

**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. D. N. Shah
V/s.

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

Represented By : Ld. Advocates Mr. Gaurav Mathur and Mr. Yashraj
Champavant

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

Represented By : Mr. P. V. Gandhi

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: 30/05/2022.

DAILY ORDER

1. The matter was heard on 19.05.2022.
2. Ld. Adv. Ms. Harini Subramaniam appearing on behalf of the Petitioner SLDC at the outset submitted that this Petition arises out of the assailed action of the Respondent No. 1 in respect of substantial deviations between the Scheduled energy and actual injection of power by the Respondent from its conventional fuel based power plant finalized by the Petitioner in State Energy Account (SEA) as part of scheduling & despatch of electricity within the State. 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.
- 2.1. It is submitted that the Petitioner had circulated an email dated 16.05.2022 requesting to list the present Petition on 20.05.2022 instead of 19.05.2022 due to personal difficulty of the arguing counsel for the Petitioner to appear in the matter on account of certain pre-fixed matters scheduled for final hearing before other forums. It is submitted that since the 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 adjourn the matter while admitting the present Petition and post it for hearing on any date subject to the convenience of the Commission.
3. Ld. Adv. Mr. Gaurav Mathur, appearing on behalf of the Respondent No. 1, vehemently objected the admissibility and maintainability of the present Petition. After referring 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 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. Referring to cause title of this Petitioner, it is submitted that this Petition is filed under Sections 32 and 33 of the Electricity Act, 2003 and SLDC may have issues with the Petitioner in respect of scheduling and despatch of electricity but no relief of monetary claims can be made on behalf of the Respondent licensees. Referring the prayer 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. Accordingly, the Commission is requested that the matter may not be admitted but be heard by the Commission on any other date.

- 3.1. It is further submitted that the Respondent No. 1 has no objection to the adjournment sought by the Petitioner since even the Respondent No. 1 has also forwarded a letter to the Commission seeking an adjournment due to non-availability of arguing senior counsel Mr. Mihir Thakore on account of summer vacation in the Hon'ble Gujarat High Court and requested that the matter may be kept for hearing after 05.06.2022 on any date convenient to the Commission.
4. In response to the above contentions of the Respondent No. 1, Ld. Adv. Ms. Harini Subramaniam, referred Regulations 11.18 of GERC (Grid Code) Regulations, 2013 and submitted that the SLDC has identified the deviations and thereafter, endeavored to inform the Respondent No. 1 about the need to maintain injection as per the schedule finalized by the SLDC. 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. It is further submitted that the present Petition is also filed in compliance to the directive of the Commission in

other matter wherein the Commission has directed that in case SLDC has noticed similar situation of consistent under-injection / gaming in respect of other constituents for which SLDC is required to approach the Commission through appropriate Petition. Thus, SLDC having noticed situation similar to that case, has approached the Commission through this Petition and therefore, the Respondent No. 1 *per se* cannot object to it with consideration of directive by the Commission.

5. We have considered the submissions made by the parties. We note that the Petitioner has filed this Petition under Section 32 and 33 of the Electricity Act, 2003 read with Regulations 11.18 of GERC (Grid Code) Regulations, 2013 to call for explanation for consistent under injection done by the Respondent No. 1 compared to schedule from FY 2013-14 to FY 2019-20 and seeking direction to the Respondent No. 1 to refund the amount of Rs. 85. 60 Lakhs to the Respondents No. 2 to 4 for consistent under injection and not following the instructions despites several notices issued to them by the Petitioner.
 - 5.1. 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.
 - 5.2. Having considered the request for adjournment of both the Petitioner and the Respondent No. 1, the matter is adjourned. We note that the Respondents No. 2 to 4 have not filed their reply in the Petition till date. Accordingly, the Respondent No. 2 to 4 are directed to file their reply, if any, within two weeks' time from the date of this Daily Order with a copy to the Petitioner. The Petitioner is also at liberty to file rejoinder replies, if any, with a copy to the Respondents within one weeks' time after receipt of replies from the Respondents.
6. Next date of hearing will be intimated separately.
7. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Sd/-
[Anil Mukim]
Chairman

Place: Gandhinagar.
Date: 30/05/2022.