

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2282 of 2023.

In the matter of:

Petition under Section 63 of the Electricity Act, 2003 read with Guidelines for tariff based Competitive Bidding Process for procurement of power from grid connected Solar PV Power Projects dated 03.08.2017 issued thereunder interalia seeking adoption of tariff of Rs. 2.78 quoted by the Petitioner in the competitive bidding process conducted by the Respondent by way of RfS No. GUVNL/700 MW/Solar (Phase IX) dated 18.03.2020 for development of Solar PV Projects of 700 MW capacity of Dholera Solar Park and consequential direction to the Respondent to enter into PPA with the Petitioner for 100 MW Solar Project awarded to the Petitioner by way of unequivocal Letter of Award dated 09.10.2020.

Petitioner	:	Veena Energy Renewables Urja Pvt. Ltd.
Represented by	:	Ld. Adv. Aniket Prasoon along with Adv. Archana Kashyap and Mr. Sighartha Mahopatra
		Vs.
Respondent	:	Gujarat Urja Vikas Nigam Ltd.
Represented by	:	Ld. Adv. Utkarsh Singh along with Mr. A. H. Chavda

Alongwith

Petition No. 2283 of 2023.

In the matter of:

Petition under Section 63 read with Section 86 (1) (b) of the Electricity Act, 2003 in regard to competitive bidding process conducted vide RfS dated 18.03.2020 (Phase IX) issued by GUVNL.

Alongwith

IA No. 14 of 2023 in Petition No. 2283 of 2023.

In the matter of:

Application filed by GUVNL to bring on record subsequent events and for impleadment.

And
Alongwith

IA No. 37 of 2024 in Petition No. 2283 of 2023.

In the matter of:

Application filed by the Petitioner GUVNL for Amendment of the Petition and impleadment of two Respondents in the main Petition No. 2283 of 2023.

Petitioner	:	Gujarat Urja Vikas Nigam Limited
Represented by	:	Ld. Adv. Utkarsh Singh along with Mr. A. H. Chavda.
		Vs.
Respondent No. 1	:	TEQ Green Power Pvt. Ltd.
Represented By	:	Ld. Adv. Abhishek Shah
Respondent No. 2	:	Vena Energy Renewables Urja Pvt. Ltd.
Represented by	:	Ld. Adv. Aniket Prasoon along with Adv. Archana Kashyap and Mr. Sighartha Mahopatra
Respondent No. 3	:	Tata Power Company Ltd.
Represented by	:	Ld. Adv. Anand Shrivastava along with Adv. Chetan Saxena, Adv. Utkarsh Saxena and Mr. Rahul Ranade.
Respondent No. 4	:	Gujarat Power Corporation Ltd.
Represented by	:	Ld. Adv. Anuj K. Trivedi
Respondent No. 5	:	SJVN Ltd.
Represented by	:	Nobody remain present

Respondent No. 6 : ReNew Solar Power Pvt. Ltd.

Represented by : Ld. Adv. Aniket Prasoon along with Adv. Nistha Kumar.

CORAM:

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

Date: 03/04/2025.

DAILY ORDER

1. The matter was kept for hearing on 15.10.2024.
2. At the outset, Ld. Advocate Aneesh Bajaj appearing on behalf of the Petitioner GUVNL submitted that an IA for amendment in the main Petition filed for requesting the Commission to allow to implead the Respondents namely SJVN Ltd. and ReNew Solar Power Pvt. Ltd. as parties in the main Petition being Respondent No. 5 and 6 respectively. It is further submitted that originally these parties were not the Respondents in the main Petition No. 2283 of 2024. It is submitted that the said IA No. 37 of 2024 is listed for hearing.
3. On the query of the Commission that when did the Petitioner GUVNL filed the IA, Ld. Advocate of the Petitioner GUVNL submitted that it is filed on 10.10.2024, and it was to be registered and to be heard by the Commission. The Commission has directed to provide copy of IA to the Respondents and file an affidavit in this regard for serving copy to the IA to the Respondents.
4. Ld. Adv. Abhishek Singh, appearing on behalf of the Respondent No. 1 TEQ Green Power Pvt. Ltd. in Petition No. 2283/2023 submitted that the Respondent has signed the Agreement with the Petitioner and considerable time has passed. Further, the Respondent will be required to construct and complete the capitalisation of the power

project within stipulated time. The Respondent has made huge investment to set up the power plant by tying up with various contracts etc. so that the power project could commence generation and further delay in commissioning of the project could be avoided. He further submitted that the Respondent No. 4 GPCL who had previously allocated land for project has still not finalised and project is getting delayed, hence the Commission may direct GPCL for it. The Respondent has signed the Agreement with the Petitioner for development of project, hence, the Commission may direct the GPCL to issue the demarked land to the Respondent in Special Economic Zone (SEZ) land and file the related documents so that the Respondent can proceed with its power project. He further submitted that entire project is delayed and various activities could not be commenced. The entire project is being put on hold due to non allotment of the demarked land by GPCL. He further submitted that the Respondent TEQ has filed separate IA in Petition No. 2283 of 2023 seeking directions to extend the timelines for fulfilment of Applicant/Respondent No.1 TEQ's obligation as specified in the PPA dated 20.03.2024.

5. Ld. Adv. Aniket Prasoon appearing on behalf of Veena Energy Renewables Pvt. Ltd also submitted that the Respondent No. 4 GPCL in Petition No. 2283/2023 should be directed to file its position related to demarcation of land with respect to all Respondents, the same situation may happen with the other Respondents also.
6. On the query of the Commission that why the Veena Energy Renewable Urja Pvt. Ltd. and Tata Power Company Ltd. did not raise the issue of land in the previous hearing and why did the Respondents jointly agree in the last hearing that they have sorted and the issue of land demarcation, Ld. Adv. Aniket Prasoon replied that the GPCL has recently filed its reply and earlier there was no written or formal communication related to the said demarcation of land.
7. On the further query of the Commission that if there was no document on record or any formal communication of the said demarcation of land then why counsels appearing for the Veena Energy Renewable Urja Pvt. Ltd. and Tata Power Company Ltd. did not raise any objection in the previous hearing and why did they agree that the said issue is resolved and the proposal is being accepted, Ld. Adv. Aniket Prasoon replied that the

Respondent No. 4 GPCL has changed the demarcation of land, earlier they agreed to provide different land on the reason *inter-alia* due to approval from Forest Department.

8. On the further query of the Commission that what is the change in the proposal for demarcation of said land, Ld. Adv. Aniket Prasoon submitted that earlier it was Rs. 13.98 lac per MW for upfront development charge by GPCL and now they have changed and increased the charge than earlier demanded. So, now the Respondent has to differentiate the things which are changed and proceed against such changes done by the Respondent No.4 GPCL.
9. Ld. Adv. Shri Anuj K Trivedi on behalf of the Respondent No.4 GPCL in Petition No. 2283 of 2023 submitted that the Respondent No 4 GPCL has filed its submission in the matter.
10. The Respondents in Petition No. 2283 of 2023 have sought time to file their submission on the Reply filed by Respondent No. 4 GPCL.
11. Heard the parties. We note that during the hearing Respondent No. 1 in Petition No. 2283 of 2023, TEQ Green Power Pvt. Ltd. has raised the issue regarding demarcation of land and requested the Commission to issue the directives to the Respondent No. 4 GPCL to identify and allocate the land for project as they have signed the PPA and Project needs to be set up and commission on time. Moreover, they have carried out expenses for various project related activities and on materials. The delay in allocation of land by GPCL, affect the Respondent TEQ. The Respondent Veena Energy Renewable Urja Pvt. Ltd. and Tata Power Company Ltd. in the previous hearing had neither raise any query on the said issue of demarcation of land nor raised any objections, on the contrary the said Respondents jointly submitted that the land demarcation issues are resolved out among them with GPCL. So far as Veena Energy Renewable Urja Pvt. Ltd. and Tata Power Company Ltd. now both the Respondents have raised the issue of allocation of land by GPCL for their respective project. Further, it has stated that the delay in the allocation of land and change in condition is affecting the project development. It also creates a condition that the project get delayed due to no clarity of land by GPCL i.e., demand of separate land parallel for different project developer. We take a note that even on issue

of land demarcation when the documents were not filed by the Respondent No. 4 GPCL in Petition No. 2283 of 2023 then how the Ld. Adv. appearing before the Commission for Respondent No. 2 (Veena) and 3 (Tata) had submitted that the said issues have been resolved. We note that it is duty of GPCL to allocate the land for the project developers in time, so that they are able to construct the project in time and avoid penalty etc., if any. We note that the Respondent No. 4 GPCL filed its submissions on affidavit clarifying the Respondents about status of land allocation to project developers and demarcation of land with a copy to other parties. We also direct the Respondents to the Petition to file their Reply on the same, with a copy to other side within two week's time.

12. We note that the Petitioner GUVNL has filed an IA in its main Petition No. 2283 of 2023 for the amendment of the Petition. Therefore, we direct the Petitioner GUVNL to serve the copy of the IA to the Respondents. The Respondents are at liberty to file their Reply with a copy to the Petitioner within two weeks' time. The Petitioner GUVNL is also at liberty to file its Rejoinder within one weeks' time after receipt of the Reply from the Respondents, with a copy to the Respondents.

13. The next date of hearing will be intimated separately.

14. Order accordingly.

Sd/-

[S.R. Pandey]
Member

Sd/-

[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 03/04/2025.