

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1832 of 2019.

In the matter of:

Petition under Sections 62, 86 and other applicable provisions of the Electricity Act, 2003 read with the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 for approval of the rate of Rs. 1.75 per unit for purchase of surplus wind energy by Distribution Licensees from Wind Power Capacity set up for captive consumption/third party sale.

Petitioner	:	Gujarat Urja Vikas Nigam Limited
Represented by	:	Shri V. T. Patel and Shri Hetal Patel
Co - Petitioner No. 1	:	Madhya Gujarat Vij Company Limited
Represented by	:	Shri J. R. Shah
Co - Petitioner No. 2	:	Uttar Gujarat Vij Company Limited
Represented by	:	Shri K. B. Chaudhari
Co - Petitioner No. 3	:	Paschim Gujarat Vij Company Limited
Represented by	:	Nobody was present.
Co - Petitioner No. 4	:	Dakshin Gujarat Vij Company Limited
Represented by	:	Nobody was present.

CORAM:

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

Date: 14/10/2021.

ORDER

1. The Petitioner Gujarat Urja Vikas Nigam Limited alongwith its four subsidiary distribution companies viz. Madhya Gujarat Vij Company Ltd. (MGVCL), Uttar Gujarat Vij Company Ltd. (UGVCL), Paschim Gujarat Vij Company Ltd. (PGVCL) and Dakshin Gujarat Vij Company Ltd. (DGVCL) as Co-Petitioners has filed this Petition

under Section 62, 86 and other applicable provisions of the Electricity Act, 2003 read with GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 seeking approval of rate of Rs. 1.75 per unit for purchase of surplus energy by DISCOMs applicable from the date of Order of Commission in the present Petition to all Wind Power Projects to be set up for wheeling of power for captive use/ third party sale.

2. The facts mentioned in the Petition, in brief, are as under:

- 2.1. Pursuant to unbundling of the erstwhile Gujarat Electricity Board under the Gujarat Electricity Industry Reorganization and Comprehensive Transfer Scheme, 2003 notified under the Gujarat Electricity Industry (Reorganization and Regulation) Act 2003, the activities of Generation, Transmission, Distribution, Bulk power purchase and supply undertaken by erstwhile Gujarat Electricity Board has been entrusted to separate seven functional entities. The generation activity is assigned to Gujarat State Electricity Corporation Ltd. (GSECL), the transmission activity is assigned to Gujarat Energy Transmission Corporation Ltd. (GETCO) and the distribution activity is assigned to four Distribution companies viz. Uttar Gujarat Vij Company Ltd. (UGVCL), Madhya Gujarat Vij Company Ltd. (MGVCL), Dakshin Gujarat Vij Company Ltd. (DGVCL) and Paschim Gujarat Vij Company Ltd. (PGVCL). Further, the function of bulk purchase and bulk sale of power is assigned to Gujarat Urja Vikas Nigam Ltd. (GUVNL) as per the re-organization scheme. Accordingly, on behalf of four subsidiary Distribution Companies, the activity of bulk purchase and bulk sale of power is carried out by Gujarat Urja Vikas Nigam Ltd. (GUVNL).
- 2.2. The Commission vide Order dated 30.08.2016 had determined tariff and other commercial aspects for wheeling of wind power including the rate for purchase of surplus energy by Distribution Licensees after giving adjustment of wheeled energy at recipient unit, control period of which expired on 31.3.2019.
- 2.3. It was provided in above Order dated 30.08.2016, that in case of Wind Power Projects availing Open Access for Captive use / Third party sale but not opting REC, the surplus power after set off on billing cycle basis shall be purchased by the Distribution Licensee at APPC rate and in case of Wind Power Project availing Open Access for Captive use / Third party sale and opting REC, the surplus power after

set off on 15 minutes time block basis shall be purchased by Distribution Licensee at 85% of APPC rate.

- 2.4. Further, with an objective to provide conducive framework for development of Wind Power Project in the State, the Government of Gujarat vide GR No: SLR-11/2016/164/B dated 02.08.2016 has notified Wind Power Policy – 2016, which also provided for purchase of surplus energy from Wind Power Project by Distribution Licensees at APPC / 85% of APPC rate, as the case may be.
- 2.5. It is submitted that the above provisions in regard to purchase of surplus power at APPC rate / 85% of APPC from the Wind Power Projects availing open access for captive use/third party sale was based on the facts that under the then prevailing scenario, the generation cost and consequently the tariff for Wind Power Projects was much higher than APPC rate of Distribution licensee and therefore, as a balancing of interest, the rate for purchase of surplus power from Wind Power Projects was kept at APPC rate/85% of APPC rate so that additional burden on the general body of consumers can be minimized being payment for surplus energy at lower than preferential tariff i.e. at APPC rate.
- 2.6. It is submitted that there has been significant development in the field of setting up of Wind Power Projects, cost associated with it and consequently the cost for generation of Wind Power has significantly come down for the Wind based renewable energy projects.
- 2.7. It is submitted that subsequent to Order by the Commission and Gujarat Wind Power Policy 2016, competitive bidding route was introduced in year 2017 for purchase of Wind Power. In the competitive bidding process, the rate discovered for purchase of wind energy was comparatively much lower as against the prevailing APPC rate of Rs. 3.24 per unit. Under the scenario, the Commission vide letter dated 18.03.2017 has directed Distribution Licensees to procure electricity from Wind and Solar power projects through competitive bidding under Section 63 of the Electricity Act, 2003.
- 2.8. It is submitted that since the market rate for Wind Power was much lower than APPC rate, it was felt that the objective of providing for APPC as against the Wind

Power tariff no longer survives and it was felt imperative to apply competitive bidding rates for purchase of surplus energy. Accordingly, it was requested by the Petitioner to the Commission vide letter dated 15.09.2017 to approve competitive bidding rate for purchase of surplus Wind Power. Further, as per the directive issued by the Commission, GUVNL had filed Petition before the Commission being Petition No. 1725 of 2018 seeking approval of the Commission for applicability of competitive bidding rate / 85% of competitive bidding rate on the basis of reasons / justifications contained in that Petition, wherein the hearing in the matter having concluded and the matter reserved for final order. It is pertinent to mention that when market rate of Wind power is much lower than APPC rate, in interest of general body of consumers, the DISCOMs have been signing agreements on mutual consent basis providing for competitive bidding rates for purchase of surplus energy, as available on 1st April (as discovered during previous six months October-March) applicable for the projects commissioned during April to September and as available on 1st of October (as discovered during previous six months April-September) for the projects commissioned during October to March.

- 2.9. It is submitted that under the changed scenario of technological development and cost associated with installation and generation of Solar power and with an aim to provide special dispensation in the Solar Power Policy for Micro, Small and Medium Enterprise (Manufacturing), Government of Gujarat vide GR dated 26.09.2019 has amended the Solar Power Policy 2015 so that MSME (manufacturing) can arrange affordable power by setting up solar capacity up to their consumption requirement. The MSME Solar Policy notified by the State Government provides for other terms and conditions including suggestion for rate of Rs. 1.75 per unit for purchase of surplus Solar power from Solar capacity to be set up under the scheme. The Petitioner has filed Petition before the Commission on 07.10.2019 seeking for approval of rate of Rs. 1.75 per unit and terms and conditions for wheeling of power, as contained in the GR dated 26.9.2019.
- 2.10. It is submitted that present Petition is filed for approval of the Commission for rate of Rs. 1.75 per unit for purchase of surplus Wind energy by DISCOMs applicable to all Wind capacity to be set up for wheeling of power for captive use / third party sale from the date of order of the Commission approving the rate in the present.

- 2.11. It is submitted that the proposal in the present Petition for applicability of rate of Rs. 1.75 per unit for purchase of surplus Wind power is in line with the policy decision taken by Government of Gujarat in case of purchase of surplus infirm Solar power suggested in the Government GR dated 26.09.2019, so as to ensure uniformity in purchase of incidental infirm surplus renewable energy and even otherwise, when there is no significant difference between the market rate of Solar and Wind power, it is not justified to provide different rates to Solar Power Project of Rs. 1.75 per unit as per Government GR dated 26.09.2019 and Wind Power Project.
- 2.12. It is submitted that the suggestion for purchase of surplus power by DISCOMs at the rate of Rs. 1.75 per unit for all Wind Power project, wheeling power for captive purpose and also provided in the GR dated 26.09.2019, instead of rate discovered through competitive bidding process is based on the fact that (i) the technological development in the field of Wind power generation has led to significant reduction in the capacity cost for Wind Power project and consequently cost of Wind power generation (ii) the wind power project is preliminarily set up for self-consumption / third party sale and selling only incidental surplus power on infirm capacity basis to distribution licensee.
- 2.13. Under the scenario of significant reduction in capital cost of Wind Power project, it is expected that substantial Wind capacity will be added by consumers to meet their power requirement at economical rate. Specifically by industrial / service sector consumers which are presently cross subsidizing to other category of consumers such as BPL and Agriculture consumers. Consumption of large portion of power from Wind power projects by such cross-subsidizing consumers will consequently reduce the cross subsidy contribution to DISCOMs which will adversely affect the tariff of other subsidized consumers. The approval of suggested rate of Rs. 1.75 per unit for purchase of incidental surplus power by DISCOMs from such Wind projects will, in turn, help DISCOMs to provide power supply at reasonable rates to subsidized category of consumers. In light of these facts, it is reasonable and prudent to allow tariff of Rs. 1.75 per unit for purchase of surplus power from Wind capacity preliminarily set up for self-consumption / third party sale so as to maintain equity between the project set up exclusively for sale to distribution

licensee on firm capacity basis and the wind projects selling only incidental surplus power on infirm capacity basis.

- 2.14. Since, the capital cost associated with setting up of Wind Power project and consequently the cost of wind power generation having come down significantly; from the grid management point of view also, it is imperative to ensure to avoid excessive injection of infirm surplus wind power in the grid. For this, the rate for purchase of surplus wind power has to be provided at lower than market rate of wind power and therefore it is proposed to apply lower rate of Rs. 1.75 per unit being lower than competitive bidding rate and in line with GR dated 26.09.2019.
- 2.15. The purpose of Petition No. 1725 of 2018 before the Commission is in regard to rate for purchase of surplus power to be applied at tariff discovered through competitive bidding process / 85% competitive bidding tariff instead of APPC rate, which needs to be considered separately by the Commission and approve the competitive bidding rate / 85% of competitive bidding rate as prayed in said Petition, applicable to all Wind Power projects set up till the date of approval of rate of Rs. 1.75 per unit by the Commission in this Petition. It is clarified that the rate of Rs. 1.75 per unit is sought to be made effective from the date of Order in the present Petition and for wind capacity set up prior to the effective date of rate of Rs. 1.75 per unit, the competitive bidding rates are sought to be applied in terms of Petition No. 1725 of 2018.
- 2.16. It is submitted that as per the provisions of Section 86 of the Electricity Act, 2003, the Commission is empowered to approve the rate of Rs. 1.75 per unit for purchase of surplus power, which reads as under:

Section 86. (Functions of State Commission): --- (1) The State Commission shall discharge the following functions, namely: -

.....

b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;

.....”

2.17. It is submitted that in terms of provision of the Electricity Act, 2003, the Commission has jurisdiction to entertain the present Petition and to decide on the prayer made therein.

3. Earlier, the matter was heard on 09.12.2019 by previous bench of this Commission and Daily Order dated 11.12..2019 was passed noting that the Petitioner has already filed Petition No. 1725 of 2018, wherein it is prayed for amendment in the procurement price of the surplus energy by the distribution licensees from wind power capacity set up for open access or captive consumption/third party sale and deciding that present matter be listed after disposal of Petition No. 1725 of 2018.

4. Thereafter, the matter was heard afresh on 09.09.2021.

5. When the matter was called out, nobody was present on behalf of the Co-Petitioner No. 3 and 4.

6. Heard Shri V.T. Patel, on behalf of the Petitioner GUVNL. It is submitted that the present Petition was filed by the Petitioner alongwith its subsidiary distribution companies being Co-Petitioners for approval of tariff of Rs. 1.75 per unit for purchase of surplus wind energy by Distribution Licensees from all Wind Power Projects to be set up for wheeling of power for captive use/third party sale from the date of Order in present Petition because at relevant time when the present Petition was filed, the control period of Wind Tariff Order No. 02 of 2016 dated 30.08.2016 had since expired.

6.1. Thereafter, independent of this Petition, the Commission has issued Wind Tariff Order No. 02 of 2020 on 30.04.2020 regarding “Tariff Framework for Procurement of Power by Distribution Licensees from Wind Turbine Generators and Other Commercial Issues for the State Of Gujarat”, wherein the issue regarding purchase of surplus power after set off in case of Wind Power Projects availing Open Access for captive use/third-party sale by the concerned Distribution Licensee is decided by the Commission.

6.2. It is argued that the Commission may appropriately decide as to whether the present Petition becomes infructuous. Moreover, statement of the Petitioner may be taken on record that prayers of the Petitioner and Co-Petitioners stand satisfied,

instead of filing any affidavit and may pass appropriate order for disposing the present matter.

7. We have considered the submissions made by the Petitioner. We note that the present Petition has been filed by the Petitioner alongwith its subsidiary distribution companies as Co-Petitioners under Sections 62, 86 and other applicable provisions of the Electricity Act, 2003 read with the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 for approval of tariff of Rs. 1.75 per unit for purchase of surplus energy by distribution licensees from all Wind Power Projects to be set up for wheeling of power for captive use/third party sale from the date of Order in present Petition in absence of any Wind Tariff Order at relevant point of time.

- 7.1. We note that the genesis of filing present matter at relevant time before the Commission as stated in the Petition is as under:

- 7.1.1. The Commission vide its Order dated 30.08.2016 had determined tariff and other commercial aspects for wheeling of wind power including the rate for purchase of surplus energy by Distribution Licensees after giving adjustment of wheeled energy at recipient unit, control period of which expired on 31.03.2019, wherein; it was provided that in case of Wind Power Projects availing Open Access for Captive use / Third party sale but not opting REC, the surplus power after set off on billing cycle basis shall be purchased by the Distribution Licensee at APPC rate and in case of Wind Power Project availing Open Access for Captive use / Third party sale and opting REC, the surplus power after set off on 15 minutes time block basis shall be purchased by Distribution Licensee at 85% of APPC rate, which according to the Petitioner was based on then prevailing scenario when the generation cost and consequently the tariff for Wind Power Projects was much higher than APPC rate of Distribution licensee. Even, the Government of Gujarat vide GR No: SLR-11/2016/164/B dated 02.08.2016 notified Wind Power Policy – 2016, which also provides for purchase of surplus energy from Wind Power Project by Distribution Licensees at APPC / 85% of APPC rate, as the case may be. Therefore, as a balancing of interest, the rate for purchase of surplus power from Wind Power Projects was kept at APPC rate/85% of APPC rate so that as additional burden on the general

body of consumers can be minimized being payment for surplus energy at lower than preferential tariff i.e. at APPC rate.

7.1.2. However, subsequent to above Order by the Commission and Gujarat Wind Power Policy 2016, competitive bidding route was introduced in year 2017 for purchase of Wind Power wherein, the rate discovered for purchase of wind energy was comparatively much lower as against the prevailing APPC rate of Rs. 3.24 per unit. Under the scenario, the Commission vide letter dated 18.03.2017 directed the distribution licensees to procure electricity from Wind and Solar power projects through competitive bidding under Section 63 of the Electricity Act, 2003. Hence, according to the Petitioner objective of providing APPC as against the Wind Power tariff no longer survived and it was felt imperative to apply competitive bidding rates for purchase of surplus energy. Accordingly, Petitioner GUVNL had also filed Petition No. 1725 of 2018 seeking approval of the Commission for applicability of competitive bidding rate / 85% of competitive bidding rate since when market rate of Wind power being much lower than APPC rate, it was in interest of general body of consumers and accordingly, agreement were being signed on mutual consent basis providing for competitive bidding rates for purchase of surplus energy, as available on first day of financial year for the projects commissioned during April to September and as available on 1st of October for the projects commissioned during October to March. Moreover, instead of rate discovered through competitive bidding process proposal for purchase of surplus power by DISCOMs at the rate of Rs. 1.75 per unit for all Wind Power project, wheeling power for captive purpose is based on the fact that (i) the technological development in the field of Wind power generation has led to significant reduction in the capacity cost for Wind Power project and consequently cost of Wind power generation (ii) the wind power project is preliminarily set up for self-consumption / third party sale and selling only incidental surplus power on infirm capacity basis to distribution licensee.

7.1.3. Also, Government of Gujarat vide GR dated 26.09.2019 amended the Solar Power Policy 2015 providing for other terms and conditions including rate of Rs. 1.75 per unit for purchase of surplus Solar power. Therefore, in line with the aforesaid policy decision of Government of Gujarat for purchase of surplus infirm Solar power and to ensure uniformity in purchase of incidental infirm surplus renewable energy,

present Petition filed for approval for rate of Rs. 1.75 per unit for purchase of surplus Wind energy by DISCOMs applicable to all Wind capacity to be set up for wheeling of power for captive use / third party sale and when there being no significant difference between the market rate of Solar and Wind power, it is not justified to provide different rates to Solar Power Project of Rs. 1.75 per unit as per Government GR dated 26.09.2019 and Wind Power Project.

- 7.1.4. Under the scenario of significant reduction in capital cost of Wind Power project, it is expected that substantial Wind capacity will be added by consumers to meet their power requirement at economical rate, specifically by industrial / service sector consumers which are presently cross subsidizing to other category of consumers such as BPL and Agriculture consumers. Consumption of large portion of power from Wind power projects by such cross-subsidizing consumers will consequently reduce the cross subsidy contribution to DISCOMs which will adversely affect the tariff of other subsidized consumers. The approval of suggested rate of Rs. 1.75 per unit for purchase of incidental surplus power by DISCOMs from such Wind projects will, in turn, help DISCOMs to provide power supply at reasonable rates to subsidized category of consumers. In the facts and circumstances, it is reasonable and prudent for the Commission to allow tariff of Rs. 1.75 per unit for purchase of surplus power from Wind capacity preliminarily set up for self-consumption / third party sale so as to maintain equity between the project set up exclusively for sale to distribution licensee on firm capacity basis and the wind projects selling only incidental surplus power on infirm capacity basis.
- 7.1.5. Since, the capital cost associated with setting up of Wind Power project and consequently the cost of wind power generation having come down significantly; from the grid management point of view also, it is imperative to ensure to avoid excessive injection of infirm surplus wind power in the grid.
- 7.1.6. The purpose of Petition No. 1725 of 2018 before the Commission is in regard to rate for purchase of surplus wind power to be applied at tariff discovered through competitive bidding process / 85% competitive bidding tariff instead of APPC rate, which needs to be considered separately by the Commission and approve the competitive bidding rate / 85% of competitive bidding rate as prayed in said Petition, applicable to all Wind Power projects set up till the date of approval of rate

of Rs. 1.75 per unit by the Commission in this Petition whereby the rate of Rs. 1.75 per unit is sought to be made effective from the date of Order in the present Petition and for wind capacity set up prior to the effective date of rate of Rs. 1.75 per unit, the competitive bidding rates are sought to be applied in terms of Petition No. 1725 of 2018.

7.2. We note that prior to filing present Petition, the Petitioner GUVNL had filed Petition No. 1725 of 2018 seeking initiation of the proceedings for bringing amendments in the relevant Orders/Regulations specifically provisions in relation to directing distribution licensees to purchase surplus energy in case of Wind Power projects availing OA for captive use / third party sale and that the Commission may decide the rate for purchase of surplus power from Wind power projects availing OA for captive use / third party sale, proposing to modify such that (i) If RE attribute is given to DISCOM by the Developer, the surplus energy available after set-off at consumer place be purchased by the distribution licensee at APPC or at lowest rate discovered during previous six months through competitive bidding process anywhere in India, whichever is lower shall be applicable. (ii) While in case if RE attribute is not given to DISCOM by Developer in that case, the procurement of surplus power, if any, available after set-off at consumer place be at the rate of 85% of APPC or 85% of lowest rate discovered during previous six months through competitive bidding process anywhere in India, whichever is lower shall be applicable. In above both cases for the purpose of lowest competitive rate, the lowest rate available as on 1st April (as discovered during previous six months October- March) applicable for the project commissioned during April-September. Similarly, the lowest rate available as on 1st October (as discovered during previous six months April-September) applicable for the project commissioned during October-March

7.3. Above Petition No. 1725 of 2018 was disposed by the Commission vide its Order dated 18.12.2019 deciding as under:

“

ORDER

14.26 We note that the Petitioner prayed for modification/amendment in the relevant Order/ Regulations with regard to purchase of surplus energy by the distribution licensees available from wind power projects set up for captive use/third party sale availing open access. The rate proposed by the petitioner and

supported by TPL (another distribution licensee) are for different category of the aforesaid consumers consisting of (i) the attribute of Renewable Energy is given to distribution licensee by the developers and (ii) attribute of Renewable Energy is not given to the distribution licensees by the developers. The Petitioner has proposed the rate of purchase lower of lowest competitive rate discovered under the competitive bidding process or APPC rate. Further, the aforesaid rate be decided on six months' basis in which the plant is commissioned.

14.27 The aforesaid prayer of the Petition is not permissible on the following grounds:

- i. The proposed rate for purchase of surplus power as deemed sale are not fixed in nature and it is difficult to ascertain with the prevailing conditions of the competitive bidding in India as there will always be two rates required to be determined by the Commission and thereafter the lowest of them will have to be applied for surplus energy purchased by the licensees.
- ii. As per the provisions of the Act, the Commission is required to determine the tariff of the generators supplying power to the distribution licensee either under Section 62 or on competitive bidding basis under Section 63. The APPC is determined as the monetary compensation for surplus energy injected after self-consumption under Section 62, while the competitive bidding rate is discovered under Section 63 of the Act, these are different provisions of the Act.
- iii. The present proposal is based on competitive bidding rate discovered by the licensee in the State or the same as discovered in any part of the country, cannot be compared with. The wind projects for which tariff is proposed by the Petitioner shall be installed in the State of Gujarat and Capacity Utilization Factor (CUF) for wind projects set up in other States will vary from site to site and are also not comparable.

14.28 Due to aforesaid reasons we decide that the claim of the Petitioner to declare that the surplus energy available after set-off from the captive consumers availing open access/third party sale from the wind power projects be procured by the distribution licensee on lower of the APPC or lowest tariff discovered in the competitive bidding anywhere in India on six months' basis is not accepted and the same is rejected.

However, we are of the view that the wind power projects set up for captive use/third party sale set up primarily for self-consumption and therefore it should not be compared with the wind or other generating plants set up exclusively for sale of electricity to the distribution licensee. Accordingly, the procurement rate for surplus energy which is of infirm in nature injected into the licensee's grid from such plants after self-consumption should be treated differently and should not be given same rate as allowed to other generating plants. The Commission will take

an appropriate view in the matter at the time of revising the relevant regulations and orders to decide about the monetary compensation if any in such cases.

15 *In view of above observation, the Petition is partly allowed.*

16 *We decide that the prayer of the Petitioner to purchase surplus energy available from wind power projects availing open access for captive use/third party sale at the rate of lower of APPC or lowest discovered competitive bidding rate as recorded in para 1 of this Order, is not approved. However, the staff of the Commission is directed to initiate the process of revising the relevant orders/regulations as decided above at para 14.28.*

17 *We order accordingly.*

.....”

- 7.4. Thereafter, the Commission also passed Order No. 02 dated 30.04.2021 deciding the ‘Tariff Framework for procurement of power by Distribution Licensees from Wind Turbine Generators and other Commercial Issue issues for the State of Gujarat’ and at para 3.8 of the said Order the Commission has decided as under:

“... ”

3.8 Purchase of Surplus Power from Wind Power Projects opting for Captive use and Third-Party Sale under Open Access

In case of Wind Power Projects availing Open Access for captive use/third-party sale but not opting for Renewable Energy Certificates (REC), the surplus power after set off will be purchased by the concerned Distribution Licensee at the rate of Rs. 1.75 per kWh.

.....”

- 7.5. Therefore, the prayer of the Petitioner regarding approving the rate of Rs. 1.75 per unit for purchase of surplus energy by the subsidiary distribution companies (DISCOMs) of the Petition from all Wind Power Projects to be set up for wheeling of power for captive use / third party sale is satisfied in terms of above Order No. 02 dated 30.04.2021. However, with regard to the prayer of the Petitioner that tariff of Rs. 1.75 per unit be applicable from the date of Order in this Petition, it is clarified that the Commission has already decided the control period for the Tariff Framework in above Order No. 02 to be effective from dated 30.04.2021 to 31.03.2022. Therefore, the prayers sought in present Petition do not survive now being already satisfied and become infructuous.

- 7.6. We also taken on record the statement of the Petitioner GUVNL that the Commission has issued Order No. 02 of 2020 dated 30.04.2020 and determined generic tariff for wind energy generation wherein the tariff payable for the surplus wind energy, if any, available after set off in case of such energy wheeled under the captive or third party sale by the generator/consumer and therefore, the prayers of the Petitioner are satisfied/fulfilled by the aforesaid Order. Moreover, the Commission has also decided regarding applicability of control period in aforesaid Order and accordingly, the present matter may be disposed by the Commission.
8. Since, the prayers of the Petitioner alongwith Co-Petitioners distribution licensees in present Petition are satisfied, the matter stands disposed of accordingly.
9. We order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 14/10/2021.

