

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Corrigendum in Order dated 11.06.2021 in Petition No. 1936 of 2021**

**In the Matter of:**

**Petition under Section 86 and other applicable provisions of the Electricity Act, 2003 seeking incorporation of provisions of Solar Power Policy - 2021 notified by the Government of Gujarat vide GR No. SLR – 11/2020/77/B1 dated 29.12.2020 appropriately in the Order No. 3 of 2020 dated 08.05.2020 for Tariff framework for procurement of power by Distribution Licensees and Others from Solar energy projects and other commercial issues for the State of Gujarat and GERC (Net-Metering Rooftop Solar PV Grid Interactive Systems) Regulations, 2016 as amended from time to time.**

Petitioner : Gujarat Urja Vikas Nigam Limited

Represented By : Learned Advocate Ms. Ranjitha Ramachandran alongwith Shri K. P. Jangid, Shri A. N. Khambhata, Shri V. T. Patel and Shri Hetal Patel

V/s.

Respondent No. 1 : Madhya Gujarat Vij Company Limited

Represented By : Shri A. V. Saxena.

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. M. Patel

Respondent No. 5 : Torrent Power Ltd. Ahmedabad

Represented By : Learned Advocates Ms. Deepa Chawan, Ms. Reshma Nathani. Ms. Ruchi Patel with Shri Chetan Bundela,

Shri Jignesh Langalia and Ms. Luna Pal

Respondent No. 6 : Torrent Power Limited, Surat

Represented By : Learned Advocates Ms. Deepa Chawan, Ms. Reshma Nathani, Ms. Ruchi Patel with ShriChetan Bundela, Shri Jignesh Langalia and Ms. Luna Pal

Respondent No. 7. : Torrent Power Limited, Dahej

Represented By : Learned Advocates Ms. Deepa Chawan, Ms. Reshma Nathani, Ms. Ruchi Patel with Shri Chetan Bundela, Shri Jignesh Langalia and Ms. Luna Pal

Respondent No. 8 : Aspen Park Infra Vadodara Pvt. Ltd.

Represented By : Nobody was present.

Respondent No. 9 : Jubilant Infrastructure Limited

Represented By : Shri Pranay Shah and Shri Mahesh Mandwarya

Respondent No. 10 : GIFT Power Company Limited

Represented By : Shri Rakesh Inala

Respondent No. 11 : MPSEZ Utilities Limited

Represented By : Nobody was present.

Respondent No. 12 : Gujarat Energy Transmission Corp. Ltd.

Represented By : Nobody was present.

Respondent No. 13 : State Load Despatch Centre

Represented By : Shri K. J. Bhuva and Shri N. N. Shaikh

Respondent No. 14 : Gujarat Energy Development Agency

Represented By : Shri S. B. Patil

Objector No. 1 : Green and Green Agro Industries

Represented By : Shri Viral Dudhrejiya

Objector No. 2 : Federation of Renewable & Consumers of Energy

Represented By : Shri Kirtikumar Shah and Shri Vikram Shah

Objector No. 3 : Ravindra Energy  
Represented By : Shri Yash Maheshwari  
Objector No. 4 : Shree Digvijay Cement Co. Ltd.  
Represented By : Shri A.P.Gupta  
Objector No. 5 : Central Gujarat MSME Forum  
Represented By : Shri Amit N. Patel  
Objector No. 6 : Central Gujarat Chamber of Comm. & Ind.  
Represented By : Nobody was present.  
Objector No. 7 : Environomics Project LLP.  
Represented By : Shri Parag Shah.  
Objector No. 8 : Avaada Sunbeam Energy P. Ltd.  
Represented By : Nobody was present.  
Objector No. 9 : Pashava Energy P. Ltd.  
Represented By : Shri Bhargav Anand  
Objector No. 10 : Reliance Industries Ltd.  
Represented By : Learned Advocate Ms. Amrita Thakore & Shri Anant Kapse  
Objector No. 11 : KPI Global  
Represented By : S. Hasan  
Objector No. 12 : Prozeal Infra  
Represented By : Learned Advocate Shri Paritosh Gupta with Shri Manan Thakkar  
Objector No. 13 : Federation of Kutch Industries Association  
Represented By : Learned Advocate Shri R.N.Purohit  
Objector No. 14 : Federation of Gujarat Industries  
Represented By : Shri Pranav Doshi  
Objector No. 15 : National Solar Energy Federation of India

Represented By : Subrahmanyam Pulipaka  
Objector No. 16 : M/s. Helios Natural Renewtech Pvt. Ltd.  
Represented By : Nobody was present  
Objector No. 17 : Fourth Partner Energy  
Represented By : Shri Tarang Bhatt with Shri Kiran Kumar Perka  
Objector No. 18 : Hare Krishna Power  
Represented By : Nobody was present  
Objector No. 19 : JJ PV Solar Pvt. Ltd.  
Represented By : Nobody was present  
Objector No. 20 : Shri K. K. Bajaj  
Represented By : Nobody was present  
Objector No. 21 : Madhu Silica Pvt. Ltd., Bhavnagar  
Represented By : Shri Vikram Shah with Advocate Shri Param Shah  
Objector No. 22 : Meghmani Organics Ltd.  
Represented By : Nobody was present  
Objector No. 23 : RSL Dyecot Pvt. Ltd.  
Represented By : Nobody was present  
Objector No. 24 : Screenotex Engineers Pvt. Ltd.  
Represented By : Nobody was present  
Objector No. 25 : Vimalachal Print and Pack Pvt. Ltd.  
Represented By : Nobody was present  
Objector No. 26 : Ajay Cotspin Industries  
Represented By : Nobody was present  
Objector No. 27 : Isha Snacks Pvt. Ltd.  
Represented By : Nobody was present

Objector No. 28 : Harisun Energy LLP  
Represented By : Shri Mrugesh

Objector No. 29 : Hari Exports  
Represented By : Shri Mrugesh

Objector No. 30 : Nandeshwari Packaging  
Represented By : Nobody was present

Objector No. 31 : Akash Fashion Prints  
Represented By : Shri Akash Sharma

Objector No. 32 : Automotive Valves Pvt. Ltd.  
Represented By : Nobody was present

Objector No. 33 : Sekhani Industries Pvt. Ltd.  
Represented By : Nobody was present

Objector No. 34 : Shivam Power  
Represented By : Nobody was present

Objector No. 35 : Federation of Solar Manufactures and Intermediaries  
Represented By : Learned Advocate Shri Paritosh Gupta with Shri Sachin Shah and Shri Manish Bagodia

Objector No. 36 : Renesys Power Systems Pvt. Ltd.  
Represented By : Learned Advocate Shri Paritosh Gupta

Objector No. 37 : Utility Users Welfare Association  
Represented By : Shri Bharat Gohil

Objector No. 38 : HB Renesys  
Represented By : Shri Hemant Bhatt

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

**Date: 06/07/2021**

**Corrigendum in Order dated 11.06.2021 in Petition No. 1936 of 2021**

1. The Commission vide Order dated 11.6.2021 in Petition No. 1936 of 2020 decided amendments in Order No. 3 of 2020 dated 8.5.2020 and Suo-Motu Order No. 6 of 2020 dated 5.8.2020 and in GERC (Net-Metering Rooftop Solar PV Grid Interactive Systems) Regulations, 2016 and as amended from time to time.
2. We note that in Para 19 of the aforesaid Order dated 11.6.2020 it has been recorded as follows:

*“19. We have considered the submissions made by the parties. We note that in the policy the energy accounting is provided from 7.00 hrs to 18.00 hrs (daily basis) for HT/EHV and LT demand based 7:00 hours to 18:00 hours (on billing cycle basis) and for MSME and non-demand based LT consumers on billing cycle basis. The change in banking facilities provided in the policy is with consideration of increase in the penetration of the solar energy generation in the grid, removal of ceiling provided in capacity set up by the consumers/third party sale solar generator and it will have impact on the licensee as well as the general consumers at large. Further, we note that the consumption of the consumers also varies from time to time depending on their load and requirement of power. It also varies from season to season, month to month and day to day depending on the various factors like the season, temperature, economical conditions etc. having impact on load factor and diversity factor of consumer. Such variance compels the licensee to meet the demand of the consumers as and when there is*

*variance in the generation and consumption. Moreover, it also affects grid system operation management on real time basis. The load/generation variance requires the licensee to keep balancing system as stated in earlier paragraphs. The impact of lower quantum of energy procurement and impact of set-off of energy affects the licensee and its consumers. The banking facility provided during 7:00 hours to 18:00 hours on daily basis enable to meet the consumption requirement of the consumer by way of setting up higher capacity of solar power plant and utilising the surplus energy available at different time period of 7:00 hours to 18:00 hours to meet shortfall of energy when lower solar generation is available. Thus, consumer is able to avail the benefit of the promotional measures of policy due to removal of ceiling of solar power project capacity. With consideration of above, we are of view that the banking facility allowed from 7.00 hrs to 18.00 hrs daily basis) for HT/EHV and billing cycle basis for LT demand based consumers while for other LT consumers on billing cycle basis seems valid. The banking facility provided to such consumers is a promotional measure. However, for solar projects set up under REC mechanism with commercial consideration and RPO compliance, energy accounting shall be carried out on 15 minute time block basis.”*

3. We further observed that Table-A provided in Para 32.1 of the aforesaid Order dated 11.6.2021 consists of the provision for (i) Solar Power Projects set up under third party sale [clause 3.8(iii)], and (ii) Solar Power Projects set up for RPO Compliance [clause 3.8(v)], which reads as under:

**Table - A**

<i>Sr. No.</i>	<i>Original clause of Order No. 3 of 2020 dated 8.05.2020</i>	<i>Clause of Suo-Motu order No. 6 of 2020 dated 5.08.2020</i>	<i>Amendment in the Order no. 3 of 2020 dated 8.05.2020 and Suo-Motu order No. 6 of 2020 dated 5.08.2020 by the Commission in this Order.</i>
<i>1</i>	<i>.....</i>	<i>.....</i>	<i>.....</i>
<i>2</i>	<i>(i) 2.7 and 3.8 – Energy Accounting and RPO (ii) Surplus Energy Compensation (iii) Banking Charges</i>	<i>-</i>	<i>(i) Energy Accounting and RPO (ii) Surplus Energy Compensation</i>

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	<p><b><u>3.8 Energy Accounting and RPO and Surplus Energy Compensation</u></b></p> <p><i>i. Solar Power Projects not registered under REC Mechanism and the consumer does not take benefit of the renewable attribute:</i></p> <p><i>For such projects, the adjustment of the Solar energy generation shall be allowed within the consumer's billing cycle. The entire Solar energy generation of such consumer shall be utilized for meeting the RPO of that Distribution Licensee. Banking of energy shall be allowed within one billing cycle of the consumer, wherein set off may be given against energy consumed at any time of the billing cycle. However, peak charges shall be applicable for consumption during peak hours. In the event of any surplus Solar energy not consumed as per energy accounting, such excess electricity shall be compensated by the concerned Distribution Licensee at the rate Rs. 1.75 per unit or the rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time for whole life of the Solar Power Projects. For the Solar Power Projects set up by MSME (Manufacturing) Enterprise above 50% of its contracted demand, energy account settlement shall be carried out on 15 minute time block basis.</i></p> <p><i>ii. Solar Power Projects not registered under REC Mechanism and the consumer takes the benefit of the renewable attribute to meet their own RPO:</i></p> <p><i>The energy accounting shall be carried out on 15 minutes time block basis. In the event of any surplus solar energy not consumed as per energy accounting based on 15-minute time</i></p>		<p><i>(iii) Banking Charges</i></p> <p>.....</p> <p>.....</p> <p><b>3.8 (III) PROJECTS UNDER THIRD PARTY SALE</b></p> <p><i>(i) In case of solar projects set up by HT / EHV consumers, the energy set-off shall be allowed between 07:00 hours to 18:00 hours of the same day. That means, the generated solar energy during a day shall be consumed by HT or EHV consumer during 07:00 hours to 18:00 hours on the same day.</i></p> <p><i>(ii) In case of solar projects set up by LT demand-based consumers, the energy set-off shall be allowed between 07:00 hours to 18:00 hours basis of the same billing cycle. That means, the generated solar energy during 07:00 hours to 18:00 hours in a billing cycle shall be consumed by the consumer during the specified period of 07:00 hours to 18:00 hours in the same billing cycle.</i></p> <p><i>(iii) The surplus energy, not consumed during the above mentioned set-off period by the consumer after set off shall be compensated by distribution licensee at 75% of the simple average of tariff</i></p>



<p>Sr. No.</p>	<p><i>Original clause of Order No. 3 of 2020 dated 8.05.2020</i></p>	<p><i>Clause of Suo-Motu order No. 6 of 2020 dated 5.08.2020</i></p>	<p><i>Amendment in the Order no. 3 of 2020 dated 8.05.2020 and Suo-Motu order No. 6 of 2020 dated 5.08.2020 by the Commission in this Order.</i></p>
	<p><i>block, such excess electricity shall be compensated by the concerned Distribution Licensee at the rate Rs.1.75 per unit or the rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time for whole life of the Solar power projects. Such surplus energy compensated by the Distribution Licensee shall be utilized for meeting the RPO of that Distribution Licensee.</i></p> <p><i>iii. Solar Power Projects registered under REC Mechanism and the Solar Power Projects not registered under REC Mechanism but benefit of the renewable attribute is not given to distribution licensee:</i></p> <p><i>The energy accounting shall be carried out on 15 minutes time block basis. In the event of any surplus Solar energy not consumed as per energy accounting based on 15-minute time block, such excess electricity shall be compensated by the concerned Distribution Licensee at the rate Rs.1.50 per unit or the rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time for whole life of the Solar Power Projects.</i></p> <p><b><u>Banking Charges</u></b></p> <p><i>No banking charge.</i></p>		<p><i>discovered and contracted through competitive bidding process conducted by GUVNL for Non-park based Solar Projects in the preceding 6-month period, i.e., either April to September or October to March as the case may be, from the commercial operation date (COD) of the project. The same shall be remain fixed for the entire term of the Agreement.</i></p> <p><i>(iv) Excess drawl by consumer from the grid, if any, after giving set off shall be charged by distribution licensee at applicable tariff of respective category of consumer as determined by the Commission from time to time.</i></p> <p><i>(v) Banking charges of Rs. 1.50/unit shall be applicable on solar energy consumed in case of Demand Based Consumers. In case of MSME Manufacturing units and other than Demand Based Consumers, Banking Charge of Rs.1.10 per unit shall be applicable on Solar Energy Consumed. Banking Charges shall not be applicable to government buildings.</i></p> <p>.....</p> <p>.....</p>

Sr. No.	<i>Original clause of Order No. 3 of 2020 dated 8.05.2020</i>	<i>Clause of Suo-Motu order No. 6 of 2020 dated 5.08.2020</i>	<i>Amendment in the Order no. 3 of 2020 dated 8.05.2020 and Suo-Motu order No. 6 of 2020 dated 5.08.2020 by the Commission in this Order.</i>
			<p><b>3.8 (V) SOLAR PROJECTS SET UP FOR RPO COMPLIANCE</b></p> <p><i>(i) The surplus solar energy purchased by Distribution Company from captive / third party solar projects shall be considered for fulfilling RPO of Distribution Company.</i></p> <p><i>(ii) The surplus energy injected into the Grid shall be compensated by distribution licensee at 75% of the simple average of tariff discovered and contracted by GUVNL through competitive bidding process for Non-park based solar projects in the preceding 6-month period, i.e., either April to September or October to March as the case may be, from the commercial operation date (COD) of the project. The same shall remain fixed for the entire term of the agreement.</i></p> <p><i>(iii) Excess drawl by consumer from the grid, if any, after giving set off shall be charged by distribution licensee at applicable tariff of respective category of consumer as determined by the Commission from time to time.</i></p> <p><i>(iv) No banking charges shall be applicable.</i></p>

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3	.....	.....	.....
4	.....	.....	.....
5	.....	.....	.....

4. From the above, it is observed that an inadvertent error has crept in Para 3.8(iii) with regard to no mentioning of energy accounting treatment for (i) LT consumers other than demand based LT consumers under third party sale, and (ii) Solar Power Projects set up for RPO Compliance [para 3.8(v)]. We, therefore, decide to substitute the aforesaid paras as under:

**Amendment in Table – A**

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1	.....	.....	.....
2	<p>(i) 2.7 and 3.8 – Energy Accounting and RPO</p> <p>(ii) Surplus Energy Compensation</p> <p>(iii) Banking Charges</p> <p><b><u>3.8 Energy Accounting and RPO and Surplus Energy Compensation</u></b></p> <p>i. Solar Power Projects not registered under REC Mechanism and the consumer does not take benefit of the renewable attribute:</p> <p>For such projects, the adjustment of the Solar energy generation shall be allowed within the consumer’s billing cycle. The entire Solar energy generation of such consumer shall be utilized for meeting the RPO of that</p>	-	<p>(i) Energy Accounting and RPO</p> <p>(ii) Surplus Energy Compensation</p> <p>(iii) Banking Charges</p> <p>.....</p> <p>.....</p> <p><b>3.8 (III) PROJECTS UNDER THIRD PARTY SALE</b></p> <p>(i) In case of solar projects set up by HT / EHV consumers, the energy set-off shall be</p>

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	<p>Distribution Licensee. Banking of energy shall be allowed within one billing cycle of the consumer, wherein set off may be given against energy consumed at any time of the billing cycle. However, peak charges shall be applicable for consumption during peak hours. In the event of any surplus Solar energy not consumed as per energy accounting, such excess electricity shall be compensated by the concerned Distribution Licensee at the rate Rs. 1.75 per unit or the rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time for whole life of the Solar Power Projects. For the Solar Power Projects set up by MSME (Manufacturing) Enterprise above 50% of its contracted demand, energy account settlement shall be carried out on 15 minute time block basis.</p> <p>ii. Solar Power Projects not registered under REC Mechanism and the consumer takes the benefit of the renewable attribute to meet their own RPO:</p> <p>The energy accounting shall be carried out on 15 minutes time block basis. In the event of any surplus solar energy not consumed as per energy accounting based on 15-minute time block, such excess electricity shall be compensated by the concerned Distribution Licensee at the rate Rs.1.75 per unit or the rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time for whole life of the Solar power projects. Such surplus energy compensated by the Distribution Licensee shall be utilized for meeting the RPO of that Distribution Licensee.</p>		<p>allowed between 07:00 hours to 18:00 hours of the same day. That means, the generated solar energy during a day shall be consumed by HT or EHV consumer during 07:00 hours to 18:00 hours on the same day.</p> <p>(ii) In case of solar projects set up by LT demand-based consumers, the energy set-off shall be allowed between 07:00 hours to 18:00 hours basis of the same billing cycle. That means, the generated solar energy during 07:00 hours to 18:00 hours in a billing cycle shall be consumed by the consumer during the specified period of 07:00 hours to 18:00 hours in the same billing cycle.</p> <p><b><u>(iii) In case of LT other than demand based consumers energy accounting (energy set-off) shall be on billing cycle basis.</u></b></p> <p>(iv) The surplus energy, not consumed during the above mentioned set-off period by the consumer after set off shall be compensated by distribution licensee at 75% of the simple average of tariff discovered and contracted through competitive bidding process conducted by GUVNL for Non-park based Solar Projects in the preceding 6-month period, i.e., either</p>

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	<p>iii. Solar Power Projects registered under REC Mechanism and the Solar Power Projects not registered under REC Mechanism but benefit of the renewable attribute is not given to distribution licensee:</p> <p>The energy accounting shall be carried out on 15 minutes time block basis. In the event of any surplus Solar energy not consumed as per energy accounting based on 15-minute time block, such excess electricity shall be compensated by the concerned Distribution Licensee at the rate Rs.1.50 per unit or the rate, if any, specified by the Commission for Surplus Injection Compensation (SIC) from time to time for whole life of the Solar Power Projects.</p> <p><b><u>Banking Charges</u></b></p> <p>No banking charge.</p>		<p>April to September or October to March as the case may be, from the commercial operation date (COD) of the project. The same shall be remain fixed for the entire term of the Agreement.</p> <p>(v) Excess drawl by consumer from the grid, if any, after giving set off shall be charged by distribution licensee at applicable tariff of respective category of consumer as determined by the Commission from time to time.</p> <p>(vi) Banking charges of Rs. 1.50/unit shall be applicable on solar energy consumed in case of Demand Based Consumers. In case of MSME Manufacturing units and other than Demand Based Consumers, Banking Charge of Rs.1.10 per unit shall be applicable on Solar Energy Consumed. Banking Charges shall not be applicable to government buildings.</p> <p>.....</p> <p>.....</p> <p><b>3.8 (V) SOLAR PROJECTS SET UP FOR RPO COMPLIANCE</b></p> <p><b><u>(i) The energy accounting for the projects set up for RPO compliance shall be</u></b></p>

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			<p><b><u>done on 15-minute time block basis.</u></b></p> <p>(ii) The surplus solar energy purchased by Distribution Company from captive / third party solar projects shall be considered for fulfilling RPO of Distribution Company.</p> <p>(iii) The surplus energy injected into the Grid shall be compensated by distribution licensee at 75% of the simple average of tariff discovered and contracted by GUVNL through competitive bidding process for Non-park based solar projects in the preceding 6-month period, i.e., either April to September or October to March as the case may be, from the commercial operation date (COD) of the project. The same shall remain fixed for the entire term of the agreement.</p> <p>(iv) Excess drawl by consumer from the grid, if any, after giving set off shall be charged by distribution licensee at applicable tariff of respective category of consumer as determined by the Commission from time to time.</p> <p>(v) No banking charges shall be applicable.</p>

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4	.....	.....	.....
5	.....	.....	.....

5. All other contents of the aforesaid Order dated 11.06.2021 shall remain the same.

6. We order accordingly.

**Sd/-**

**[S. R. Pandey]**

**Member**

**Sd/-**

**[Mehul M. Gandhi]**

**Member**

**Date: 06/07/2021.**

**Place: Gandhinagar.**