

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR

Petition No. 2401 of 2024.

In the Matter of:

Petition under Section 86 (1) (c) & (f) of the Electricity Act, 2003 read with Regulations 80 and 82 of the GERC (Conduct of Business) Regulations 2004 seeking directions for extension of time period for commissioning the entire evacuation line along with bays and metering system due to unforeseen reasons.

And

IA No. 04 of 2025 in Petition No. 2401 of 2024.

In the Matter of:

Interlocutory Application under Section 94 (2) of the Electricity Act, 2003 read with Regulations 61 and 80 of the GERC (Conduct of Business) Regulations, 2004 seeking interim stay/injunction and appropriate interim Orders.

Applicant/Petitioner : Cleanmax Vayu Private Limited
13 A, Floor – 13, Plot - 400
The Peregrine Apartment, Kismat Cinema
Prabhadevi, Mumbai – Maharashtra - 400025.

Represented By : Ld. Adv. Mr. Aditya K. Singh along with Adv. Ms.
Anukriti Jain

V/s.

Respondent : Gujarat Energy Transmission Corporation Limited
Sardar Patel Vidyut Bhavan
Race Course Circle, Vadodara – 390007.

Represented By : Ld. Adv. Ms. Ranjitha Ramachandran along with
Mr. R.K. Patel, Mr. P.P. Shah and Mr. J.D. Trivedi

CORAM:

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

Date: 11/02/2025.

DAILY ORDER

1. The present matter was listed for hearing on 23.01.2025.
2. Ld. Adv. Ms. Ranjitha Ramachandran, appearing on behalf of the Respondent GETCO, submitted that pursuant to the directives of the Commission in the last daily Order dated 18.01.2025, the Respondent GETCO has filed its reply today with a copy to the Applicant/Petitioner in the present matter. She further submitted that GETCO has made best efforts to comply with the directions contained in the Daily order dated 18.01.2025 and submitted the details/information to the extent possible. However, in view of shorter timeline, the Respondent GETCO will make additional submissions/ clarification if required in the matter.
- 2.1. The Counsel for the Respondent GETCO submitted that the delay occurred in the present case is due to non-action on part of the Applicant/Petitioner and there is no delay on part of the Respondent GETCO. She submitted that in regard to issue of lead generator, generally first connectivity holder is considered as lead generator and in case connectivity granted to first generator is revoked, in that case second connectivity holder became as lead generator. In the present case, the Applicant/Petitioner requested to grant status of lead generator subsequent to revocation of connectivity granted to the lead generator Morjar Renewables Pvt. Limited. However, Morjar Renewables Pvt. Limited approached to the High of Gujarat and there were directions for maintaining status quo which led to delay, to declare the Applicant/Petitioner as lead generator.
- 2.2. With regard to vendor approval, she clarified that as decided and discussed in the Minutes of Meeting (MoM) with the developers, it was mandatory to select common vendor by all developers for extension/construction of their respective Bays.
- 2.3. With regard to common drawing approval, she clarified that there was no individual approval in respect to the Bays to be constructed, as it is necessary to submit common drawing for approval of GETCO. However, this was not done by the developers on a ground of non-readiness of one of the developers viz. Suzlon. The Applicant/Petitioner vide letter dated 03.07.2024 requested for approval of

common drawing for the Applicant/Petitioner and other two generators except Suzlon. GETCO vide letter dated 22.07.2024 intimated that in case of non-readiness of any developer, the common drawing along with other ready developers may be submitted. Accordingly, common drawing in respect of the Applicant/Petitioner alongwith other two developers, viz, (i) Morjar and (ii) OP Wind was submitted for approval in August 2024 which was granted vide GETCO's letter dated 11.09.2024. She further clarified that an individual approval of the drawing to the Morjar as referred in the Daily Order dated 18.01.2025 is for GETCO Bays/equipment, which were allowed to use by M/s Morjar under the temporary arrangement and not with respect to extension/construction of Bays to be done by individual developers, i.e. M/s Morjar.

- 2.4. She further submitted that initially the Applicant/Petitioner vide letter dated 29.02.2024 requested GETCO to grant approval for the existing vendor M/s CHINT Global of 220 KV Kalavad substation for creating new 220 KV Bays, which was denied by GETCO vide email date 02.04.2024 due to Govt. of India Cross Border Business Policy. In view of limited vendors in India for GIS substation and further when the vendor is different than original equipment, there are requirements to design the adaptors to connect the existing GIS modules. Thereafter, the Applicant/Petitioner vide its letter dated 21.06.2024 requested for approval of common vendor, which was granted by GETCO vide its letter dated 08.07.2024. Some developers approached GETCO immediately for approval of common vendor whereas other developers approached GETCO after delay. However, GETCO granted approval within reasonable time as and when they approach to the GETCO for vendor approval.
- 2.5. She also submitted that some reasonable time is required by any authority to process the application and accords its approval thereof. Therefore, the entire time period of approval process, i.e., date of application for approval to date of grant of approval by GETCO cannot be considered as delay.
- 2.6. In response to the query of the Commission, Ld. Counsel for the Respondent GETCO clarified that it is duty of respective developer to construct the Bays and associated equipment at GETCO substation to whom connectivity is granted and

GETCO is allowing to the project developers the use of its substation assets or Bays on first come basis after due consideration of requirement on temporary basis under stop gap arrangement by taking undertaking from such developers that the GETCO will at any time ask the developer to return back such assets and/or Bays allowed to use by developers and such allocated assets/Bays would be available to GETCO for its use after completion of temporary period or earlier if need arises to GETCO and such developer is still required to construct their own Bays at the substation and the developer shall require to return back the assets/Bays to GETCO in any condition. In the present case, the GETCO has allowed use of its Bays to M/s Morjar Renewables Pvt. Limited for temporary period upto March 2025 only with undertaking that the Respondent GETCO may withdraw such permission if it requires earlier than March 2025. On query of the Commission that in such case, the Bays which is constructed by GETCO and is assets of GETCO for utilization by DISCOM/GETCO as per system planning, how such Bays be allocated to the generators who have not constructed its own Bays as part of mandatory conditions and requirements for grant of connectivity and allowed use of such assets of GETCO, on which O & M charges as a part of ARR recovered by GETCO from other beneficiaries like appears to have in this case, i.e., Discoms, general body of consumers, other open access consumers etc. Further, M/s Morjar and other developers who have been allocated Bays of GETCO, whether any charges are recovered by GETCO and on which terms and conditions, such Bays were allocated is concerned, she has agreed to provide the detailed submissions on these aspects.

- 2.7. On further query of the Commission that if M/s Morjar Renewables Pvt. Limited failed to construct its Bays etc. in time, in that case the withdrawal of the physical connectivity granted to such generator by utilization of temporary allocated Bays of GETCO, if any permission for temporary use of GETCO Bays/substation is allowed, in that case, such generator will suffer from loss of generation due to lack of evacuation facility and revenue loss which may lead to future litigations, she submitted that Bays allowed to be used to the project developers/generator like the Applicant/Petitioner in this case is on temporary basis and they shall require to face consequences of it, in case GETCO withdraw the permission at any point of time. On query of the Commission that when the connectivity of M/s

Morjar Renewables Pvt. Limited was terminated, in that case, the Bays allocated to M/s Morjar Renewables Pvt. Limited were whether withdrawn and terminated and allocated to the Applicant/Petitioner or similar other developers to whom connectivity was granted and whether approval of the Commission was obtained, she submitted that the Respondent would clarify the same with supporting documents. With respect to issue of temporary allocation of GETCO Bays, she submitted that the Bays would remain the assets of the GETCO and at no point of time there was any assignment or transfer of Bays and therefore, approval of the Commission under Section 17 of the Electricity Act, 2003 is not contemplated. Section 17 of the Electricity Act, 2003 refers to assignment of license, or transfer of utility by sell, lease, exchange, or otherwise which requires prior permission of the Commission. In the present case, uses of feeder/Bays of GETCO by any developer on temporary basis on the stop gap arrangement would not be considered as the transfer/assignment when the assets are not transferred/assigned in the name of developers and would remain available with GETCO. She further agreed to clarify as to why Morjar Renewables Pvt. Limited whose connectivity was cancelled and the spared Bays which was earlier allotted to it was whether allocated or not to the Applicant/Petitioner after above incident and reasons for it. She submitted that the Respondent GETCO allowing uses of Bays to protect the developers like the Applicant/Petitioner which will in turn allow GETCO to recover transmission charges due to grant of Open Access and generation of energy from the renewable sources.

- 2.8. In response to further query of the Commission, she submitted that the decision for grant of use of GETCO Bays are made based on technical analysis and period for which temporary use is sought by the developers. In response to query of the Commission, she also submitted that the Bays for Morjar Renewables Pvt. Limited is allowed to use upto March 2025 only. On further query of the Commission as to whether the GETCO has recovered the Bays expenses which were recovered as part of O&M in the ARR from the Discoms and other open access consumers from M/s Morjar, she submitted that the GETCO has inadvertently not claimed 220 KV Bays of Kalavad substation as a part of its ARR Petition but has claimed 66 KV Bays of Kalawad substation in its ARR. However, the charges from M/s Morjar were recovered or not and details of the same will be provided by GETCO specifying the allocation of specific Bays of particular sub-

station, return back of the said Bays to GETCO by such generators, recovery of charge for allowing use of Bays to such generators and return back of the original Bays to GETCO by such generator, the Bays which require to be constructed and returned back to its own Bays by such generator. She further agreed to place on records the complete details of other similar cases at other substation along with the name of substation, name of generator, project developers wherein GETCO had allowed to use of its substation Bays/other assets to private developers on temporary basis or otherwise and its treatment in the ARR.

3. Ld. Adv. Mr. Aditya Singh, appearing on behalf of the Applicant/Petitioner, submitted that on the submissions of the Respondent GETCO, it seems that Respondent GETCO has supported to some extent to the case of the Petitioner specifically on the aspects that there was delay in vendor approval for construction of Bays due to change in cross border business policy of Government of India. He further submitted that in view of the timelines dated 27.01.2025, the Commission may either finally decide the matter or protect the Applicant/Petitioner by passing the interim Order in the matter restraining GETCO from taking coercive steps such as revocation of connectivity, encashment of BG etc.
- 3.1. The Counsel appearing on behalf of the Applicant/Petitioner, reiterated and submitted that at the time of granting connectivity approval, the Respondent GETCO was required to provide two important details, viz., (i) Name of substation and (ii) details with regard to construction/extension of Bays and its associate infrastructure. The Applicant/Petitioner could not initiate the construction of Bays till 24.02.2024 due to lack of clarity with respect to lead generators by the Respondent GETCO. He further submitted that initially the Applicant/Petitioner relied upon the existing vendor M/s CHINT Global of 220 KV Kalavad substation for expansion/construction of Bays, however, the Respondent GETCO rejected the proposal due to cross border business policy.
- 3.2. He further submitted that as such, there is no provisions under the Approved Procedure for grant of the connectivity for requirement of approval for common drawing and common makes for plant and equipment for extension/construction of the Bays. However, GETCO has placed such

conditions. The delay occurred on account of meeting of such requirements needs to be considered by the Commission.

3.3. In response to the query of the Commission, Ld. Counsel for the Applicant/Petitioner submitted that the Applicant/Petitioner do not want to make any reply to the additional submissions filed by the Respondent GETCO today. He requested to consider oral submissions of the Applicant/Petitioner for finally deciding the present matter and also grant interim relief as deadline is approaching on 27.01.2025.

4. Heard both the parties.

4.1. We note that the Respondent GETCO has filed its reply today during the hearing and made certain submissions and also sought time to provide certain details/information in the present Petition as directed by the Commission. Moreover, Ld. Counsel for the Applicant/Petitioner also drawn attention of the Commission that certain details still need to be provided by the Respondent GETCO which is not provided by them as part of today's submissions. We also note that the Applicant/Petitioner do not want to file any submissions/response to the submissions filed by the Respondent GETCO today, i.e., on 23.01.2025 during the course of the hearing. The Applicant/Petitioner also requested that only three (3) days had left for taking actions by GETCO for cancellation/termination of the connectivity and the Commission may protect the Applicant/Petitioner who has suffered due to no fault on the part of the Applicant/Petitioner.

4.2. We note that as per the submissions of the Respondent and counter submissions of the Applicant/Petitioner, there are further issues emerged with regard to practices/procedures followed by the GETCO as State Transmission Utility (STU) for grant of connectivity and allocation/reallocation of Bays which were constructed and commissioned as a scope of sub-station planning for utilization of GETCO, Discoms for its future utilization only and charges of it paid by such beneficiary/entities as a part of ARR, which need to be clarified/explained by GETCO including on the following aspects:

- (a) Complete details/information of other similar cases of GETCO substation wherein GETCO has allowed its substation/Assets/Bays for uses of private developers on temporary basis or otherwise, for grant of physical connectivity/open access due to delay of construction of Bays etc. by the respective developers, specifying the applications for such utilization, its period initially granted, extension granted if any, terms and conditions of such utilization on temporary basis allowed, whether such developer was required to construct its Bays, what is the timeframe for construction of such Bays, when such Bays was actually constructed, after construction of Bays by the respective developers, whether such developer is directed to shift its connectivity to its own Bays, the developers when shift for utilization of such Bays. Whether any procedure laid down by GETCO in this regard and get it approved from the Commission.
- (b) As noted that GETCO has allowed its Bays to few selected private developers for grant of physical connectivity and open access stating that GETCO as a STU has responsibility to grant Open Access and utilization of its Bays will entail GETCO to recover transmission charges. In this context, it is imperative to clarify by GETCO as to whether GETCO has made it known to all similarly placed developers or made it public for allocation of its Bays to the private developers wherever feasible even on the temporary basis, so as to provide equal opportunity to all such developers and to avoid chance of selective or preferential treatments to some of the developers and to ensure the selection of developers for such allocation of GETCO assets is based on some prudent and justified basis.
- (c) What is the scheme of allocations of Bays at 220 KV Kalavad substation specifying (i) the sequence number of Bays which was originally allocated to three developers, (ii) sequence number of Bays which became spare on account of revocation of connectivity to M/s Morjar, (iii) sequence of Bays No. reallocated to the existing developer or to M/s Morjar at the time of granting fresh connectivity, (iv) sequence of Bays No. allocated/reallocated or changed in respect of the Applicant/Petitioner from time to time, (v) sequence number of Bay which has been temporary allocated by GETCO to the developers/generators viz., (a) Morjar Renewables Pvt. Limited, (b)

OPWIND Energy Pvt. Limited, (c) Suzlon Global Services Limited and (iv) the Applicant/Petitioner herein etc. and to place on record all the relevant documents in this regard.

- (d) What is the period during which the connectivity of Morjar Renewables Pvt. Limited was cancelled/terminated and bank guarantee, if any, encashed.
- (e) When did Morjar Renewables Pvt. Limited apply second time for connectivity and when it was granted by GETCO.
- (f) Upon the cancellation and termination of Morjar Renewables Pvt. Limited's connectivity, whether the same spared Bays No. which were originally allocated to M/s Morjar have been allocated to the Applicant/Petitioner and declared it as lead generator or other existing developer. Detail of the same be provided, and if the answer is in negative, then the rationale/reasons for not allocating the spared Bays of M/s Morjar to the Applicant/Petitioner.
- (g) In case the response to the Sr. No. (f) is in negative, as to whether the spared Bays No. i.e., originally allocated Bays No. was reallocated to the same developers, i.e., M/s Morjar while granting fresh connectivity to it. If so, how the same Bays No. is reallocated to Morjar Renewables Pvt. Limited and not to the Applicant/Petitioner or other such generators, specifying when GETCO had approved the connectivity to the Applicant/Petitioner without intimating Bays.
- (h) How initially 3 Bays of substation allocated to the four generators to whom connectivity was granted but later on, considered addition 4th Bays for reallocating the connectivity to M/s Morjar on reapplication after cancellation of its original connectivity and as to why 4th Bays was not considered initially for grant of connectivity to the Applicant/Petitioner.
- (i) Details of the connectivity granted to developers specifying the details of period for which such allocation is done, recovery of Bays charges from such developers, when they constructed their Bays and original Bays

returned to GETCO, whether any location, change in the Bays if done etc., all such details be provided.

- (j) Whether GETCO is entitled for recovery of charges from the private developers for allowing utilization of its assets without the approval of the Commission considering the facts that the respective developers are responsible for creation of requisite Bays and related infrastructure at their own cost in specified time, failure to it lead to cancellation of connectivity, liable to pay transmission charges on basis of deemed transmission open access granted, encashment of BG etc. If the answer on the said aspects is in affirmative, details/information be submitted with respect to charges recovered/recoverable from such developers specifying the amount, period etc. and authority who can and who have decided charges in such cases and in the present case, the charges to be recovered from such developers as per provisions of Act/Regulations/Order of the Commission. If the answer on the above aspect is in negative, the rationale for allowing use of GETCO's assets at free of cost to private developers giving reference to applicable provisions of Act/Regulations/Order of the Commission for allowing such utilization at free of cost.
- (k) Clarification/Submissions as to what treatment shall be given for such assets in the GETCO's ARR/True up Applications specifically for the period for which such Bays are utilized by the private developers in both scenarios, viz., (i) if charges are recovered from the private developers and (ii) If assets are allowed to utilize at free of cost.
- (l) As per submissions of the parties, the Applicant/Petitioner was required to enter into agreement for sharing of Bays with lead generators as pre-condition for grant of connectivity, i.e., earlier three Bays were considered adequate for grant of connectivity to four developers at 220 KV Kalawad substation. Later on, as to how the pre-condition for sharing of Bays was dropped while granting fresh connectivity to M/s Morjar by changing the scheme of allocation requiring for construction of 4th Bays for four developers instead of three Bays involving same developers earlier.

Detailed submissions/justifications along with all documents need to be placed on records.

- (m) Confirmation as to whether GETCO has sought view/inputs from the concerned DISCOM or generators etc. for whom the Bays were considered as a part of substation requirement at planning stage and constructed it with GETCO CAPEX for use of GETCO/DISCOMs with consideration of system study report and the same was allocated later on to the private generator for evacuation of its power for captive use/third party sale for their utilization who otherwise failed to construct, operate the space for Bays for their own connectivity use and who failed to construct its allocated Bays within timeframe and who are liable to pay transmission charges, liable for connectivity cancellation or revocation etc.
- (n) GETCO in its reply has denied all the contents and allegations and submitted that the Bays are allowed to utilize by the private developers only for temporary period. GETCO need to make submissions as to how much maximum period is to be considered as temporary period since the provisions of GERC Open Access Regulations provides that maximum period for grant of short-term open access shall be three months at a time. What is mechanism for allocation of such Bays, whether it has first come first basis or otherwise.
- (o) As indicated during the course of hearing, GETCO is required to resubmit certain documents submitted as a part of its affidavit dated 22.01.2025 which are not legible. Further, it is also noticed that the GETCO still require to place on records the submissions/information/clarifications on the certain aspects which have been directed by the Commission in its Daily Order dated 18.01.2025 in the matter. Accordingly, the Respondent GETCO is directed to ensure the compliance of the Daily Order dated 18.01.2025 of the Commission *in totally*
- (p) Whether after termination of the connectivity of the M/s Morjar, the said Bays of the Major was allocated to the Applicant/Petitioner or other connectivity holders or not?

- (q) Clarify status of sequence number of Bay allocated to (i) Morjar Renewables Pvt. Limited, i.e., sequence number of Bays originally allocated to M/s Morjar, and sequence number of Bays reallocated at the time of grant of fresh connectivity, (ii) OPWIND Energy Pvt. Limited, and (iii) Suzlon Global Services Limited, (iv) Sequence No. of Bays allocated to the Applicant/Petitioner and on what date, and (v) Sequence of Bays No. constructed by GETCO for its own use/DISCOMs.
- (r) Clarify the status of sequence of Bays No. allocated to the Applicant/Petitioner on cancellation and termination of M/s Morjar' connectivity at GIS based Bays of the GETCO constituted for GETCO or DISCOMs or not?
- (s) If the allocated Bays No. became spare on account of revocation of the connectivity of M/s Morjar, was it not prudent and equitable to allocate same Bays No. to the Applicant/Petitioner and in case the said Bays No. if not allocated to the Applicant/Petitioner, whether it would not be tantamount to discriminatory treatment to the Applicant/Petitioner that entity/generator who is not having identified Bays on the date of grant of connectivity has not been allocated the spared Bays.
- (t) The status of the Bays needs to be constructed by the four connectivity holders of 220 KV at Kalavad substation for their utilization, open access etc. and if there is no construction of Bays, Bus Bar etc. by the connectivity holders, whether the transmission charges etc. is commenced to be recovered from them or not, in accordance with the provisions of the Regulations, Order, Policies etc. alongwith reasons for the same.
- (u) The connectivity of (i) Morjar Renewables Pvt. Limited, (ii) OPWIND Energy Pvt. Limited and (iii) Suzlon Global Services Limited was granted for 100 MW capacity and against it, GETCO' Bays allocated to the above entities/any of entities are how much capacity to evacuate power? If the Bays has higher capacity to evacuate the power, say 200 MW or 150 MW, in that case if the connectivity holders who have been allocated GETCO bays for evacuation of power, can have right to deny the other connectivity holder like the Applicant/Petitioner who has not been allocated Bays while

granting the connectivity approval but directed to share Bays with other lead generator, for allowing evacuating the power from its allocated Bays which is property of the GETCO, i.e., public utility and it may also led to under-utilization of GETCO property and lesser recovery to GETCO? What action in such case is taken by the GETCO?

- (v) GETCO is required to confirm that upon completion of Bays to be constructed by M/s Morjar, as to whether present connectivity of M/s Morjar will be changed with newly Bays construed by it in place of GETCO's Bays or GETCO will takeover newly constructed Bays of M/s Morjar in lieu of GETCO Bays which is allowed to be utilized, without changing existing connectivity arrangement of M/s Morjar. If M/s Morjar is allowed to continue with existing connectivity arrangement at GETCO Bays even after completion of its own Bays, would it not be tantamount to transfer of GETCO' Bays to M/s. Morjar attracting approval of the Commission as contemplated under Section 17 of Electricity Act, 2003.
- (w) What practice GETCO has followed in other similar cases viz., whether GETCO has allowed to continue with the existing connectivity arrangement with Bays of GETCO or such developers have been asked to shift their connectivity with newly Bays created by them. Provide complete details specifying the name of substation and such other details.
- (x) GETCO is required to confirm as to whether the connectivity applications received from other developers at GETCO 220 KV Kalawad substation when original connectivity was granted by GETCO during the period of pendency of writ petition of M/s Morjar in the Hon'ble High Court, was rejected/cancelled or it was kept alive and considered for allocation upon withdrawal of writ petition by M/s Morjar.
- (y) Whether GETCO has prescribed any procedures/norms for allocation/reallocation of sequence number of Bays to various developers and the procedures/norms to be followed for allocation of its Bays to the developers on temporary basis and norm and procedures to be followed with respect to the connectivity arrangement once the Bays are

constructed by such developers. Details of the same alongwith proper justification be provided.

(z) Prior to grant of connectivity to the developer in case of sharing of Bays, whether GETCO has sought from the Applicant connectivity holder has submitted the agreement executed with lead generator for sharing of Bays as provided in Clause 13.2 of the Procedure for connectivity prepared by GETCO and approved by the Commission or not? Whether the agreement between lead generator and developer/generator who has to share connectivity as per approved procedure were submitted by the Applicant/developer for grant of connectivity or not. If the answer is in affirmative, provide the details and copy of the same for records of the present Petition. If the answer is in negative, in that case, whether it is not construed as non-compliance on part of the Respondent of the approved procedures for grant of connectivity? Provide the details and documents with reasons in this regard.

(aa) In case of denial of sharing of Bays by lead generator wherein spare capacity on the Bays allocated by GETCO for its Bays, whether any action was initiated against such generators/developers for non-compliance of Regulations/Procedures and also for not allowing sharing on GETCO assets/Bays taken?

4.3. As the Applicant/Petitioner argued that the connectivity is going to be terminated on 27.01.2025 and if the protection is not given to the Applicant/Petitioner, the Applicant/Petitioner' connectivity will be terminated/canceled by the Respondent. Hence, it is requested either to pass final order or interim order on the issue of revocation/cancelation of the connectivity by the Respondent. The counsel for the Respondent also stated that the deadline for the Connectivity is 27/01/2025. The Ld. Adv. for the Respondent clarified that the continuation of the connectivity shall require continuation of bank Guarantee also. In the absence of valid Bank Guarantee, the connectivity will be required to be canceled and existing the Bank Guarantee will be encashed.

- 4.4. We note the submissions that the Applicant/Petitioner is unable to complete the Bays works at Respondent 220 KV Kalavad substation on following reasons:
- a. The three lead generators to whom the bay was allocated by the Respondent, were not ready to share the Bays/transmission facilities though the Applicant/Petitioner approached the above entities.
 - b. The delay occurred in approval of common drawings by GETCO for Bays of the generators who have been granted connectivity by GETCO.
 - c. Selection of common Vendors for construction of the GIS Bay at the GETCO Kalavad substation.
- 4.5. We note that the Respondent has also admitted that GETCO has allocated Bays to i) Morjar Renewables Wind Energy Limited, ii) OP Wind Energy Limited (iii) Suzlon Global Energy Limited as lead generators. The Respondent has also informed to the Applicant/Petitioner that the connectivity granted to it, shall be with condition that the lead generators have to agree for sharing of the connectivity/Bays. However, the lead generators have not responded in timely manner for sharing of Bays allocated to them.
- 4.6. We also note that the Respondent GETCO also put up the condition on the Applicant/Petitioner that the common drawings of the Bays of the generators be approved by the GETCO.
- 4.7. We note the submissions of the Applicant/Petitioner that there is delay in approval of drawings due to other generator who was not ready for the same.
- 4.8. It is also argued that the Applicant/Petitioner has earlier requested for vendor approval of M/s Chint Limited to construct GIS based bay at GETCO substation. However, it was not granted by the GETCO on the basis of change in Cross Border Business Policy by Central Government. In such situation the Applicant/Petitioner was required to approach the other vendor, but all the developers/generators shall agree for common vendor for construction of their Bays which took some time and therefore, the same is claimed as beyond control of the Applicant/Petitioner.

- 4.9. In aforesaid situation, the Applicant/Petitioner is unable to carry out the works for construction of Bay at GETCO substation due to conditions imposed on it by the Respondent and also their decision is depending on the other lead generators who have been granted connectivity by GETCO.
- 4.10. The Applicant/Petitioner has stated that it has acted as per condition imposed by the Respondent and also carried out works with regard to transmission system. The Applicant/Petitioner has acted to construct the Bays at GETCO substation, however, due to condition imposed by the Respondent, it was not able to complete the works independently, but its decision and works were depending on the other lead generators who have been granted the connectivity by GETCO. It is also observed that the proposed vendor initially suggested by the Applicant/Petitioner for construction of its Bays was not approved by GETCO with consideration of change in Cross Border Business Policy of the Central Government.
- 4.11. We also considered the submissions of the Applicant/Petitioner that the deadline as mentioned in GETCO' communication to the Applicant/Petitioner is approaching on 27.01.2025. Further, the Applicant/Petitioner has submitted that the connectivity of the Applicant/Petitioner needs to protect till the matter is finally decided by the Commission. We also note that the Respondent GETCO has filed its submissions today during hearing and submitted that certain details which needs to examine and consider by the Commission prior to decide the matter. The Respondent also needs to submit certain details. Both the Applicant/Petitioner and the Respondent have also agreed to provide their respective written submissions in the present matter. We direct the Applicant/Petitioner and the Respondent GETCO to file its written submissions including the above details sought under this Order as stated in para 2 & 4 of this Order, within two weeks' time from the date of this hearing with a copy to the Petitioner. The Applicant/Petitioner would be at liberty to file their submissions, if any, on the documents submitted by the Respondent, within week' time after the receipt of submissions from the Respondent in the matter.
- 4.12. In view of the above circumstances and in the interest of justice and in good conscience when the matter is pending before Commission, we deem it

appropriate to direct the Respondents GETCO to maintain status quo and not to take any coercive action regarding the connectivity so as to not to re-assign or re-allot to the others, till next date of hearing i.e., 27.02.2025. We make it clear that no equitable rights will be created in the favour of the Applicant/Petitioner by this Order.

5. As agreed by the counsels of both the parties, the next date of hearing will be on 27.02.2025 at 11:30 Hours.
6. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 11/02/2025.

