

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2535 of 2025.

In the matter of:

Petition under Section 86 (1) (c) (e) and other applicable provisions of the Electricity Act, 2003 read with Regulations 80 and 82 of the GERC (Conduct of Business) Regulations 2004 seeking extension of time period for construction of the evacuation infrastructure and quashing of the letter dated 07.07.2025 issued at the behest of the Respondent GETCO.

And

IA No. 79 of 2025 in Petition No. 2535 of 2025.

In the Matter of:

Application under Section 94 (2) of the Electricity Act, 2003 read with Regulations 61 & 80 of the GERC (Conduct of Business) Regulations, 2004 seeking urgent listing, interim stay/injunction and appropriate interim orders.

Applicant/Petitioner: Kintech Solarbikaner Pvt. Limited

Represented by : Ld. Adv. Mr. Aditya K. Singh

V/s.

Respondent : Gujarat Energy Transmission Corporation Limited

Represented By : Mr. Shobhraj Jayswal.

CORAM:

Mehul M. Gandhi, Member

S.R. Pandey, Member

Date: 04/09/2025.

DAILY ORDER

1. The above matter was kept for hearing on 30.08.2025.
2. At the outset, Ld. Adv. Mr. Aditya K. Singh on behalf of the Applicant/Petitioner submitted that the present Petition is filed by the Applicant/Petitioner being RE

project developer of 50 MW Wind Solar Hybrid Power Projects under captive mode and has applied for Stage – I & II connectivity on 03.07.2024 from the transmission system of Respondent GETCO under the provisions of Electricity Act, 2003 read with the relevant Regulations notified by the Commission and submitted BG of Rs. 5 Crores dated 02.05.2025 to the Respondent. Accordingly, the Applicant/Petitioner has been granted the Stage – I & II connectivity on 31.08.2024. He submitted that the Respondent GETCO vide letter dated 21.09.2024 issued provisional Estimate of Supervision Charges for erection of 66 KV feeder bay for evacuation of 50 MW Hybrid Power evacuation at 220 kV Rajula S/S of GETCO and the Applicant/Petitioner is required to pay provisional estimate within 30 days from the date of issuance of estimate of Supervision Charges and to sign the connectivity agreement within next 5 days thereafter.

- 2.1. He submitted that the Respondent GETCO vide its letter dated 07.07.2025 informed to the Applicant/Petitioner that as per provisions of Procedure for Grant of Connectivity 2023 and GERC's Tariff Order dated 22.02.2024 regarding the completion of the evacuation line for the 50 MW Hybrid power evacuation at 220 kV Rajula S/S along with bays, metering system and commissioning full capacity of the project within 12 months from the date of allotment of transmission capacity i.e., before 31.08.2025 and failure to adhere to this timeline, GETCO initiating legal actions as stipulated in the approved procedure. He further submitted that in the present case, the Applicant/Petitioner will be unable to complete the evacuation infrastructure by the stipulated deadline of 31.08.2025 as per Procedure for Grant of Connectivity 2023 and Tariff Order of the Commission for Hybrid Projects, due to the occurrence of certain unforeseen events.
- 2.2. He further submitted that the Applicant/Petitioner has initiated the work on constructing of the evacuation infrastructure but the same has been delayed on account of various reasons such as (i) delay of 92 days due to heavy & continuous rains, (ii) delay of 32 days due to getting drawing approval from the Respondent GETCO, (iii) delay in Transformer Delivery, Circuit Breaker Delivery and Control Panels Delivery due to Market Demand Crisis, (iv) delay of 78 days in getting approval under Section 68 and 164 of the Electricity Act, 2003 etc., not attributable to the Applicant/Petitioner.

- 2.3. He submitted that due to occurrence of unforeseen events which are beyond the control of the Applicant/Petitioner, the Applicant/Petitioner by way of present Petition is seeking an extension of 365 days from the date of pronouncement of the Order by the Commission for construction of evacuation infrastructure and bays at 50 MW Hybrid power project at 220 KV Rajula Substation of GETCO.
- 2.4. He further submitted that the Applicant/Petitioner also filed IA being IA No. 79 of 2025 seeking interim order restraining the Respondent GETCO from taking coercive action against the Petitioner including but not limited to revocation of connectivity and encashment of bank Guarantee and also direct the Respondent GETCO to maintain status quo till the final disposal of the main Petition.
- 2.5. Ld. Adv. of the Applicant/Petitioner also submitted that the Applicant/Petitioner has made the huge investments already made for setting up of 50 MW Wind Solar Hybrid Power Project in support of which he has drawn attention of the Commission to specific items which have already been established, such as site photographs, news articles etc. but due to heavy rains and other unforeseen events the Petitioner could not accomplish the project, and as a last recourse has moved the Commission for some relief in terms of the prayers as stated in the aforesaid IA/Petition. He has also drawn our attention to the accomplished items showing huge investments made and also heavily relied upon the reason of heavy rain showing photographs etc. forbidding the Petitioner to complete the entire project.
- 2.6. He submitted that the time limit for completion of transmission system is 31.08.2025. He requested that the Commission may admit the Petition and give time to the Respondent to file its reply, and the Petitioner may also be given 7 days' time for filing its rejoinder-in reply to reply filed by the Respondent and to keep the matter for hearing on any convenient date.
3. The representative, appearing on behalf of the Respondent GETCO submitted that the issue involves in the present Petition pertaining to extension of time limit for creation of transmission system by the Applicant/Petitioner. He has no objection to admission of the Petition. Hence, the Petition may be admitted. He has also submitted that the Commission may grant 4 weeks' time to the Respondent GETCO

to file reply in the matter. He further agreed to request of the counsel for the Applicant/Petitioner to keep the matter for hearing on any date subject to convenience of the Commission.

4. In response to the above contention, the counsel for the Applicant/Petitioner argued that the connectivity is going to be terminated on 31.08.2025 and if protection is not given to the Applicant/Petitioner, the Applicant/Petitioner's connectivity will be terminated/canceled by the Respondent. Hence, it is requested to pass interim order/stay on the issue of revocation/cancellation of the connectivity by the Respondent.
5. Heard. The matter involved in the present Petition is pertaining to extension in time limit for construction and commissioning of transmission system by the Applicant/Petitioner which has been granted connectivity by the Respondent for evacuation of 50 MW RE project at 220 KV Rajula Sub-station of GETCO. The Applicant/Petitioner has submitted that they are unable to create the transmission system for evacuation of power due to reasons beyond their control. As the subject matter is pertaining to extension of connectivity granted to the Applicant/Petitioner and the Respondent GETCO has no objection to admission of the present Petition, we decide to admit the present Petition.
- 5.1. Based on the above circumstances and in the interest of justice, and looking to the submissions of the counsel of the Applicant/Petitioner that the Applicant/Petitioner has made huge investments for setting up of 50 MW Wind Solar Hybrid Power Project in support of which he has drawn attention of the Commission to specific items which have already been established, such as site photographs, news articles etc. but due to heavy rain and other unforeseen events the Petitioner could not accomplish the project, and as a last recourse has moved the Commission for some relief in terms of the prayers as stated in the aforesaid IA/Petition. We note that the Applicant/Petitioner has drawn our attention to the accomplished items showing huge investments made and also heavily relied upon the reason of heavy rain showing photographs etc. forbidding the Petitioner to complete the entire project. The Respondent GETCO has sought two weeks' time to file reply and for engaging Advocate in the matter. Therefore, in view of the present situation and to maintain balance and other factors, we direct

the Respondent GETCO not to terminate the connectivity till next date of hearing. We make it specifically clear that there is no stay regarding bank guarantee and its consequential encashment etc. We also make it clear that this temporary relief will remain in force till the next date of hearing only and, in the meantime, the Respondent may file its reply within two weeks' time, with a copy to the Petitioner. The Petitioner would be at liberty to file its rejoinder-in-reply if any, within a weeks' time from the date of receipt of reply from the Respondent GETCO. However, no equitable or legal right will be created in favour of the Applicant/Petitioner by this Order.

6. Next date of the hearing will be intimated separately.
7. Order accordingly.

Sd/-
[S.R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.

Date: 04/09/2025.

