

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR

Petition No.1862/2020.

In the Matter of:

Petition for extension of the time limit for erection of the 66 KV transmission line for enhancement of the load from 4000 KVA to 7000 KVA.

Petitioner : Surya Roshni Limited
Survey No. 188, Village Bhuvad
Anjar-Mundra Highway
District: Kutch, Gujarat- 370 130.

Represented By : Mr. Kalpesh Ramjivan and Mr. P.R. Thakral

V/s.

Respondent No. 1 : Gujarat Energy Transmission Corp. Limited
Sardar Patel Vidyut Bhavan
Race Course Circle
Vadodara, Gujarat - 390007.

Represented By : Ld. Adv. Ms. Shrishti Khindaria alongwith Mr.
P.P. Shah and Mr. Shobhraj Jayswal

Respondent No. 2 : Paschim Gujarat Vij Company Limited
Paschim Gujarat Vij Seva Sadan
Off. Nana Mava Main Road
Laxminagar, Rajkot, Gujarat – 360004.

Represented By : Ld. Adv. Ms. Shrishti Khindaria alongwith Mr.
S.N. Parmar

CORAM:

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

Date: 08/09/2025.

DAILY ORDER

1. The above matter was heard on 28.08.2025.
2. Mr. Kalpesh Ramjivan, appearing on behalf of the Petitioner argued on maintainability of the Petition. He submitted that previously the Petitioner has made its submissions on the issue of maintainability of the Petition. The contention of the Respondent that the dispute is between consumer and licensee is not correct because the Petitioner has sought reliefs under the provisions of Regulations notified by the Commission wherein the task of laying down the transmission/distribution network is on the licensee and they are eligible to get extension in such timeline if the work is not completed within the stipulated time period of six months by approaching the Commission in this regard.
 - 2.1. He submitted that there were issues of Right of Way (RoW) emerged while carrying out laying down the network by the Petitioner. Further, the Petitioner is required to obtain the permission from National Highway Authority for crossing the road created by the National Highway Authority. He further submitted that the Petitioner has submitted relevant documents with regard to delay in creation of transmission/ distribution network which is beyond the control of the petitioner. The delay in creation of network is for approximately 18 months only which is beyond the control of the Petitioner.
 - 2.2. He submitted that the work when carried out by the consumer on behalf of the licensee, they must be eligible to get extension in time period for carrying out such work by applying equity between the parties. The Petitioner has carried out work under Option III given by the Respondent.

- 2.3. He further submitted that in so far as facts of the case are concerned, the levy of demand charges by the Petitioner is also not valid because the delay in completion of work by the Petitioner is beyond the control of the Petitioner.
- 2.4. He further submitted that there are other issues which are beyond the control of the Petitioner and qualified as force majeure events and the Petitioner is eligible for getting extension in time limit for completion of work. The levy of demand charges by the Respondent after 180 days is against the provisions of the Regulations notified by the Commission and it is also against the relief available on a force majeure event which occurred in the present case.
- 2.5. He submitted that time may be granted to the Petitioner to file written submissions in the present matter.
3. Ld. Adv. Ms. Shrishti Khindaria, on behalf of the Respondents submitted that the present Petition is not maintainable as it is a dispute between consumer and licensee and the same falls under Section 42 of the Electricity Act, 2003 read with the provisions of Electricity Supply code notified by the Commission wherein it is provided that the dispute pertaining to consumer and licensee falls under CGRF and appeal against such order before the Electricity Ombudsman. Thus, the Commission has no jurisdiction to decide the dispute.
- 3.1. She referred the Order dated 07.01.2020 of the Hon'ble High Court of Gujarat in SCA No. 16029 of 2019 wherein Hon'ble High Court has recorded that prima facie the case falls under the jurisdiction of the Commission. However, it is the duty of the Commission to consider the provisions of law and to decide whether the case fall under the jurisdiction of the Commission or not. She submitted that the reliance

upon the judgement of KP Energy V/s. GETCO in Petition No. 1206 of 2012 and submitted that the case of KP Energy Vs. GETCO is dispute between generating company and licensee which fall under the jurisdiction of the Commission under Section 86 (1)(f) of the Electricity Act,2003 while in the present case, the dispute is between the Petitioner who is consumer of the Respondent licensee and licensee which falls under Section 42 of the Electricity Act, before the CGRF and Electricity Ombudsman.

- 3.2. She further submitted that the prayer of the Petitioner is related to extension of time limit in completion of the work and not with regard to declaration of levy of demand charges by the Respondent due to delay in completion of transmission/distribution network by the Petitioner.
- 3.3. She submitted that the agreement for supply executed between the parties for extension of load is not consist of force majeure provision in the agreement. Thus, the contention of the Petitioner that the force majeure happened in this case, and it is entitled for relief under it, is not permissible.
- 3.4. She submitted that the Regulations notified by the Commission does not provide for extension in time limit beyond 180 days. In that situation, the relief sought by the Petitioner for extension of time limit is not permissible under the Regulations which are sub-legislative in nature.
- 3.5. She submitted that time may be granted to the Respondents to file written submission in the present matter.
4. Heard the parties. We note that the Petitioner and the Respondents have completed their arguments and made their submissions in the

matter. The Petitioner and the Respondents sought time to file their written submissions in the matter. We decide to grant 4 weeks' time to them for filing of written submission in the matter.

5. The matter will be reserved for Order thereafter.
6. Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 08/09/2025.

