

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR

IA No. 04 of 2021 in Petition No.1954/2021

In the Matter of:

**Application for amendment of Miscellaneous Petition under section 86 (1) (b) & (e) of the Electricity Act, 2003 for incorporating provision regarding 'Change in Law' in the Power Purchase Agreements to be executed by State Discoms with Project Developers under the Government of Gujarat Policy for development of Small Scale Distributed Solar Projects-2019 notified vide GR No.SLR/II/2019/51/B1 dated 06.03.2019.**

Applicant/Petitioner : Gujarat Urja Vikas Nigam Limited,

Represented By : Learned Advocate Ms. Ranjitha Ramachandran  
with Ms. Sailaja Vachhrajani, Ms. Girija Dave,  
Shri Kandarp Mistry and Shri Kishore Lakhani

V/s.

Respondent No. 1 : Madhya Gujarat Vij Company Limited

Represented By : Nobody was present.

Respondent No. 2 : Uttar Gujarat Vij Company Limited

Represented By : Shri K.D. Barot

Respondent No. 3 : Paschim Gujarat Vij Company Limited

Represented By : Shri J.J. Gandhi

Respondent No. 4 : Dakshin Gujarat Vij Company Limited

Represented By : Shri P.P. Patel

CORAM:

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

Date: 26/02/2021.

DAILY ORDER

1. The prayers in the present application IA No.04 of 2021 in Petition No.1954 of 2021 filed by the applicant seeking amendment in the captioned petition with regard to (i) Cause Title, (ii) Para 19 and (iii) para 20 (b) in the captioned petition and joining of STU i.e. GETCO as co-petitioner, are stated below:

(a) The cause title of the petition may be replaced as follows:

*“Miscellaneous Petition under section 86 (1) (b) & (e) of the Electricity Act 2003 for incorporating provision regarding “Change in Law” in the Power Purchase Agreements to be executed by State DISCOMs with Project Developers under the Government of Gujarat’s “Policy for Development of Small Scale Distributed Solar Projects 2019” notified vide G.R.No.SLR/11/2019/51/B1 dated 06.03.2019 and approval of draft PPA”.*

(b) Para 19 of the Petition may be amended as under:

*“The aforesaid proposed provisions are in line with the prevailing “Change in Law” provisions in the PPAs executed by the Petitioner with Solar Power Projects under Competitive Bidding Process. A copy of the proposed draft PPA prepared in line with submissions mentioned a para 15 to 18 above is attached hereto and marked as Annexure-E for approval of the Hon’ble Commission.”*

(c) The prayer at para 20(b) of the petition may be amended as under:

*“To approve the proposed provision of “Change in Law” to be incorporated in the proposed Power Purchase Agreements (PPAs) to be executed by State DISCOMs with Project Developers under the Government of Gujarat’s “Policy for Development of Small Scale Distributed Solar Projects – 2019” notified vide G.R.No.SLR/11/2019/51/B1 dated 06.03.2019 and approve the draft PPA proposed ag Annexure-E of the petition.”*

*(d) To allow joining the State Transmission Utility (STU) i.e. Gujarat Energy Transmission Co. Ltd. (GETCO) as co-petitioner in Petition No.1954 of 2021.*

2. The facts mentioned in brief in the petition are stated below:
  - 2.1 The applicant has filed Petition No.1954 of 2021 before the Commission for incorporating the provisions regarding “Change in Law” in the Power Purchase Agreements (PPA) executed by the State DISCOMs with Project Developers under the Government of Gujarat’s “Policy for Development of Small Scale Distributed Solar Projects 2019” notified vide G.R.No.SLR/11/2019/51/B1 dated 06.03.2019. The applicant has submitted that the proposed draft PPA needs to be approved by the Commission and the same requires to be signed by the Small Solar Power Project Developer with the Distribution Licensee/Applicant/Petitioner provided with the captioned Petition No.1954 of 2021.
3. The aforesaid petition is pending before the Commission. The applicant has sought permission of the Commission for amendment in the aforesaid petition with regard to (i) Cause Title, (ii) Para 19, (iii) Prayer at Para 20(b) of the said petition, as stated above.
4. The applicant has also submitted that the State Transmission Utility (STU) i.e. GETCO needs to be joined as a Co-Petitioner since the connectivity of the solar power projects with the sub-station/grid is to be granted by distribution licensees based on technical feasibility of injection of power into the grid certified by the GETCO. In the main Petition 1954 of 2021, GETCO has not been joined as a co-petitioner. Thus, the applicant seeks to join GETCO as co-petitioner which is a necessary and proper party to the main petition.
5. The applicant has also submitted that the applicant has submitted the amended petition consists of amended (i) memo of parties, (ii) cause title, (iii) para 19 and (iv)

para 20(b) i.e. prayer clause of the main petition No.1954 of 2021 and the same has been annexed with the application.

6. The matter was kept for hearing on 25.02.2021. Heard learned Advocate Ms.Ranjitha Ramachandran for the applicant/petitioner-GUVNL who reiterated the facts stated in the foregoing para. She submitted that the provision of the “Change in Law” requires to be incorporated in the PPA to take care of the impact, if any, arisen due to Change in Law.
7. She further submitted and requested that the applicant has already submitted amended petition which may be taken on record on allowing the present application.
8. We note that the aforesaid amendment sought by the applicant for incorporation of “Change in Law” in the Draft PPA is with intent to allow the impact of change in law, if any, occurred to the solar power project developer after signing of PPA be allowed as pass through by the applicant/petitioner GUVNL to neutralize their revenue on which it requires to hear the stakeholders also. We allow the aforesaid amendment sought by the applicant.
9. The applicant has also sought amendment for joining GETCO as co-petitioner as connectivity of the solar power projects under the aforesaid Policy is to be granted by the DISCOMs based on technical feasibility of injection of power into the grid certified by the GETCO. Hence, GETCO seems to be a necessary and proper party to the petition, if any issue with regard to connectivity arise. Accordingly, we also allow the applicant to join GETCO as a co-petitioner.

10. While departing, we may also note that the applicant has already submitted amended petition. Therefore, we order to take the amended petition on record. Necessary notice be issued to GETCO in the main petition.

11. With this order, the application stands disposed of.

12. We order accordingly

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

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

Place: Gandhinagar.

Date: 26/02/2021.