BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR

Petition No. 2654 of 2026

In the Matters of:

Petition under Section 86 of the Electricity Act, 2003 read with Regulation 80 & 82 GERC (Conduct of Business) Regulations, 2004, read with Gujarat Renewable Energy Policy, 2023 & amendments thereof and the Tariff Order dated 31.08.2024 praying before the Commission to exercise its powers under Section 86 of the Electricity Act, 2003 and direct the Respondent Gujarat Energy Transmission Corporation Limited to grant extension of time for commissioning of the Evacuation Line along with bays and metering system and connectivity of the transmission line and thereby grant extension of time in executing the 101 MW Solar Project.

Along with

IA No. 16 of 2026 in Petition No. 2654 of 2026.

In the matter of:

Application seeking Ad-interim stay on the encashment of Bank Guarantee of the Petitioner furnished to Respondent No. 1 – GETCO.

Applicant/Petitioner	:	Sapana Sakar Buildcon Private Limited
Represented by	:	Ld. Advocates Mr. M. N. Marfatiya and Ms. Priyanka Gojiya.

V/s.

Respondent No. 1	:	Gujarat Energy Transmission Corp. Limited
Represented by	:	Ld. Adv. Ms. Shrishti Khindaria along with Mr. M.J. Vasava.
Respondent No. 2	:	Gujarat Energy Development Agency
Represented by	:	Nobody was present.
Respondent No. 3	:	Gujarat Urja Vikas Nigam Limited
Represented by	:	Nobody was present.

CORAM:

Pankaj Joshi, Chairman
Hiren Shah, Member
Jatin N. Thakkar, Member

Date:11/08/2026.

ORDER

1. The present Petition has been filed by the Applicant/Petitioner Sapana Sakar Buildcon Private Limited under Section 86 of the Electricity Act, 2003 read with Regulations 80 and 82 of GERC (Conduct of Business) Regulations, 2004, Gujarat RE Policy 2023 and amendments thereof and the Tariff Order dated 31.08.2024 seeking direction to the Respondent GETCO to grant extension of time for commissioning of the Evacuation Line along with bays and metering system and connectivity of the transmission line and thereby grant extension of time in executing the 101 MW Solar Project.

2. The Applicant/Petitioner has *inter alia* sought the following reliefs in Petition No. 2654 of 2026.

   a) *Admit and allow the Petition.*

   b) *Exercise its regulatory Powers under Section 86 of the Electricity Act, 2003 and be pleased to extend the time limit for construction of the evacuation line along with base and metering system and connectivity of the transmission line and thereby grant extension of time in executing the 101 MW Solar project by period of 9 months or such period as Hon'ble Commission may deem fit in the interest of justice.*

c) *Direct Respondent No. 1 to refrain from invoking the Bank Guarantee dated 31.03.2025 bearing No. 42021GP001170025 issued by the Bank of Baroda for an amount of Rs.10,10,00,000/- (Rupees Ten Crores Ten Lakhs only) in favour of the Respondent No. 1 submitted by the Petitioner, till the expiry of the extended time period granted for commissioning of the project .*

d) *Pass any such Order and further reliefs as this Hon'ble Commission deems just and proper in the circumstances of the present case.*

3. The Applicant/Petitioner also filed IA No. 16 of 2026 in the present matter *inter alia* seeking the following reliefs.

a) *Allow the present application and accordingly, direct the respondent No. 1 to refrain from invoking Bank Guarantee dated 31.03.2025 bearing No. 42021GP001170025 issued by the Bank of Baroda for an amount of Rs.10,10,00,000/- (Rupees Ten Crores Ten Lakhs only) in favour of the Respondent No. 1, furnished by the Petitioner till the pendency of the present Petition.*

b) *Pass any such other Order(s) as this Hon'ble Commission deems fit in the facts and circumstances of the case.*

4. The matter was listed for hearing on 06.08.2026. During the hearing, Ld. Adv. appearing on behalf of the Applicant/Petitioner, submitted that the Applicant/Petitioner had sought an extension of 9 months for commissioning of its captive power plant project

of 101 MW Solar Power project at 220 kV Visavadar sub-station of the Respondent GETCO in accordance with the Renewable Energy Policy 2023 of the Government and the Tariff Order issued by the Commission. He submitted that the Applicant/Petitioner had applied for Stage-1 and Stage-2 connectivity on 29.03.2025 and 30.03.2025 respectively for its project, which was granted to the Petitioner by the Respondent on 03.05.2025 and that in terms thereof, the original timeline for commissioning of the project, being fifteen (15) months from the date of grant of connectivity was due to expire in the month of August, 2026.

4.1. Ld. Counsel for the Applicant/Petitioner submitted that the Commission by its Order dated 21.01.2026 passed in Petition No. 2564 of 2025 had already amended the timeline for commissioning of the project to a period of two (2) years. It was submitted that in view of the said Order, the Applicant/Petitioner proposes to limit and restrict its prayers in the present Petition and that the grievance raised in the present Petition would accordingly not survive independently. He further submitted that the Respondent, in its reply, has not seriously disputed this position and that the present Petition may accordingly be disposed of, with liberty to the Applicant/Petitioner to approach the Commission afresh in the event any difficulty arises in the future as the prayers sought by the Applicant/Petitioner in the present Petition stand satisfied. Therefore, the cause of present Petition does not survive and the Applicant/Petitioner wants to withdraw the present Petition and also agreed to file affidavit of withdrawal of the present Petition for which two week's time has been sought.

5. Ld. Adv. Ms. Shristi Khindaria, appearing on behalf of the Respondent GETCO has not contested the submissions made on behalf of the Applicant/Petitioner that the case of the Applicant/Petitioner is covered by the Order dated 21.01.2026 passed by the Commission in Petition No. 2564 of 2025 and the cause of the Petition does not survive and has also not objected to the withdrawal of the present Petition as sought by the Applicant/Petitioner. As such, she raised an issue with respect to the bank guarantee furnished by the Applicant/Petitioner, submitting that the same had expired on 31.03.2026 and has not been renewed despite requests made by the Respondent. It was submitted that while the claim period for the BG is valid up to 31.03.2027, the proprietary mandates that a live and valid bank guarantee be maintained by the Applicant/Petitioner till the evacuation line gets commissioned.

6. In response to the above contention of the Respondent, Ld. Counsel for the Applicant/Petitioner did not dispute the fact regarding expiry of the bank guarantee and also agreed for renewal and extension of the validity of the Bank Guarantee.

7. Heard the parties. The Commission has considered the submissions made by the counsels appearing on behalf of the Applicant/Petitioner as well as for the Respondent GETCO. The Commission notes that the Applicant/Petitioner has filed the present Petition seeking an extension of nine (9) months for commissioning of its 101 MW Captive Solar Power Project connected at the 220 kV Visavadar Sub-station of Respondent No. 1 GETCO and submitted that Stage-I and Stage-II connectivity had

been granted on 03.05.2025 pursuant to the applications dated 29.03.2025 and 30.03.2025 respectively, with the original commissioning timeline of fifteen (15) months expiring in August, 2026. The Commission further notes the submission of the Applicant/Petitioner that subsequent to the filing of the present Petition, the Commission vide its Order dated 21.01.2026 in Petition No. 2564 of 2025, had amended the timeline to two (2) years for commissioning of similarly situated renewable energy projects and therefore, the reliefs sought in the present Petition stood covered by the said Order, rendering the cause of action in the present Petition infructuous. Accordingly, the Applicant/Petitioner sought permission to withdraw the present Petition with liberty to approach the Commission afresh in the event of any difficulty arising in future and also undertook to file an affidavit seeking withdrawal of the Petition within two weeks. The Commission also notes that the Respondent GETCO has not contested the submission made by the Petitioner that the issues raised in the present Petition are covered by the Commission's Order dated 21.01.2026 passed in Petition No. 2564 of 2025 and that it has no objection to the withdrawal of the present Petition. However, the Respondent drew the attention of the Commission to the fact that the Bank Guarantee furnished by the Applicant/Petitioner had expired on 31.03.2026 and has not been renewed despite requests made by the Respondent GETCO. It was further submitted that although the claim period of the Bank Guarantee remains valid up to 31.03.2027, the applicable procedure requires the Applicant/Petitioner to maintain a valid and subsisting Bank Guarantee during the relevant period. The Respondent GETCO, therefore, requested that appropriate

directions be issued to the Applicant/Petitioner to renew and keep the Bank Guarantee alive notwithstanding the extension of the commissioning timeline granted under the Commission's Order dated 21.01.2026.

7.1. As regards the aforesaid issue of BG as raised by the Respondent GETCO, we are not inclined to pass any order, except making it clear that the Respondent GETCO will have liberty to take appropriate action, including submission of extended /renewed BG by the Applicant/Petitioner or encashment of BG, in case failure to do so, in accordance with law.

7.2. We also note the statements made by the counsels of the Applicant/Petitioner as well as the Respondent and subject to filing of affidavit for withdrawal of the present Petition by the Applicant/Petitioner on or before 20.08.2026, we decide to dispose of the present Petition as withdrawn by the Petitioner.

8. With this, the present Petition stands disposed of.

9. Order accordingly.

Sd/-	**Sd/-**	**Sd/-**
[Jatin N. Thakkar]	**[Hiren Shah]**	**[Pankaj Joshi]**
Member	**Member**	**Chairman**

Place: Gandhinagar.
Date: 11/08/2026.