

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2006 of 2021.

In the Matter of:

In the matter of Petition under Section 86 read with Section 63 of the Electricity Act 2003 seeking adoption of tariff discovered under Competitive Bidding Process for Procurement of 1000 MW Power on Medium Term Basis in accordance with Ministry of Power Guidelines dated 30.01.2019.

Petitioner : Gujarat Urja Vikas Nigam Limited
Represented by : Shri K. P. Jangid, Shri Sanjay Mathur and Shri Pratik Joshi

CORAM:

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

Date: 17/09/2021.

DAILY ORDER

1. The matter was heard on 17.09.2021.
2. At the outset Ld. Senior Advocate Shri Saurabh Soparkar appearing for M/s Adani Enterprises Limited (AEL) submitted that AEL has filed an Interim Application today for impleadment as party Respondent in the present matter and seeking appropriate directions for effective implementation of the Competitive Bidding Process for procurement of 1000 MW power on Medium term Basis. In the bid submitted by AEL in aforesaid bidding process, the name of generator from where power will be supplied was mentioned as Essar Power MP Limited since it was contemplated by AEL that Corporate Insolvency Resolution Process will conclude prior to commencement of

supply. However, since the said process is delayed / pending, it is not possible for Adani to supply power to GUVNL under PPA from Essar Power MP Limited but AEL is now prepared to supply the contracted quantum with same tariff and terms & conditions from Raigarh Project of their group company.

3. In response to above Shri K.P. Jangid, on behalf of the Petitioner GUVNL submitted that the present Petition has been filed for adoption of tariff discovered under competitive bidding process for procurement of 1000 MW power on Medium term basis in accordance with Ministry of Power guidelines dated 30.01.2019 and the above issue is not related to prayer in present Petition regarding adoption of tariff. Further, during the bidding process, the bid of M/s AEL was evaluated with consideration of Essar Power MP Limited as generator. In so far as any change in source of supply, the same is permissible as per provisions of Article 10.3 of the PPA. Hence, the above proposal of M/s AEL is not permissible. Moreover, the Petitioner has not received copy of IA filed by M/s AEL.
4. Ld. Senior counsel of Adani Enterprises Ltd. submitted that in case the Commission decide present matter, obligation to supply power under PPA executed by AEL will commence, which is not possible on account of pendency of CIRP process. It is submitted that let GUVNL file its reply on IA. Further by allowing this change there is no change in tariff and other terms of the PPA executed with the Petitioner. It is pointed out that Applicant AEL is not wriggling out of its obligations to supply of contracted quantum but is seeking permission for change in source of supply since, it is not possible to supply the contracted capacity from Essar MP project on account of pendency of CIRP process. It is further submitted that Raigarh Power Project is already a running project and technical details of same may be verified by the Petitioner. He has requested to supply a copy of the Petition on chargeable basis and submitted that copy of IA is being supplied to the Petitioner so as to enable filing reply by the Petitioner. The Commission may take up the matter on short date.

5. We note that the aforesaid IA filed is pending for Registration and Numbering. Let the same be registered and numbered. The Applicant may apply to office for copy of Petition on chargeable basis as per the rules.
6. The matter stands adjourned to 23.09.2021 at 15:30 hrs.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 17/09/2021.

