10.2020.

Petitioner : Veena Energy Renewables Urja Pvt. Limited
Represented by : Ld. Adv. Mr. Aniket Prasoon alongwith Adv. Ms. Archita Kashyap
Vs.
Respondent : Gujarat Urja Vikas Nigam Limited
Represented by : Ld. Adv. Mr. Utkarsh Singh alongwith Mr. K.N. Bhrambhatt and Mr. A.H. Chavda

And

Petition No. 2283 of 2023.

In the matter of:

Petition under Section 63 read with Section 86 (1) (b) of the Electricity Act, 2003 in regard to competitive bidding process conducted vide RfS dated 18.03.2020 (Phase IX) issued by GUVNL.

And

IA No. 14 of 2023 in Petition No. 2283 of 2023.

In the matter of:

Application filed by GUVNL to bring on record subsequent events and for impleadment.

Petitioner : Gujarat Urja Vikas Nigam Limited (GUVNL)
Represented by : Ld. Adv. Mr. Utkarsh Singh alongwith Mr. K.N. Bhrambhatt and Mr. A.H. Chavda

Vs.

Respondent No. 1 : TEQ Green Power Pvt. Limited (TGPPL)
Represented by : Nobody was present.

Respondent No. 2 : Veena Energy Renewables Urja Pvt. Limited (VERUPL)
Represented by : Ld. Adv. Mr. Aniket Prasoon alongwith Adv. Ms. Archita Kashyap

Respondent No. 3 : Tata Power Company Limited (TPCL)
Represented by : Ld. Advocates Mr. Shivam Sinha and Ms. Priya Goyal alongwith Mr. Vidyadhar Wagle, Mr. Rahul Ranade, Mr. Jatin Ghuliani

Respondent No. 4 : Gujarat Power Corporation Limited (GPCL)
Represented by : Ld. Adv. Mr. Anuj K. Trivedi

CORAM:

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

Date: 27/09/2024.

DAILY ORDER

1. The matter was kept for hearing on 26.09.2024.
2. When the matter was called out, Respondent No. 1 has neither remained present nor has made any written communication about their inability to remain present, despite notice in Petition No. 2283 of 2023.
3. At the outset, Ld. Adv. Mr. Utkarsh Singh, appearing on behalf of the GUVNL submitted that the Petitioner GUVNL has filed IA being IA No. 14 of 2024 in Petition No. 2283 of 2024 in March 2024 to bring on record subsequent events and to allow

the impleadment of SJVN Limited and ReNew Solar Power Pvt. Limited as SJVNL Limited and ReNew Solar Power Pvt. Limited to the Petition No. 2283 of 2023 and to take the amended Memo of Parties filed with IA.

- 3.1. He referred certain submissions made in the Petition No. 2283 of 2023 filed before the Commission after Order dated 07.08.2023 passed by Hon'ble APTEL in Appeals No. 88/2021, 89/2021 & 90/2021 and submitted that the Petitioner had joined the Respondents in the aforesaid Petition with consideration of subsequent development and pursuant to query of the Commission, he submitted that some necessary amendments in IA as well as in original Petitions filed by the Petitioner GUVNL are necessary to be carried out by the Petitioner GUVNL for which the Commission may grant one week time on which the Respondents have no objection.
- 3.2. Ld. Advocate for Petitioner GUVNL submitted that the Respondent No. 2 and 3 have agreed to the offer of the Petitioner that the tariff discovered of Rs. 2.78 per unit inclusive of Basic Custom Duty and all other taxes upto the date of signing of the PPA between the parties pursuant to the letter dated 06.03.2024/various communication exchange between the Petitioner and the Respondent No. 2 and 3.
- 3.3. The Respondent No. 2 and 3 conveyed the intent of accepting the Petitioner proposal wherein it was agreed to supply the electricity at discovered tariff in the bidding process inclusive of BCD and all other taxes on the date of signing of PPA or 30 days from the date of Order of the Commission whichever is earlier. Other terms and conditions prescribed under the RfS, draft PPA as provided with the RfS, LoA and tariff based competitive bidding guideline amended from time to time shall prevail.
- 3.4. The Respondent No. 2 Veena Energy Renewables Urja Pvt. Limited and Respondent No. 3 Tata Power Company Limited conveyed their intent to accept the proposal of the Petitioner GUVNL vide their respective letters.
4. Ld. Adv. Mr. Aniket Prason on behalf of Respondent No. 2 submitted that the Respondent No. 2 agreed to the offer of the Petitioner with regard to supply electricity generated from its power plant at discovered tariff in the bidding

process carried out by the Petitioner inclusive of Basic Custom Duty (BCD) and all other taxes upto the date of signing of Power Purchase Agreement between the parties plus 4 days as allowed in case of Respondent No. 1 (TEQ) Order dated 11.03.2024 or 30 days from the date of Order passed by the Commission in the present Petition whichever is earlier. He further submitted that the Respondent No. 2 has also submitted its undertaking on affidavit in this regard.

5. Ld. Adv. Mr. Shivam Sinha on behalf of Respondent No. 3 submitted that both the parties in this case have agreed regarding offer and acceptance with regard to supply of electricity generated from its power plant at discovered tariff in the bidding process carried out by the Petitioner inclusive of Basic Custom Duty (BCD) and all other taxes upto the date of signing of Power Purchase Agreement between the parties plus 4 days as allowed in case of Respondent No. 1 (TEQ) Order dated 11.03.2024 or 30 days from the date of Order passed by the Commission in the present Petition whichever is earlier. He further submitted that the Respondent No. 3 has also submitted its undertaking on affidavit dated 14.03.2024 in this regard.
6. Ld. Adv. Mr. Mr. Anuj K. Trivedi on behalf of Respondent No. 4 Gujarat Power Corporation Limited (GPCL) submitted that the Respondent No. 4, GPCL has identified and modified the proposed land allocation for solar projects of the Respondent No. 1, 2 and 3 in place of earlier allocation made to the above Respondents. He further submitted that the Respondent will file its response on affidavit within one week time in this regard. He further submitted that the change in location of allocated land earlier, its co-ordinate etc. are communicated by GPCL to the Respondent No. 1, 2 and 3. He further clarified that the Respondent No. 4 has intimated to Respondent No. 1, 2 and 3 only with regard to change in allocated land area and its coordinate etc. and there submission is limited to only above original Respondent No. 1, 2 and 3.
7. Ld. Advocate for Respondent No. 2 and 3 submitted that they have received the communication of Respondent No. 4 with regard to reallocation of land place, its coordinate etc. and they have no objections for it. Further, they are agreed for the same. On query of the Commission that whether the change in allocation of land,

its coordinate etc. by GPCL any claim for tariff etc. by the Respondent No. 2 and 3, they submitted that they are agreed to the undertaking earlier given by them and also not claiming any change in law in tariff on above aspects. They also agreed to give an undertaking on affidavit within 7 days from the date of receipt of submission from the Respondent No. 4, GPCL.

8. Ld. Advocates for Petitioner and the Respondent No. 2 and 3 have requested that the matter may be kept for hearing on 15.10.2024.
9. We note that the Petitioner/Applicant GUVNL has filed the application for amendment in original Petition No. 2283 of 2023 by incorporating certain facts in pursuance to Order dated 07.08.2023 passed by Hon'ble APTEL in Appeals No. 88/2021, 89/2021 & 90/2021. He has referred to certain averments made in the Petition but has requested the Commission to grant one week to file further amendment in Application/Petition. We note that there is no objection from the Respondents.
 - 9.1. As the Applicant/Petitioner GUVNL sought time for further amendment in its earlier Application/Petition and Respondents have no objection, we decide to grant the same. On request of the Applicant/Petitioner the matter is listed for hearing on 15.10.2024.
 - 9.2. We further note that the Ld. Advocate for Respondent No. 2 and 3 have made submissions that they have given undertaking on affidavit with regard to supply the electricity generated from their solar power plant at discovered tariff in the bidding process carried out by the Petitioner inclusive of BCD and all other taxes on date of signing of PPA or 30 days from the date of Order pass by the Commission, whichever is earlier. The petitioner has also agreed on above terms of the Respondent. The date of signing of PPA should be considered as cut-off date meaning thereby that any change in law prior to the cut-off will not form part of the tariff discovered during bidding process carried out by the Petitioner wherein the tariff quoted by the Respondent No. 1 and 2. We note that the Respondent No. 2 and 3 shall require to give fresh undertaking on above aspects.

9.3. We also note that the Respondent No. 4 has submitted that they have made reallocation of land with change in coordinates for the land allocated earlier by the GPCL to the Respondent No. 1, 2 and 3 and also communicated to the Respondents. He further submitted that the Respondent No. 4 may be granted to file its submissions upto 07.10.2024 in the subject matter is permitted. We direct the Respondent no. 4 to provide copy of the submission to the Petitioner and Respondents. We also decide that the Petitioner and the Respondents are at liberty to file their submissions, if any, on or before 14.10.2024 on affidavit with a copy to other parties.

9.4. Considering the request of the Petitioner and the Respondents the matter is kept for hearing and compliance on 15.10.2024.

10. Next date of hearing will be on 15.10.2024 at 11:30 hours.

11. Order accordingly.

Sd/-
[S.R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 27/09/2024.