

BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION

GANDHINAGAR

Petition No. 1966 of 2021.

In the Matter of:

Petition under Section 86 of the Electricity Act, 2003 read with Article 9 of the Power Purchase Agreement (PPA) dated 22.05.2019 executed between the parties.

Applicant/Petitioner : Re New Sun Energy Private Limited

Represented By : Ld. Adv. Ms. Mannat Waraich

V/s.

Respondent : Gujarat Urja Vikas Nigam Limited

Represented By : Ld. Adv. Mr. Aneesh Bajaj along with Mr. M.M. Pandya

CORAM:

**Anil Mukim, Chairman
Mehul M. Gandhi, Member
S. R. Pandey, Member**

Date: 18.04.2024.

DAILY ORDER

1. The above matter was kept for hearing on 03.01.2024.
2. Heard Ld. Adv. Ms. Mannat Waraich appearing on behalf of the Petitioner submitted that the Commission in its Daily Order dated 10.08.2023, directed the Petitioner to provide certain documents which were not provided with the Petition as stated in Para No. 5.2 of the said Daily Order which are essential for verification of claim of the Petitioner on account of Change in Law. In compliance of the said directives, the Petitioner vide its affidavit dated 27.09.2023 has provided the documents like invoices of all solar modules, Bill of lading, Packing list, Custom accessed copy of bill of entry, Custom out of charge order, Marine insurance for sea and island transit,

Copy of LRs for inland transport from port to projects site and E-way bill, Practicing Chartered Accountant certificate substantiating and supporting the claim of the Petitioner for supply of solar PV modules.

3. Ld. Adv. Mr. Aneesh Bajaj appearing on behalf of the Respondent GUVNL submitted that the documents filed by the Petitioner are voluminous and the Respondent needs the time for verification of said documents and filing its reply, on it specifying that whether all necessary documents were provided or not. Further, the Respondent has also on verification found that certain documents are missing or not provided or the documents are not establish the claim of the Petitioner.
4. In response to the above contention raised by the Respondent for verification of the documents, Ld. Adv. of the Petitioner submitted that the Petitioner has filed the affidavit dated 27.09.2023 and the Petitioner desires to reconcile the documents with the Respondent requesting 2 weeks-time for verification, which may please be granted.
5. During the hearing the Commission raised various queries with regard to procurement of solar modules, and related matter. In response to above, Ld. Adv. of the Petitioner submitted that the Petitioner would satisfy and prove that the Petitioner has submitted all necessary documents and the Petitioner is eligible for receiving Change in Law impact as a part of PPA executed between the Petitioner and the Respondent.
6. Further, referring to the submission filed by the Petitioner, the Commission raised the query, that Modules Supply Agreement dated 26.11.2020, shown is of 105 MW Solar PV Project-Jaisalmer, Rajasthan/ GUVNL, in response to the same, Ld. Adv. of the Petitioner submitted that the Petitioner would clarify the same on next date of hearing.
7. On referring to Module Supply Agreement between Renew Solar Energy Jharkhand (One) Pvt. Ltd. and Longi Solar Technology Company Limited, wherein Schedule I states the Scope of supply and delivery schedule, wherein Para 8 states that delivery shall only be deemed complete upon the supplier providing the Purchaser with the following documents; such as commercial invoices, packing list, insurance documents, certificate of origin, flash report, bill of lading. On verifications of

documents filed by the Petitioner documents like flash report, certificate of Origin are missing as per the aforesaid Module Supply Agreement. On this, the Ld. Adv. of the Petitioner submitted that the necessary documents would be filed on Affidavit.

8. On the further query of the Commission whether the Respondent has noticed any discrepancy in the submissions recently filed by the Petitioner, Ld. Adv. of the Respondent submitted that they need some time to study the documents filed by the Petitioner and the Respondent would file its Reply on the same.
9. We note that certain queries were raised during the hearing, on which the Ld. Adv. for the Petitioner agreed to file its submissions removing the discrepancies. We also note that the Petitioner has also sought time to verification and reconciliation of the documents submitted it with the Respondent, for which parties have liberty for it. We also note that the Respondent has requested to file its submissions on documents submitted by the Petitioner, hence, let it be filed within two weeks' time with a copy to the Petitioner. The Petitioner is at liberty to file its submissions on the submissions of the Respondent, within one weeks' time. We note that it is duty of the Petitioner to file the Petition along with necessary documents and prove its claim. We therefore direct the Petitioner to ensure that prior to next hearing, all necessary documents/details be provided on record and avoid any delay in the matter.
10. The next date of hearing would be intimated separately.
11. We Order accordingly.

Sd/-
[S. R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Sd/-
[Anil Mukim]
Chairman

Place: Gandhinagar

Date: 18.04.2024.