

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2508 of 2025.

In the Matter of:

Petition under Section 62 read with 86 (1) (a) of the Electricity Act, 2003 for determination of tariff of 15 MW Solar Photovoltaic Grid connected Power Projects located at Vithalpar, District Morbi established by GSECL.

Petitioner : Gujarat State Electricity Corporation Limited
Sardar Patel Vidyut Bhavan
Race Course, Vadodara – 390007, Gujarat.

Represented By : Mr. Shubhadeep Sen and Mr. Nitin B. Kansara

V/s.

Respondent : Gujarat Urja Vikas Nigam Limited
Sardar Patel Vidyut Bhavan
Race Course, Vadodara – 390007, Gujarat.

Represented By : Mr. K.N. Brahmabhatt and Mr. Kishore Lakhani

CORAM:

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

Date: 08/08/2025.

DAILY ORDER

1. The present matter was listed for hearing on 31.07.2025.
2. Mr. Shubhadeep Sen, appearing on behalf of the Petitioner GSECL, submitted that the Petitioner has filed the present Petition under Section

62 read with Section 86 (1) (a) read with of the Electricity Act, 2003 for determination of tariff of 15 MW Solar Photovoltaic Grid connected Power Projects located at Vithalpar, District Morbi established by GSECL.

- 2.1. He submitted that the project was commercially operational with effect from 27.03.2024.. He requested the Commission to approve interim tariff @95% to the Petitioner in the Petition as an interim arrangement subject to adjustment as per final tariff as may be decided by the Commission so as to mitigate O&M expenses and other obligations as required for continuous operation of the project.
- 2.2. In response to the query of the Commission regarding supporting documents/details such as copy of the agreements like EPC contracts, civil contracts and contracts for O & M etc., proof of financial arrangement such as copy of loan agreement with financial institution, if any, and Board Resolutions of equity deployment, copy of PPA, technical details and other particulars of the project, etc., the Petitioner has agreed to place on record all these relevant details/documents in this regard, for which two week' time has been sought for.
- 2.3. In response to the query of the Commission for issuance of public notice for inviting comments and suggestions from the stakeholders in the present matter, the Petitioner has agreed to give the public notice in the newspapers.
3. The representative appearing on behalf of the Respondent GUVNL, submitted that the Respondent GUVNL be granted some time to file its reply in the matter.
4. We have considered the submissions made by both the Parties. We note that the present Petition is filed by the Petitioner GSECL under Section

62 read with Section 86 (1) (a) of the Electricity Act, 2003 for determination of tariff of 15 MW Solar Photovoltaic Grid connected Power Projects located at Vithalpar, District Morbi established by GSECL.

4.1. We note that the Petitioner GSECL is a generating company under the provisions of the Electricity Act, 2003 and the Respondent GUVNL is a licensee carrying out bulk purchase and bulk sale of electricity on behalf of the State-owned distribution licensees. The present Petition is filed under Section 62 read with Section 86 (1) (a) of the Electricity Act, 2003 and therefore, it is necessary to refer Section 62 and Section 86 (1) (a) of the Electricity Act, 2003 which is reproduced as under:

“

Section 62: (Determination of tariff): -

(1) The Appropriate Commission shall determine the tariff in accordance with the provisions of this Act for –

(a) supply of electricity by a generating company to a distribution licensee:

Provided that the Appropriate Commission may, in case of shortage of supply of electricity, fix the minimum and maximum ceiling of tariff for sale or purchase of electricity in pursuance of an agreement, entered into between a generating company and a licensee or between licensees, for a period not exceeding one year to ensure reasonable prices of electricity.

(b) transmission of electricity;

(c) wheeling of electricity;

(d) retail sale of electricity:

Provided that in case of distribution of electricity in the same area by two or more distribution licensees, the Appropriate

*Commission may, for promoting competition among distribution licensees, fix only maximum ceiling of tariff for retail sale of electricity.
.....”*

As per above Section, the Appropriate Commission shall determine the tariff in accordance with the provisions of this Act for supply of electricity by a generating company to a distribution licensee.

Section 86 (1) (a) of the Electricity Act, 2003:

“

Section 86. (Functions of State Commission): --- (1) The State Commission shall discharge the following functions, namely: -

(a) determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail, as the case may be, within the State:

Provided that where open access has been permitted to a category of consumers under section 42, the State Commission shall determine only the wheeling charges and surcharge thereon, if any, for the said category of consumers;

.....”

The above Section also empowers the State Commission to determine tariffs for electricity generation, supply, transmission, and wheeling, both wholesale, bulk, and retail, within the State.

4.2. Thus, it is apparent from the aforesaid provisions that the Commission has jurisdiction to decide the matter.

4.3. As noted above, the Petitioner has filed the present Petition under Section 62 read with Section 86 (1) (a) of the Electricity Act, 2003 seeking determination of tariff of 15 MW Solar Photovoltaic Grid connected Power Projects located at Vithalpar, District Morbi

established by the Petitioner GSECL, we are of the view that a public notice is required to be issued for inviting the suggestions/objections/comments from the stakeholders. The Petitioner is, therefore, directed to issue a public notice in two daily Gujarati Newspapers and one English Newspaper having wide circulation in the State and invite comments/suggestions/objections from the Stakeholders stating that they have filed Petition No. 2508 of 2025 before the Commission along with its subject matter and relief sought therein. The Petitioner is also directed to upload the present Petition with all the relevant documents on its website and invite comments and suggestions from the Stakeholders on the Petition on affidavit within 30 days from the date of issue of public notice. The Petitioner shall state in the public notice that the stakeholders shall file their comments/objections/suggestions to the Secretary, Gujarat Electricity Regulatory Commission, 6th Floor, GIFT ONE, Road 5C, Zone 5, GIFT City, Gandhinagar – 382355, Gujarat in five copies along with affidavit in support of their submissions with a copy to the Petitioner. The staff of the Commission is also directed to upload the Petition along with all relevant documents on the website of the Commission inviting comments/objections/suggestions/views from stakeholder after a compliance affidavit stating that public notices as directed above are issued in newspaper and uploading of Petition on website of the Petitioner, is filed by the Petitioner along with published copy of public notices issued by the Petitioner is provided to the Commission.

- 4.4. We also direct the staff of the Commission to provide the copy of representation/suggestions/objections, if any, received in the present matter to the Petitioner to enable filing reply/response to the same and to inform/issue hearing notice for the present Petition to such stakeholders/objectors who have filed their

submissions/objections/comments before the Commission in the matter.

4.5. We also note that the Respondent GUVNL has not filed their reply in the present matter. Accordingly, the Respondent is directed to file their reply in the present Petition, if any, within 4 (four) weeks' time, with a copy to the Petitioner. The Petitioner would be at liberty to file its rejoinder reply to the reply of the Respondent and reply of Objector, if any, within 3 (three) weeks' time with a copy to the Respondent after receipt of reply from the Respondent.

4.6. The Petitioner's request to the Commission to provide 95% of the provisional tariff against the claimed tariff by the Petitioner for energy supplied by the Petitioner is concerned, we opine that the Petitioner and the Respondent GUVNL shall act in regard to payment of energy in terms of the PPA.

5. Next date of hearing will be intimated separately.

6. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 08/08/2025.