

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

LICENSE APPLICATION NO. 2 of 2021

and

I.A. NO. 3 OF 2023

In the matter of:

Application under Sections 14, 15, 16, 18, 52 and 86 (1)(d) of the Electricity Act, 2003 read with the GERC (Licensing of Electricity Trading) Regulations, 2005 (Notification No. 3 of 2005) for Intra-State Trading of Electricity license within the State of Gujarat.

Applicant: KPI Global Infrastructure Limited,
'KP House', Opp. Ishwar Farm BRTS Junction, Near
Bliss IVF Circle, Canal Road,
Bhatar, Surat – 395017, Gujarat.

Represented by: Ld. Advocate Ms. L.K. Bhaya and Shri Narendra Desai

Objector: Mr. Rajeshkumar R. Maniyar

Represented by: Nobody was present.

CORAM:

Mehul M Gandhi, Member

S. R. Pandey, Member

Date: 09/06/2025

DAILY ORDER

1. The Applicant has filed the present application for grant of Intra-State trading Licence.
2. The applicant was directed to issue public notice in compliance of provision of Section 15 (1) of the Electricity Act, 2003 read with the Notification No. 2 of 2005 of GERC (Licensing of Electricity Trading) Regulations, 2005 and invite comments and suggestions from the stakeholders/objectors on trading license desire by the

Petitioner by uploading the application and all documents submitted with the application on applicant website.

3. In compliance to above directives of the Commission, the Petitioner has filed an compliance affidavit dated 10.09.2021 stating that the Petitioner has issued public notice on 4.09.2021 in daily newspapers viz. "Sandesh", "Gujarat Guardian", "Loksatta", "Gujarat Today" and "Weekend Business Standard". Moreover, the Applicant/Petitioner also placed the present Petition along with public notice on its website for inviting comments, objections and suggestions from the stakeholders in this matter.
4. In response to aforesaid public notice of the applicant the Applicant/Petitioner has received comments/objections from Mr. Rajeshkumar R. Maniyar.
5. Objector Rajeshkumar Rasiklal Maniyar has filed his objections vide submission/letter dated 6.09.2021 reproduced below:

"Name of the Complainant:

Rajeshkumar Rasiklal Maniyar

Address of the Complainant:

"Lotus," Plot No. 1742/6, Patel Society, Modheshwari Mata Mandir Road, Sardarnagar, Bhavnagar

K.P. Energy Limited (Surat-Gujarat), whose associate company KPI Global Infrastructure Limited has invited objections through public notices in newspapers. We, as objectors/applicants, wish to draw your attention to the following matters and request you to thoroughly investigate our grievances/objections before proceeding further, and to inform us of the actions taken in this regard.

1. *It has come to our knowledge that K.P. Energy Limited has set up more windmills than approved by the government on lands in villages such as Katpur, Gadhada, Dolia, Khared, Sathara, Naip, Valaval, and other areas in Mahuva Taluka, Bhavnagar District. The electricity generated from these unauthorized windmills is being misrepresented and wrongly sold to the government.*

2. Furthermore, we have learned that windmills have also been illegally installed in forest areas at locations other than those officially allotted by the government.
3. Currently, a legal case is ongoing in Mahuva Court regarding these illegally installed windmills, indicating that the matter is sub judice.
4. Likewise, a related matter is pending in the Hon'ble Gujarat High Court and is also sub judice.
5. Due to the multiple concerns associated with the name of K.P. Energy Limited, the company's owners have allegedly established a new company, KPI Global Infrastructure Limited, to seek benefits from the government under a different name.

Note:

We have obtained information related to the above-mentioned K.P. Energy company through RTI (Right to Information). If your office at Bhavnagar requires our statements and evidence, we are ready to appear in person and provide all relevant documents and details regarding our complaint.

In case our application is not given due consideration, we will be compelled to seek legal recourse through the Hon'ble Court. Kindly take note of this.

Rajesh R. Maniyar
Mobile: 9426222487

.....”

6. Thereafter, the matter was kept for hearing on 13.09.2022. On that day, Mr. Irfan S. Mombasawala appeared on behalf of the Applicant/Petitioner. He submitted that the Applicant/Petitioner being public limited company desires to carry out trading activity of electricity in the State of Gujarat for the small generators/investors who set up their own IPPs and desire to sell the energy generated from such projects to third party but find it difficult in selling the same. In order to facilitate them, the Applicant/Petitioner is seeking Intra-State Trading License from this Commission. It is also submitted that the Applicant/Petitioner is also carrying out EPC work for setting up Solar Projects on behalf of the project developers and after commissioning the project, the same is handed over to its owner. The Applicant/Petitioner has also carried out EPC work for small Solar Projects developers in the State. It is further submitted that pursuant to the last

Daily Order of the Commission, the Applicant/Petitioner has submitted all the details as sought by the Commission.

7. It is submitted that the Applicant/Petitioner is having Solar generation capacity of about 100 MW. In response to query of the Commission regarding the staff for the trading activities of the Applicant/Petitioner, it is submitted that the Applicant/Petitioner is having staff of around 120 persons to look after entire work as the Applicant/Petitioner is already involved in the generation / solar business since long. Moreover, the Applicant/Petitioner has been providing support and service for power requirements to many small units including undertaking EPC contracts on their behalf. It is further submitted that the Applicant/Petitioner has appointed Ms. Venu Birappa who is a retired employee of GETCO and Mr. Sharad Chandra Patil who retired from GEDA as Independent Directors on the Board of Directors of the Applicant Company. It is submitted that both these directors are well experienced and having vast exposure in power sector in their respective fields. It is further submitted that the Applicant/Petitioner has employed an experienced Chartered Accountant, Company Secretary and other skilled staff in this regard according to requirement of power trading laws.
8. In response to further query of the Commission as to whether the Applicant/Petitioner has given their reply to the query/objection raised by an Objector Mr. Rajeshkumar R. Maniyar in respect of certain issues in name of the Company, it is submitted that the Applicant/Petitioner has already replied to the objections/query raised by the Objector. It is submitted that the query raised by the Objector Mr. Rajeshkumar R. Maniyar is not relevant to the present Application seeking trading licence of the Applicant/Petitioner since the said query is raised against M/s K. P. Energy Limited, which is a separate legal entity and distinct company other than the Applicant/Petitioner's Company. It is also submitted that the Applicant/Petitioner's Company has been incorporated in the

year 2008, whereas; M/s K. P. Energy Limited was incorporated in the year 2010 and thus the Applicant/Petitioner's Company has been incorporated much before the incorporation of M/s K. P. Energy Limited. On a further query of the Commission as to whether the Directors and shareholders of both these companies are same or different, it is submitted that one promoter Director Mr. Faruk Gulam Patel is same in both these companies whereas rest of the Directors are different.

9. Upon further query by the Commission as to whether Applicant/Petitioner has filed proof of service for providing the reply to the objections raised by the Objector Mr. Rajeshkumar R. Maniyar, it is submitted that the Applicant/Petitioner will file the same for which one week's time may be granted to the Applicant/Petitioner. In response to the query about status of any pending criminal complaints / cases against the Directors of the Company or the Company itself, it is submitted that one criminal case is pending before Vadodara Court filed against the Director, Mr. Faruk Gulam Patel for an alleged offence under Section 406, 420, 447, 506 & 114 of the Indian Penal Code (IPC) and there is also SCA filed by Mr. Sangar V. Dhanraj & Ors. before the Hon'ble High Court of Gujarat against the State of Gujarat & Ors., wherein; Managing Director is one of the party of K.P. Energy Limited for seeking demolition and removal of transmissions towers and related infrastructures and the aforesaid details are also filed vide Affidavit dated 30.11.2021 by the Applicant/Petitioner in the present matter.
10. In response to query of the Commission about any dispute with respect to any dues of any bank/financial institutions, it is submitted that the Applicant/Petitioner is having account with SBI and Power Finance Corporation (PFC). It is submitted that the Applicant/Petitioner has also filed letters dated 15.06.2021 and 28.06.2021 of SBI certifying that the Applicant does not classify as 'Wilful Defaulter' in RBI Defaulter's list available as on 31.12.2019 and 31.03.2021 respectively.

11. Further, it is also submitted that the name of the Applicant/Petitioner Company has now been changed from 'KPI Global Infrastructure Limited' to 'KPI Green Energy Limited'.
12. It is observed that on that day of hearing i.e. on 13.09.2022 when the matter was called out, the Objector Mr. Rajeshkumar R. Maniyar has neither remained present during proceedings nor made any written communication about his inability to remain present, despite being served with hearing notice.
13. The Commission passed daily order dated 01.10.2022 for above hearing and recorded in order as under:

"3.1. We note that the name of the Applicant/Petitioner Company has now been changed from 'KPI Global Infrastructure Limited' to 'KPI Green Energy Limited'. However, the Applicant/Petitioner has not submitted any documents in this regard. We also note that the Applicant/Petitioner has filed its reply to the objections of Mr. Rajeshkumar R. Maniyar, with a copy to him but no proof of service has been filed by the Applicant/Petitioner before the Commission in the present matter. We also note that the Applicant/Petitioner has filed an Affidavit dated 30.11.2021 wherein the Applicant/Petitioner has provided details of pending criminal complaints / cases against the Directors / Company. However, current status of said cases is not provided by the Applicant/Petitioner. Hence, the Applicant/Petitioner is directed to file the above details on affidavit, within 10 days' time, from the date of this Order, with a copy to the Objector. We are also of view that as the name of Applicant/Petitioner Company is changed, it is required for the Applicant/Petitioner to change cause title of the Application / Petition including memo of parties filed before the Commission. Accordingly, the Applicant/Petitioner is directed to amend the cause title / memo of parties and provide further details, if any, by filing further submissions on affidavit, within one week's time from the date of this Order."

14. Thus, in the aforesaid hearing, the Commission directed the Petitioner to amend the 'cause title' of the Application/Petition, including the 'memo of parties', and to provide specific details regarding pending criminal complaints/cases against the Directors and/or the Company. The Petitioner was also instructed to submit the current status of such cases by way of an affidavit, with a copy to be served to the objector.

15. The Commission kept the matter for hearing on 13.09.2022. On that day Shri Rajesh Maniyar through its letter submitted as under:

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Reply by Complainant to Office Communication:

(1) Name of the Complainant:

Rajeshkumar Rasiklal Maniyar

(2) Address of the Complainant:

“Lotus,” Plot No. 1742/6, Patel Society, Modheshwari Mata Mandir Road, Sardarnagar, Bhavnagar

- 1. We received your letter this evening. However, a meeting at another government office in Bhavnagar has already been fixed for 20/10/2021, hence we are unable to appear in person as per your letter's instructions.*
- 2. In reference to your letter, we would like to express our concern about the ongoing fear and potential risk due to the COVID-19 pandemic. In line with practices followed by other government offices, we request that the hearing be conducted online via computer at your relevant office in Bhavnagar.*
- 3. Regarding your summoning letter dated 20/10/2021, we would like to raise the following questions:*
 - Why was the letter dated 14/10/2021, yet posted only on 16/10/2021 from your office?*
 - Knowing that 17/10/2021 was a Sunday (a public holiday), what was the intention behind sending it in such a delayed manner?*
 - Was it a deliberate attempt to prevent us from attending the in-person hearing?*
 - Are you trying to unfairly favor the said company?*

We have taken serious note of these matters. We hereby request that a new date for the hearing be provided and that all future hearings be conducted online.

If our legal and legitimate representation is ignored, we will have no option but to initiate legal proceedings against both your office and the concerned company.

Once again, we would like to state that we have documents obtained through RTI concerning K.P. Energy Limited. If your office in Bhavnagar calls for our submissions and evidence, we are ready to appear in person to provide all relevant details and proofs.

In case this application is not considered, we will be compelled to seek justice through the Hon'ble Court. Please take due note of this.

Rajesh R. Maniyar

Mobile: 9426222487

.....”

16. In response to directives given by the Commission in its Daily Order 13.09.2022, Mr. Mohamad Sohil Yusufbhai Dabhoya filed an affidavit dated 1.11.2022 and made following submissions:

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I, MR. MOHMED SOHIL YUSUFBHAI DABHOYA, age: 39 years, Occupation: Business, Address: C-8, Rehmat Nagar Society, Manchhiwad Tekro, Rander, Surat - 395005, the whole time director of the Applicant herein above do hereby solemnly declare on oath and state as under: -

1. I say that the said application has been filed before this Hon'ble Commission for grant of Intra - State Trading License to KPI Green Energy Limited (formerly known as KPI Global Infrastructure Ltd.) - the present Applicant, under the provisions of the Electricity Act, 2003 and the GERC (Licensing of Electricity Trading), Regulations, 2005.

2. I say that the applicant - company is public limited company desires to carry out trading activity of electricity in the State of Gujarat for the small generators / investors who set up their own IPPs and desire to sell the energy generated from such projects to third party but find it difficult in selling the same. In order to facilitate them, the applicant is seeking Intra-State Trading License from this Commission. I further say that the applicant - company is also carried out EPC work for small Solar Projects developers in the State.

3. I further say that on 30.07.2021 this Hon'ble Commission directed the applicant to publish a public notice in newspapers for inviting comments/suggestions from the stakeholders/objectors on the application filed before this Hon'ble Commission. Accordingly, the compliance to the aforesaid direction, the applicant issued public notice on 04.09.2021 and also placed the present petition along with public notice on its website for inviting comments, objections from the stakeholders in this matter and thereafter, had filed an affidavit on 10.09.2021 in this regard before this Hon'ble Commission. I further say that one Mr. Rajeshkumar R. Maniyar who filed its reply to the objections of which reply is also filed by the applicant.

4. With respect to para 2.3 of the order passed by this Hon'ble Commission on 01.10.2022, I say that the company is having Solar generation capacity of about 100 MW. The Company is already appointed Ms. Venu Birappa (Since 03.08.2021) who is a retired employee of GETCO and Mr. Sharad Chandra Patil (Since 06.10.2021) who is a retired from GEDA as Independent Directors on the board of Directors of the applicant - company and under their guidelines and according to their experience the company has already appointed some qualified staffs like CA, CS and other technical engineers and as per requirement of the work the company will appoint CA and CS and technical staff to look after entire electricity trading activity of the company.

5. With respect to para 2.4 of the order passed by this Hon'ble Commission on 01.10.2022, I say that M/s. K.P. Energy Limited which is a separate legal entity and distinct company other than the applicant company. I further say that the applicant company has been incorporated in the year 2008, whereas M/s. K.P. Energy Limited was incorporated in the year 2010 and thus the applicant company has been incorporated much before the incorporation of M/s.

K. P. Energy Limited. For the said I am attaching List of Directors of both of the companies along-with this affidavit which is marked as Annexure-I. I say that from the said list it is crystal clear that one promoter Director Mr. Faruk Gulam Patel is same in both these companies whereas rests of the Directors are different.

6. With respect to para 2.5 of the order passed by this Hon'ble Commission on 01.10.2022, I say that in response to any ongoing proceedings or pendency of Commission matters against the Company or its directors' etc. I say that there are two legal proceeding / Court matter ongoing or pending before Hon'ble Courts against the Company and its Directors (1) Criminal Case ~ No. 39464/2016 pending before the Hon'ble Civil Court, Vadodara filed against Director Mr. Faruk Gulam Patel for the offence U/s. 406, 420, 447, 506 & 114 of IPC which is pending before the Vadodara Court and the status of the same is annexed herewith as marked Annexure – II. I further say that against the said complaint Mr. Faruk Gulam Patel has filed quashing application before the Hon'ble High Court of Gujarat being Special Criminal Application No. 5797 of 2016 which is still pending and the status of the same is annexed herewith as marked Annexure – III; (2) Special Civil Application No. 6303/2020 pending before the Hon'ble High Court of Gujarat filed by Sangar Vishram Dhanraj & Ors. Filed against State of Gujarat and others wherein Managing Directors is one of the party of K.P. Energy Pvt. Ltd. for seeking demolition and removal of transmission towers and related infrastructure and the status of the same is annexed herewith as marked Annexure-IV.

7. With respect to para 2.6 of the order passed by this Hon'ble Commission on 01.10.2022, about any dispute with respect to any dues of any bank / financial institutions, I submit the latest "No Wilful Defaulter" certificate from the State Bank of India as well as Axis Bank in favour of the applicant which is marked as Annexure-V along-with this affidavit.

8. With respect to para 2.7 of the order passed by this Hon'ble Commission on 01.10.2022, the name of the applicant has now been changed from "KPI Global Infrastructure Limited" to "KPI Green Energy Limited".

I further submit that this Commission was pleased to pass an order as follow: -

"3.1. We note that the name of the Applicant/Petitioner Company has now been changed from 'KPI Global Infrastructure Limited' to 'KPI Green Energy Limited'. However, the Applicant/Petitioner has not submitted any documents in this regard. We also note that the Applicant/Petitioner has filed its reply to the objections of Mr. Rajeshkumar R. Maniyar, with a copy to him but no proof of service has been filed by the Applicant/Petitioner before the Commission in the present matter. We also note that the Applicant/Petitioner has filed an Affidavit dated 30.11.2021 wherein the Applicant/Petitioner has provided details of pending criminal complaints / cases against the Directors / Company.

However, current status of said cases is not provided by the Applicant/Petitioner. Hence, the Applicant/Petitioner is directed to file the above details on affidavit, within 10 days' time, from the date of this Order, with a copy to the Objector. We are also of view that as the name of Applicant/Petitioner Company is changed, it is required for the Applicant/Petitioner to change cause title of the Application / Petition including memo of parties filed before the Commission. Accordingly, the Applicant/Petitioner is directed to amend the cause title / memo of parties and provide further details, if any, by filing further submissions on affidavit, within one week's time from the date of this Order."

10. Hence by way of this Affidavit I state that the company has applied for change of name of the company from KPI Global Infrastructure Ltd. to KPI Green Energy Ltd. wherein the company has obtained the Certificate of Incorporation pursuant to change of name from Office of the Registrar of Companies, Gujarat vide Corporate Identification Number (CIN): L40102GJ2008PLC083302.

The same is annexed herewith this Affidavit. Annexed hereto and marked Annexure-VI is the copy of the Certificate of Incorporation. Therefore, I humble request to this Hon'ble Commission that the below amendment is required in cause title of the applicant:

KPI Green Energy Ltd.
(Formerly known as KPI Global Infrastructure Limited),
'KP House', Opp. Ishwar Farm BRTS Junction,
Near Bliss IVF Circle, Canal Road,
Bhatar, Surat - 395017, Gujarat.

11. Moreover, I say that the Hon'ble Commission observed that "We also note that the Applicant/Petitioner has filed its reply to the objections of Mr. Rajeshkumar R. Maniyar, with a copy to him but no proof of service has been filed by the Applicant/Petitioner before the Commission in the present matter." Hence by way of this Affidavit the Applicant is producing the copy of its reply which is already served to the Objector for which the applicant has obtained the acknowledgement from the Department of Post - India on 27.11.2021 which is duly signed by the objector. The said fact was already bring to the notice of this Hon'ble Commission at Page No. 376. The reply given by the present applicant to the objector and the acknowledgement slip again annexed hereto and marked Annexure-VII along-with this affidavit.

What has been stated hereinabove is true and correct to the best of my knowledge, belief and information and I believe the same to be true and correct.

Solemnly affirmed on this 1 day of November, 2022 at Surat."

Based on the above letter, it is noted that the Commission has taken on record the affidavit dated 01.11.2022 submitted by Mr. Mohmed Sohil Yusufbhai Dabhoya, Whole-Time Director of KPI Green Energy Limited (formerly KPI Global Infrastructure Ltd.), in compliance with directions issued vide Order dated 01.10.2022.

The Applicant has sought an Intra-State Trading License under the Electricity Act, 2003, to facilitate electricity trading on behalf of small generators in Gujarat. The Applicant has complied with procedural requirements, including public notice publication, stakeholder communication, and submission of replies to objections.

The company has clarified its organizational setup, including the appointment of independent directors and qualified technical and financial staff. It has also distinguished itself from K.P. Energy Ltd., stating they are separate legal entities with different director compositions.

Details and current status of pending legal proceedings involving a director have been submitted, along with "No Wilful Defaulter" certificates from banks. The Applicant has officially changed its name and submitted the Certificate of Incorporation to reflect the same, requesting amendment in the cause title accordingly. The Commission notes compliance on all aspects and considers the affidavit in line with its prior directions.

17. We note that the Applicant/Petitioner has alongwith its affidavit dated 01.11.2022 provided the following details:
 1. List of Directors of (i) KPI Green Energy Ltd. (Formerly known as (i) KPI Global Infrastructure Ltd. and (ii) KP Energy Ltd.)
 2. Copy of case status of Criminal Case No. 39464/2016 pending before Civil Court at Vadodara.
 3. Copy of case status Special Criminal Application No. 5797 of 2016 pending before the Hon'ble High Court of Gujarat.
 4. Copy of case status of Special Civil Application No. 6303 of 2020 pending before the Hon'ble High Court of Gujarat.
 5. Copy of latest 'no willful defaulter certificate' issued by State Bank of India and Axis Bank in favor of Applicant.
 6. Copy of certificate of incorporation.
 7. Copy of reply given by the Applicant to Rajeshkumar Rasiklal Maniyar.
18. We note that the Petitioner has replied to the objections raised by objector Rajeshkumar Rasiklal Maniyar through the letter from KPI Global Infrastructure Ltd. without mentioning of date and made following submissions.

"To,

Shri Rajeshkumar Rasiklal Maniyar,

"Lotus" Plot No. 1742/6, Patel Society, Modeshwar Mata Mandir Road,

Bhavnagar.

Dear Rajeshkumar Rasiklal Maniyar

Reference:

- 1. Your objection letter related to public notice of KRI Global Infrastructure Limited in regard to License Application No 02/2021*
- 2. Public Notice Dated 04/09/2021*

At the first place, we individually and collectively deny all of your allegations on K.P. Energy Limited and to the applicant Company KPI Global Infrastructure Limited. Further, On going through the objection raised by you, It become obvious that you are very well aware of the fact that the applicant namely KPI Global Infrastructure limited is altogether separate entity from K.P. Energy Limited. Therefore, technically question in respect of any misdeed if any does not arise against the applicant company.

Without prejudice to our primary contentions no misdeed has been conducted by K.P. Energy limited to the best of our knowledge and information, we would like to rebut your query /objection with regard to KP Energy Limited as under.

Point No. 01 to 04

Having gone through Point no 01 and 02 of your objection letter it transpires that you have alleged of certain discrepancies has been committed by KPE in respect of Erection of Wind Mills. At the same breath, In point no.03 & 04 it is also submitted that the matter is sub judice. Hence, technically it can be said that as of now whatever objection raised by you are mere an allegation and nothing has been proved against the KPE. Moreover, as matter is sub judice, it would be wrong from our end to comment anything about it.

Point No. 05

The applicant Company has been incorporated on Date 01/02/2008. Whereas KP Energy Limited was incorporated on Date 08/01/2010. Viz. Applicant company has been incorporated much before the incorporation of KP Energy Limited.

Copies of incorporation certificate are enclosed for your kind perusal.

Regards

For K.P.I. Global Infrastructure Limited

Sd/-

Irfan S. Mombasawala

Authorised Signatory

.....”

19. In response to submission of the Applicant/Petitioner the objector has filed its objection/suggestion and made following submissions:

રાજેશ આર મણિયાર

- (૧) ફરિયાદી નું નામ- રાજેશકુમાર રસીકલાલ મણિયાર
(૨) ફરિયાદી નું સરનામું- “લોટસ” પ્લોટ નંબર ૧૭૪૨/૬, પટેલ સોસાયટી, મોઢેશ્વર માતા મંદિર રોડ, સરદારનગર, ભાવનગર.

અમારી વિષય દર્શીત વાંધા અરજીના અનુસંધાને આપના સંદર્ભ દર્શીત પત્રઅનુક્રમે નંબર એક તથા બે ના અનુસંધાને સામાવાળા કે.પી. એનર્જી લી. ના સંદર્ભ દર્શીત પત્ર નંબર ત્રણના અનુસંધાને જણાવવાનું કે...

(૧) સામાવાળા દવારા સંદર્ભ દર્શીત નંબર ત્રણ થી જે જે કાગળો મોકલવામાં આવેલ છે તે તમામ ઝેરોક્ષો ઝાખાં અને વાંચી ના શકાય તેવા જ મોકલેલ છે અને તે તમામ કાગળોમાં પણ નીચે તેઓની કોઈ પ્રમાણીત નકલો મોકલવામાં આવેલ નથી. (કું.નો કોઈ સિકકો કે સહિ કરેલ નથી.) આથી જો આવા કાગળોના આધારે અમો કોઈ નીવેદન કે પુરાવાઓ રજૂ કરીએ તો તે માન્ય રાખી શકાય નહીં અને તે રીતે અમારો બચાવ / ફરીયાદીનો પક્ષ સાબીત કરી શકીએ નહીં.

(૨) આથી અમો ફરીયાદી ની માગણી છે કે આપના સંદર્ભ દર્શીત બે ના પત્ર ના અનુસંધાને સામાવાળા દ્વારા જે કોઈ કાગળો મોકલેલ છે તેની તમામ નકલો સારી અને સ્પષ્ટ રીતે વાંચી શકાય તેવી મોકલી આપવા તેઓને હુકમ કરશોજી. આવા કાગળો મળી આવ્યા બાદ જ અમો અમારી ફરીયાદ ના અનુસંધાને પુરાવાઓ રજૂ કરી શકીએ.

(૩) આ કામના સામાવાળા દવારા જે કોઈ કોર્ટ કેસની વિગતો જણાવવામાં આવી રહી છે તે ઉપરાંત ભાવનગર જિલ્લાના તળાજા કોર્ટમાં ગુજરાત પોલ્યુશન કેન્ટ્રોલ બોર્ડ દવારા કરવામાં આવેલ કેસની વિગતો છુપાવવામાં આવેલ છે જે આપની જાણ સારૂ અમો તો અમારા ફરીયાદી તરીકેના પુરાવાઓમાં આ કેસ રજૂ કરીશું જ.

અરજી/ફરિયાદ કરનારની સહી

સહી/-

(રાજેશ આર. મણીયાર)

તા. ૦૬/૧૧/૨૦૨૧

Translated version of above letter is as under:

“

Name of the Complainant: Rajeshkumar Rasiklal Maniyar

Address of the Complainant: “Lotus”, Plot No. 1742/6, Patel Society, Modheshwari Mata Mandir Road, Sardarnagar, Bhavnagar.

In continuation of the objections raised in our subject matter application, and with reference to your letters numbered one and two, and further in reference to letter number three submitted by the opposite party, K.P. Energy Ltd., we state the following:

(1) The documents submitted by the opposite party as per reference number three are all photocopies that are faint and unreadable. Furthermore, none of the documents are certified copies, as they do not bear any official stamp or signature. Therefore, if we are to submit any statement or evidence based on such documents, they cannot be deemed valid, and in such a scenario, we will be unable to establish our defense or the complainant’s case.

Hence, we, the complainants, request that in connection with your letter referred to as number two, the opposite party be instructed to provide all submitted documents in a clear and legible format. Only upon receipt of such documents will we be able to submit evidence in support of our complaint.

In addition to the court case details being presented by the opposite party, we would like to bring to your notice that they have withheld information regarding a case filed by the Gujarat Pollution Control Board in the Talaja Court of Bhavnagar District. For your awareness, we will certainly present this case as part of our evidence as complainants.

Rajesh R. Maniyar

Date – 06/11/2021”

20. We also note that the Petitioner has filed an affidavit dated 16.12.2022 wherein it has amended the cause title of the application as under:

“.....

License Application No. 02 of 2021

In the matter of:

Application under Sections 14,15, 16, 18, 52, and 86 (1) (d) of the Electricity Act, 2003 read with GERC (Licensing of Electricity Trading) Regulations, 2005

(Notification No. 3 of 2005) for Intra-State Trading of Electricity license within the State of Gujarat.

APPLICANT:

KPI Green Energy Ltd.

(Formerly known as KPI Global Infrastructure Limited),

'KP House', Opp. Ishwar Farm BRTS Junction,

Near Bliss IVF Circle, Canal Road,

Bhatar, Surat – 395017, Gujarat.

Objector: Mr. Rajeshkumar R. Maniyar

**THE HUBLE APPEAL OF THE APPLICANT ABOVE NAMED
Further Affidavit on behalf of the Applicant**

I, MR. MOHMED SOHIL YUSUFBHAI DABHOYA, age: 38 years, Occupation: Whole Time Director, Address: C-8, Rehmat Nagar Society, Machhiwad Tekro, Rander, Surat – 395005, the whole time director of the Applicant herein above do hereby solemnly declare on oath and state as under:

By way of this Affidavit and in continuation of my earlier submissions I want to produce below Data/information before this Hon'ble Commission of the Applicant Company from which financial condition as well as office culture is become clear to this Hon'ble Commission.

.....”

21. Thereafter, the matter was kept for hearing on 28.06.2023. On that day Ld. Adv. Miss L. K. Bhaya appeared on behalf of the Applicant submitted that the Applicant has complied with all the directives given by the Commission vide its Order dated 26.10.2021 and 1.10.2021. She also submitted that the applicant has also filed its reply on the objections raised by Mr. Rajeshkumar R. Maniyar which is not relevant in the present case. She further submitted that the objector has not

remained present during the hearing. Hence, the Commission may decide the matter accordingly.

22. In the aforesaid hearing the Commission passed daily order dated 21.07.2023 and observed as under:

“.....

2.3 On a query by the Commission what is the networth of the Applicant. In response to above, she has submitted that the networth of the company is Rs. 155.35 Crore in FY 2021-22 and it is shown in balance sheet submitted by the Applicant and it is also reflected in the Annual Accounts submitted by the Applicant.

3. Upon further query of the Commission as to whether the Applicant has given their reply to the query/objection raised by an Objector, Shri Rajeshkumar R. Maniyar, it is submitted that the Applicant has already replied to the objections/query raised by the Objector. It is submitted that the query raised by the Objector Mr. Rajeshkumar R. Maniyar is not relevant to the present Application, as it pertains to environmental issue and Wind Farms related issue.

4. In response to the query of the Commission about status of the pending criminal complaints / cases against the Directors of the Company / Company, it is submitted that the Applicant has submitted the details / copy of the orders in their written submission. It is further submitted that the cases are still pending before various courts against the Directors and the same are not finalised. She also submitted that the Applicant will submit the copy of the criminal cases and other cases which are filed against the Directors / Company, its status and the decision, if any, arising on it.

5. We note that the Objector, Mr. Rajeshkumar R. Maniyar, has neither remained present during proceedings on 28.06.2023 nor made any written communication about his inability to remain present, despite being served with hearing notice.

6. Heard the Applicant.

7. The Applicant is directed to submit the copies of all the cases / chargesheet / FIR / complaint filed against the Directors of the Company / Company, before different courts, authorities and their status, order, if any, within 10 days during the hearing, as agreed by the Applicant Advocate, with a copy to the Objector.

.....”

23. The applicant vide its affidavit-in-reply dated 30.09.2023, submitted that with reference to the application of Shri Rajeshkumar R. Maniyar, it is submitted that the Applicant has already complied with the directions of the Commission about the status of the cases and orders passed by Courts. He further submitted that all the averments and allegations made by the objector is to mislead the Commission and prejudice the Commission against the Petitioner for reasons best known to the objector. Therefore, the Applicant request to the Commission to dismiss the objections raised by the objector.
24. Thereafter, the matter was kept for hearing on 26.09.2024. On that day, Ld. Adv. Ms. L. K. Bhaya appearing on behalf of the Applicant/Petitioner submitted that the Applicant has complied with the direction given by the Commission in its earlier Oral Order and the Applicant has already filed affidavit in this regard. She submitted that the Applicant/Petitioner has filed its reply/submission on the objections raised by the objector M/s. Rajeshkumar R. Maniyar. The objector is not remained present during the hearing. Hence, the Commission may passed appropriate order with consideration of documents on record.
25. Heard the parties.
26. We note that the Applicant/Petitioner has filed the Application along with following documents:
- a) Certificate of Registration
 - (A) Maharashtra
 - (B) Gujarat
 - b) Certificate for commencement of business:

- c) Memorandum of Association and Articles of Association:
- d) Original power of attorney of the signatory to commit the Applicant or its promoter.
- e) Details of Income Tax Registration
- f) Balance Sheet
- g) Following documents also submitted with reference to Daily Order dated 01.10.2022
 - (i) Copy of list of Directors of (1) KPI Green Energy Limited (formerly known as KPI Global Infrastructure Ltd.) and (2) M/s. K. P. Energy Limited.
 - (ii) Copy of Case status of Criminal Case No. 39464/2016 pending before the Hon'ble Civil Court at Vadodara.
 - (iii) Copy of Status of Special Criminal Application No. 5797/2016 pending before the Hon'ble High Court of Gujarat at Ahmedabad.
 - (iv) Copy of latest "No Wilful Defaulter" certificate from the State Bank of India as well as Axis Bank in favour of the applicant.
 - (v) Copy of Certificate of Incorporation.
 - (vi) Copy of reply given by Applicant to Mr. Rajeshkumar Rasiklal Maniyar alongwith acknowledgement from the Department of Post – India on 27.11.2021.
 - (vii) Copy of reply of Daily Order dated 26.10.2021 passed by the Commission alongwith other documents.
- h) The Applicant vide its affidavit 16.12.2022 submitted the following documents:
 - i. Copies of Annual Reports/certified audited results for F.Y. 2017-2018, F.Y. 2018-2019, F. Y. 2019-2020, F. Y. 2020-2021 and F.Y. 2021-21.
 - ii. Annual Turnover F.Y. 2017-2018 to F.Y. 2021-2022.
 - iii. Latest Certificate of Credit Rating.

27. The Petitioner/Applicant has also replied to the objections raised by the objector.

28. On consideration of objections raised by the objector and the reply to it, by the Petitioner the following inference is drawn:
- 28.1. We note that KPI Global Infrastructure Limited filed an application (Licence Application No. 2/2021 & I.A. No. 3/2023) before the Gujarat Electricity Regulatory Commission (GERC) seeking grant of an Intra-State Trading Licence under the provisions of the Electricity Act, 2003 and GERC (Licensing of Electricity Trading) Regulations, 2005. In line with the requirements under Section 15(1) of the Electricity Act, 2003 and GERC's Notification No. 2 of 2005, the Commission directed the applicant to issue a public notice inviting comments/objections from stakeholders and members of the public. Complying with this directive, the applicant published a public notice on 4th September 2021 in widely circulated newspapers including Sandesh, Gujarat Guardian, Loksatta, Gujarat Today, and the weekend edition of Business Standard. Additionally, the applicant also placed the petition and public notice on its website for wider dissemination and to ensure transparency in the process.
29. In response to the public notice, one objection was received from Mr. Rajeshkumar Rasiklal Maniyar, a resident of Bhavnagar. Mr. Maniyar, in his written submission dated 6th September 2021, raised several concerns primarily related to K.P. Energy Limited, which he identified as an associate company of KPI Global Infrastructure Limited. The objections included allegations that K.P. Energy Limited had installed more windmills than permitted by the government, including on unauthorized land in forest areas and various villages in Mahuva Taluka, Bhavnagar District. He also highlighted that certain related legal proceedings were sub judice in the Mahuva Court and the Gujarat High Court. Moreover, he submitted that the change in company name to KPI Global Infrastructure Limited may be a deliberate attempt to avoid the implications arising from ongoing legal and regulatory challenges associated with K.P. Energy Limited.

30. Regarding the objections raised by Objector, Mr. Rajeshkumar Maniyar, the applicant clarified that the issues pertain to K.P. Energy Limited, which is a distinct legal entity incorporated in 2010, whereas KPI Global Infrastructure Limited was incorporated earlier, in 2008. Although both companies share one common director, Mr. Faruk Gulam Patel, the rest of the Board of Directors is different.
31. The applicant had also replied to the objections raised by Mr. Maniyar and submitted proof of service within a week. Further, in response to the Commission's queries about any criminal proceedings, the applicant disclosed that a criminal case (No. 39464/2016) is pending before the Civil Court in Vadodara against Mr. Faruk Gulam Patel for alleged offences under IPC Sections 406, 420, 447, 506, and 114. Additionally, a related Special Criminal Application (No. 5797 of 2016) seeking quashing of the FIR is pending before the Hon'ble High Court of Gujarat. Another Special Civil Application (No. 6303 of 2020) involving K.P. Energy Limited regarding demolition and removal of transmission towers is also pending before the Hon'ble High Court of Gujarat. All these details were submitted by the applicant in an affidavit dated 30th November 2021. It is stated that the cases against K P Energy Ltd. have not applicable for the present applicant KPI Global Infrastructure Ltd.
32. The Commission noted that although the applicant claimed to have served a copy of its reply to the objector, no proof of such service was submitted. The Commission also observed that current status updates of the pending legal cases had not been provided. Consequently, the Commission directed the applicant to submit an affidavit within ten days, providing updated information on all pending criminal or civil cases and serving a copy to the objector. The Commission also instructed the applicant to amend the cause title and memo of parties in the petition to reflect the new name of the company and provide relevant

documentary evidence. The Petitioner complied the said directive and amended cause title.

33. Mr. Rajeshkumar Rasiklal Maniyar submitted a letter to the Commission explaining his inability to attend due to a prior commitment at another government office and expressing concerns about the handling of notices by the Commission's office. He reiterated his readiness to submit RTI documents and other relevant evidence in person if summoned to the Bhavnagar office, while reserving his right to pursue legal recourse if his objections were not duly considered.
34. Subsequently, Mr. Mohamad Sohil Yusufbhai Dabhoya, Whole Time Director of the applicant company, submitted an affidavit dated 1st November 2022 in compliance with the Commission's directive. In his affidavit, he reiterated the company's objectives and legal standing and submitted detailed information about the company's incorporation, staffing, directors, pending legal matters, and its relationship with K.P. Energy Limited. He provided annexures including the list of directors of both companies, i.e. K. P. Energy Ltd. and KPI Global Infrastructure Ltd. and current status of pending court cases, and further details about the applicant's organizational structure and financial credibility.
35. We have carefully considered the submissions made by the applicant as well as by the objector.
36. The applicant has submitted the application under Section 14 of Electricity Act, 2003 as specified by the Commission as per Section 15(1) of the Electricity Act, 2003.
37. The Commission has directed the Applicant to publish a notice, stating the name and address of the applicant as per Section 15(5)(a) of the Electricity Act, 2003. The suggestions or objections, if any, to the proposal for grant of license may be filed by any person before the Commission.

38. In response to the above directions, the Applicant has issued public notice on 04.09.2021 and also placed the present Petition along with public notice on its website for inviting comments/suggestions from the stakeholders and also filed on affidavit on 10.09.2021 before the Commission.
39. The applicant has also published Public Notices of its application with particulars and in the manner as specified by the Commission as per section 15(2) of the Electricity Act, 2003.
40. We note that Shri Rajeshkumar Rasiklal Maniyar has filed an objection and alleged against the K P Energy Ltd. stating that it is associate of the Applicant KPI Global Infrastructure Ltd. Moreover, K P Energy Ltd. have installed some WTG in land, some court cases going against K P Energy Ltd in Bhavnagar Court. Further it is submitted by the objector that the reply has not been provided by the Petitioner to the objections raised by the Objector. Per contra, the Applicant has submitted its affidavit in reply against objector Shri Rajeshkumar Rasiklal Maniyar on 30.09.2023. Thus, the Petitioner has filed reply to objection of Shri Rajeshkumar Rasiklal Maniyar. We note that the K P Energy Ltd. against whom objections raised by the Petitioner is different and distinct from KPI Global Infrastructure Ltd.
41. We have carefully considered the suggestions, objections and recommendations/objections made by the objector. We find that the applicant has fulfilled the requirements for proceeding further for trading license. We note that the present application is filed by KPI Global Infrastructure Ltd. and not K P Energy Ltd. which is different and distinct from K P Energy Ltd. We also note that the cases referred by the objector by Shri Rajeshkumar Rasiklal Maniyar were also against K P Energy Ltd. and not KPI Global Infrastructure Ltd. Thus both above entities are different and distinct from each other. Hence, objection of objectors against the applicant grant of licence are not accepted. Hence, we propose to issue the trading license under Sections 14, 15, 16, 18, 52 and 86 (1)

(d) of the Electricity Act, 2003 readwith Notification No. 3 of 2005, GERC (Licensing of Electricity Trading) Regulations, 2005, for Intra-State Trading of Electricity Licence within the State of Gujarat in Category A.

42. On consideration of the materials available on record, the Applicant/Petitioner fulfils the criteria laid down for grant of intra-state trading licence in the State of Gujarat.
43. We, therefore, propose to issue intra-state trading licence to the Applicant/Petitioner for the State of Gujarat. A final decision for issuing license to the applicant will be taken after considering suggestions /objections received in response to the Public Notice. The Commission has directed the office of the Commission that a public notice be published in two local daily newspapers, in accordance with Section 15(5)(a) of the Electricity Act, 2003, announcing the Commission's intention to amend the distribution license of KPI Global Infrastructure Limited, including the applicant's name and address. Further, we also direct the Office of the Commission to upload the Applications and all other documents on website of the Commission and also issue public notice consist of the details of application and stating that the objections/suggestions be filed on affidavit and submit to Secretary, Gujarat Electricity Regulatory Commission (GERC) with a copy to the Applicant within 21 days. The Applicant is at liberty to file its reply to such objections.
44. We order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 09/06/2025.