

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1877 of 2020.

In the Matter of:

Petition under Section 86 of the Electricity Act, 2003 for recovery of termination compensation under the Power Purchase Agreement (PPA) dated 09.03.2010 and Supplemental PPA dated 12.07.2020.

Petitioner : Gujarat Urja Vikas Nigam Limited,
Represented By : Learned Advocates Ms. Ranjitha Ramachandran,
Ms. Anushree Bardhan and Ms. Srishti Khindaria
alongwith Ms. Sailaja Vachharajani, Ms. Girija Dave
and Shri Kandarp Mistry

V/s.

Respondent : M/s Ugam Impex Limited
Represented By : Nobody was present.

CORAM:

Mehul M. Gandhi, Member

S. R. Pandey, Member

Date: 05/07/2021.

DAILY ORDER

1. The present matter was listed for hearing on 24.06.2021 through virtual hearing by Video Conferencing on account of prevailing COVID 19 pandemic.

2. During the hearing today, Ld. Advocate Ms. Ranjitha Ramachandran, on behalf of the Petitioner GUVNL submitted that the present Petition is filed under Section 86 of the Electricity Act, 2003 for recovery of termination compensation under the Power Purchase Agreement (PPA) dated 09.03.2010 and Supplemental PPA dated 12.07.2020 on account of O&M default on part of the Respondent.
 - 2.1. She also submitted that the Petitioner has filed affidavit of service dated 22.06.2021 in the matter. Moreover, rejoinder reply is also filed by the Petitioner in response to the reply of the Respondent. She further submitted that during the last hearing held on 08.06.2021 the Respondent was not present and even today nobody has appeared on behalf of the Respondent which shows that the Respondent has chosen not to remain present before the Commission. She submitted that the matter may be adjourned one last time by the Commission on account of non-appearance by the Respondent for providing one last opportunity of hearing to the Respondent and in case of non-appearance by the Respondent or its legal counsel on next date of hearing, the matter may be disposed ex-parte by the Commission.
3. We have considered the submissions of the Petitioner GUVNL. We note that the matter was earlier kept for hearing on 08.06.2021 during which nobody remained present on behalf of the Respondent. The Commission passed Daily Order dated 10.06.2021 for the said hearing, deciding to adjourn the matter so as to provide an opportunity of hearing to the Respondent. The matter was thereafter listed for hearing today but nobody has appeared on behalf of the Respondent nor made any written communication in advance about their inability to remain present, despite being served the hearing notice to them. We also note that the Office of the Commission sent hearing intimation notice to both the Petitioner and the Respondent by Speed Post as well as email. Even, the hearing intimation notice for today's hearing was forwarded vide email dated 18.06.2021 to counsel of the Respondent and link for virtual hearing thereof was provided so as to enable for appearing in the matter.
 - 3.1. We also note that the Petitioner GUVNL has filed the rejoinder in reply in the matter and the affidavit of service in this regard has been filed before the Commission. We also note the submission of the Petitioner that the Commission may provide one last opportunity of hearing to the Respondent.
 - 3.2. As the Respondent has not remained present today and Petitioner GUVNL having no objection to adjourn the matter for providing one last opportunity of hearing, we once again decide to

adjourn the matter on account of non-appearance of the Respondent. We further decide to grant one last opportunity of hearing to the Respondent prior to deciding the matter. We direct the Respondent to remain present during the next date of hearing or to communicate its inability to remain present in case of unavoidable circumstances in advance.

- 3.3. We also note that the Respondent is already provided two opportunities of hearing by the Commission to enable making submissions and advancing oral arguments but nobody has remained present during these hearings. We therefore, make it clear that, if the Respondent does not remain present during the next date of hearing or does not communicate in advance its inability to remain present on the next date of hearing due to unavoidable circumstances, the Commission will proceed ex-parte in the matter based on the records of the present Petition.
- 3.4. We also direct staff of the Commission to provide copy of this Daily Order by post to the Respondent at all the addresses of the Respondent as per affidavit of service filed by the Petitioner before the Commission and also email scanned copy of this Daily Order on email ID of the Respondent and its counsel.
4. The next date of hearing will be intimated separately.
5. We order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 05/07/2021.