

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1965 of 2021.

In the matter of:

Petition under Section 61, 62 and 86 of the Electricity Act, 2003 for clarification of Clause No. 3.3 (b) of Order No. 02 of 2020 dated 30.04.2020 for procurement of power distribution licensees and others from Wind Turbine Generators and other commercial issues for the State of Gujarat.

Petitioner : Kataria Automobiles Pvt. Limited
Represented by : Learned Advocates Shri Premal Joshi and Ms. Kiran Joshi

V/s.

Respondent No. 1 : Torrent Power Limited
Represented by : Shri Chetan Bundela, Shri Jignesh Langalia and Ms. Luna Pal

Respondent No. 2 : Paschim Gujarat Vij Company Limited
Represented by : Shri J. J. Gandhi

Respondent No. 3 : Dakshin Gujarat Vij Company 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 29.06.2021 through virtual hearing by Video Conferencing on account of prevailing COVID 19 pandemic.

2. Heard Learned Advocate Shri Premal Joshi on behalf of the Petitioner. He submitted that the present Petition is filed seeking clarification from the Commission in respect of Order No. 02 of 2016 dated 30.08.2016 in respect of 'Wheeling of power to consumption site below 66 kV level'. He submitted that as such the Petitioner is not seeking any direct relief against the Respondents TPL, PGVCL or DGVCL.
 - 2.1. He referred decision of the Commission pertaining to 'Transmission and Wheeling Charge' in Clause 4.1 of Order No. 02 of 2016 with regard to relevant clause of 'Wheeling of power to consumption site below 66 voltage level' and submitted that the Petitioner made an application to GEDA for setting up of 2 MW Wind farm at village Pipaliya in Babra Taluka of Amreli district for wheeling of power generated therefrom at 23 different consumption locations in three distribution licensees below 11 kV viz. (i) Torrent Power Limited, (2) PGVCL and (3) DGVCL being the Respondents in the present matter. He submitted that in response thereof the Petitioner received a letter dated 28.08.2019 from GEDA requesting to submit the certificates showing details of consumer wise contract demand, HT/LT connection number and not taking any wheeling/setoff for these consumers from any wind mill from the Respondents. He further submitted that out of 23 consumption locations, 9 locations are located within Torrent Power Limited while 11 locations are located within DGVCL and 3 locations are located with PGVCL. In compliance to the aforesaid requirement of GEDA, the Petitioner submitted the necessary documents to GEDA.
 - 2.2. He thereafter referred GEDA's letter dated 05.10.2019 and submitted that GEDA has granted permission for setting up 2 MW Wind Farm subject to certain conditions specified therein which includes condition at Sr. No. 11 in respect of signing and execution of the agreement with GUVNL/GETCO/DISCOM for selling/wheeling of the electricity generated from the Windfarm. Thus, in terms of the said condition since the Petitioner was required to execute Agreement, the Petitioner approached the distribution licensees for signing the Agreement but at the first instance, the Petitioner was informed by the Respondent No. 1 TPL through an email to refer the changed provisions in New Wind Tariff Order, 2020 prior to discussion. Referring to said email of Respondent No. 1 mentioning about captive consumption as (a) Wheeling of power to consumption site at 66 kV voltage level and above and (b)

Wheeling of power to consumption site below 66 kV voltage level. In case injection is at 66 kv or above and drawal is at 11 KV, he submitted that 'Transmission and Wheeling Charges' as stated in Order dated 30.08.2016 states 'Wheeling of power to consumption site below 66 kV voltage level' whereas new Wind Tariff Order dated 30.04.2020 provides 'Wheeling of power to consumption site below 66 kV voltage level. In case injection is at 66 kv or above and drawal is at 11 kV'. He submitted that on perusal of above provisions in both these Orders, it appears that there is difference in wording because Order dated 30.08.2016 mentions 'below 66 kV voltage level' and Order dated 30.04.2020 mentions 'In case injection is at 66 kv or above and drawal is at 11 kV. Since, drawl voltage level at desired locations of the Petitioner is at below 11 kV, the Petitioner is unable to execute the Agreement. Accordingly, the Petitioner is seeking clarification from the Commission that due to inadvertent error the word 'at below 11 kV' could not be incorporated in clause 3.3 (b) for wheeling of power to consumption site below 66 kV voltage level in Order No. 2 dated 30.04.2020 by filing the present Petition.

- 2.3. In response to query from the Commission whether the 2 MW Wind Power Project is commissioned when permission thereof is granted by GEDA in 2019, Ld. Advocate Shri Premal Joshi reiterated the submissions as stated above and submitted that GEDA has granted the permission for setting up of 2 MW Windfarm in year 2019 at Village Gama Pipaliya, District Amreli and including transfer permission of Windfarm has been granted but the Petitioner is facing difficulty in execution of Agreement since drawl is below 11 kV at the desired locations.
3. Shri Jignesh Langalia, on behalf of the Respondent No. 1, Torrent Power Limited submitted that the Respondent TPL has received the copy of the Petition yesterday which is only in MS word format and therefore, he is unable to track page numbers of the Petition referred by the Ld. Advocate. He further submitted that based on the arguments and submissions advanced by the Ld. Advocate for the Petitioner on factual aspects, it prima facie appears that the Petitioner is seeking the review of Wind Tariff Order dated 30.04.2020 passed by the Commission, which is time barred as per law. However, the Commission may direct the Petitioner to serve entire set of the Petition alongwith all annexures to the Respondents to enable them to file their reply in the matter, if any.

4. Ld. Advocate Shri Premal Joshi fairly agreed that he will serve upon the entire set of the Petition alongwith annexures to the Respondents today itself. He further reiterated that as such, the Petitioner is not seeking any direct reliefs against the Respondents and the present Petition is only filed seeking clarification from the Commission in respect of Order No. 02 of 2020 dated 30.04.2020 to the effect that in case injection is at 66 kV or above and drawl is below 11 KV instead of 'drawl is at 11 kV'.
5. We have considered the submissions made by the parties. We note that the present Petition has been filed by the Petitioner under Sections 61, 62 and 86 of the Electricity Act, 2003 seeking clarification of Clause No. 3.3 (b) of Order No. 02 of 2020 dated 30.04.2020.
- 5.1. We have considered the submissions made by the parties. We note that the Respondent No. 1 Torrent Power Limited has not been served upon the entire set of Petition alongwith all annexures by the Petitioner. We also note that Ld. Advocate Shri Premal Joshi agreed to provide the entire set of Petition alongwith all annexures to the Respondents. We, therefore, direct the Petitioner to provide the entire set of Petition alongwith all annexures to all the Respondents within one week from the date of this Order. We also direct the Respondents to file their reply, if any, with a copy to the Petitioner within two weeks' from receipt of copy of Petition from the Petitioner. The Petitioner is also at liberty to file a rejoinder reply, if any, within 10 days after the receipt of reply from the Respondents.
6. The next date of hearing will be intimated separately.
7. We order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

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