

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No.1859 of 2020.

In the Matter of:

Petition under Section 86 (1)(f) and other applicable provisions of the Electricity Act, 2003 read with GERC (Terms and Conditions for Intra-State Open Access) Regulations, 2015 for the Unlawful denial of Medium-Term Open Access from J. B. Renewable LLP to J. B. Ecotax LLP.

Petitioner : J. B. Renewable LLP

Co-Petitioner : J. B. Ecotax LLP

Represented By : Ld. Advocate Mr. Arijit Maitra

V/s.

Respondent No. 1 : Dakshin Gujarat Vij Company Limited

Represented By : Ld. Advocate Mr. Anand Ganesan alongwith Mr. B. K. Patel and Mr. P. M. Patel

Respondent No. 2 : Gujarat Energy Transmission Corporation Limited

Represented By : Ld. Advocate Shri Anand Ganesan alongwith Mr. A. B. Rathod and Mr. K. J. Bhuva

Respondent No. 3 : Gujarat Urja Vikas Nigam Limited

Represented by : Ld. Advocate Shri Anand Ganesan alongwith Mr. V. T. Patel and Mr. Hetal Patel

Respondent No. 4 : Madhya Gujarat Vij Company Limited

Represented by : Ld. Advocate Shri Anand Ganesan alongwith Shri J. R. Shah

Respondent No. 5 : Energy & Petrochemicals Department, Govt. of Gujarat

Represented by : Nobody was present.

CORAM:

Mehul M. Gandhi, Member

S. R. Pandey, Member

Date: 26/10/2021.

DAILY ORDER

1. The matter was listed on 21.10.2021 through virtual hearing.
2. Ld. Adv. Mr. Arijit Maitra, on behalf of the Petitioners submitted that the present Petition has been filed on account of refusal to grant long term open access of 2.1 MW wind power from Petitioner No. 1 viz. J. B. Renewable LLP to the Petitioner No. 2 viz. J. B. Ecotex LLP being industrial consumer by the distribution licensee. It is argued that the present matter involves interplay of various provisions of the Act, Regulations, policies etc. for adjudication by this Commission u/s 86 (1) (f) and other applicable provisions of the Electricity Act, 2003 readwith the GERC (Terms and Conditions for Intra-State Open Access) Regulations.
3. Ld. Adv. Mr. Anand Ganesan, on behalf of the Respondent No.'s 1 to 4 submitted that copy of rejoinder-in-reply filed by the Petitioners is received by the Respondents just yesterday on 20.10.2021. Since, the matter is coming up for admission hearing, it is submitted that the Commission may admit the present Petition and post it for hearing on any date subject to convenience of the Commission.
4. In response Ld. Adv. Mr. Arijit Maitra, on behalf of the Petitioners submitted that there is no objection in adjourning the matter but the Commission is requested to allow virtual hearing on next date.
5. We have considered the submissions of the Ld. counsels appearing on behalf of the Petitioners and the Respondents. The present Petition is filed under Section 86 (1) (f) of the Electricity Act, 2003 read with GERC (Terms and Conditions for Intra-State Open Access) Regulations 2015 for adjudication of denial of open access by the Respondent to the Petitioners. We note that the matter is come up for admission hearing and Ld. Adv. Mr. Anand Ganesan on behalf of Respondent No.'s 1 to 4 has submitted that the matter may be admitted by the Commission.
- 5.1. We note that Petitioner No. 1 J. B. Renewable LLP has set-up 2.10 MW Wind Turbine Generator at village Mohali in Kutch district and intends to sell the wind power generated to Petitioner No. 2 . J. B. Ecotex LLP from its above wind farm. Petitioner No. 2 has manufacturing unit at village Dhamdod in Mangrol Taluka and is a consumer of Respondent No. 1 DGVCL having contract demand of 5000 KVA. Respondent No. 1 DGVCL is distribution licensee whereas Respondent No. 2 GETCO is transmission licensee. The issue involved in present matter pertains to denial of long-term open access to the Petitioners by the licensee. Thus, it is a dispute between a Generating Company and licensee and this Commission has jurisdiction to decide the dispute

between the parties under Section 86(1)(f) of the Electricity Act, 2003. Hence, we decide to admit the Petition.

5.2. The Ld. counsels appearing on behalf of the Petitioners and the Respondents also agreed to keep the matter for hearing on any other date. Accordingly, with joint consent of counsels for both the parties, the next date of hearing is on 10.12.2021 at 11:30 A.M.

6. We order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 26/10/2021.

