BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION GANDHINAGAR

Petition No. 2524 of 2025.

In the Matter of:

Petition for revision of minimum quantum of purchase (in %) from renewable energy sources for FY 2024-25 under the provisions of Regulation 4.1 and 4.2 of GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 for Dahej SEZ area.

Petitioner : Torrent Power Limited

Represented By : Ld. Sr. Adv. Ms. Deepa Chawan and Adv. Ms. Reshmarani Nathani with Mr. Jignesh Langalia.

CORAM:

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

Date: 11/09/2026.

DAILY ORDER

1. The present matter was listed for hearing on 08.09.2026 through Hybrid Mode.

2. At the outset, Ld. Sr. Adv. appearing for the Petitioner submitted that the Petitioner has filed the submissions on 19.05.2026 in the present matter on important question of law concerning the applicability of the RPO Regulations governing for FY 2024-25.

2.1. She submitted that the Commission has notified the GERC (Procurement of Energy from Renewable Sources) Regulations, 2010, which were subsequently amended from time to time. The Commission has amend its GERC' RPO Regulations 2010, in the year 2022 by GERC' RPO (Third

Amendment) Regulations 2022, wherein the Commission has prescribed a cumulative RPO target of 20.70% for FY 2024-25. It was further submitted that the proviso to Regulation 4.1 of the said Regulations has specifically provided that the targets specified for FY 2024-25 would be continued for a further period until such targets were separately specified/revised by the Commission.

2.2. She submitted that although the Commission has published the Draft RPO Regulations on 30.09.2024, the said Draft Regulations has not acquired the force of law during FY 2024-25. According to the Petitioner, as on the date of completion of FY 2024-25, the applicable statutory framework governing the RPO obligation was the GERC RPO Regulations, 2010 as amended by the Third Amendment Regulations prescribing the cumulative target of 20.70%.

2.3. She further submitted that on 21.06.2025, the Commission has issued a direction to the Petitioner which is required to be construed as direction issued under the Regulation 79 of the GERC (Conduct of Business) Regulations, 2004 directing the Petitioner to file their respective RPO petitions in terms of the applicable RPO Regulations. In compliance with the said directions, the Petitioner TPL has filed the present Petition on 30.07.2025, i.e. prior to notification of the GERC' RPO Regulations, 2025.

2.4. She submitted that the GERC RPO Regulations, 2025 were notified in the Official Gazette only on 12.08.2025 and in terms of Regulation 1(2) thereof, the provisions of the Regulations except Regulation 8, came into force from the date of their publication in the official Gazette. Thus, according to the Petitioner, the GERC' RPO Regulations 2025 came to be in force after completion of FY 2024-25 and even thereafter, the Petitioner has filed the present Petition pursuant to the Commission's direction dated 21.06.2025.

2.5. She further submitted that the rights and obligations relating to RPO compliance for FY 2024-25 had already crystallised under the Regulations then in force. The subsequent notification of the GERC' RPO Regulations,

2025 could not retrospectively alter the substantive RPO obligation governing FY 2024-25, which had already ended and the Petition had been filed before the notification of GERC' RPO Regulations, 2025.

2.6. She submitted that the Commission has in its Daily Order dated 26.05.2026 directed the Petitioner to file amended Petition for compliance of RPO for FY 2024-25 with consideration of RPO target set out in the GERC' RPO Regulations, 2025. Since the GERC' RPO Regulations, 2025 contain specific provisions of saving the action taken prior to the notification of GERC' RPO Regulations, 2025, according to the Petitioner, the RPO compliance of FY 2024-25 for the Petitioner is governed by the prevailing GERC' RPO Regulations, 2010, as amended from time to time, and therefore, the Petitioner is not required to file amended Petition with consideration of target specified under GERC, RPO Regulations, 2025. She relied upon various Judgments of the Hon'ble Apex Court in support of her arguments on the applicability of the Regulations subsequently notified by the Commission and its impact on the action already taken by the Petitioner under the prevailing Regulations. She also submitted that instead of filing amended Petition as directed to do so vide Commission's Daily Order dated 26.05.2026, the Petitioner has preferred to file additional affidavit dated 23.06.2026 to place on record the status of RPO compliance of FY 2024-25 *vis-à-vis* target set out under the GERC' RPO Regulations, 2025 including the status of ESO obligations of FY 2024-25 specified as under the said GERC' RPO Regulations, 2025.

3. We have considered the submissions made by the Petitioner. We note that the Petitioner has filed the present Petition seeking revision in minimum quantum of purchase (in %) from renewable energy sources for FY 2024-25 under the provisions of Regulations 4.1 and 4.2 of GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 for its Dahej SEZ license area. We further note that the Commission has notified GERC (Procurement of Energy from Renewable Sources) Regulations, 2025 on 12.08.2025 stipulating RPO

target for FY 2024-25 to FY 2029-30, by repealing its previous GERC (Procurement of Energy from Renewable Sources) Regulations, 2010 and its amendments. The Commission has specified RPO targets for different RE categories along with storage obligations.

3.1. We note that pursuant to hearing held on 15.05.2026, the Commission passed the Daily Order dated 26.05.2026 wherein the Petitioner TPL was directed to amend the present Petition in accordance with the provisions of applicable GERC' RPO Regulations, 2025 and place on record the details of RPO and ESO fulfilled by it, along with the other requisite submissions. We note the submission of the Petitioner that instead of filing amended Petition, the Petitioner has preferred to file additional affidavit dated 19.05.2026 to place on record the compliance of RPO of FY 2024-25 *vis-à-vis* RPO specified by the Commission under GERC' RPO Regulations, 2025.

3.2. We further note that Regulation 9 of the RPO Regulations, 2025 provides that the Obligated Entities shall be required to file a Petition before the Commission after completion of respective financial year providing the details of the Renewable Purchase Obligation and ESO fulfilled by them in compliance to the provisions of the Regulations. Accordingly, the Commission is required to verify the RPO & ESO compliance of the obligated entities for the respective year with consideration of various facts as may be placed on record by the obligated entity.

3.3. We also note that the Hon'ble APTEL in its judgement dated 25.04.2014 in Appeal No. 24 of 2013 and IA No. 39 of 2013 has directed the State Commission that after completion of the financial year, the State Commission has to review the actual performance in respect of RPO and pass necessary directions as per the RPO Regulations either Suo- motu or on a Petition filed by an obligated entity. Such review should be subject to public notice to invite comments, suggestions and objections from all the stakeholders. Thus, for annual review of RPO or otherwise by the State

Commission either Suo-motu or on application from an obligated entity, the suggestions and objections of the public are required to be invited.

3.4. The Commission notes that the Petitioner has yet not issued any public notice inviting comments/suggestions from the stakeholders for deciding the matter in accordance with law by the Commission.

3.5. We further note that the Petitioner in its affidavit dated 23.06.2026 has not placed on record the details of ESO compliance status of FY 2024-25, though during the hearing it was submitted that the Petitioner has placed on record the RPO compliance details of FY-2024-25 vis-à-vis target specified under the RPO Regulations, 2025 including the compliance status of ESO for FY-2024-25 in its affidavit dated 23.06.2025. Hence, the Petitioner is directed to place on record the status of ESO compliance of FY 2024-25 vis-à-vis ESO target specified under RPO Regulations, 2025 on or before 16.09.2026.

3.6. In view of the above and having regard to the directions of the Hon'ble APTEL, we are of the considered view that the Petitioner is required to issue public notices inviting comments, suggestions and objections from the stakeholders. Accordingly, the Petitioner is 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 from the stakeholders stating that they have filed Petition No. 2524 of 2025 before the Commission alongwith additional submissions dated 19.05.2026 and affidavit including the submissions dated 23.06.2026 in the subject matter and relief sought therein. The Petitioner is also directed to upload the present Petition alongwith all the relevant documents filed before the Commission in the present matter including the submissions dated 19.05.2026 and 23.06.2026 and additional submission as may be filed by the Petitioner in terms of para 3.5 above, 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 also state in

the public notice that the stakeholders/objectors shall file their objections/suggestions in the Petition to the Secretary, Gujarat Electricity Regulatory Commission, 6th Floor, GIFT ONE, Road 5C, Zone 5, GIFT City, Gandhinagar – 382 050 in five copies along with affidavit in support of their submissions with a copy to the Petitioner. The Petitioner is directed to file compliance affidavit before the Commission stating that the Petitioner has issued public notices in compliance to the direction issued by the Commission.

3.7. The staff of the Commission is also directed to upload the Petition along with all the documents/submissions filed before the Commission, on the website of the Commission inviting comments/suggestions/views from the stakeholders after a compliance affidavit from the Petitioner stating that the public notice as directed above has been issued by the Petitioner in the newspaper and uploaded the Petition on the website of the Petitioner.

4. Next date of hearing will be intimated separately.

5. Order accordingly.

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

Place: Gandhinagar.
Date: 11/09/2026.