

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 1883 of 2020

In the matter of:

Petition under Section 86 of the Electricity Act, 2003 against Default Notice dated 01.06.2020 issued by Gujarat Urja Vikas Nigam Limited to the Petitioner under Article 10.3.1 of the Power Purchase Agreement dated 24.01.2018 executed between the parties for purchase of power from 30 MW Wind Project.

And

IA No. 03 of 2020 in Petition No. 1883 of 2020.

In the matter of:

Interim Application seeking interim relief against Default Notice dated 01.06.2020 issued by Gujarat Urja Vikas Nigam Limited pending the hearing and final disposal of the Petition filed by the Applicant.

Petitioner/Applicant : M/s Evergreen Mahuva Wind Farms Pvt. Limited

Represented by : Ld. Sr. Advocate Mr. Saurabh Soparkar and Mr. Karmit Sheth

V/s.

Respondent : Gujarat Urja Vikas Nigam Limited

Represented By : Ld. Advocate Mr. Anand Ganesan and Ms. Sailaja Vachhrajani

And

Petition No. 1980 of 2021

In the matter of:

Petition under Section 86 (1) (f) of the Electricity Act 2003 for adjudication and recovery of compensation as liquidated damages for termination of PPA dated 24.01.2018 for default.

Petitioner : Gujarat Urja Vikas Nigam Limited

Represented by : Ld. Advocate Mr. Anand Ganesan and Ms. Sailaja Vachhrajani

V/s.

Respondent : M/s Evergreen Mahuva Wind Farms Pvt. Limited

Represented By : Ld. Sr. Advocate Mr. Saurabh Soparkar and Mr. Karmit Sheth

CORAM:

Mehul M. Gandhi, Member

S. R. Pandey, Member

Date: 26/10/2021

DAILY ORDER

1. These matters were listed on 21.10.2021 through virtual hearing.
2. Ld. Adv. Mr. Anand Ganesan on behalf of GUVNL, submitted that the Respondent has received a copy of rejoinder reply filed by Evergreen Mahuva Wind Farms Pvt. Limited just yesterday evening i.e. 20.10.2021 and thereby had no time to examine. Hence, some time is required to examine the same and whether any further submissions are required to be filed in the matter. Accordingly, the Commission is requested to adjourn the matter and grant some time for the same.
3. Ld. Sr. Adv. Mr. Saurabh Soparkar appearing for M/s Evergreen Mahuva Wind Farms Pvt. Limited, submitted that there are no new submissions in the rejoinder but merely denial by M/s Evergreen Mahuva Wind Farms Pvt. Limited of various contentions raised by GUVNL in its reply and the same has been filed for purpose of completing the pleadings in the matter.
4. In response to query of the Commission regarding amendment affidavit filed in Petition No. 1883 of 2020 by M/s Evergreen Mahuva Wind Farms Pvt. Limited on 20.10.2021, Ld. Senior Adv. Mr. Soparkar submitted that in view of subsequent developments post filing of Petition only consequential relief of amending the Petition is prayed to be incorporated by M/s Evergreen Mahuva Wind Farms Pvt. Limited.

5. Ld. Adv. Mr. Anand Ganesan, submitted that GUVNL may be required to file its submissions, if any, to such amendment for which liberty may be granted.
6. We have considered the submissions made by the parties. We note that M/s Evergreen Mahuva Wind Farms Pvt. Limited has filed rejoinder reply in Petition No. 1883 of 2020 on 20.10.2021 with a copy to GUVNL. Also, draft amendment is filed in the Petition by M/s Evergreen Mahuva Wind Farms Pvt. Limited to amend aforesaid Petition. Let the same be filed appropriately through an application as per Regulations. Moreover, GUVNL has sought time to examine rejoinder reply filed by M/s Evergreen Mahuva Wind Farms Pvt. Limited and to file its reply, if required including on amendment sought by Evergreen Mahuva Wind Farms Pvt. Limited.
- 6.1. M/s Evergreen Mahuva Wind Farms Pvt. Limited is directed to serve a copy of amendment application seeking amendment in the Petition to GUVNL. Also, GUVNL is directed to file their reply, if any, to rejoinder-in-reply and amendment filed by M/s Evergreen Mahuva Wind Farms Pvt. Limited in the Petition No. 1883 of 2020 after receipt of same, with copy to other side.
- 6.2. With joint consent of counsels for both the parties, the next date of hearing is on 10.12.2021 at 11:30 A.M.
7. We order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 26/10/2021.