

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 1930 of 2021.**

**In the Matter of:**

**Petition under Section 32 and 33 of the Electricity Act, 2003 read with  
Regulation 11.18 of GERC (Grid Code) Regulations, 2013.**

Petitioner : State Load Despatch Centre - Gujarat  
132 kV, Gotri Sub-Station Compound  
Gotri Road, Near T.B. Hospital,  
Vadodara – 390007, Gujarat.

Represented By : Ld. Adv. Ms. Harini Subramaniam with Mr. K. M.  
Chhaiya and Mr. P.B . Suthar

V/s.

Respondent No. 1 : M/s SAL Steel Limited  
5/1, Shreeji House, 5<sup>th</sup> Floor,  
Behind M.J. Library, Ashram Road,  
Ahmedabad, Gujarat – 380006.

Represented By : Ld. Advocates Mr. Gaurav Mathur and Mr. Parth  
Bhatt alongwith Mr. Vinay Mishra & Mr. Ashok  
Sharma

Respondent No. 2 : Gujarat Urja Vikas Nigam Limited  
Sardar Patel Vidyut Bhavan  
Race Course Circle, Vadodara – 390001.

Represented By : Mr. S. R. Shah

Respondent No. 3 : Uttar Gujarat Vij Company Limited  
Visnagar Road, Mehsana – 384001.

Represented By : Mr. K. B. Chaudhari

Respondent No. 4 : Paschim Gujarat Vij Company Limited  
Off. Nana Mava Main Road,  
Near Bhaktinagar Railway Station,  
Laxminagar, Rajkot-360004.

Represented By : Nobody was present.

## **CORAM:**

**Anil Mukim, Chairman**  
**Mehul M. Gandhi, Member**  
**S. R. Pandey, Member**

**Date: 29/11/2022.**

## **DAILY ORDER**

1. The matter was heard on 30.09.2022.
2. At the outset, Mr. Gaurav Mathur, appearing on behalf of the Respondent No. 1 submitted that the arguing Sr. Counsel appearing on behalf of the Respondent No. 1 is unable to remain present during the hearing due to some personal difficulty and accordingly, the Commission is requested to adjourn the matter and keep it for hearing on any date subject to convenience of the Commission.
3. Ld. Adv. Ms. Harini Subramaniam appearing on behalf of the Petitioner SLDC submitted that there is no objection to the adjournment sought by the Respondent No. 1 in the matter. However, as the present Petition has been filed under Sections 32 & 33 of the Electricity Act, 2003 read with Regulation 11.18 of the GERC Grid Code Regulations, 2013 and *per se* there cannot be any objection to admissibility of the present Petition, the Commission may admit the present Petition. It is submitted that the issue involved in this matter is regarding Respondent No. 1 having indulged in gaming pursuant to consistent under injection qua the Schedule despite several notices being issued by the Petitioner to the Respondent No. 1 directing to maintain injection as per Schedule and also put to notice about large scale deviation by providing details of same.
- 3.1. Referring to Interim Order dated 09.10.2020 passed by the Commission in Petition No. 1888 of 2020, it is submitted that the Commission had directed SLDC to submit a comprehensive report detailing necessary issues, analysis, observations alongwith relevant documents in case of gaming in respect of consistent under-injection qua the Schedule despite several notices and data within 30 days and also directed that in case SLDC has noticed similar situation in regard to other intra-state

constituents, SLDC is required to approach the Commission through appropriate Petition as per the Regulations. Thus, the Petitioner was directed to file comprehensive report regarding consistent under-injection under UI mechanism indulging in gaming to make undue gains. It is further submitted that since the Petitioner has in compliance to above directive of the Commission filed this Petition, no objection can be raised regarding admissibility & maintainability of this matter.

- 3.2. It is also submitted that the Petitioner has revised the State Energy Account (SEA) with respect to Respondent No. 1 in the month of October 2020 for the period from April 2013 to March 2020 and based on the revised SEA, the Respondent UGVCL has raised Supplementary bill to the Respondent No. 1 which is also challenged by Respondent No. 1 by filing the Petition No. 2023 of 2021 before this Commission. It is accordingly requested that the Commission while admitting present Petition may club both these matters, viz., Petitions No. 1930 of 2021 and 2023 of 2021 together.
- 3.3. It is submitted that there are similar aspects involved in both these Petitions and since the present matter is filed under Sections 32 and 33 of the Electricity Act, 2003, there may not be any objection to the admissibility of the Petition by the Respondent No. 1 and accordingly, the Commission may admit the present Petition and post it for hearing on any date subject to the convenience of the Commission.
4. Ld. Adv. Mr. Gaurav Mathur, appearing on behalf of the Respondent No. 1, while objecting the admissibility and maintainability of the present Petition also referred the prayer of the Petitioner that the Commission to call for explanation and pass an appropriate direction to the Respondent No. 1 for not following instructions and seeking direction to the Respondent No. 1 to refund an amount of Rs. 85.60 Lakhs to the distribution licensees who are the Respondents No. 3 & 4 in the present Petition. It is also submitted that how the Petitioner who is an independent statutory authority can act for the benefit of the distribution licensees viz. Respondents No. 3 & 4 and claim refund of money on their behalf when the Respondent licensees have not raised any claim. It is argued that an independent statutory authority is claiming on behalf of other entities, which is not permissible and therefore, the present matter is ex facie incompetent to claim such amount. It is submitted that the Petitioner is required to rectify the Petition filed by it under

Sections 32 & 33 of the Electricity Act, 2003 because under the garb of under-injection, UI mechanism & gaming, the Petitioner is claiming damages on behalf of the Respondent distribution licensees. The SLDC cannot make claim on behalf of the Respondents and seek compensation when the Respondent No. 1 has already settled the UI accounts and therefore, this Petition does not fall within the four corners of the said Sections.

- 4.1. It is also submitted that the revision of SEAs for seven years is not permissible in law as the same is barred by limitation and contrary to the provisions of the GERC Regulations. It is submitted that the Respondent No. 1 has not violated any provisions of the Grid Code or DSM Regulations or resorted to any gaming as alleged by the Petitioner. Also referring the prayer clause in respect to take on record the consistent under injection done by the Respondent No. 1 as compared to Schedule from FY 2013-14 to FY 2019-20 it is submitted that the same is *ex-facie* barred by limitation.
- 4.2. Referring the Sections 32 and 33 of the Electricity Act, 2003, it is submitted that Section 32 enumerates the functions to be carried out by the Petitioner whereas Section 33 contemplates compliance of the directions issued by the Petitioner to every licensee, generating company, generating station, sub-station and any other person connected with the operation of the power system. It is argued that there is no allegation that Respondent No. 1 has not complied with the directions of the Petitioner. If there are disputes between the Petitioner with these entities, such disputes are to be adjudicated by the appropriate Commission. Referring the prayer of the Petitioner seeking direction to the Respondent No. 1 to refund an amount of Rs. 85.60 Lakhs to the distribution licensees, it is submitted that the Petitioner has not suffered any damages and even there is no record placed in this regard which shows that the Respondents have either suffered any loss or have claimed the same in respect of any alleged deviations from the scheduled.
- 4.3. It is argued that the matter in which the Commission directed the Petitioner SLDC to file details pertains to contract between a generator and the Respondent No. 2 GUVNL, whereas; present case is for transactions under contract between generator and a private consumer. Thus, the said contract between generator & private

consumer is bilateral transaction whereas present matter is related to under injection qua Schedule by the generator.

- 4.4. It is further submitted that pursuant to the directives of the Commission vide Interim Order dated 09.10.2020 passed by the Commission in other matter, the Petitioner in 2020 noticed that since 2013 there is consistent under-injection and unilaterally revised SEAs, which is unfair. Further, the Petitioner also says that loss is suffered, which is not correct because, if at all any loss may be suffered, it could possibly be the distribution licensees. Hence, according to the Respondent No. 1, the Petition needs to be suitably amended / modified.
- 4.5. It is requested that the Commission may adjourn the matter in view of non-availability of arguing senior counsel of the Respondent No. 1 and the matter may not be admitted but may be listed for hearing on any other date convenient to the Commission.
5. In response to the above contentions of the Respondent No. 1, Ld. Adv. Ms. Harini Subramaniam, referring to Sections 32 & 33 of the Electricity Act and Regulation 11.18 of the GERC (Grid Code) Regulations, 2013, submitted that the SLDC has identified the deviations between Schedule & actual injection and thereafter, endeavored to inform the Respondent No. 1 about the need to maintain injection as per the schedule finalized by the SLDC. The Petitioner has duly put the Respondent No. 1 to Notice in this regard. However, there has been consistent under injection qua the Schedule for considerable period of time which depicts the unwillingness of the Respondent No. 1 to comply with the directions of the Petitioner and therefore, the Petitioner by way of the present Petition has approached the Commission for non-compliance of directives by the Respondent No. 1 for deviation in block-wise schedule and injection. Accordingly, this Petition is admissible & maintainable. It is requested that the Commission while admitting the present Petition may also tag the present matter with Petition No. 2023 of 2021 filed by Respondent No. 1 by keeping all rights and contentions of all the parties open. Moreover, if the Commission so directs, the Petitioner can amend the Petition as may be required.

6. We note that when the matter was called out, the Respondent No. 4 PGVCL neither remained present nor made any written communication about their inability to remain present, despite notice. Considering the request for adjournment of the Respondent No. 1 which is not objected by other parties, the matter is adjourned. We direct the staff of the Commission to list the present matter alongwith Petition No. 2123 of 2021 by issuing necessary notice to the parties for next date of hearing. Further, the parties are at liberty to file further submissions, if any, with copy to other side.
7. Next date of hearing will be intimated separately.
8. Order accordingly.

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

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

**Sd/-**  
**[Anil Mukim]**  
**Chairman**

Place: Gandhinagar.

Date: 29/11/2022.

