

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2266 of 2023.

In the matter of:

Petition under Section 86 of the Electricity Act, 2003 read with Clause 16 of the Procedure for 'Grant of Connectivity to projects based on Renewable Sources to Intra-State Transmission System' approved by the Commission on 07.01.2023 and Connection Agreement dated 24.07.2023 executed between Enfinity Global Surya Vayu Energy Pvt. Ltd., and GETCO, seeking to quash and set aside the Letter dated 16.09.2023 issued by GETCO and for directions to restore the Stage-II Connectivity dated 31.05.2023 granted to Enfinity Global Surya Vayu Energy Pvt. Limited.

And

IA No. 41 of 2023 in Petition No. 2266 of 2023.

In the Matter of:

Application for seeking ad-interim ex-parte directions including direction to stay revocation letter dated 16.09.2023 issued by the Respondent GETCO.

And

IA No. 22 of 2024 in Petition No. 2266 of 2023.

In the Matter of:

Application filed on behalf of the Petitioner/Applicant seeking amendment in the Petition No. 2266 of 2023.

Applicant/Petitioner	:	Enfinity Global Surya Vayu Energy Pvt. Limited
Represented by:	:	Ld. Advocates Mr. Yashaswi Kant, Ms. Priyanka Vyas and Mr. Sarvaswa Chhajer
Respondent	:	Gujarat Energy Transmission Corporation Limited
Represented By	:	Ld. Adv. Ms. Ranjitha Ramachandran alongwith Mr. S.K. Nair, Mr. J.D. Trivedi and K.K. Pandya

CORAM:

**Anil Mukim, Chairman
Mehul M. Gandhi, Member
S.R. Pandey, Member**

Date: 24/03/2025.

DAILY ORDER

1. The matter was kept for hearing on 25.09.2024.
2. Ld. Adv. appearing on behalf of the Applicant/Petitioner has referred to the Daily Order dated 05.06.2023 passed by the Commission in the matter and submitted that as per the direction of the Commission in the aforesaid Daily Order, the Applicant/Petitioner has filed a IA being IA No. 22 of 2024 seeking amendment in the present petition along with amended memo of the Petition. In the amended Petition, the Applicant/Petitioner has now limited prayers inter-alia (i) to declare that the Applicant/Petitioner has not committed any fraud or misrepresentation in its Application for grant of Stage-II connectivity submitted to GETCO (ii) to quash and set aside the impugned letter dated 16.09.2023 issued by GETCO; alternatively, (iii) to direct GETCO to return the Bank Guarantee dated 26.04.2023 and deposits amounting to Rs. 8,48,85,517/- submitted in pursuant to grant of connectivity at 220 KV Charkha S/S to the Applicant/Petitioner.
- 2.1. He submitted that the Applicant/Petitioner had validly submitted the requisite documents along with the Application for grant of Stage-II connectivity and the same was verified by the Respondent in accordance with Connectivity Procedure and Stage-II connectivity was granted to the Applicant/Petitioner on 31.05.2023. Therefore, even assuming that the Respondent committed an error in verification of the documents prior to grant of Stage-II connectivity, the Applicant/Petitioner cannot be penalized for the same and therefore the monies paid by the Applicant/Petitioner including deposits and bank guarantee is to be returned to the Applicant/Petitioner by the Respondent.
- 2.2. It is submitted that the purpose of connectivity Bank Guarantee is to insulate the Respondent against any loss it might incur on account of defaults on part of the entity in timely compliances till the evacuation of power. Since, the

Respondent has revoked the Stage-II connectivity on account of non-compliance of clause 8.2.2 (i) of the connectivity procedure, the intended purpose of the connectivity Bank Guarantee stands vitiated. Even otherwise, the Clause 8.2.2 of the connectivity procedure does not attract encashment of bank Guarantee by the Respondent.

- 2.3. It is submitted that withholding/invoke of bank guarantee and deposits by the Respondent is illegal since the conditions provided in the connectivity procedure are not satisfied in the present case as the connectivity procedure does not provide any right to the Respondent to withheld/encash bank guarantee or deposits made by the Petitioner/Applicant.
- 2.4. Based on the above submissions, he requested that the Commission may direct the Respondent GETCO to return the Bank Guarantee provided for connectivity as well as the bay charges deposited by the Applicant/Petitioner in respect to grant of Stage – II connectivity to them.
3. Ld. Adv. Ms. Ranjitha Ramachandran, appearing on behalf of the Respondent GETCO has submitted that the Respondent has filed its reply to the amended Petition filed by the Applicant/Petitioner.
- 3.1. It is submitted that the connectivity was obtained by the Applicant/Petitioner with misrepresentation and not submitting the documents in accordance with the Detailed Connectivity Procedure. Upon discovery of the fact that the documents submitted by the Applicant/Petitioner did not fulfil the eligibility requirements specified under the Detailed Procedure, the Stage-II Connectivity ought not to have been granted to the Applicant/Petitioner and accordingly, cancelled the said Stage-II Connectivity granted.
- 3.2. It is submitted that the Applicant/Petitioner had submitted the bank guarantee and paid the estimate amount as provided in the Detailed Procedure and thereafter, the connectivity was cancelled by GETCO upon discovery of the fact that the documents submitted by the Applicant/Petitioner did not fulfil the eligibility requirements specified under the Detailed Procedure. It is submitted that there are no provisions in Detailed Procedure regarding the return of the Bank Guarantee and/or any estimate charges.

4. Heard the parties. We note that the Applicant/Petitioner has filed IA being IA No. 22 of 2024 seeking for amendment in the Petition and filed amended memo of the Petition in the matter. The Respondent has filed its reply to the amended petition. We note that the Applicant/Petitioner has not filed its rejoinder submission to the reply of the Respondent to the amended Petition. Hence, let the rejoinder submission be filed by the Applicant/Petitioner, if any, within two weeks' time, with a copy to the Respondent.
5. Next date of hearing will be intimated separately.
6. Order accordingly.

Sd/-
[S.R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Sd/-
[Anil Mukim]
Chairman

Place: Gandhinagar.
Date: 24/03/2025.

