

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 1852 of 2020**

**In the Matter of:**

**Petition seeking exemption from the restriction imposed on captive use of  
Wind energy under Clause 5 of Gujarat Wind Power Policy, 2016.**

Petitioner : Gujarat Fluorochemicals Limited  
INOX Towers, Plot No. 17, Sector 16 A,  
Noida, UP - 201301.

Represented By : Ld. Advocate Shri Sakya Singha Chaudhari and Ms.  
Shipra Sinni

V/s.

Respondent No. 1 : Energy & Petrochemicals Department,  
Government of Gujarat,  
Block No. 5, 5<sup>th</sup> Floor, Sachivalaya,  
Gandhinagar, Gujarat.

Represented By : Nobody was present.

Respondent No. 2 : Gujarat Energy Development Agency  
4<sup>th</sup> Floor, Block No. 11 & 12, Udyog Bhavan,  
Sector 11, Gandhinagar – 382017, Gujarat.

Represented by: Nobody was present.

**CORAM:**

**Mehul M. Gandhi, Member**

**S. R. Pandey, Member**

**Date: 30/09/2021.**

## **DAILY ORDER**

1. The matter was kept for hearing on 24.09.2021.
2. When the matter was called out, nobody was present on behalf of the Respondents.
3. Ld. Advocate Shri Sakya Singha Chaudhari, on behalf of the Petitioner submitted that the present Petition has been filed seeking exemption from restriction imposed on captive use of wind energy vide Clause 5 of Gujarat Wind Power Policy, 2016. It is submitted that earlier the matter was listed for hearing on 09.07.2020 for which Daily Order dated 14.07.2020 is passed by the Commission, wherein direction has been issued to the Petitioner to amend the cause title of the present Petition by joining GETCO and distribution licensees as party Respondents. However, compliance by the Petitioner of the directives given in aforesaid Daily Order is still pending and time may be granted for same.
  - 3.1. It is further argued that as per Section 9 of the Electricity Act, 2009 there is no restriction on use of captive generation or installed capacity of RE Power whereas restriction is imposed under aforesaid Government Policy for captive use. Moreover, with opening phrase 'Notwithstanding anything contained in this Act', Section 9 being non-obstante clause, restriction of 50% is in conflict and cuts across the statutory provision of the Act. Also, as per Section 86(1)(e) readwith GERC RPO Regulations renewable capacity needs to be allowed for the purpose of meeting RPO targets. Also, Ministry of Power, Government of India has issued Rules for purpose of Captive Generating Plant which provides that 51% of generation needs to be consumed for captive use on annual basis.
  - 3.2. It is submitted that above aspects need to be examined by the Petitioner and accordingly, the Petition also needs to be suitably amended by the Petitioner. Therefore, the Commission may adjourn the matter while granting time to the Petitioner for amending the Petition as may be required and complying with the directives of the Commission.
4. We have considered the submissions made by the Petitioner. We note that the Petitioner has sought adjournment submitting that directives given by the

Commission in its Daily Order dated 14.07.2020 are yet to be complied and also requires to amend the Petition for which time is sought. Accordingly, we decide to adjourn the matter. The Petitioner is at liberty to file appropriate application seeking amendment in the Petition while complying with the directives of the Commission in its Daily Order dated 14.07.2020 by joining GETCO and the distribution licensees as party Respondents.

5. The next date of hearing is on 10.11.2021 at 11:30 A.M.
6. We Order accordingly.

**Sd/-**  
**[S. R. Pandey]**  
**Member**

**Sd/-**  
**[Mehul M. Gandhi]**  
**Member**

Place: Gandhinagar.  
Date: 30/09/2021.

