

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1906 of 2020.

In the Matter of:

Petition under Section 63 read with Section 86 (1) (b) of the Electricity Act, 2003 seeking adoption of tariff discovered under Competitive Bidding process for procurement of power from 700 MW Solar PV Projects to be set up in 1000 MW Dholera Solar Park in Gujarat through RFS dated 18.03.2020 (Phase IX).

Petitioner : Gujarat Urja Vikas Nigam Limited.
Represented by : Ld. Adv. Ms. Srishti Kindaria along with Mr. Amit Chavda.

CORAM:

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

Date: 20/01/2024.

DAILY ORDER

1. The matter was listed for hearing on 28.12.2023.
2. At the outset, Ld. Adv. Ms. Shrishti Kindaria on behalf of the Petitioner GUVNL submitted that Petition No. 1906 of 2020 has already decided by the Commission vide Order dated 29.01.2021 and the same was challenged before the Hon. APTEL. In term of the Judgement/Order dated 07.08.2023 of the Hon. APTEL, the Petitioner has filed the fresh Petition. In the said Judgement, it was decided that the Parties may file the fresh Petition and raised the issues. The Petitioner has filed

the fresh Petition, which is listed today. The Petition No. 1906 is not reopened as there remand of the matter by the Hon. APTEL while passing the Judgement/Order.

3. She submitted that pursuant to the bidding process, the Respondent GUVNL approached the Commission and filed the Petition No. 1906 of 2020 before the Commission under Section 63 read with Section 86 (1) (b) of the Electricity Act, 2003 for seeking the adoption of tariff discovered under the Competitive Bidding process conducted by the GUVNL. Thereafter, the Commission has vide its Order dated 29.01.2021 disposed of the Petition filed by the Respondent GUVNL. Being aggrieved by the said Order of the Commission, the successful bidders have filed separate appeals challenging the Order dated 29.01.2021 of the Commission in Petition No. 1906 of 2020 before the Hon'ble APTEL. The Hon. APTEL vide its Judgement dated 07.08.2023, while disposing of the aforesaid Appeals along with IAs filed by the successful bidders also set aside the Order of the Commission dated 29.01.2021 and also made clear that in case the jurisdiction of the Commission is invoked by any of the parties to this appeal, the said Petition shall be considered on its merits without being influenced by the observation made or the queries raised, in the aforesaid two Orders dated 01.01.2021 and 29.01.2021. Hence, Petitioner has filed the fresh Petition before the Commission.
4. Ld. Adv. Magaz Andrabi on behalf of the TEQ Green Power Pvt. Ltd., Ld. Adv. Akansha Tanvi on behalf of the Veena Energy Renewables Urja Pvt. Ltd., Ld. Adv. Anand Srivastava on behalf of Tata Power Company Limited vehemently opposed submission of the Petitioner and submitted that Hon. APTEL has in its Judgement/Order dated 07.08.2023 in Appeal No. 88 of 2021 and IAs, Appeal No. 89 of 2021 and IAs & Appeal No. 90 of 2021 and IAs have not stated Petition No. 1906/2020 is disposed of. On the contrary the Hon. APTEL has decided and directed to the Commission that Order dated 01.01.2021 and 29.01.2021 are set aside and the matter heard by the Commission and decide as per law. Hon. APTEL has granted liberty to the parties to Appeal to file a fresh Petition in the subject matter of the Petition No. 1906 of 2020. Accordingly, GUVNL and Veena Energy Renewables Urja Pvt. Ltd. have filed the Petition. They also requested to grant time

to the parties to file their reply/rejoinder in the aforesaid matter and heard the matter combinedly.

5. We have heard the Petitioner. We note that the Petitioner GUVNL submitted that Petition No. 1906 of 2020 has already decided by the Commission vide Order dated 29.01.2021 and the same was challenged before the Hon. APTEL. We also note that the Hon. APTEL vide its Judgement dated 07.08.2023 Hon. APTEL has while dispose of the aforesaid Appeals along with IAs filed by the successful bidders also set aside the Order of the Commission dated 29.01.2021. The relevant portion of the said Order/Judgement is reproduced below:

".....As the appellants ought to have been put on notice, and should have been given a reasonable opportunity of being heard, before queries were raised and the aforesaid observations were made by the Commission in the two orders dated 01.01.2021 and 29.01.2021, we are satisfied that impugned orders of the Commission stands vitiated for violation of principles of natural justice. The said orders are, accordingly, set aside. It is made clear that, in case jurisdiction of the Commission is invoked by any of the parties to this three Appeals, the said petition shall be considered by the Commission on its merits without being influenced by the observations made, or the queries raised, in the aforesaid two orders dated 01.01.2021 and 29.01.2021....."

From the aforesaid observation in the Judgement/Order it is made clear that in case the jurisdiction of the Commission is invoked by any of the parties to the appeal, the said Petition shall be considered on its merits without being influenced by the observation made or the queries raised, in the aforesaid two Orders dated 01.01.2021 and 29.01.2021. We also note that in regard to the said Order of the Hon. APTEL, GUVNL has filed fresh Petition which is registered and numbered as Petition No. 2283 of 2023 and one of the successful bidder Vena Energy Renewables Urja Pvt. Ltd. has also filed a fresh Petition which is also registered and numbered as Petition No. 2282 of 2023. As the subject matter of the aforesaid matter are connected with this Petition, we decide to hear the aforesaid matters

together. Parties have sought time to file reply and rejoinder in the reply in the aforesaid matter which is agreed by the Petitioner.

6. On joint request of the parties the matter is adjourned to 23.01.2024 at 11.30 am.
7. Order accordingly.

Sd/-
(S.R. Pandey)
Member

Sd/-
(Mehul M. Gandhi)
Member

Place: Gandhinagar

Date: 20/01/2024.

