

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY

(Appellate Jurisdiction)

APPEAL NO. 68 OF 2017,

APPEAL NO. 69 OF 2017

&

APPEAL NO. 78 OF 2017

Dated: 29.01.2025

**Present: Hon'ble Mr. Sandesh Kumar Sharma, Technical Member
Hon'ble Mr. Virender Bhat, Judicial Member**

APPEAL NO. 68 OF 2017

IN THE MATTER OF:

Indian Wind Power Association.

A-509 -511, Atma House,

Opp. La-Gajjar Chamber,

Ashram Road, Ahmedabad. 380 009

... APPELLANT

Versus

1. Gujarat Electricity Regulatory Commission
6th Floor, GIFT ONE,
Road 5C, Zone 5, GIFT City,
Gandhinagar - 382355,
Gujarat, India
2. Torrent Power Limited.
Torrent House, Off. Ashram Road,
Ahmedabad. 380 009.

3. Kandla Port Trust
Business Development Cell
P.O. Box No. 50, Administrative Cell
Gandhidham , Kutch – 370201
(Through its Managing Director)
 4. MPSEZ Utilities Pvt. Ltd.
Adani House, Near Mithakali Circle,
Navrangpura, Ahmedabad- 380009
(Through its Managing Director)
 5. Jubilant Infrastructure Pvt. Ltd.
Plot No. 5, Vilayat GIDC,
Vagra, Bharuch – 390012
(Through its Managing Director)
 6. Aspen Infrastructure Ltd.
Survey No. 26, Village Pipaliya,
Taluka Waghodia, Dist. Vadodara
Pin No. 391760
(Through its Managing Director)
 7. GIFT Power Company Ltd.
GIFT PCL, Zonal Facility Centre,
Block 12, Road 1-D, Zone-1,
Gift City, Gandhinagar,
Gujarat- 382355
(Through its Managing Director)
 8. Gujarat Energy Development Agency.
4th Floor, Block No. 11 & 12,
Udyogbhavan, Sector 11,
Gandhinagar 382 017.
- ... RESPONDENTS

Counsel for the Appellant(s) : Mr. Vishal Gupta
Mr. Kumar Mihir
Mr. Sumeet Sharma

Counsel for the Respondent(s) : Mr. Suparna Srivastava for R-1
Mr. Anand K. Ganesan
Ms. Swapna Seshadri for R-2

APPEAL NO. 69 OF 2017

IN THE MATTER OF:

Indian Wind Power Association.

A-509 -511, Atma House,
Opp. La-Gajjar Chamber,
Ashram Road, Ahmedabad. 380 009

... APPELLANT

Versus

1. Gujarat Electricity Regulatory Commission
6th Floor, GIFT ONE,
Road 5C, Zone 5, GIFT City,
Gandhinagar - 382355,
Gujarat, India.
2. Gujarat UrjaVikas Nigam Ltd (GUNVL)
Sardar Patel Vidyut Bhavan,
Race Course, Vadodara 390 007.
3. Madhya Gujarat Vij Company Limited (MGVCL)
Sardar Patel Vidyut Bhavan,
Race Course Circle, Vadodara 390 007
4. Dakshin Gujarat Vij Company Limited (DGVCL)
Kapodara Char Rasta,
Surat 395 006
5. Uttar Gujarat Vij Company Limited (UGVCL)
Corporate Office, Mehsana-Visnagar Highway,
Mehsana 384 001.

6. Paschim Gujarat Vij Company Limited (PGVCL)
Nanamava Road,
Laxminagar,
Rajkot 360004

... RESPONDENTS

Counsel for the Appellant(s) : Mr. Vishal Gupta
Mr. Kumar Mihir
Mr. Sumeet Sharma

Counsel for the Respondent(s) : Mr. Suparna Srivastava for R-1

Mr. Anand K. Ganesan
Ms. Swapna Seshadri
Mr. Harsha Manav
Ms. Srishti Khindaria for R-2

APPEAL NO. 78 OF 2017

IN THE MATTER OF:

Indian Wind Energy Association.
2nd Floor, All India Federation of the Deaf (AIFD), Building,,
12-13, Special Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi 110067

... APPELLANT

Versus

1. Gujarat Electricity Regulatory Commission
6th Floor, GIFT ONE,
Road 5C, Zone 5, GIFT City,
Gandhinagar - 382355,
Gujarat, India.

2. Gujarat Urja Vikas Nigam Ltd (GUNVL)
Sardar Patel Vidyut Bhavan,
Race Course, Vadodara 390 007.

3. Madhya Gujarat Vij Company Limited (MGVCL)
Sardar Patel Vidyut Bhavan,
Race Course Circle, Vadodara 390 007.
4. Dakshin Gujarat Vij Company Limited (DGVCL)
Kapodara Char Rasta,
Surat 395 006.
5. Uttar Gujarat Vij Company Limited (UGVCL)
Corporate Office, Mehsana-Visnagar Highway,
Mehsana 384 001.
6. Paschim Gujarat Vij Company Limited (PGVCL)
Nanamava Road, Laxminagar,
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... RESPONDENTS

Counsel for the Appellant(s) : Mr. Vishal Gupta
Mr. Kumar Mihir

Counsel for the Respondent(s) : Mr. Suparna Srivastava for R-1
Mr. Anand K. Ganesan
Ms. Swapna Seshadri
Ms. Ranjitha Ramachandran
Ms. Kriti Soni
Ms. Srishti Khindaria for R-2

ORDER

PER HON'BLE MR. SANDESH KUMAR SHARMA, TECHNICAL MEMBER

1. These appeals have been filed by M/s. Indian Wind Power Association challenging the Gujarat Electricity Regulatory Commission passed Order dated

31.12.2016 in Petition No. 1542/2015, Order dated 31.12.2016 in Petition No. 1518/2015.

2. The Appellant is aggrieved by the aforesaid Impugned Orders dated 31.12.2016 passed by the State Commission revising the RPO of FY 2014-15 being contrary to the entire scheme, import, and purport of the Electricity Act of 2003, policies framed there under and the Regulations framed by the Central Commission and the State Commission.

3. After hearing the Appellant and the Respondents, we found it appropriate to direct the respondents to file the compliance report before deciding the matter.

4. The compliance report filed by the Respondents through an affidavit was examined, the relevant extract of the report is as under:

*“2. I say that GUVNL has filed a detailed reply on 25.09.2019 in the present Appeal filed by Indian Wind Power Association (**hereinafter referred to as “Appellant”**). The present Affidavit is being filed pursuant to the directions dated 04.10.2024 passed by this Hon’ble Tribunal and is in addition to the said reply filed and without prejudice to any of the contentions and averments raised by GUVNL in the reply filed.*

3. I say and submit that the captioned matter was last listed on 04.10.2024, wherein this Hon’ble Tribunal, during the course of the

hearing directed GUVNL to file the compliance details of RPO for the State of Gujarat stating as under:

“ORDER

Learned Counsel for GUVNL undertakes to file an Affidavit as directed by this court within three weeks for the State of Gujarat.

*Post the batch of appeals for further hearing on **07.11.2024**”*

4. *I say that pursuant to the aforesaid directions, GUVNL is filing the RPO compliance details from the Year 2015-16 till FY 24-25(Q-1) and details of the same are attached and marked as **Annexure A1**.*
5. *I say that in view of the table in Annexure A1, it is submitted that for FY 2015-16 to FY 2024-25 (Q1), GUVNL has made sincere efforts to comply with the RPO targets on an annual basis in the State of Gujarat considering the situation prevalent for availability of energy from renewable sources. In fact, for FY 2022-23 and FY 24-25(Q-1)(Provisional), GUVNL has duly achieved RPO compliance, and no relaxation has been sought for the said period.”*

5. The details as provided vide the affidavit are reproduced as below:

“

Annexure A

Year	RPO Target Including Solar/Non-Solar	RPO achieved with Solar/Non-Solar	Extent of Relaxation Sought	Whether Relaxation or Carry Forward was granted. If, so reference of the GERC order.

2015-16	9% (7170.57) MUs	7.01% (5587) MUs	Yes	Petition No. 1604 of 2016, Order Dated 26.12.2019 Revised RPO Target 7.01%
2016-17	10% (9134.59) MUs	7.86% (7192.43) MUs	Yes	Petition No.1688 of 2017, Order Dated 06.05.2020 Revised RPO Target 7.85%
2017-18	10% (8467.9) MUs	9.72% (8491) MUs	Yes	Suo Motu Petition No. 1872/2020, Order Dated 09.10.2020 Revised RPO Target 9.54%
2018-19	12.70% (12448.66) MUs	10.82% (10607.18) MUs	Yes	Petition No. 1808 of 2019, Order Dated 21.04.2022 Revised RPO Target 10.7%
2019-20	14.30% (13045.41) MUs	12.98% (11841.67) MUs	Yes	Petition No. 1922 of 2021, Order Dated 09.05.2022 Revised RPO Target 11.81%
2020-21	15.65% (14391) MUs	12.73% (11704) MUs	Yes	Petition No. 2042 of 2022. Order Awaited.
2021-22	17.00% (18225)MUs	15.06% (16145)MUs	Yes	Petition No 2196/2023. Order Awaited
2022-23	17.00% (20127)MUs	17.29% (20474)MUs	---	Petition no.2381 of 2024 filed at GERC on 22.07.2024. 1st Hearing /Order Awaited.
2023-24	18.70% (23205) MUs	18.07% (22418) MUs	--	Truing up for FY 2023-24 is under finalization. RPO data are provisional as submitted to GERC
2024-25 (Q1)	20.70% (7265) MUs	20.82% (7309)MUs	--	RPO data for Q1 are provisional as submitted to GERC. Data for Q2 are under compilation.

6. The compliance report was accepted by the Appellant.

7. In the light of achievement of RPO targets in the years 2022-23 to 2024-25 (Quarter 1), the appeal stands disposed of as agreed by the Appellant.
8. We make it clear that we have not passed any observation on the submission made. However, in the light of the provisions of the Electricity Act, 2003 and the relevant regulations of the State Commission, the Respondents shall comply with the RPO obligations. Therefore, for future orders, they should adhere to the regulations as notified from time to time.
9. The captioned appeals and IAs, if any, are disposed of in the above terms.

PRONOUNCED IN THE OPEN COURT ON THIS 29th DAY OF JANUARY, 2025.

(Virender Bhat)
Judicial Member

(Sandesh Kumar Sharma)
Technical Member

REPORTABLE / ~~NON-REPORTABLE~~

pr/mkj