BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION GANDHINAGAR

Petition No. 2002 of 2021.

In the matter of:

Petition under Section 86 (b) and (e) of the Electricity Act, 2003 for refund of connectivity charges paid by those Small Scale Distributed Solar Project Developers who exercise the One Time Exist Option.

Petitioner	:	Gujarat Urja Vikas Nigam Limited
Represented by	:	Ld. Adv. Ms. Ranjitha Ramchandran along with Mr. Kishore Lakhani
Co-Petitioner No. 1	:	Madhya Gujarat Vij Company Limited
Represented by	:	Mr. D.R. Kharva.
Co-Petitioner No. 2	:	Uttar Gujarat Vij Company Limited
Represented by	:	Mr. K.B. Chaudhari
Co-Petitioner No. 3	:	Paschim Gujarat Vij Company Limited
Represented by	:	Ld. Adv. Ms. Ranjitha Ramchandran along with Mr. J. R. Bavalia
Co-Petitioner No. 4	:	Dakshin Gujarat Vij Company Limited
Represented by	:	Mr. G.D. Bhaya.

CORAM:

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

Date: 26/11/2024.

DAILY ORDER

1. The matter was kept for hearing on 22.10.2024.

2. Ld. Adv. Ms. Ranjitha Ramchandran, appearing on behalf of the Petitioner GUVNL submitted that the present Petition has been filed seeking approval of the Commission to allow the distribution companies (DISCOMs) to refund the connectivity charges levied as per Regulation 7(2) of the GERC (Terms and Conditions of Intra-State Open Access) Regulations, 2011 which states about non-refundable

connectivity charges of Rupees One lakh per application to those Small Scale Distributed Solar Power Project Developers who have exercised one-time exit option approved by the State Government as special case. She also submitted that Regulation 45 of GERC (Terms and Conditions of Intra-State Open Access) Regulations, 2011 provides that if any difficulty arises in giving effect to any of the provisions of these Regulations, the Commission may by general or special order, direct the State Transmission Utility, State Load Dispatch Centre, Intra-State licensees and the Open Access Customer, to take such action, as may appear to the Commission to be necessary or expedient for the purpose of removing difficulties.

2.1. She submitted that there were various Petitions filed before the Hon'ble High Court of Gujarat with respect to the policy of the Govt. of Gujarat and there is pendency of proceeding before the Hon'ble High Court of Gujarat which may also be noted while dealing with the present matter.

2.2. She further submitted that Energy and Petrochemicals Department, Government of Gujarat conveyed to the Petitioner GUVNL that developers who have signed the PPAs with the DISCOMs and the charges recovered from such developers who exercise such exit option shall be refunded to them and no penalties/charges shall be imposed upon the developers. She further submitted that another exit option would be submitted by filing a separate Petition in this regard.

2.3. In response to the query of the Commission regarding how many such applications have been received by the Petitioners, it is submitted that although the DISCOM wise such data has already been filed by the Petitioner, the Petitioner will provide the said data within one weeks' time.

3. Mr. Parthiv Dave, appearing on behalf of the P Solar submitted that they have signed the PPA with the DISCOM at the tariff of Rs. 2.83 per unit and now the DISCOM is providing the exit option to the solar project developers by way of filing the present Petition. He also submitted that the tariff of Rs. 2.83 per unit is lower than the tariff as discovered in the KUSUM scheme. He submitted that the Commission has no jurisdiction to decide the present matter as the Petitioner has approached the Commission without honouring its Contractual obligations under the Indian Contract Act, 1872 and not followed the proceedings thereunder.

3.1. He further submitted that those developers who had executed the PPAs with DISCOMs be asked as to whether they want to exercise the exit option as offered by the Petitioner and also to be made them as party Respondents in the present Petition. If the Commission allows such exit option, it would impact directly on the treasury of the Govt. of Gujarat. He further submitted that the subsidy related issues have to be decided by Industries and Mines Department and not by State Discoms. He also

submitted that the Petitioner has neither provided a copy of the Petition nor any reply nor a copy of its reply against their objections as raised by them in the present matter.

4. Mr. Kandarp J. Vankani, submitted that he has not received any reply/rejoinder reply from the Petitioner GUVNL till date. He requested the Commission to direct the Petitioner to make available the copy of reply/rejoinder reply filed by Petitioner GUVNL to enable him to file its submissions, if any, before the Commission for which one week has been sought for.

5. Mr. Kirti Kumar Shah, appearing on behalf of Federation of Renewable & Consumers of Energy (FORCE) submitted that he has already provided the copy of his oral arguments through email in the present matter. He also submitted that he has not received copy of the Petition. He further submitted that the grid connectivity charges collected by the DISCOMs is illegal which is required to be refunded. He also submitted that the present matter has to be heard in the context with the Guidelines issued under the SSDSP Scheme by Govt. of Gujarat and GERC Open Access Regulations, 2011. He submitted that the time may be granted to file reply to the Petition.

5.1. It is further submitted that as per Regulation 7.2 of the GERC (terms and Conditions of Intra State Open Access) Regulations, 2011, the connectivity charges of Rs. 1,00,000 is collected by DISCOMs which is non-refundable. Referring to Regulations 7.1 and 7.2 of the said Open Access Regulation, 2011, he submitted that it is an application fees and not the Grid Connectivity charges as collected by the DISCOMs. It is further submitted that the said charges are collected at the time of execution of PPA which is not legal as per the prescribed procedure as per Regulation 8 of the Open Access Regulations, 2011. It is further submitted that the Grid connectivity charges so collected required to be refunded with interest to all the Applicants. It is further submitted that the Commission is empowered to take appropriate action on such aforesaid issue.

5.2. He further submitted that the Petitioner has not provided the copy of the Petition/reply/rejoinder reply to the Objectors and accordingly, requested the Commission to direct the Petitioner to make available the copy of Petition/reply/rejoinder reply filed by Petitioner GUVNL to enable to file its submissions, if any, before the Commission for which one week has been sought for.

6. In response to the same, Ld. Adv. Ms. Ranjitha Ramachandran has agreed to provide the copy of the Petition/reply to their objections to them.

7. Heard the parties. We note that during the hearing, Mr. Parthiv Dave, Mr. Kandarp J. Vankani and Mr. Kirti Kumar Shah have submitted that they have not received the

copy of the Petition/rejoinder reply filed by the Petitioner GUVNL in the present matter. Hence, we direct the Petitioner to provide a copy of the Petition/rejoinder reply to their submissions to them within 7 days, from the date of hearing, if not already served and also to file proof of service in this regard in the present Petition. We also note that they have sought one week' time to file their submissions, in the Petition after receipt of the Petition/rejoinder reply or submissions from the Petitioner. Let the same be provided by the Petitioner and also filed reply/submissions, if any, within one week' time, after receipt of the same from the Petitioner, with a copy to the Petitioner. Thereafter, the Petitioner GUVNL would be at liberty to file its submissions, if any, within one week' time with a copy to them.

8. Next date of hearing is fixed on 28.11.2024 at 11.30 A.M.

9. Order accordingly

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 26/11/2024.