

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

Petition No. 2463 of 2025.

In the Matter of:

Petition under Section 86 (1) (c) (e) and (f) of the Electricity Act, 2003 read with Regulations 80 and 82 of the GERC (Conduct of Business) Regulations, 2004 seeking directions for extension of time period for commission the entire evacuation infrastructure due to unforeseen and uncontrollable events.

And

IA No. 27 of 2025 in Petition No. 2463 of 2025.

In the Matter of Interlocutory Application under Section 94 (2) of the Electricity Act, 2003 read with Regulations 61 and 80 of the GERC (Conduct of Business) Regulations, 2004 seeking interim stay/injunction and appropriate interim Orders.

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| Petitioner | : FSGE Renewable Private Limited 5 th Floor, North Tower, M3M Tee Point, Sector-65, Golf Course Extension Road, Gurugram -12201. |
| Represented By | : Ld. Adv. Mr. Aditya K. Singh, Adv. Ms. Anakruti Jain V/s. |
| Respondent | : Gujarat Energy Transmission Corporation Ltd. Sardar Patel Vidyut Bhavan, Race Course Circle, Vadodara - 390 007, Gujarat. |
| Represented By | : Ld. Adv. Mr. Aneesh Bajaj, Mr. Parthiv Shah |

CORAM:

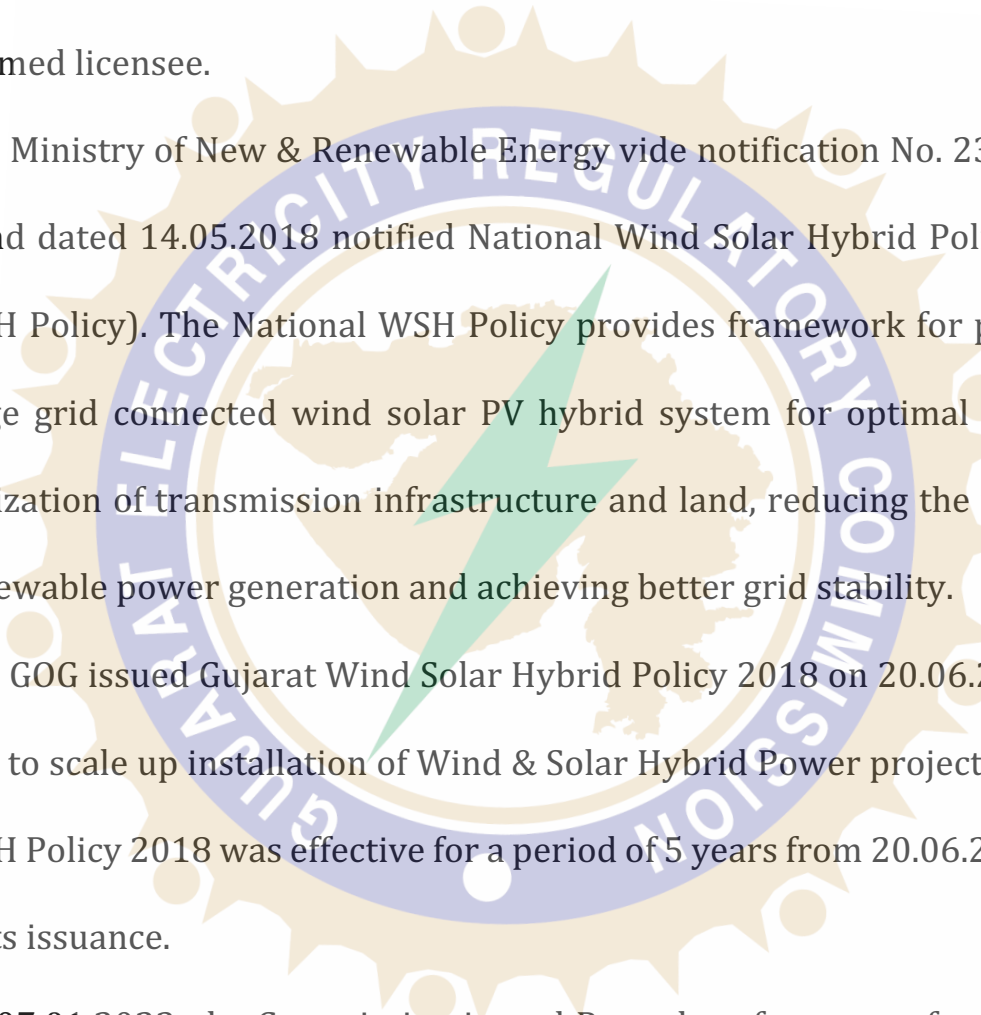
Mehul M. Gandhi, Member

S. R. Pandey, Member

Date: 27/06/2025

ORDER

1. The present petition has been filed by Petitioner seeking following reliefs: -
 - a) To declare that unforeseen events have impacted ability of the Petitioner to construct the evacuation infrastructure for evacuation of 70 MW hybrid Power.
 - b) To grant extension of 120 days in terms of para 28 of the Petition, for commissioning the entire evacuation line along with bays and metering system for evacuation of 70 MW hybrid power from the project of the Petitioner due to delays suffered on account of unforeseen events.
 - c) To direct the Respondent not to revoke connectivity and encash the bank guarantee till the commissioning of the evacuation line, given the Petitioner is willing to pay long- term transmission charges till 10% of the project capacity is commissioned.
 - d) To quash and set aside GETCO's letter dated 18.02.2025.
2. The brief facts mentioned in the Petition are as under:

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- 2.1. The Petitioner is developing a Wind-Solar (Hybrid) Power project of 70 MW at Village: Kagvadar: Taluka Jafrabad; District: Amreli in the State of Gujarat under captive mode.
- 2.2. The Respondent, Gujarat Energy Transmission Corporation Limited is a company incorporated under the Provisions of the Companies Act, 1956 and a deemed licensee.
- 2.3. The Ministry of New & Renewable Energy vide notification No. 238/78/2017-Wind dated 14.05.2018 notified National Wind Solar Hybrid Policy (National WSH Policy). The National WSH Policy provides framework for promotion of large grid connected wind solar PV hybrid system for optimal and efficient utilization of transmission infrastructure and land, reducing the variability in renewable power generation and achieving better grid stability.
- 2.4. The GOG issued Gujarat Wind Solar Hybrid Policy 2018 on 20.06.2018 with an aim to scale up installation of Wind & Solar Hybrid Power project. The Gujarat WSH Policy 2018 was effective for a period of 5 years from 20.06.2018 the date of its issuance.
- 2.5. On 07.01.2023, the Commission issued Procedure for grant of connectivity to RE projects, inter alia, providing the important provisions pertaining to the grant of connectivity.

- 2.6. On 04.10.2023, the Government of Gujarat issued Gujarat Renewable Energy Policy, 2023 to maximize the state's renewable energy potential by encouraging participation from industries, MSMEs, organizations and consumers to augment clean energy sources.
- 2.7. As per clause No. 25.3 of the RE Policy, the modalities, procedures, terms, and conditions, etc. for the registration of projects to be formulated by the State Nodal Agency.
- 2.8. On 20.12.2023, the Gujarat Energy Development Agency a Nodal Agency under the Electricity Act, 2003, issued Executive procedure/ Instructions/Guidelines/Terms & Conditions for setting up of Wind/ Wind Solar Hybrid / Solar projects under Gujarat Renewable Energy Policy 2023.
- 2.9. In terms of the Executive Procedure, upon obtaining Stage – I connectivity, the project developer is required to apply for pre-development permission coordinates verification of Wind Turbine Generator (WTG) locations at GEDA, along with a non-refundable verification fee. The verified coordinates shall be frozen for three months to facilitate land acquisition, after which unacquired locations shall be automatically cancelled and may be reallocate to others.
- 2.10. After obtaining the stage – I and Stage – II connectivity, and legal possession of land, RE developer shall apply for Developer permission.

- 2.11. On 24.01.2024, the Petitioner applied seeking stage-I connectivity for evacuation of 70 MW hybrid power at GETCO 220 KV Rajula substation. Along with a Bank Guarantee of Rs. 2,10,00,000 by IndusInd Bank Limited in favour of GETCO, as per the procedure. The Expiry date of Bank Guarantee has been specified as 30.04.2026.
- 2.12. On 31.01.2024, the Petitioner applied seeking stage II connectivity for evacuation of 70 MW hybrid power at GECTO 220 KV Rajula sub-station.
- 2.13. On 22.02.2024, the Commission issued Order No. 01 of 2024 regarding Tariff framework for procurement of power from Wind Solar Hybrid Power Project for the State of Gujarat.
- 2.14. In terms of the order dated 22.02.2024 of the Commission, the period for commissioning the entire evacuation line along with bays and metering system by the Project Developer has been specified as 12 months from the date of allotment of transmission capacity.
- 2.15. The Commission has the power to issue extension if the developer fails to commission the entire evacuation line along with bays and metering system within the stipulated time period due to unforeseen reasons.
- 2.16. On 12.03.2024, GETCO intimated approval to the Petitioner for Stage -I and Stage- II grid connectivity for evacuation of 70 MW hybrid power at 220 KV Rajula sub-station of GETCO on 66KV level for captive use.

2.17. The stage II connectivity is required to have following details:

- (i) Name of the substation where Stage-II connectivity is granted.*
- (ii) Details of Bay along with Single Line Diagram in case of existing substation and in case of planned substation, if the same is available with STU.*

2.18. This stage II connectivity document contained the name of the substation, however, did not have the details of the bay along with Single Line Diagram (SLD). The SLD was provided by GETCO separately.

2.19. On 08.04.2024, the provisional estimate of supervision charges for erection of 66 KV feeder bay for evacuation of 70 MW hybrid power was issued by GETCO. This was paid by the Petitioner on 01.05.2024.

2.20. On 02.05.2024, Connection agreement was executed between GETCO and the Petitioner for establishing connectivity of 70 MW hybrid power project with 220 KV Rajula Sub-station of GETCO.

2.21. In terms of email communication dated 16.04.2025 issued by the Respondent the Petitioner submitted an additional Bank Guarantee (BG) of Rs. 4,90,00,000 (Rupees Four Crore Ninety Lakhs Only) issued by the IndusInd Bank Limited (on behalf of the Petitioner) to GETCO on 10.05.2024. The BG is valid till 30.04.2026. The claim expiry period has been mentioned as 30.04.2027. This additional BG was required in terms of the Tariff order for hybrid issued after the connectivity application made by the Petitioner.

2.22. While the Petitioner had initiated the construction work for evacuation infrastructure on time, it faced lot of unforeseen difficulties in implementation of the same. These difficulties include the following:-

- i. Delay due to Banking facility clarification
- ii. Delay in breaker delivery due to market demand crisis
- iii. Delay associated with Right of Way issues impacting project execution
- iv. Delay in obtaining No objection Certificate from the Forest Department for erection of transmission line.

2.23. This Commission issued the Gujarat Electricity Regulatory Commission (Terms and Conditions for Green Energy Open Access) Regulations, 2024 on 21.02.2024, in furtherance of the Electricity (Promoting Renewable energy through Green Energy Open access) Rules, 2022. These Regulations are applicable for allowing open access to electricity generated from green energy sources and are applicable to the licensees, green energy generators or consumers with a contract demand or sanctioned load of 100 KW or more.

2.24. Regulation 17 of the said regulations provides for banking facility and applicable charges. It states that banking facility shall be permitted to consumer availing green energy open access. Further, it provides that the permitted quantum of banked energy by the green energy open access consumers shall be

at least 30% of total consumption of electricity from the distribution licensee by the consumers during the billing period.

2.25. Plain meaning of Regulations 17 and 17.6, reflects that the consumer should be allowed banking facilities of minimum 30% of total consumption. However, this issue was interpreted by the concerned authorities in Gujarat by only allowing banking for the quantum of energy which was above 30% of total consumption. This interpretation led to uncertainty amongst stakeholders. Relevant developers started staring towards regulatory vacuum and initiated to approach relevant authorities to intervene. In absence of any clarification, investment in Gujarat was at standstill. The stakeholders as well as Petitioner started awaiting relevant clarification because present interpretation had ignored infirm nature of renewable energy. Being an important stakeholder, clarity was then sought by the Energy and Petrochemicals Department, Government of Gujarat from the Ministry of Power, Government of India regarding interpretation of banking provisions of the GEOA Rules, 2022.

2.26. The MoP, on 21.08.2024 issued a clarification with respect to the banking provision of the GEOA Rules, 2022 stating that:

- a. Energy obtained through open access arrangements, either through a third-party supplier or via captive generation utilizing the distribution network will be excluded from the calculation of banked energy.

b. The permissible quantum of banked energy, a minimum of 30% of total monthly consumption, only the energy directly procured from the distribution licensee shall be considered.

2.27. Post receipt of clarification, on 31.08.2024, GUVNL issued a clarification on banking provisions. Uncertainty concerning banking was put to rest. Therefore, from 13.02.2024 till 31.08.2024 ability of the Petitioner to progress with the development was severely impacted.

2.28. The Petitioner through Four Square Green Energy Pvt. Ltd. issued a purchase order to M/s Shridhar Infratel Pvt. Ltd. on 03.09.2024 for the design, engineering, supply, erection, testing, permit approval, and commissioning of various infrastructure components for a 70 MW Wind Solar Hybrid Project in Rajula, Gujarat.

2.29. M/s Shridhar Infratel Pvt. Ltd placed a purchase order with Synergy Infra & Projects on 22.11.2024 for supply of three SF6 circuit breakers, with delivery scheduled for the first week of March 2025. However, on 31.01.2025, the Petitioner followed up with SIPL regarding the progress of the work and was only informed in early February 2025 about difficulties faced by SIPL concerning the delivery of the circuit breaker.

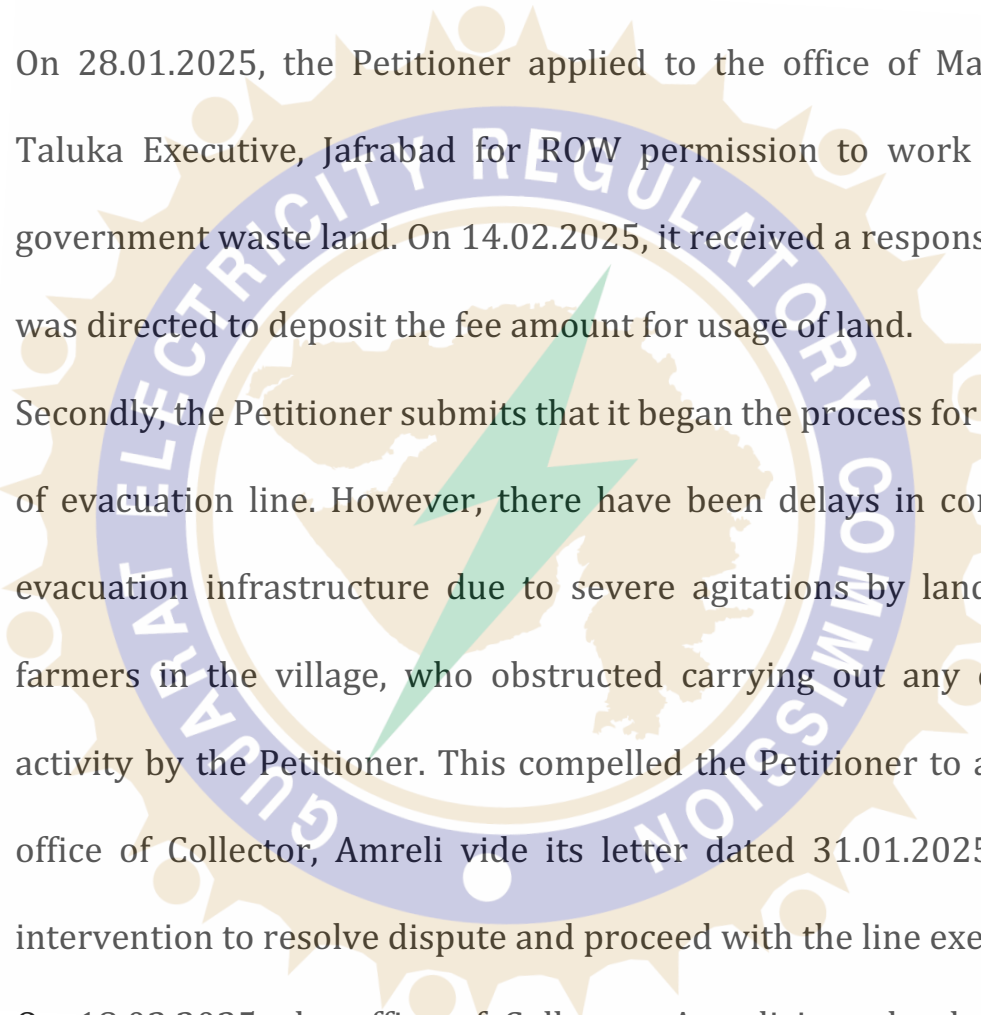
2.30. On 10.02.2025, the Petitioner requested a 90-day extension from GETCO for the completion of the evacuation infrastructure. On 14.02.2025, Synergy Infra

Communicated to SIPL that there would be delay in the delivery of the breakers due to a global supply chain disruption caused by an unexpected surge in demand within the power sector, impacting its supplier's ability to meet the demand. This issue has now led to a delay in the project timeline.

Delay due to ROW issues with Local Villagers

- 2.31. The grant of the connectivity letter dated 12.03.2024 clearly specified that the grantee is authorized to commence work only after obtaining the necessary approvals under Section 68 and Section 164 of the Electricity Act, 2003.
- 2.32. Section 68 of the Electricity Act, 2003 deals with the "Transmission of electricity" and authorizes the Central Government or the Appropriate Commission to prescribe the standards and technical specifications for the transmission system. Additionally, it grants power to undertake the construction of transmission lines and related infrastructure with prior approval from the relevant authorities.
- 2.33. Section 164 of the Electricity Act, 2003 grants power to appropriate authority to enter into the land and carry out the construction of transmission lines, with the provision of compensation for any damages caused during the process. It also specifies the procedure for obtaining approval to lay down transmission lines over private land, ensuring compliance with regulations while safeguarding the rights of affected party.

- 2.34. The Petitioner diligently took all necessary steps to comply with the requirements under Section 68 and Section 164 of the Electricity Act, 2003.
- 2.35. The Petitioner applied for and obtained approval under Section 68 from the Energy and Petrochemicals Department, Government of Gujarat on 21.12.2024, which empowered the Petitioner under Section 164 with all the relevant power to the Telegraph Authority.
- 2.36. This approval set the framework for the construction of the 220 KV evacuation line and necessitated various compliance steps such as:
- A. Obtain written consent from the authorities before starting erection of the line.
 - B. Obtain route approval from the office of the Chief Electrical Inspector, Gandhinagar.
 - C. Obtain approval for crossing of railway track/national highway /forest land etc. along with all necessary approvals from concerned authorities, if any.
- 2.37. A notice was published in the local newspaper on 04.01.2025, regarding construction work for 220 KV evacuation line to be initiated by the Petitioner and the areas to be affected by the construction work.
- 2.38. Thereafter certain incidents and events took place which have hindered and delayed the process approvals for construction of evacuation line that are as under:

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- (i) On 09.01.2025, the Office of Mamlatdar and Taluka Executive, Jafrabad issued a communication to the Petitioner informing that the evacuation line to be constructed by the Petitioner may be passing through the government waste land, however, it would be required to obtain permission of the local authority before initiating the construction work.
- (ii) On 28.01.2025, the Petitioner applied to the office of Mamlatdar and Taluka Executive, Jafrabad for ROW permission to work through the government waste land. On 14.02.2025, it received a response whereby it was directed to deposit the fee amount for usage of land.
- (iii) Secondly, the Petitioner submits that it began the process for construction of evacuation line. However, there have been delays in construction of evacuation infrastructure due to severe agitations by landowners and farmers in the village, who obstructed carrying out any development activity by the Petitioner. This compelled the Petitioner to approach the office of Collector, Amreli vide its letter dated 31.01.2025 seeking its intervention to resolve dispute and proceed with the line execution work.
- (iv) On 18.02.2025, the office of Collector, Amreli issued a hearing notice inviting the Petitioner and disputants to be present at its office on 06.03.2025 for resolution of disputes.

(v) Thirdly, the Petitioner apprehended that the land boundary of Sintex industry limited fell on the route of the 66 KV line and written a letter dated 21.01.2024 to Sintex Industry limited seeking for confirmation/clarification on the same. However, till date no clarification has been received.

2.39. The Petitioner took all necessary steps to comply with the provisions under Section 68 and 164 of Electricity Act, 2003 promptly, as evidenced by the publication of a notice in the local newspaper on 04.01.2025, the communication from the office of Mamlatdar and Taluka Executive, Jafrabad on 09.01.2025 and the subsequent application for ROW permission dated 28.01.2025.

2.40. Despite the Petitioner's best efforts to comply with the requirements of Section 68 and 164, delays arose due to unforeseen circumstances, including agitations by local landowners and farmers. These events, which were beyond the control of the Petitioner, significantly impacted the timely execution of the construction work.

Delay in obtaining No objection certificate from the forest Department for erection of transmission line.

2.41. The Route for the construction of the evacuation line was duly approved by the concerned authorities. However, the Petitioner had encountered an unforeseen

issue concerning six locations along with route, which were later proposed under forest buffer zone as per the notification titled “Draft Notification of Eco-sensitive Zone around the Gir Wildlife Sanctuary, the Paniya Wildlife Sanctuary and the Mitiyala Wildlife Sanctuary, Gujarat” issued on 18.09.2024.

- 2.42. On 18.09.2024, draft notification issued by the Government of Gujarat, as per which the parts of route now fell under the Forest Buffer Zone.
- 2.43. On 05.10.2024, the Petitioner submitted an application seeking approval for access of forest land for construction of evacuation infrastructure.
- 2.44. On 07.10.2024, Office of Deputy conservator of Forest, vide its communication to Parikshetra Forest Officer sought opinion for issuance of NOC for erection of overhead line in Jafarbad Taluka.
- 2.45. On 22.10.2024, the Petitioner vide its communication to Deputy Conservator of Forest requested to grant NOC as the land falls within the forest buffer zone as per the Draft Notification.
- 2.46. Despite timely submissions and communications, the approval has been unreasonably delayed through no fault of the Petitioner. This delay has impacted the construction timeline of the evacuation infrastructure, and the Petitioner respectfully requests consideration of this unforeseen delay when assessing the overall project timeline and granting the necessary extensions.

2.47. On 16.01.2025 the Petitioner complied with the Clause 10.1 of the GERC Procedure for grant of Connectivity to RE project dated 07.01.2023 by submitting the progress report in FORMAT- 4 before the GETCO. This report was to be submitted by the Petitioner as a progress report on monitoring parameters quarterly of the project line and had to be submitted within 15 days of the quarter's end. This evidences that committed approach of the Petitioner towards compliances and development of evacuation infrastructure.

2.48. The Petitioner has obtained the verification report on 16.12.2024, 02.01.2025 and 13.01.2025 which is valid for 3 months, within which period the Petitioner is required to obtain the developer's permission, in terms of Executive Procedure, 2023 issued by GEDA.

2.49. On 18.02.2025, GETCO while ignoring the extension demands of the Petitioner, issued a letter and informed the Petitioner that the entire evacuation infrastructure needs to be completed within 12 months from grant of Stage II connectivity on 12.03.2024 i.e. by 11.03.2025 failing which GETCO shall initiate action in accordance with the Procedure dated 07.01.2023.

2.50. The Petitioner has made considerable progress in construction of the evacuation infrastructure and invested huge amount of money. Following is the status of the works:

- i. Foundation :14 completed / 22 total

ii. PSS: 100% foundation completed / 50% Erection completed = 80% PSS work completed.

iii. Land Acquired: 100% on Lease Basis

2.51. The Petitioner submitted that the delay experienced in the execution of the project are directly attributable to force majeure events. These events fall outside the Petitioner's control and could not have been mitigated despite reasonable and diligent efforts.

2.52. The Petitioner submitted that from 12.03.2024 to 31.08.2024 implementation of the project was impacted due to regulatory uncertainty.

2.53. The delay in the delivery of essential circuit breakers due to an ongoing market demand crisis and global supply chain disruptions constitutes an unforeseeable event beyond the Petitioner's control. Despite proactive follow up with the OEM suppliers and efforts to procure the required materials, the delays were unavoidable and have caused significant setbacks to the overall project timeline. Such disruptions were not anticipated at the time of the project planning and execution.

2.54. The delay caused by unresolved Right of Way issues has severely impacted the Petitioner's ability to proceed with the timely execution of the project. Agitations and protests by the local landowners and farmers, resulting in significant disruptions to the construction work, further constitute an

unforeseen and uncontrollable obstacle. The agitations were beyond the control of the Petitioner, and despite the Petitioner's efforts to engage with the concerned parties, the disturbances led to a delay in the execution of the project.

2.55. Despite the Petitioner's best efforts to negotiate with local authorities and resolve land acquisition issues, certain ROW obstacles remain unresolved, and these challenges are beyond the Petitioner's control. These ROW issues were unforeseen and outside the scope of the Petitioner's ability to manage or expedite.

2.56. The delay in receiving the No Objection Certificate from the Forest Department for the erection of the transmission line has significantly hindered the Petitioner's ability to proceed with the necessary infrastructure work. The Petitioner followed the prescribed process for obtaining the requisite forest approval in accordance with the Forest (conservation) Amendment Rules, 2004, but the delay in approval, which was not caused by any fault of the Petitioner, has disrupted the timely completion of the project.

2.57. The Petitioner submitted that delay in obtaining required approval clearances from Government instrumentalities is beyond the control of the project developer and amount to force majeure / unforeseen events.

2.58. The Petitioner relied on the following judgements:

- I. Hon'ble Appellate Tribunal Judgement in Hirehalli Solar Power project LLP- v- Bangalore Electricity Supply Company Ltd. 2021 SCC Online APTEL
- II. The Hon'ble Supreme Court Judgement in Bangalore Electricity Supply Company Limited -v- Hirehalli Solar Power project LLP and Others, 2024 SCC Online SC 2253
- III. The Hon'ble Appellate Tribunal in Chennamangathihalli Solar Power Project LL.P v- Bangalore Electricity Supply Company Limited 2020 SCC online APTEL 75.
- IV. The Hon'ble Supreme Court order dated 18.12.2020 in Civil Appeal No. 3958 of 2020 in the matter of Bangalore Electricity Supply Company Ltd v- Chennamangathihalli Solar Power Project LL.P and Others.
- 2.59. The following table provides the details of the delay suffered by the Petitioner on account of the unforeseen events and extension of time sought by the Petitioner on account of the said unforeseen events in the existing timeline for commissioning the entire evacuation infrastructure (which is 11.03.2025 as per GETCO letter dated 18.02.2025)

| Sr. No. | Unforeseen Event | Delay (In period) | Extension of time sought (in days) |
|---------|---|-------------------|------------------------------------|
| 1 | Delay in breaker delivery due to market demand crisis | 90 days | 90 days |

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|---|---|----------|----------|
| 2 | Delay associated with Right of Way issues impacting project execution. | 90 days | 90 days |
| 3 | Delay in obtaining No Objection Certificate from the Forest Department for erection of transmission line. | 128 days | 128 days |
| 4 | Delay due to uncertainty in banking regulation | 172 days | 172 days |
| | Total extension of time sought (in days) | | 120 days |

2.60. The Petitioner submitted that they have consistently communicated with relevant authorities regarding these unforeseen delays and has complied with all prescribed procedures and regulations given that these events were beyond the Petitioner's control and could not have been avoided through reasonable efforts.

2.61. Section 86 (1) (c) & (f) of the Electricity Act, 2003 provide for the functions of this Commission namely facilitating intra- state transmission of electricity adjudicating upon the disputes between the licensee and the generating company. The Petitioner is a generating company developing hybrid power project in the State of Gujarat and the issue raised in the present Petitioner relate to extension of time for commissioning the entire evacuation infrastructure in respect of connectivity for evacuation of 70 MW hybrid power from Petitioner's project through 220 KV Rajula sub-station of GETCO i.e. intra

state transmission system in Gujarat. Accordingly, the Commission has jurisdiction to grant relief sought for in the present petition.

2.62. The “ Tariff framework for Procurement of power by Distribution Licensee and others from Wind-Solar Hybrid Projects including Storage, if any, and Other Commercial Issues for the State of Gujarat” dated February 2024 passed by the Commission provides that in the event that the Wind Solar Hybrid project Developer (acting as a generator, Consumer, or a Licensee) is unable to Commission the entire allocated evacuation system, including the bays and metering system, within the prescribed time-frame due to unforeseen circumstances, the developer may submit a request to the commission seeking an extension of the time period.

2.63. The Petitioner submitted that the ROW issue concerning Survey Number 74 is still pending before the competent authority. Till the order from District collector is not being pronounced, ability to execute work on this survey number will be impacted and ROW issue is continued till that date. Post pronouncement of the order from District Collector, foundations and stringing work will take 90 days.

2.64. It is submitted that prayer of 90 days from the order of the District Collector is also required for one more reason because even post cessation of the force majeure event there will be various statutory approvals which will be required

for commissioning which are not applicable until complete work of transmission ready by concern authorities. Those approvals can only be obtained post pronouncement of the order of the commission and complete the work of transmission system which is withheld due to ROW issue.

2.65. The status of progress of work submitted by the Petitioner (i) 66 kV Transmission line work completed 95% (a) Foundation 23 Nos. (b) pending foundation: 1 Nos. (due to ROW issue) (c) pending stringing work: 2 spans. (ii) Generator PSS work completed around 98%. Only charging approval is pending due to Commission order. (iii) GSS bay work completed around 98%. Approval are pending due to GERC Order.

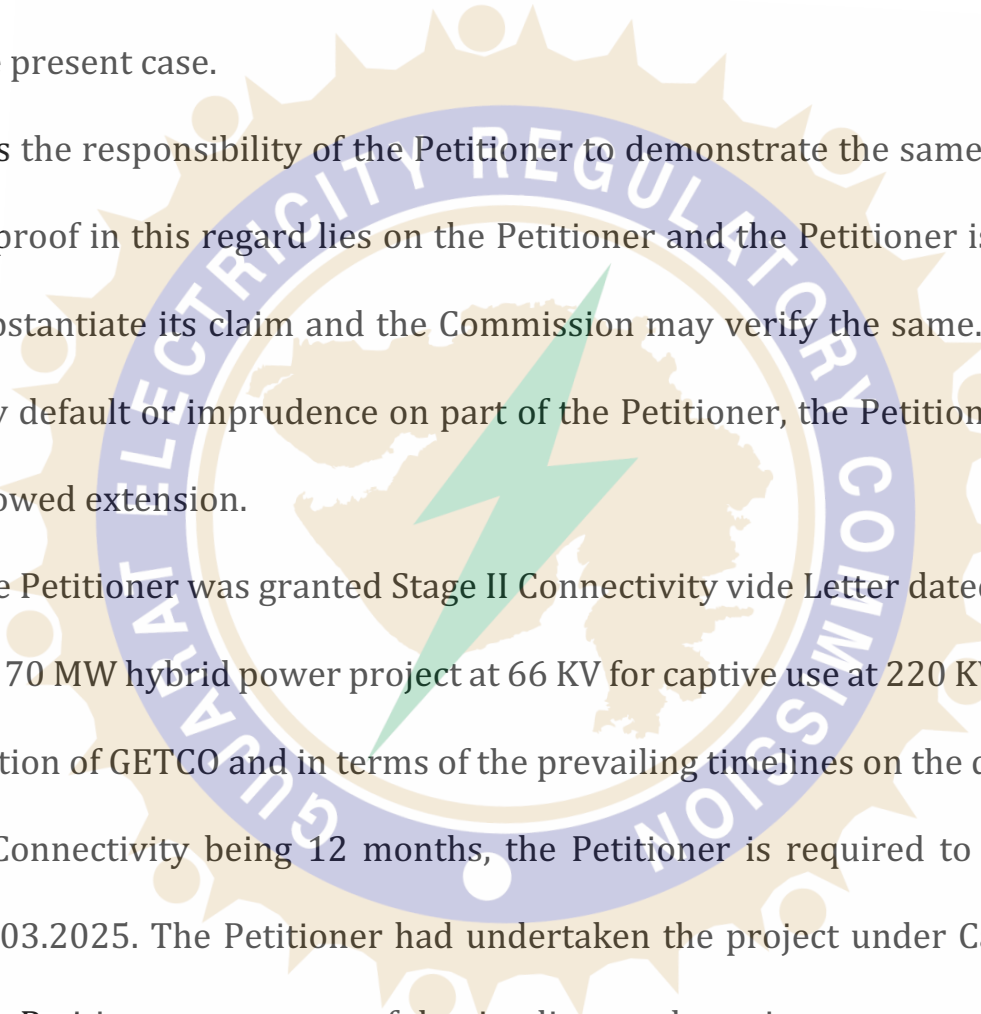
2.66. The Petitioner requested to extend completion date of the evacuation infrastructure by 90 days from the pronouncement of the order of the Commission and further requested to grant leave to the Petitioner to approach this Commission for further extension if ROW issues does not cease even after expiry of 90 days from pronouncement of the order of the Commission.

3. The Respondent on 17.03.2025 filed its reply and contended as under:

3.1. The GETCO is a State Transmission Utility under Section 39 of the Electricity Act, 2003 and a transmission licensee under the Electricity Act, 2003. As the State Transmission Utility GETCO discharges the functions as provided under sub-section (2) of Section 39.

- 3.2. The Commission has framed GERC (Terms and Conditions of Inter-State Open Access) Regulations, 2011 where under it is provided that the detailed procedure may be approved by the Commission which would inter alia include aspects on application for connectivity and open access and other issues.
- 3.3. A Detailed Procedure was drafted in relation to the grant of connectivity to projects based on Renewable Sources to Intra- State Transmission System and in terms of the Open Access Regulations, the draft had been placed on the website of the Respondent to invite comments and suggestions and thereafter the same was placed before the Commission. The Commission approved the detailed procedure for grant of connectivity to project based on Renewable sources to Intra State Transmission system on 07.01.2023.
- 3.4. Therefore, if the Grantee does not construct the dedicated transmission line as per the timelines, the Stage-II Connectivity shall be revoked and the Bank Guarantee encashed. Therefore, the Detailed Procedure read with the relevant Tariff Order provide for submission of Bank Guarantees and provide for cancellation with encashment of Bank Guarantee in case the Grantee does not meet the requirements.
- 3.5. The Petitioner has sought for extension of the timelines which has to be considered as per the Commission in terms of the detailed procedure read with tariff orders. While there is a no specific provision of force majeure, the tariff

order only recognize failure to commission on case-to-case basis due to unforeseen reasons. While the Tariff Order recognizes the extension in certain cases, there is no inherent power in terms of the Electricity Act or otherwise in Conduct of Business Regulations or any other regulation for such aspects. Regulation 80 and 82 of the Conduct of Business Regulations do not apply to the present case.

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- 3.6. It is the responsibility of the Petitioner to demonstrate the same. The burden of proof in this regard lies on the Petitioner and the Petitioner is required to substantiate its claim and the Commission may verify the same. If there was any default or imprudence on part of the Petitioner, the Petitioner cannot be allowed extension.
- 3.7. The Petitioner was granted Stage II Connectivity vide Letter dated 12.03.2024 for 70 MW hybrid power project at 66 KV for captive use at 220 KV Rajula Sub-station of GETCO and in terms of the prevailing timelines on the date of Stage-II Connectivity being 12 months, the Petitioner is required to complete by 11.03.2025. The Petitioner had undertaken the project under Captive Mode. The Petitioner was aware of the timelines and requirements.
- 3.8. It is the responsibility of the Petitioner to ensure that the evacuation facilities/project is developed within time. It was the Petitioner which chose

to apply for connectivity being aware of the timelines and the consequences thereof.

3.9. In terms of the Hybrid Tariff Order dated 22.02.2024, the extension can be granted only by the Commission and GETCO cannot grant any extension. Therefore, GETCO had issued the letter dated 18.02.2025 reminding the timelines and consequence thereof. The issuance of letter is not necessity under the Detailed Procedure and is only by way of a reminder. The letter cannot be set aside. It is the responsibility of the Petitioner to ensure that the extension was sought within time.

3.10. The Petitioner is seeking on the basis of alleged aspects:

- a. Lack of clarity on the Banking regulation
- b. Delay in breaker delivery due to market demand crisis
- c. Delay associated with Right of Way issues impacting project execution
- d. Delay in obtaining No Objection Certificate from the Forest Department

3.11. The Petitioner has sought for extension of 120 days, the claim for individual events is higher. The consideration can be at the maximum only 120 days.

3.12. That the Petitioner has submitted the two Bank guarantees. (1) dated 20.01.2024 of amount of Rs. 2,10,00,000/-which is expiring on 30.04.2026 with claim period until 30.04.2027. (2) dated 10.05.2024 of amount of Rs. 4,90,00,000/- which is expiring on 30.04.2026 with claim period until

30.04.2027. The Petitioner is required to ensure that the bank guarantee is valid for the period and GETCO reserves its right to encash the same. The bank guarantee is an unconditional bank guarantee.

Re: Lack of Clarity on Banking Regulation

- 3.13. The Petitioner has claimed that there was lack of clarity on banking in terms of the GERC Green Open Access Regulations, 2024. While there was no revision in the Regulations as such, the Letter dated 31.08.2024 was issued by GUVNL as a clarification based on the clarification dated 21.08.2024 by the Ministry of Power. The Petitioner had obtained connectivity for 70 MW and the final capacity also appears to be 70 MW only.
- 3.14. The Petitioner has referred to confusion in terms of the quantum of banking allowed; however, it is not clear who the concerned authorities are.
- 3.15. It is not clear how this impacted the evacuation system to be laid down by the Petitioner to the substation. The Petitioner has also not provided any details of how it was affected, nor has it been specifically stated that the project activities were at a standstill. The Petitioner has to clarify if it is its claim that no activity was carried out during this period.
- 3.16. The Petitioner has not provided any details of approaching this Commission for clarification nor has it stated the efforts taken by it. The Petitioner also did not approach the Commission at this time for any aspect of delay.

3.17. The Commission may consider whether such aspects can be considered and to what extent, if any, the above alleged confusion had any impact on the timelines for the construction of the evacuation line and whether there are supporting documents to that effect.

3.18. The capacity of the evacuation line as per the Detailed Procedure is based on voltage of connectivity and not the capacity of the project. Therefore, the capacity of the line to be constructed by the Petitioner at 66 KV connectivity would have remained same, irrespective of capacity of the project.

3.19. The Quarterly progress report received on 16.01.2025 had also indicated that expected date of commissioning was 11.03.2025. Therefore as per the Petitioner, the above issue did not affect its timelines.

Re: Delay in breaker delivery due to market demand crisis

3.20. The Petitioner has claimed that there is a delay in supply of breaker due to market demand crisis. It claims to have placed the order on 03.09.2024 on M/s Shridhar Infratel Pvt Ltd through one of its parent of SPV - Four Square Green Energy Private Limited who in turn placed order on 22.11.2024 for supply of circuit breakers on Synergy Infra and Projects which was allegedly scheduled for delivery on first week of March 2025 but has been delayed due to global supply chain disruption. The Purchase order dated 03.09.2024 does not specify any timelines and the alleged order dated 22.11.2024 has not been

produced. If there is delay in placing of order due to any alleged delays in power project, then this cannot be claimed as reason for extension. Further even as per the above schedule of first week of March 2025, it is not clear if the Petitioner would have been able to commission by 11.03.2025. The timelines does not appear sufficient as per GETCO practice and the Petitioner may be put to strict proof that it was not otherwise delayed.

3.21. It is the responsibility of the Petitioner to arrange for all inputs/equipments etc. and cannot seek extension merely because there has been a delay. This cannot be an unforeseen reason. Further, the reason for delay is not any specific event but that there is allegedly sudden increase in demand. It also appears from letter dated 14.02.2025 that the alleged issues of supply chain were known to the contractor, and they were trying to get firm schedule in last two months. Considering the order is for many projects together, if there was a delay to match with other projects, the same cannot be a basis for extension. Further in case of Matgrow Renewables, the readiness date is 26.02.2025 and therefore the same is possible. The Commission may consider whether such claims can be considered as an unforeseen reason for allowing extension.

3.22. The communications referred to are not entirely substantiated. The claim of global supply chain disruption is not substantiated. The delay by its contractor cannot be the basis of claiming extension. The claim of proactive follow up is

also not substantiated. The Petitioner has also to clarify whether the delay is considered as force majeure in the contract with the supplier/contractor.

3.23. Normally, the delays or unavailability of materials or delays by contractors/sub-contractors is not considered force majeure and has been excluded in case of PPAs. The Commission may consider whether the same can be a basis for consideration of extension of time and whether delays in delivery can be seen as unforeseen reasons. Further, even if it is to be considered, the Petitioner has to demonstrate that the same was indeed unforeseen and was a sudden and new situation. It cannot be that if the situation of high market demand was already existing, the Petitioner can still claim the same to be unforeseen.

3.24. There are many other Stage-II Connectivity Grantees who have in fact commissioned within time.

3.25. Further there is no basis for claiming delay of 90 days. Even as per the letter dated 14.02.2025, the delivery was in February 2025 which has become March 2025. No date has been specified.

Re: Delay due to ROW Issues raised by Local Villagers

3.26. The ROW issues are to be resolved by the Petitioner, and it is the duty and obligation of the Petitioner to meet all the requirements including approvals. The Petitioner appears to be confusing Section 68 and Section 164. In any

event, the Petitioner claims to have obtained the approval under Section 68 only on 21.12.2024 which is less than three months before the scheduled date of completion and notice was published on 04.01.2025. However, the Petitioner has not specified when it had applied for the same. There cannot be any claim for delay when the above is not substantiated. Neither the approval nor application is produced, and mere statements cannot be accepted.

3.27. The Petitioner claims that on 09.01.2025, it was informed that the line passes through the Government waste land and the permission of local authority is required. This is not a new requirement. The Petitioner ought to be aware of the areas where its line would pass and ensure all approvals are obtained. The Petitioner cannot wait until it is otherwise informed of the existing laws and requirements to apply for them. Further, despite the letter dated 09.01.2025, it had only applied on 28.01.2025 and apparently did not deposit the fees until directed on 14.02.2025. The Petitioner has not provided any details of when it was resolved. This clearly did not affect the construction otherwise, since the Petitioner claims to have commenced the process of construction.

3.28. The Petitioner claims agitations leading to approaching Collector vide letter dated 31.01.2025 and hearing to be held on 06.03.2025 vide Letter dated 18.02.2025, The Petitioner has not clarified to what aspect of the line was affected and whether it had completed the work for other portions. Sometime

would be required to resolve these issues which cannot be claimed to be unforeseen. It cannot be that the time taken is unreasonable or unforeseeable.

- 3.29. Apparently, the Petitioner wrote to M/s. Sintex Industry Limited as the land boundary fell on route of 66 KV line but it claims that there was no clarification. It is not clear how this can be considered when it has obtained approvals under Section 68 and 164. The Petitioner has not provided what further efforts were done after writing a letter dated 21.12.2024 or whether it is still unable to construct on that route.
- 3.30. It is the responsibility of the Petitioner to take all approvals required on the route of its line. It cannot be claimed that the Petitioner has made best efforts when it has failed to apply and obtain such approval in time. The connectivity was granted on 12.03.2024 and yet it appears that the Petitioner had not acted diligently until December 2024.
- 3.31. The Quarterly progress report received on 16.01.2025 had also indicated that expected date of commissioning was 11.03.2025. Therefore, as per the Petitioner, the above issue did not affect its timelines.
- 3.32. Further there is no basis for claiming delay of 90 days. This is particularly when 16.01.2025, there was no concern of any delay.

Re: Delay in NOC from Forest Department

- 3.33. The Petitioner has claimed that there was an unforeseen issue for six locations which were proposed under Forest Buffer Zone as per the draft notification issued on 18.09.2024 though the notification is not produced. The Petitioner claims to have applied in October 2024 but has not provided any date of when it had been obtained. Further, the Petitioner has not substantiated whether work at other locations has been carried out or not.
- 3.34. Further, there is no basis for claiming delay of 128 days.
- 3.35. The Petitioner has claimed to have obtained the verification report on 16.12.2024, 02.01.2025 and 13.01.2025 for its wind project which though not relevant for evacuation line indicates that perhaps the delay in evacuation line was due to the project being delayed. The Petitioner has not clarified when it had sought verification and when it has applied and obtained the developer permission.
- 3.36. As per the status claimed by the Petitioner, it is clear that neither the foundation nor PSS is complete. Even the PSS is not complete. The Petitioner is even otherwise, delayed. The Petitioner has not provided any details of when it had acquired the land, or otherwise, completed other work.
- 3.37. It may be noted that the Quarterly progress report received on 16.01.2025 had also indicated that expected date of commissioning was 11.03.2025. This was after the alleged confusion on banking regulation and alleged issues of NOC of

Forest Department and even after the alleged ROW issues. Therefore, clearly the above aspects did not affect the Petitioner since it was still considering the date of commissioning as 11.03.2025. These aspects are not being raised as an afterthought and they were not reasons for delay.

- 3.38. The alleged investments made by the Petitioner are also not relevant and, in any case, not admitted. The issue of extension of time has to be considered based on whether the reasons for delay are justifiable for extension.

Re: Contentions on force majeure and reliance

- 3.39. There is no specific provision for force majeure in the Detailed Procedure and the only reference is the Tariff Order and the Tariff Order only recognize failure to Commission on case-to-case basis due to unforeseen reasons.
- 3.40. The Petitioner is unnecessarily making submission on the force majeure or contractual aspects when the issue is clearly to be considered in line of the above.
- 3.41. The Petitioner has sought to rely on decision in Hirehalli Solar Power Project, 2021 SCC Online APTEL 66 and 2024 SCC Online 2253 and Bangalore Electricity Supply Company Limited v. Hirehalli Solar Power project LLP and Others 2024 SCC Online SC 2253 which deals with force majeure in a contract.
- 3.42. In the present case, the timelines are as per Detailed procedure and there is no provision of force Majeure. Even otherwise, while the issue is contractual in

the said case and BESCOM had in fact extended the time first and then changed its mind. Even otherwise in the said case, it was held that the Appellants therein cannot be blamed for delay and it was not within their control. The Appellant had done whatever it could to secure the approvals. Similarly, in Chennamangathihalli Solar Power project LLP v. Bangalore Electricity Supply Company Limited SCC online APTEL 75, which was also the case of a contract PPA, it was noted that there was considerable delay by the authorities and the same was beyond the control of the Appellants therein.

- 3.43. The Petitioner has to demonstrate what approvals were required and that it had done everything it could and there was unreasonable delay in obtaining approvals. The decision of the Hon'ble Supreme Court was based on the finding of the fact by the tribunal. It has to be seen in each case, whether factually there is justified reason for delay.
- 3.44. The Respondent submitted that there is no force majeure clause, it has been that the force majeure clause has to be narrowly construed by the Hon'ble High court of Delhi by referring to Energy Watchdog case:
- a. Halliburton Offshore Service Inc v. Vedanta Limited and Ors.
 - b. NTPC Vidyut Vyapar Nigam Ltd. v. Precision Technik Pvt. Ltd.
- 3.45. The Respondent submitted that Petitioner has not consistently communicated with the relevant authorities. Despite being aware that it is only the

Commission which can grant extension, the Petitioner did not approach the Commission until the last minute.

3.46. The Petitioner has only approached the Commission by filing the present Petition on 27.02.2025 even though it was aware of the timelines. The Petitioner was aware of the delays and ought to have approached the Commission within time to allow adjudication in a reasonable time.

4. The Petitioner filed Rejoinder dated 15.04.2025 and contended as under:

4.1. As per the concerned authorities in Gujarat, the Regulation 17.6 of the GEOA Regulation, 2024 meant that it allows banking only for the quantum of energy which was above 30% of total consumption. This interpretation severely impacted the RE developers of the state.

4.2. The Petitioner relied on the following judgements: -

a) Judgement of Hon'ble APTEL in Tamil Nadu State Electricity Board Vs. Tamil Nadu Electricity Regulatory Commission and Others, in Appeal No. 98 of 2010 dated 18.03.2011

b) Judgement of Hon'ble Tribunal in Roha Dyechem Private Limited Vs. Maharashtra Electricity Regulatory Commission & Others, in Appeal Nos. 319 of 2018, 288 of 2019, 377 of 2019 and 378 of 2019.


4.3. A beneficial enabling provision which had allowed banking to be provided even for more than 30% of consumption was interpreted as no banking facility

till 30%. This confusion was prevailing amongst various electricity regulatory commissions and this issue was discussed in the first meeting for working group on Green Energy Open Access held in the month of September 2022.

- 4.4. A report by a leading renewable energy magazine “Mercom” has published an analysis indicating states having favorable banking policies see more growth than the state not having favorable policies.
- 4.5. The lack in clarity on banking regulation led to uncertainty amongst the stakeholders. In absence of any clarification, investment in Gujarat was at standstill and stakeholders of the Petitioner started awaiting relevant clarification from the Government.
- 4.6. The Petitioner wrote a letter to the Ministry of Power, Govt. of India on 11.07.2024 seeking clarification on the issue.
- 4.7. A meeting was called by the MOP with all the RE stakeholders, EPD, GoG, GUVNL, GEDA/ all DISCOMs and GETCO wherein the banking issue was extensively discussed, and it was recognized that the investment in the state is at standstill.
- 4.8. Interpretation by competent authority in Gujarat had severe impact because a plant cannot be conceptualized if banking is not provided for 0 to 30% of the consumption and support above than 30% is required only for few months.

- 4.9. Prior to clarification by GUVNL, it can be safely concluded that there was no banking for consumption below 30% which can be further simplified by stating that no infrastructure support for the renewable power plant was there till the issuance of clarification by GUVNL.
- 4.10. The journal of law, Economics and Organization (Oxford University) has published an article titled "The effect of Regulatory uncertainty on Investment. Evidence from renewable energy generation".
- 4.11. The Petitioner could make such investment only after the banking regulation issue was clarified by GUVNL on 31.08.2024. Therefore, there has been no delay on the part of the Petitioner in placing any orders.
- 4.12. The Respondent has failed to understand that commercial decision for project implementation including mode and time of procurement of materials required is to be taken by the Petitioner as per its own commercial wisdom. A document regarding timeline of maximum two days required for erection of 66 KV breaker shows that had the circuit breaker been delivered on time the Petitioner may have been able to commission the evacuation infrastructure and had other delays not added up.
- 4.13. The petitioner has not claimed force majeure relief under the contract with the EPC contractor, rather seeking extension of timelines due to unforeseen circumstances that have cropped up in the implementation and construction

of the evacuation infrastructure. The tariff order for hybrid i.e. the applicable law itself provides that if the Wind-Solar hybrid project developer fails to commission the entire allocated evacuation infrastructure along with bays and metering system within stipulated time period due to unforeseen reasons they may approach the commission seeking the extension of the same.

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- 4.14. The scarcity of raw materials and components of RE plants is an industry-wise issue which has unexpectedly increased than decree. There is article on the print media in reference to the same.
- 4.15. The Petitioner has obtained the approved under Section 68 and Section 164 on 21.12.2024.
- 4.16. On 09.04.2025 the office of Mamlatdar and Taluka executive Jafrabad issued a communication to the Petitioner informing that the evacuation line to be constructed by the Petitioner may be passing through the Government waste land, however, it would be required to obtain permission of local authority before initiating the construction work.
- 4.17. On 28.01.2025, the Petitioner applied to the Office of Mamlatdar and Taluka Executive Jafrabad for ROW permission to work through the Government waste land. On 14.02.2025 it received a response whereby it was directed to deposit the fee amount for usage of land. On 14.02.2025, the requisite fee was deposited for the same. On 25.03.2025, on adjacent landowner which has

halted the process despite the same and has been claiming ownership for the land in question. To resolve this dispute, an application has been submitted to the office of Mamlatdar for measurement of land to have clarity on land boundaries in order to proceed with the work.

- 4.18. The transmission line project is facing objections from landowners regarding the decrease in land valuation due to project. As per the Ministry of Power's guidelines, compensation for Right of Way is determined based on the circle rate guidelines value, or Stamp Act rates of the land. The landowners are (1) Ram Dilipbhai Vejanandbhai: Survey no. 79/2, locations 5/0 to 6/0 (2) Khuman Lilaben Bhabhalubhai: Survey No. 74, Location 7/0 (3) Bakulbhai, Tapubai, Ranchodbhai, Madhubhai and Jivanbhai Survey No. 86/3, location 7/0 to 9/0 (4) Vavadiya Rambhai Dulabhai Survey No. 73/p2, location 7/0 to 9/0 (5) Bhanabhai, Valerabhai, Rambhai, Dulabhai,, Survey No. 71/1/p2, locations 10/0 to 11/0 (6) Solanki Samatbhai Karshanbhai Survey No. 69/1/p2, locations 10/0 to 11/, of vill: Kagavadar, Ta. Jafrabad, Dist. Amreli.
- 4.19. The applicable compensation is being offered to these landowners; however, they are not willing to accept the same.
- 4.20. CERC recently in its order dated 28.03.2025 in Petition bearing number 372/MP/2023 rejected argument of the respondents therein that developer's request for force majeure extension cannot be granted because it is their

responsibility to procure land. CERC relied on the order of the Appellate Tribunal for granting force majeure extension relief. CERC also relied on the developer's effort to follow up with the statutory authorities and condoned the delay of more than 300 days.

- 4.21. The Petitioner claimed that there was an unforeseen issue because of a draft notification issued on 18.09.2024. This draft notification was published post stage II approval. Therefore, the Petitioner could not have anticipated issuance of Buffer Zone notification. Hence, the Petitioner is constrained to carry out any work in Eco -sensitive zone around the Gir Wildlife Sanctuary without any clarification / approval. Buffer Zone notification has impact on the existence of the project and any reasonable enterprise will not move ahead with any further investment till issuance of the requisite NOC /approval.
- 4.22. The Petitioner applied on 27.07.2024 for grant of approval under Section 68 and 164 from the State Government which was granted on 21.12.2024. Around 3 months' time was taken in granting the approval due to which they could not start the work of Transmission Line in advance.
- 4.23. The Petitioner on 07.10.2024 applied to GETCO for standard drawing and the approval of the same was granted by GETCO on 18.12.2024. On 31.12.2024 the contractor of the Petitioner requested for certain revisions which was approved by GETCO on 07.01.2025. Due to certain procedural delays for the

approvals related to Bay drawing and material approval, the material ordering got delayed.

- 4.24. Another issue which has impacted the construction of evacuation line was due to MOD Notification for “NO WTG zone”. The Petitioner on 31.01.2024 made application for grant of Stage-II connectivity, it had already acquired 50% land as required under the Connectivity Procedure issued on 07.01.2023. On 12.03.2024 Stage-II connectivity was granted by GETCO and based on this; the work had initiated for acquiring balance 50% land for the project. Ministry of Defence on 05.06.2024 issued a notification as per which few locations were falling under “No WTG Zone” areas whereas other few locations required NOC to be obtained from MOD. This notification led to chaos and there was ambiguity as to which land did fall under the “No WTG Zone”. Some of the already acquired land locations from the earlier 50% land could not be finalized due to this notification and for the remaining 50% also, the process became more time consuming. It was only eventually in September 2024, that Applicant/Petitioner could submit the details of these land locations to GETCO.
5. The Petitioner on 27.05.2025 has submitted written submission and has reiterated the earlier averments made in the Petition and rejoinder.

Commission Analysis:

6. Heard the parties. The present Petition has been filed by the Petitioner seeking extension of time period for commissioning the entire evacuation infrastructure from the Petitioner's 70 MW Hybrid power plant to the Respondent GETCO sub-station for a period of 120 days due to unforeseen reasons arose in the present case. The Petitioner has also requested to direct the Respondent not to revoke the connectivity and encash the Bank Guarantee till the commissioning of the evacuation line of the project. The Petitioner is also willing to pay long term transmission charges till 10% of the project capacity is commissioned.
7. The facts which are undisputed between the parties are as under:
 - 7.1. The Petitioner has been granted Stage-I and Stage-II connectivity on 12.3.2024 for evacuation of 70 MW hybrid power at 66 KV level for captive use at 220 KV Rajula Sub-station of the Respondent.
 - 7.2. As per the connectivity granted, the Petitioner is required to commission the transmission line by 11.3.2025.
 - 7.3. As per Clause 17 of the Gujarat Renewable Energy Policy, 2023 dated 04.10.2023, the Renewable Energy project developer shall require to commission the entire evacuation line alongwith bay and metering system

within 12 months from the date of allotment of transmission capacity for RE project upto 100 MW.

- 7.4. In case of RE project developer fails to commission the entire evacuation line with bays and metering system within the stipulated time period, STU or DISCOMs shall encash the Bank Guarantee.
- 7.5. The petitioner has paid Bank Guarantee of Rs. 2.10 crores issued by IndusInd bank to GETCO, the expiry of which is mentioned as 30.04.2026.
- 7.6. The claim expiry date of Bank Guarantee is mentioned as 30.04.2027.
- 7.7. On 08.04.2024, provisional estimate for supervision charges for erection of 66 KV feeder bay for evacuation of 70 MW hybrid power was issued and the same was paid by the Petitioner on 01.05.2024.
- 7.8. On 02.05.2024, connection agreement was executed between the Petitioner and the Respondent.
- 7.9. The petitioner has provided additional Bank guarantee of Rs. Rs. 4,90,00,000 (Rupees Four Crore Ninety Lakhs Only) issued by IndusInd Bank limited.
- 7.10. The validity of the bank guarantee is till 30.04.2026 and the claim expiry period is mentioned as 30.04.2027.
- 7.11. The Petitioner is not able to complete the transmission system from the project site to Respondent substation upto the date of filing of the present Petition i.e. on 27.02.2025.

7.12. The Petitioner has stated that it has completed following works for creation of evacuation infrastructure and also invested huge amount in the project as stated below:

- a. Foundation: 14 foundations completed out of 22 Nos.
- b. PSS. : 100% foundation completed, 50% erection completed, thus 80% of PSS work completed.
- c. Land acquisition: 100% on lease basis.

8. The disputed facts between the parties are as under:

- 8.1. The banking facility provided in Green Energy Open Access Regulations is not having clarity lead to delay in construction of transmission system which is dispute between the parties.
- 8.2. The Petitioner claimed that delay occurred in construction of transmission system due to delay in breaker delivery by the supplier due to market demand crisis in supply of material.
- 8.3. The issue of Right of Way emerged which impact the execution of transmission system project led to delay in completion of the project (28.01.2025 to 19.04.2025 (last date of hearing) and it is still continue).
- 8.4. The delay occurred in obtaining No Objection Certificate (NOC) from Forest Department for erection of transmission line. (18.9.2024 to 22.10.2024).

- 8.5. Delay in approval granted by Government authorities for permission under Section 68 and 164 of the Electricity Act, 2003 (from 27.09.2024 to 21.12.2024).
- 8.6. Delay in approval of standard drawings by the Respondent GETCO (07.10.2024 to 18.12.2024 and 31.12.2024 to 07.01.2025).
- 8.7. The delay due to change in Ministry of Defense Zone for set up Wind Turbine Generator as “No WTG zone” affecting the petitioner for fresh acquisition of WTG land, finalization of PSS land and approval from concerned authorities. (31.1.2024 to 11.9.2024).
9. Now, we deal with the issues one by one which are under disputes between the parties as under:
10. Delay occurred due to Banking facility clarification:

Petitioner Submissions:

- 10.1. The Petitioner submitted that the Commission has notified Green Energy Open Access Regulations, 2022 wherein it is permitted to grant open access for green energy to the generator, consumer, licensee for transmission/distribution of energy by utilization of licensee network. The consumers having contract demand of sanctioned load of 100 KW or more are eligible for open access.

10.2. Regulation 17 of the said Regulations provides for Banking facility and charges.

The Banking facility and charges are specified in Regulations 17.6 (vi). A plain reading of the aforesaid provision reflects that the consumers should be allowed banking facility of minimum 30% of total consumption. However, the said issue was interpreted by the concerned authorities in Gujarat that they would allow banking for the quantum of energy which was above 30% of total consumption. It led to uncertainty amongst the stakeholders/ developers, and they are approaching relevant authorities for clarification of the said provision.

10.3. It is submitted that the aforesaid interpretation had been ignored the infirm nature of the Renewable energy.

10.4. Some of the RE developers/ consumers /investors have approached the Energy & Petrochemicals Department, Govt. of Gujarat and Ministry of Power, Govt of India regarding interpretation of banking provision of Green Energy Open Access Rules, 2022.

10.5. The Ministry of Power, issued clarification on 21.08.2024 with respect to the banking provision of Green Energy Open Access Rules, 2022, stating that:

- a) Energy obtained through open access arrangements, either through a third-party supplier or via captive generation utilizing the distribution network will be excluded from the calculation of banked energy.

- b) The permissible quantum of banked energy, a minimum of 30% of total monthly consumption, only the energy directly procured from the distribution licensee shall be considered.

10.6. GUVNL issued a clarification on banking provisions after receipt of clarification from the MoP on 31.08.2024. Therefore, from 13.02.2024 to 31.08.2024 the Petitioner was unable to carryout project development work due to uncertainty about the banking affecting the designing of the project.

Respondent submission:

- 10.7. Per-contra the Respondent contended that the contention of the Petitioner with regard to non-clarity on banking facility is not permissible as a ground for extension of the time limit for the transmission system.
- 10.8. The Petitioner has not shown how lack of clarity in banking regulation impacting the evacuation system to be laid down by the Petitioner. The Petitioner has not provided any details of approaching to the Commission for clarification nor has stated the efforts taken by it. The Petitioner did not approach the Commission at that time for any aspects of delay. The capacity for evacuation of line as per the procedure is based on voltage of connectivity and not capacity of the project. The capacity of the line to be constructed by the Petitioner would have remained same irrespective of capacity of the project. Hence, the contention of the Petitioner on above aspect is not valid.

Commission's Analysis:

10.9. We note that the Petitioner has raised the issue that Regulation 17 of the Green Energy Open Access Regulations which state with regard to banking facility is not having clarity, it provides the banking quantum is permitted to green energy open access consumers shall be at least 30% of total consumption of electricity from the distribution licensee by the consumer which means the banking permitted is minimum 30% of total consumption of the licensee. The interpretation of the same provision led to uncertainty, and it creates regulatory vacuum. In absence of the clarification on it the investment be on standstill position. The said issue was clear with clarification dated 31.08.2024 issued by GUVNL based on MoP clarification dated 21.08.2024.

10.10. Thus, the uncertainty during 13.02.2024 to 31.08.2024 affected the development of project in the State. Per contra the Respondent submitted that the Petitioner has not shown how lack of clarity affected on evacuation of system to be laid down by the Petitioner. They had neither approached to the Commission nor taken any efforts against it. The evacuation line as per the detailed procedure is based on voltage of connectivity and not for the capacity of the project.

10.11. We note that the contention of the Petitioner that there is regulatory vacuum during 13.02.2024 to 31.08.2024 and on account of the banking permissible

under green energy open access is concerned, we note that the Petitioner had applied for connectivity and evacuation of power from its 70 MW Wind-Solar Hybrid Project. The Respondent GETCO had granted approval for Stage-I and Stage-II connectivity on 12.03.2024. The Respondent had issued provisional estimate for supervision charge for erection of 66 kV feeder bay for 70 MW hybrid project of the Petitioner on 08.04.2024 and the same was paid by the Petitioner on 01.05.2024. The connection agreement was executed between the Petitioner and the Respondent on 02.05.2024. The bank guarantee was paid by the Petitioner on 10.05.2024. The aforesaid facts transpires that the claim of the Petitioner that the regulatory vacuum on banking aspects started from 13.02.2024 to 31.08.2024 affected to execute the transmission network by the Petitioner is not accepted and valid because it is an admitted fact that the connectivity was granted to the Petitioner on 12.03.2024, the connectivity agreement was executed on 02.05.2024 and bank guarantee was paid by the Petitioner on 10.05.2024. Thus, prior to above date the claim of the Petitioner that regulatory vacuum on banking aspects affected to the Petitioner to create necessary infrastructure is not correct and valid for the period prior to 10.05.2024.

10.12. We also note that the Petitioner has sought connectivity and applied for open access for evacuation of 70 MW project which is permissible based on the

voltage capacity of the line on which such power evacuation is permissible. Thus, the transmission infrastructure and bay facility which required to be created by the Petitioner is at the voltage capacity of such infrastructure i.e. at 66 kV/220 kV transmission system including lines. It has no impact on banking facility because the necessary transmission infrastructure be created for evacuation of energy generated 70 MW hybrid power project of the Petitioner.

10.13. We also note that the Petitioner has neither filed any Petition for clarification of banking provision to the Commission nor it had provided any supporting documents specifying that in absence of clarification on banking aspects it affects the Petitioner to create the transmission infrastructure.

10.14. Considering the above, we are of the view that the claim of the Petitioner that due to no clarification/clarity on permissible banking capacity under Green Energy Open Access Regulations affected the Petitioner to create the necessary transmission infrastructure is not substantiated with facts and documents and not a ground for grant of extension.

11. Now, we deal with the issue raised by the Petitioner that there is delay in delivery of breaker due to market demand pricing stating following facts:

Petitioner Submissions:

11.1. The Petitioner placed purchase order through Four Square Green Energy Pvt. Ltd. to M/s. Shridhar Infratel Pvt. Ltd. (SIPL) on 03.09.2024 for designing,

engineering, supply, erection, testing, permit approval and commissioning of 66 kV PSS, 66 kV feeder bays, 66 kV transmission line and 33 kV line for 70 MW wind-solar hybrid project.

- 11.2. M/s. Shridhar Infratel Pvt. Ltd. placed purchase Order for delivery of Three SF6 circuit breakers to Synergy Infra and Project ltd. on 22.11.2024. As per the purchase order SIPL agreed to supply the breaker by first week of March 2025.
- 11.3. The Petitioner emailed to the SIPL for inspection of material on 31.01.2025. In response to above SIPL informed in February 2025 that they are facing difficulty in delivery of circuit breaker.
- 11.4. The Petitioner requested to GETCO vide it's letter dated 10.02.2025 for granting 90 days extension in commissioning of entire evacuation system.
- 11.5. M/s. Synergy Infra Ltd. vide its email dated 14.02.2025 informed to SIPL that there will be delay in supply of circuit breakers as the global supply chain is affected due to sudden increase in demand in the power sector worldwide, and its supplier is facing crisis to meet the demand.
- 11.6. Based on above, the Petitioner submitted that the delay occurred in supply of circuit breaker due to supply chain disruption and affected the timely completion of the project.

Respondent submission:

11.7. Per-contra the Respondent contended that the contention of the Petitioner regarding delay in delivery of breaker due to market demand crisis is not permissible as a ground for extension of the time limit for the transmission system.

11.8. It is further submitted that the reason for delay is not any specific event but that there is alleged sudden increase in demand. That it appears that the alleged issues of supply chain were known to the contractor. Considering the order is for many projects together, if there was a delay to match with other projects, the same cannot be a basis for extension. The claim of global supply chain disruption is not substantiated, claim of proactive follow up is not substantiated and no clarification has been made if such delay is considered as a force majeure in the contract with the supplier/ contractor.

11.9. Based on above, the Respondent submitted that the claim of the Petitioner for delay in transmission network on a ground of delay in supply chain in breaker is not valid.

Commission's Analysis:

11.10. We note that the Petitioner has claimed the delay in creation of transmission network is due to delay in delivery of breakers by Shreedhar Infratel Pvt. Ltd. to whom the Petitioner has placed purchase order. The delay period stated as staring from 03.09.2024 to 14.02.2025. The Respondent contended that the

purchase order dated 12.09.2024 does not specify the timeline and alleged Order dated 22.11.2024 placed for supply of circuit breaker on Synergy Infra Projects Ltd. The delay in placing of purchase order cannot be claimed as a reason for extension.

11.11. We note that the claim of the Petitioner that the delay occurred in supply of circuit breaker due to global supply chain affected due to sudden increase in demand in power sector worldwide is a reason for delay in supply of circuit breaker by Synergy Infra Ltd. to whom the Petitioner has placed Order. The Petitioner has not provided any documents on record specifying that when the purchase order put up by the Petitioner specifying what is the date of supply of circuit breaker. In case the supply of circuit breaker is delayed then in that case whether the supplier has to pay any penalty or not. It is a separate individual contract between two parties governing the contract clauses with regards to fulfilment of the obligations and failure of it attract consequential effect like penalty etc. The same are different and distinct from the agreement between the Petitioner and Respondent with regard to creation of the transmission system. Hence, the same is not permissible.

11.12. Moreover, the purchase order dated 03.09.2024 submitted by the Petitioner consist of only signature for Four Square Green Energy Pvt. Ltd. and there is

no signature of Shreedhar Infratel Pvt. Ltd. which is required as acceptance of the Order. Therefore we negativate it.

12. Now we deal with the issue raised by the Petitioner regarding delay due to ROW issue raised by the local villager and approval under Section 68 and 164 of the Act.

Petitioner submissions:

- 12.1. The Petitioner submitted that as per connectivity letter dated 12.03.2024 it is specified that the connectivity grantee is authorized to commence work only after obtaining necessary approvals under Section 68 and 164 of the Electricity Act, 2003.
- 12.2. The Petitioner has applied for obtaining approval under Section 68 and 164 of the Electricity Act, 2003 on 21.12.2024 from the Energy and Petrochemicals Department, Government of Gujarat. The said approval is sought for construction of 220 kV evacuation line which are necessitated various compliance such as:
- (i) Obtain written consent from the authorities before starting erection of the line.
 - (ii) Obtain route approval from the office of the Chief Electrical Inspector, Gandhinagar.

(iii) Obtain approval for crossing of railway track/national highway/forest land etc. alongwith all necessary approvals from concerned authorities, if any.

12.3. In compliance with applicable regulatory requirements, the Petitioner published a public notice on 04.01.2025 in a local newspaper, informing the public about the commencement of construction activities and identifying the areas that would be affected by the proposed works.

12.4. Subsequently, on 09.01.2025, the Office of Mamlatdar and Taluka Executive, Jafrabad issued a communication to the Petitioner, stating that the alignment of the proposed evacuation line may pass through Government waste land. The communication emphasized the necessity of securing permission from the local authority prior to commencing construction on such land.

12.5. In response to the said communication, the Petitioner applied to the Office of Mamlatdar and Taluka Executive, Jafrabad, on 28.01.2025 seeking Right of Way (ROW) permission to proceed through the identified Government waste land. Thereafter, on 14.02.2025, the Petitioner received a response directing it to deposit the requisite fee for the use of the land.

12.6. There was strong resistance from landowners and farmers in the affected village. The individuals protested and physically hindered the Petitioner from undertaking any developmental work. As a result, the Petitioner was compelled to approach the Office of Collector, Amreli, through a letter dated

31.01.2025, requesting intervention to resolve the ongoing dispute and enable project execution.

12.7. Acting on the Petitioner's request, the Office of Collector, Amreli issued a hearing notice on 18.02.2025, summoning both the Petitioner and the aggrieved parties to appear before the authority on 06.03.2025 for dispute resolution proceedings.

12.8. The Petitioner apprehended that a portion of the proposed 66kV line might traverse land belonging to M/s. Sintex Industries Limited and to address this concern, the Petitioner, vide its letter dated 21.12.2024, sought clarification from M/s. Sintex regarding the land boundaries and any potential conflict. However, no response or clarification has been received from M/s. Sintex till date.

12.9. The Petitioner submitted that it has diligently taken all necessary measures in accordance with Sections 68 and 164 of the Electricity Act, 2003. These include issuing the public notice in the local newspaper on 04.01.2025, responding to the Mamlatdar's directive on 09.01.2025, and submitting the requisite ROW application in a timely manner, thereby demonstrating its bona-fide intent to comply with legal provisions.

12.10. Nonetheless, despite the Petitioner's efforts to adhere to statutory obligations, unavoidable delays occurred due to unforeseen and uncontrollable

circumstances, particularly the agitations and opposition from local stakeholders. These disruptions significantly hampered the timely execution of the evacuation line project.

12.11. The Petitioner has informed Gujarat Energy Transmission Corporation (GETCO) about the delays caused by these events and has issued formal notifications to that effect, in line with procedural norms. Based on above the Petitioner requested to the Respondent GUVNL to grant permission for extension of time period for creation of transmission system.

Respondent submission:

12.12. The Respondent submitted that the Petitioner should have to obtain written consent from the authorities before starting erection of the line. That the Petitioner ought to be aware of the areas where its line would pass and ensure all approvals are obtained. Further, it appears that the Petitioner had started construction irrespective of the approval, therefore, this cannot be considered as a ground for extension.

12.13. ROW agitations: Vis-à-vis the agitations leading to the dispute before Collector, the petitioner has not clarified as to what aspect of the line was affected and whether it has completed the work for other portions of evacuation line.

12.14. Clarification from Sintex Industries Ltd: That it is not understandable as to how land boundary was not clear to the Petitioner despite it having obtained approvals under Section 68 and 164. Further, the Petitioner has not provided further efforts done after writing a letter dated 21.12.2024 or whether it is still unable to construct on that route.

12.15. Based on the above, the Respondent submitted that the contention of the Petitioner is not valid and permissible.

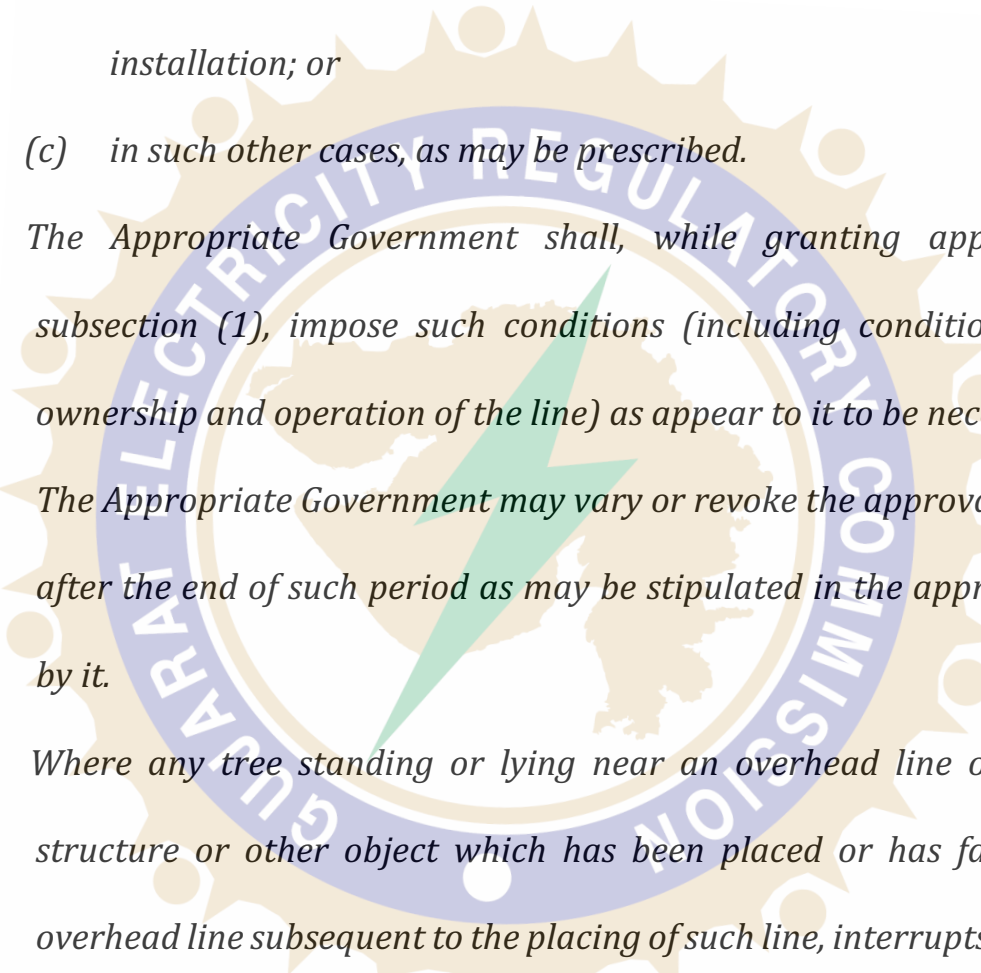
Commission's Analysis:

12.16. The Petitioner contended that there are ROW issues arose while laying out the transmission network after obtaining approval under Section 68 and 164 of The Electricity Act, 2003. The Petitioner has referred section 68 and 164 of the Electricity Act, 2003, it is necessary to refer the same which is reproduced below:

Section 68. (Provisions relating to Overhead lines): ----

(1) An overhead line shall, with prior approval of the Appropriate Government, be installed or kept installed above ground in accordance with the provisions of sub-section (2).

(2) The provisions contained in sub-section (1) shall not apply-

- 
- (a) in relation to an electric line which has a nominal voltage not exceeding 11 kilovolts and is used or intended to be used for supplying to a single consumer;*
- (b) in relation to so much of an electric line as is or will be within premises in the occupation or control of the person responsible for its installation; or*
- (c) in such other cases, as may be prescribed.*
- (3) The Appropriate Government shall, while granting approval under subsection (1), impose such conditions (including conditions as to the ownership and operation of the line) as appear to it to be necessary.*
- (4) The Appropriate Government may vary or revoke the approval at any time after the end of such period as may be stipulated in the approval granted by it.*
- (5) Where any tree standing or lying near an overhead line or where any structure or other object which has been placed or has fallen near an overhead line subsequent to the placing of such line, interrupts or interferes with, or is likely to interrupt or interfere with, the conveyance or transmission of electricity or the accessibility of any works, an Executive Magistrate or authority specified by the Appropriate Government may, on*

the application of the licensee, cause the tree, structure or object to be removed or otherwise dealt with as he or it thinks fit.

(6) When disposing of an application under sub-section (5), an Executive Magistrate or authority specified under that sub-section shall, in the case of any tree in existence before the placing of the overhead line, award to the person interested in the tree such compensation as he thinks reasonable, and such person may recover the same from the licensee.

Explanation. - For the purposes of this section, the expression "tree" shall be deemed to include any shrub, hedge, jungle growth or other plant.

Section 164. (Exercise of powers of Telegraph Authority in certain cases): The Appropriate Government may, by order in writing, for the placing of electric lines or electrical plant for the transmission of electricity or for the purpose of telephonic or telegraphic communications necessary for the proper co-ordination of works, confer upon any public officer, licensee or any other person engaged in the business of supplying electricity under this Act, subject to such conditions and restrictions, if any, as the Appropriate Government may think fit to impose and to the provisions of the Indian Telegraph Act, 1885, any of the powers which the telegraph authority possesses under that Act with respect to the placing of telegraph lines and posts for the purposes of a telegraph

established or maintained, by the Government or to be so established or maintained.

12.17. We note that the permission granted under Section 68 and 164 of the Electricity Act by the Energy & Petrochemicals Department, Government of Gujarat vide Resolution No. ELA/202223/161/K dated 21.12.2024 to lay down transmission network in response to an application of the Petitioner. By aforesaid order, the Government has permitted to the Petitioner for laying down the transmission network. In the said Resolution, Condition No. 2 provides as under:

“..... M/s. FSGERPL shall have to obtain written consent from the concerned authority before starting the erection of the line.....”

12.18. Thus, aforesaid condition provides that the petitioner shall be required to obtain written consent from the concerned authority before starting of the erection line.

12.19. We note that the Petitioner has applied to local authorities for grant of approval for transmission system in this regard wherein the office of Mamlatdar and Taluka Executive, Jafrabad has informed the Petitioner on 09.01.2025 that their transmission line may be passing through Government wasteland and it require permission from the local authorities before the start of the construction work. The said letter is reproduced below:

મામલતદાર અને તાલુકા એકઝિક્યુટીવ મેજિસ્ટ્રેટ કચેરી-જાફરાબાદ

એન.સી.સી.એલ.કોલોની ની બાજુમાં, જાફરાબાદ- ૩૬૫૫૪૦

ફોન નંબર- (૦૨૭૯૪) ૨૪૫૪૩૬

ઈ-મેલ-mam-jafarbad@gujarat.gov.in

નં.જમન/ વશી/ ૪૬/ ૨૫

તા. ૦૮/ ૦૧/ ૨૦૨૫

પ્રતિ,

The Manager.

M/s. FSGE Renewable Private Limited (FSGERPL)

5th Floor, North Tower, M3M Tee Point,

Sector-65, Golf Course Extension Road,

Gurugram,

Haryana-122018

વિષય:- જરૂરી આધાર પુરાવાઓ રજૂ કરવા બાબત

શ્રીમાન,

ઉપરોક્ત વિષયે જણાવવાનું કે, અત્રેનાં તાલુકામાં આપનાં દ્વારા વિવિધ ગામોમાં સરકારી પડતર તેમજ ગૌચર સદરની જમીનોમાં ટાવર્સ/ વિજપોલ નાખવાની કામગીરી કરવામાં આવતી હોવાનું ધ્યાને આવેલ છે. જે અન્વયે આપનાં દ્વારા તા.૦૪/ ૦૧/ ૨૦૨૫ નાં પત્રથી વિવિધ પરમીશનોનાં કાગળોની નકલો અત્રેને રજૂ કરેલ છે. જેમાં સરકારશ્રીનાં- ઉર્જા અને પેટ્રોકેમિકલ્સ વિભાગ, ગાંધિનગરનાં ઠરાવ ક્રમાંક ELA/202223/261/K તા.૨૧/ ૧૨/ ૨૦૨૪ માં જણાવ્યા મુજબ વિદ્યુત અધિનિયમ-૨૦૦૩ ની કલમ ૬૮ અને કલમ ૧૬૪ હેઠળ પરવાનગી આપવામાં આવેલ છે. જેનાં ઠરાવના મુદા નં. ૨ માં જણાવ્યા મુજબ આપને આ કામગીરી શરૂ કરતા પહેલાં સ્થાનિક સત્તાધિકારી પાસેથી આ અંગે લેખિતમાં પરવાનગી મેળવવાની રહેશે. આપનાં દ્વારા રજૂ થયેલ ગ્રીડ લાઈનની વિગતે ખરાઈ કરતા સદરહું વિજ લાઈન પોલ મોજે. કાગવદર, વાંઢ, લુણસાપુર અને મિતિયાળા ગામે સરકારી પડતર જમીનમાંથી પસાર થતા હોય, જેની સરકારી પડતર જમીનમાં પ્રવેશ તેમજ અન્ય વૈકલ્પિક બાંધકામ માટે સરકારશ્રીની પૂર્વ મંજૂરી લેવાની રહેતી હોય છે. જે અંગે આપનાં દ્વારા આ

બાબતે સક્ષમ અધિકારીશ્રીની જરૂરી પરવાનગી મેળવેલ છે કે કેમ? તે અંગેના જરૂરી આધારો અત્રેને દિન-૨ માં રજુ કરવા જણાવવામાં આવે છે.

S/d

મામલતદાર જાફરાબાદ

12.20. As per aforesaid letter, the Mamlatdar Jafrabad has informed the petitioner that prior to starting the transmission line work it has required to take permission from local authorities. It is also stated that the proposed line and pole at Villages: Kagvadar, Vandh, Lodhapur and Mitiyara are passing through Government wasteland. Hence, it is required to get permission from local authorities and required alternate construction work from the Government. It is also stated that the Petitioner shall require to provide the necessary details in this regard within two days to Mamlatadar Jafrabad.

12.21. The Petitioner contended that on 09.01.2025 office of Mamlatdar and Taluka Executive at Jafrabad issued a communication to the petitioner informing that the evacuation line to be constructed by the Petitioner may be passed through Government wasteland and it would require to obtain permission from the local authority before initiation of construction work.

12.22. In compliance to above, the Petitioner had applied to the office of Mamlatdar and Taluka Executive Jafrabad on 28.01.2025 for ROW permission to work on Government wasteland.

12.23. In response to aforesaid application, the petitioner received communication on 14.02.2025. The said letter is reproduced below:

“

મામલતદાર અને તાલુકા એકઝીક્યુટીવ મેજિસ્ટ્રેટ કચેરી-જાફરાબાદ

એન.સી.સી.એલ. કોલોની ની બાજુમાં, જાફરાબાદ-૩૬૫૫૪૦

ફોન નંબર-(૦૨૭૯૪) ૨૪૫૪૭૬

ઇ-મેઇલ mam-jafarabad@gujarat.gov.in,

નં. જમન/ વશી/ ૨૩૯/ ૨૫

તા. ૧૪/૦૨/૨૦૨૫

પ્રતિ,

The Manager

M/s FSGE Renewable Private Limited (FSGERPL),

5th FLOOR, North Tower, M3M Tee Point,

Sector-65, Golf Course Extension Road,

Gurugram.

Haryana-122018

વિષય:-૬૬ કે.વી. વિજલાઈનનાં વળતર બાબત

શ્રીમાન,

ઉપરોક્ત વિષયે જણાવવાનું કે; અત્રેની તાલુકામાં આપનાં દ્વારા કાગવદર અને લુણસાપુર ગામે સરકારી પડતર તેમજ ગૌચર સદરની જમીનોમાં કુલ ૧૬ ટાવર્સ/ વિજપોલ નાખવાની કામગીરી કરવામાં આવતી હોવાનું ધ્યાને આવેલ છે. જે અન્વયે આપનાં દ્વારા તા. ૧૪/૦૨/૨૦૨૫ ના પત્રથી વિવિધ પરમીશનોનાં કાગળોની નકલો અત્રેને રજૂ કરેલ છે. જેમાં સરકારશ્રીનાં ઉર્જા અને પેટ્રોકેમિકલ્સ વિભાગ, ગાંધિનગરનાં ઠરાવ ક્રમાંક ELA/202223/161/K તા. ૨૧/૧૨/૨૦૨૪ માં જણાવ્યા મુજબ વિદ્યુત અવિનિયમ ૨૦૦૩ ની કલમ ૬૮ અને કલમ ૧૬૪ હેઠળ પરવાનગી આપવામાં આવેલ છે. જેનાં ઠરાવના મુદ્દા નં. ૨ માં જણાવ્યા મુજબ આપને આ કામગીરી શરૂ કરતા પહેલાં સ્થાનિક સત્તાધિકારી પાસેથી આ અંગે લેખિતમાં પરવાનગી મેળવવાની રહેશે. જે મુજબ આપનાં દ્વારા સદરહું જમીનોનાં ઉપોયોગી ક્ષેત્રફળની જત્રી મુજબની કિંમત તથા તેનાં ૧૦% મુજબની રકમ અંગેની માહિતી મળવા જણાવેલ છે. જે નીચે મુજબ છે.

| ક્રમ | ગામનું નામ | લાઇન નં. | સર્વે નં. | કુલ ટાવરની સંખ્યા | રોકાયેલ ક્ષેત્રફળ ચો.મી. | જંત્રી (રૂપિયા / ચો.મી.) | કુલ રકમ (જંત્રીનાં ૧૦% લેખે) |
|------|------------|----------|------------------------------------|-------------------|--------------------------|--------------------------|------------------------------|
| ૧ | કાગવદર | પેન્થર | નવો-૫૨ / જુનો-૧૧૩ (સરકારી પડતર) | ૪ | ૨૫૬ | ૧૧૩૦/- | ૨૮૮૨૮/- |
| ૨ | લુણસાપુર | પેન્થર | નવો- / જુનો-૧૮૬ (સરકારી પડતર) | ૬ | ૩૮૪ | ૧૧૬૦/- | ૪૪૫૪૪/- |
| ૩ | કાગવદર | પેન્થર | નવો-૫૩/ જુનો-૧૧૩ (સરકારી પડતર) | ૨ | ૧૨૮ | ૧૧૩૦/- | ૧૪૪૬૪/- |
| ૪ | કાગવદર | પેન્થર | નવો-૧૬૩ / જુનો-૬૮ (સરકારી પડતર) | ૪ | ૨૫૬ | ૮૩૦ | ૨૧૨૪૮/- |

જે અંગેની રકમ સરકારશ્રીમાં ચલણથી જમા કરવી તેના જરૂરી આધારો અત્રેની દિન-૨ માં રજુ કરવા જણાવવામાં આવે છે.

S/d.
મામલતદાર જાફરાબાદ
.....”

12.24. The Petitioner has deposited the amount for utilization of Government wasteland / gochar land etc. The aforesaid facts/ incidents are qualified for unforeseen circumstances which require some time to resolve by the Petitioner.

12.25. The Petitioner has started the construction of evacuation line. However, there was severe agitation by landowners and farmers in the villages who had obstructed the construction activity initiated by the petitioner. The petitioner has therefore, approached the office of Collector, Amreli vide letter/ application dated 31.1.2025 and requested for his intervention to resolve the

disputes so that the Petitioner can proceed for execution of the work. The said letter is reproduced below:

“.....

Date:- 31.01.2025

પ્રતિ

માનનીય કલેક્ટરશ્રી તથા જીલ્લા મેજિસ્ટ્રેટ સાહેબ,
કલેક્ટરશ્રીની કચેરી
અમરેલી.

વિષય: ભારત સરકાર ના સૌર ઊર્જાને પ્રોત્સાહન અંતર્ગત નવ-નિર્માણ થતી ૬૬ કે.વી. સીંગલ સર્કિટ કાગવદર (FSGE RENEWABLE ૬૬/૩૩ કે.વી. સબ સ્ટેશન) થી લુણાસાપુર GETCO ૨૨૦/૬૬ કે.વી. સબ સ્ટેશન) સુધી એક વડી વીજરેષા લાઈન (૪.૯૧૨ કી.મી.) પ્રસ્થાપિત કરવાનું કામ મોજેગામ: કાગવદર. તાલુકો:- જાફરાબાદ, જિલ્લો:-અમરેલીના ખેડૂત ખાતેદાર દ્વારા અટકાવાતા ઈન્ડિયન ટેલીગ્રાફ એક્ટ-૧૮૮૫ની કલમ ૧૬/૧ અન્વયે લાઈન કામકરવાની પરવાનગી આપતો હુકમ આપવા બાબત.

માનનીય સાહેબશ્રી,

જય ભારત સાથે જણાવવાનું કે, ગુજરાત ઊર્જા વિકાસ નિગમ લિમિટેડ ના સોલર પાવર ઉત્પાદન ના લક્ષ અંતર્ગત FSGE RENEWABLE PVT LTD- Gurugram, Hariyana-122018, દ્વારા સોલાર અને પવન ઊર્જાના હાયબ્રીડ પાવર પ્લાન્ટ ને GETCO ગ્રીડ સાથે જોડવા નવ-નિર્માણ થતી ૬૬ કે.વી. સીંગલ સર્કિટ કાગવદર (FSGE RENEWABLE ૬૬/૩૩ કે.વી. સબ સ્ટેશન) થી લુણાસાપુર GETCO ૨૨૦/૬૬ કે.વી. સબ સ્ટેશન) સુધી એક વડી વીજરેષા લાઈન ની લંબાઈ આશરે ૪.૯૧૨ કી.મી. છે. સદરહુ લાઈન ના ટાવર પ્રસ્થાપિત કરવાના કામ દરમિયાન મોજે ગામ: કાગવદર, તાલુકો:- જાફરાબાદ, જિલ્લો:-અમરેલીના ખેડૂતશ્રી દ્વારા અટકાવાતા ઈન્ડિયન ટેલીગ્રાફ એક્ટ-૧૮૮૫ની કલમ ૧૬/૧ અન્વયે લાઈન કામકરવાની પરવાનગી આપતી હુકમ આપવા આપ સાહેબને નમ્ર વિનંતી છે.

સદરહુ લાઈન ગુજરાત સરકાર દ્વારા સેક્શન ૬૮ અંતર્ગત GOV OF GUJARAT ENERGY & PETROCHEMICAL DEPARTMENT RESOLUTION NO-ELA/202223/161/K-21.12.2024 થી મંજૂરી

કરેલ છે, તથા ગુજરાત સરકારના ગેજેટ નોટિફિકેશનનં. No. 36,VOL.LXVI, THURSDAY, 2nd JANUARY, 2024/PAUSHA 12,1946 દ્વારા પ્રસિદ્ધ થયેલ છે, જેની નકલ આ સાથે સામેલ છે. આ ઉપરાંત આ લાઇનની ગુજરાત સરકારના ઉર્જા અને પેટ્રોકેમિકલ્સ વિભાગની વડી કચેરી ગાંધીનગર દ્વારા મંજૂર થયેલ છે. જેની નકલ આ સાથે સામેલ છે.

આ ઉપરાંત આલાઇન માટે મુખ્યઈજનેર, (પ્રોજેક્ટ) FSGE RENEWABLE PVT LTD- Gurugram, Hariyana-122018 દ્વારા આ લાઇન પ્રસ્થાપિત કરવા માટેનું જાહેરનામું દૈનિક અખબાર તા.૦૪.૦૧.૨૦૨૫ દિવ્યભાસ્કર સમાચારમાં પ્રસિદ્ધ થયેલ છે. જેની નકલ આ સાથે સામેલ છે.

ઉપરોક્ત યોજનાનું નોટિફિકેશન પ્રકાશિત થયા બાદ આ લાઇનનું ફિઝિકલ કામ હાથ ધરવામાં આવેલ છે. આ લાઇનમાં કુલ:-૨૫ ટાવર આવે છે. સદરહુ કામ માટે માલ- ૩ કરોડ ૫૦ લાખનો ખર્ચ થનાર છે, તથા હાલમાં કુલ ૫૦ થી ૮૦ માણસો સાઇટ ઉપર કામ કરવા માટે રોકવામાં આવેલ છે. અને આ લાઇનનું ૧૫%.....

આ સાથે બિડવામાં આવેલ નકશામાં દર્શાવ્યા પ્રમાણે રૂટ મુજબ આ સાથે જોડેલ લિસ્ટ પ્રમાણેના લોકેશન ગામની સીમા માથી પસાર થાય છે. જેમાં જોડેલ લીસ્ટમાં દર્શાવેલ ખાતેદાર ખેડતો દ્વારા વાંધો કરી કામ અટકાવેલ છે.

ખેડૂત ખાતેદારના વિરોધ વચ્ચે પણ અમારા દ્વારા તમામ ખેડૂતો ને આ કાર્ય માટે સમજાવેલ તથા આ લાઇનની અગત્યતા બાબતે કાગવદર ગામમાં મીટિંગ યોજી સમજાવેલ તેમ છતાં લીસ્ટ મુજબના ખેડૂતો સમજાવ્યા બાદ પણ સરકારશ્રીની બિનપરંપરાગત વિદ્યુતશક્તિ માટેના (નોનકન્વેન્શનલ) સ્ત્રોતો દ્વારા વીજળી ઉત્પન્નકરતાં સૌરઉર્જા અને પવનઉર્જા આધારિત એકમોને પ્રોત્સાહન આપતી યોજના ના કામ મા રૂકાવટ ઊભી કરેલ છે.

મંજૂર થયેલ અને અખત્યાર કરવામાં આવેલ રૂટ તદ્દનસીધો, ટૂંકમાં ટુકો અને જરૂરિયાત મુજબની જ ઍગલ પોઇન્ટવાળો છે. જે આર્થિક દ્રષ્ટિએ ઓછો ખર્ચાળ અને ઊર્જાના ઓછા વ્યયવાળો તેમજ ખેડવાણ જમીનનો ઓછામાં ઓછો વ્યય થાય તેવો છે. તેમ જ વીજ પુરવઠા અધિનિયમ: ૧૯૪૮ ની જોગવાઈઓને સુસંગત છે.

આવી અતી મહત્વની અને જાહેર જનતાના હિતમાટેની યોજનામાં આ સાથે જોડેલ લીસ્ટમાં જણાવેલ ખાતેદાર ખેડૂતો નિયમ કરતાં વધારે અવ્યવહારિક વળતરની માંગણી કરી કામમાં રૂકાવટ ઊભી કરી રહ્યા છે. વારંવાર રૂબરૂ મળીને અને કાયદેસર નોટિસ આપીને તેમણે સમજાવવા છતાં અધિકૃત અને

કાયદેસરની કાર્યવાહીમાં કાયદો હાથમાં લઈને સક્ષમ અધિકારી તથા સ્ટાફને વિજરેષાની પ્રસ્થાપનની કામગીરી કરવા દીધેલનથી, અને ખોટી બૂમાબૂમ કરી તથા ઝઘડાનું વાતાવરણ સર્જીને કર્મચારીઓ ઉપર માનસિક દબાણ ઊભું કરી કામગીરીમાં રૂકાવટ ઊભી કરેલ છે. આ યોજના ભારતીય વીજ પુરવઠા અધિનિયમ: ૧૯૪૮ તથા ઇન્ડિયન ઇલેક્ટ્રીસિટી એક્ટ: ૨૦૦૩ની જોગવાઈઓને અનુસાર બોર્ડે મંજૂર કરેલ છે. જેને રાજ્ય સરકારે બહાલી આપેલ છે.

ઉપરોક્ત યોજના વિકાસલક્ષી છે અને અંદાજિત રૂ ૩ કરોડ ૫૦ લાખના ખર્ચે આ વિજરેષા વડે વીજપ્રવહન કરવા દેવામાં નઆવે તો સરકારશ્રીના જાહેર હિતના કાર્યને અટકાવવું એ કુદરતી ન્યાયના સિધ્ધાંતની વિરૂદ્ધ છે.

ઉપરોક્ત લાઇનમાં માત્ર અમુક ખેડૂત ખાતેદારોનો વિરોધ હોવાથી વીજળી ઉત્પન્ન કરતાં સૌરઉર્જા અને પવનઉર્જા આધારિત એકમોને પ્રોત્સાહન આપતી યોજનામાં મોટું નુકશાન થાય તેમ છે. આપ સાહેબશ્રી ને નમ્ર વિનંતી કે લોક ઉપયોગી આ યોજનાની કામગીરી સત્વરે પૂરી થાય તથા તેનો જાહેર જનતાને લાભ મળે તે હેતુ થી દરખાસ્તનો સત્વરે નિકાલ લાવવા વિનંતી છે.

S/d.
FSGE RENEWABLE PVT. LTD.
અધિકારીની સહી.

.....”

As Per the aforesaid letter, the Petitioner approached the Collector office with regard to the ROW issue faced by them since past two months. It is further stated that the farmers and landowners have been creating chaos in the work by demanding impractical compensation more than the rule. Despite repeated meeting and giving legal notices to them, they are not allowing the competent officer and staff to carry out the work of installing the power line by taking the law into their own hands in unauthorized way, and by creating false atmosphere and creating mental pressure on the employees and creating chaos in the work. The scheme has been approved by the Board in accordance

with the provision of the Indian Electricity Supply Act, 1948 and the Indian Electricity Act, 2003. The Petitioner has stated the list of villagers/landowners who are objecting the establishment of the project. The above scheme is development oriented, and the petitioner is incurring a cost of around 3.5 Crore for development of it for transmission of electricity through this power line if construction of this power line is not allowed then it is obstructing the government's public interest work which is a violation of the principle of natural justice. The Petitioner requested to expedite the work of the above scheme and dispose of the proposal promptly, so that work of the project gets completed and the public gets the benefit of it.

12.26. It is submitted that the office of the Collector issued hearing notice on 18.02.2025 for resolution of dispute which was kept on 06.03.2025 and thereafter the same was kept for hearing on 20.03.2025 and 04.04.2025. However, the said dispute is not resolved. The hearing notice dated 18.02.2025 is reproduced below:

“

નં. નાચિ/આઈ.ઈ.એ/કેસ/રજિ.નં.૦૧/૨૦૨૫

જિલ્લા મેજિસ્ટ્રેટની કચેરી, અમરેલી

તા.૧૮/૦૨/૨૦૨૫

વિવાદી- (1) FSGE RENEWABLE PVT.LTD GURUGRAM. HARIYANA-122018

ના અધિકૃત અધિકારીશ્રી રજનીભાઈ ડોબરીયા

-::વિરુદ્ધ ::-

પ્રતિવાદી :- (૧) શ્રી રામ દિલીપભાઈ વેજાણંદભાઈ, રે. કાગવદર, તા.જાફરાબાદ, જિ.અમરેલી

- (૨) શ્રી ખુમાણ લીલાબેન ભાભલુભાઈ, રે. કાગવદર, તા.જાફરાબાદ, જિ. અમરેલી
- (૩) શ્રી ટપુભાઈ ડાયાભાઈ, રે. કાગવદર, તા.જાફરાબાદ, જિ. અમરેલી
- (૪) શ્રી રણછોડભાઈ ડાયાભાઈ, રે. કાગવદર, તા.જાફરાબાદ, જિ.અમરેલી
- (૫) શ્રી મધુભાઈ ડાયાભાઈ, રે. કાગવદર, તા. જાફરાબાદ, જિ. અમરેલી
- (૬) શ્રી બાબુભાઈ ડાયાભાઈ, રે.કાગવદર, તા.જાફરાબાદ, જિ.અમરેલી
- (૭) શ્રી બકુલભાઈ ડાયાભાઈ, રે. કાગવદર, તા. જાફરાબાદ, જિ. અમરેલી
- (૮) શ્રી જીવનભાઈ ડાયાભાઈ, રે. કાગવદર, તા.જાફરાબાદ, જિ.અમરેલી
- (૯) શ્રી વાવડીયા રામભાઈ દુલાભાઈ, રે. કાગવદર, તા. જાફરાબાદ, જિ. અમરેલી
- (૧૦) શ્રી વાઘ ભાણાભાઈ વાલેરાભાઈ, રે. કાગવદર, તા. જાફરાબાદ, જિ. અમરેલી
- (૧૧) શ્રી સોલંકી સામંતભાઈ કરશનભાઈ, રે. કાગવદર, તા. જાફરાબાદ, જિ. અમરેલી

વિષય:- વીજરેષા લાઈન પ્રસ્થાપિત કરવા સામે ખેડૂત ખાતેદારો દ્વારા વાંધા અરજી અન્વયે ઈન્ડિયન ઇલેક્ટ્રીસિટી એક્ટ-૨૦૦૩ તથા ઈન્ડિયન ટેલીગ્રાફ એક્ટ-૧૮૮૫ તળે પરવાનગી મળવા બાબત.

--: સુનાવણી નોટીસ :-

ગુજરાત ઊર્જા વિકાસ, નિગમ લી. ના સોલાર પાવર ઉત્પાદનના લક્ષ અંતર્ગત FSGE RENEWABLE PVT. LTD GURUGRAM, HARIYANA-122018 દ્વારા સોલાર અને પવન ઊર્જાના હાયબ્રીડ પાવરને GETCO ગ્રીડ સાથે જોડવા નવ નિર્માણ થતી ૬૬ કે.વી.સીંગલ સર્કિટ કાગવદર (FSGE RENEWABLE ૬૬/૩૩ કે.વી.સબ સ્ટેશન) થી લુણાસાપુર GETCO ૨૨૦/૬૬ કે.વી. સબ સ્ટેશન સુધી જતી એક વડી વીજરેષા લાઈન આશરે ૪.૮૧૨ કી.મી. છે. સદરહું લાઈનના ટાવર પ્રસ્થાપિત કરવાના કામ દરમિયાન મોજે. કાગવદર, તા. જાફરાબાદ, જિ. અમરેલીના ઉપરોક્ત પ્રતિવાદીશ્રીઓ દ્વારા અટકાવતા ઈન્ડિયન ટેલીગ્રાફ એક્ટ-૧૮૮૫ ની કલમ-૧૬(૧) અન્વયે લાઈનની કામ કરવાની પરવાનગી આપતો હુકમ કરવા રજુઆત કરેલ છે.

ઉપરોક્ત વિગતે આ કામના વિવાદી તેમજ પ્રતિવાદીશ્રીઓને રૂબરૂ સાંભળવા માટે સુનાવણીની મુદત તા. ૦૬/૦૭/૨૦૨૫ ના રોજ સવારે ૧૨:૦૦ કલાકે અત્રેની કચેરીમાં હાજર રહેવા જણાવવામાં આવે છે. ઉપરોક્ત વિગતે પક્ષકારો જે કાંઈ રજુઆત કરવા ઈચ્છતા હોય તે અંગેના આધાર-પુરાવાઓ તેમજ લેખિત રજુઆત સહ પોતે અથવા અધિકૃત પ્રતિનિધિ કે વકિલશ્રીને ઉપસ્થિત રહેવા જણાવવામાં આવે છે. જો ઉક્ત મુદતે પક્ષકારો હાજર રહેશે

નહી. તો પક્ષકારોને કશું કહેવાનું નથી તેમ માની સદરહું મેટરમાં ગુણદોષ ધ્યાને લઈ આગળની નિયમાનુસારની કાર્યવાહી હાથ ધરવામાં આવશે. જેની નોંધ લેશો.

S/d.
અધિક જિલ્લા મેજિસ્ટ્રેટ
અમરેલી

નકલ રવાના :-

(૧) તાલુકા એકઝીક્યુટીવ મેજિસ્ટ્રેટશ્રી, જાફરાબાદ.

૨/- આ સાથે સામેલ નોટીસ સામાવાળાને રેવન્યુ તલાટીશ્રી મારફત બજવણી કરાવી તે અંગેના આધારો સહ સુનાવણીની મુદત પહેલાં અત્રેની કચેરીને મોકલી આપવા સારું.

(૨) FSGE RENEWABLE PVT.LTD GURUGRAM, HARIYANA-122018 ના અધિકૃત અધિકારીશ્રી રજનીભાઈ ડોબરીયા

૨/- આ સાથે સામેલ નોટીસ સામાવાળાને સમજ આપી નોટીસની બજવણી કરી તે અંગેના આધારો સહ સુનાવણીની મુદતે બિનચૂક હાજર રહેવા સારું.

.....”

12.27. We note that the Petitioner has stated that it was ready to pay compensation for ROW as per Ministry of Power guidelines based on circle rate guideline value of Stamp Act rate of the land. However, six villagers/ landowners were not agreeing to it whose names and their objection on location No. are stated in the hearing notice dated 18.02.2025 issued by District Magistrate Amreli in the case No. 01/2025 are as under:

- 1) Ram DiliphaiVejanandbhai: Surey No.79/2, locations 5/0 to 6/0
- 2) Khuman Lilaben Bhabhalubhai: Survey No.74, Location 7/0
- 3) Bakulbhai, Tapubhai, Ranchodbhai, Madhubhai, and Jivanbhai: Survey No. 86/3, locations 7/0 to 9/0

4) Vavadiya Rambhai Dulabhai: Survey No.73/p2, locations 7/0 to 9/o

5) Bhanabhai, Valerabhai, Rambhai, Dulabhai: Survey no.71/1/p2, locations 10/0 to 11/0

6) Solanki Samatbhai Karshanbhai: Survey No. 69/1/p2, locations 10/0 to 11/0

12.28. The Petitioner stated that aforesaid farmers/ landowners were not agreed for the compensation offered by the Petitioner. Hence, the issue of ROW is unresolved, and Petitioner compelled to approach the District Collector, Amreli. Hence, the proceedings were initiated by the District Collector. It is also stated that the matter was kept for hearing on 06.03.2025, 20.03.2025 and 04.04.2025. However, the matter was not resolved.

12.29. The aforesaid contention of the petitioner seems to be valid as the proceedings before the Collector, who is an authority under Indian Telegraph Act to decide such issues. Hence, we are of the view that the ROW issue which arose is beyond the control of the petitioner and the same is still going on since 31.1.2025 to the last date of hearing which was stated as 04.04.2025 and still it is not concluded till the date of final hearing. The aforesaid incident is qualified as beyond the control of the Petitioner and unforeseen situation and reasons and qualify for extension of time period for completion of transmission system by the Petitioner.

12.30. The Petitioner contended that it has apprehended that the land boundary of Sintex Industries Ltd. fell on the route of 66 KV line laid down by the Petitioner for which the Petitioner has vide its letter dated 21.12.2024 to Sintex Industries Ltd. seek confirmation on the same. However, there is no clarification received by the Petitioner. The said letter dated 21.12.2024 is reproduced below:

“

Ref. No.:-FSGE PVT LTD/70 MW/SINTEX/01

Date:-21/12/2024

*To,
Manager
Sintex Industry limited
Village Lunsapur, Jafarabad Gujarat
Pin-365540*

FSGE Renewable Private Limited

*Sub: Confirmations Required for "FSGE Renewable Private Limited" -
Installation of 66kV Overhead Transmission line from Route - or Route 2
(Map Attached)*

Government Approval

- 1. GETCO/R&C/STAGE1000519 Date: 12.03.2024*
- 2. Government. Section 58 & 164 Approval for 66kV Overhead Transmission line*

Respected Sir,

We, FSGE RENEWABLE PRIVATE LIMITED. The Project is under execution, and we have received the Stage-2 Connectivity for 70MW capacity at 220kV Rajula

(Sintex) GETCO substation, Copy of Stage-2 Connectivity approval is enclosed. As part of the evacuation Infrastructure, FSGE RENEWABLE PRIVATE LIMITED shall be constructing 66kV EHV line from the proposed 66kV-pooling substation at village Kagvadar, Ta. Jafrabad, Dist. Amreli to Existing 220kV Rajula(Sintex) GETCO substation.

66 kV Line Route Approved by Government authority.

As Per route your land boundary fall in transition line route so we kind request to you kindly provide your kind confirmation with land identification for start work at below survey where we install 66kV Overhead Transmission.

Pls confirm where we install 66 KV line by Route-1 or Route-2. Village Map Attached with this application for your reference. In Red line is Route-1 and Pink Line is Route-2.

| Route-1 | | | |
|---------|------------|--------------|-------------------------|
| Sr. No | Survey No. | Village Name | Owner of Land |
| 1 | 192 | Lunsar | Zep Infratech |
| 2 | 190 | Lunsar | Zep Infratech |
| 3 | 189 | Lunsar | Zep Infratech |
| 4 | 181 | Lunsar | Sintex Industry Limited |

| Route-2 | | | |
|---------|------------|--------------|---------------|
| Sr. No | Survey No. | Village Name | Owner of Land |

| | | | |
|---|-----|--------|---|
| 1 | 196 | Lunsar | Government Waste Land But Wall Boundary done by Sintex Industry Limited |
|---|-----|--------|---|

Waiting your kind Reply or any questions or further details, feel free to reach out to jay.vataliya@fsge.co.in Mob No- 8758609960

Thank You for your cooperation and understanding.

Best regards,

.....”

12.31. We note that mere apprehension that the boundary of Sintex Industries Ltd. fell on the route of 66 KV line by the Petitioner cannot be qualified for force majeure incident or unforeseen circumstances as claimed by the Petitioner. Hence, the same is not accepted and rejected.

12.32. We also note that the Ministry of Power, Govt. of India has also recognized the ROW issue affected the ongoing work of the transmission network and issued the guidelines with regard to compensation for ROW issue wherein it was decided that the compensation for ROW are determined based on circle rate, guideline value or Stamp Act Rate and the type of land. The said notification, guidelines of MOP, GOI is reproduced below:

“

*F.No. 3/4/2016-Trans-Part(4)
Government of India
Ministry of Power
Shram Shakti Bhavan, New Delhi-110 001.*

Dated: 14.06.2024

To

- 1. Chief Secretaries/Administrators of all the States/UTs.*
- 2. Chairperson, CEA, New Delhi with a request to disseminate the subject guidelines to all the stakeholders.*
- 3. Additional Chief Secretaries/Principal Secretaries/Secretaries of Energy of all States/UTs.*
- 4. Secretary, CERC, New Delhi.*
- 5. CMD, Grid India, New Delhi.*
- 6. COO, CTUIL, Gurugram.*
- 7. CMDs of State Power Utilities/SEBs.*
- 8. All Transmission Licensees through COO, CTUIL*

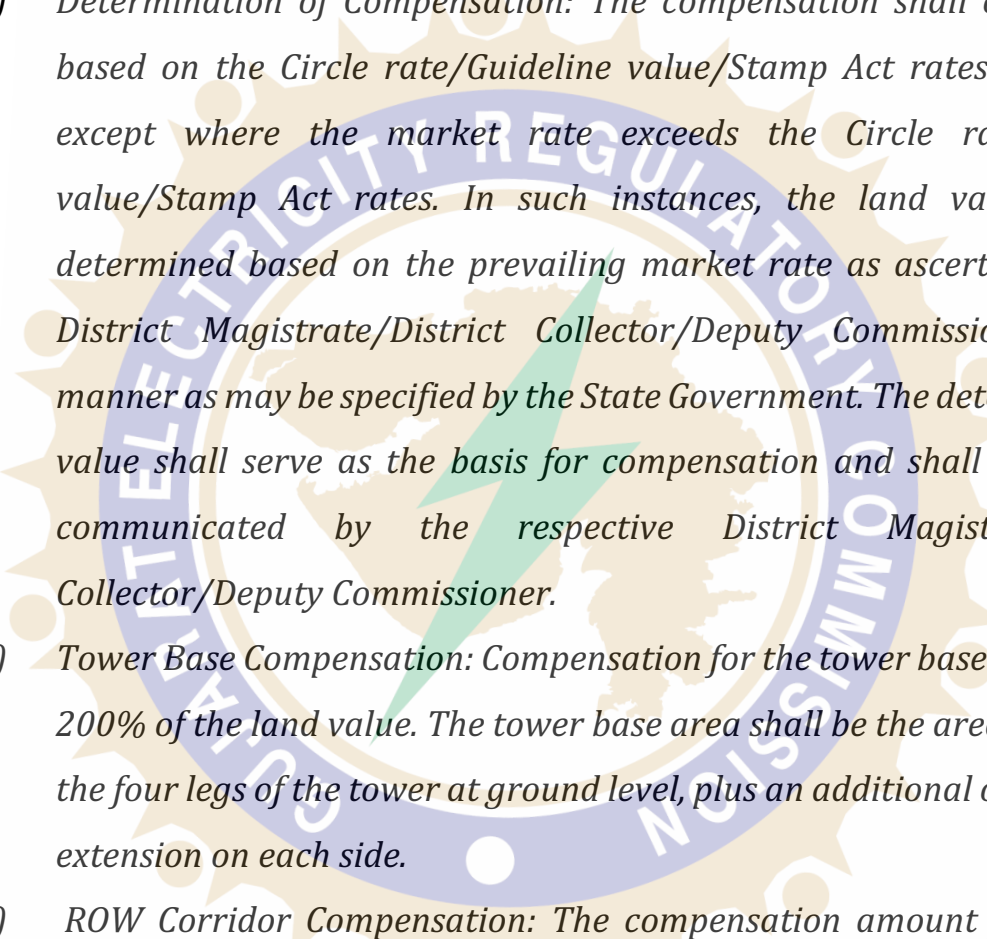
Subject: Guidelines for payment of compensation in regard to Right of Way (ROW) for transmission lines.

*Reference: (i) MoP letter No. 3/7/2015-Trans dated 15.10.2015
(ii) MoP letter No. 3/4/2016-Trans dated 16.07.2020
(iii) MoP letter No. 3/4/2016-Trans-Part (1) dated 27.06.2023*

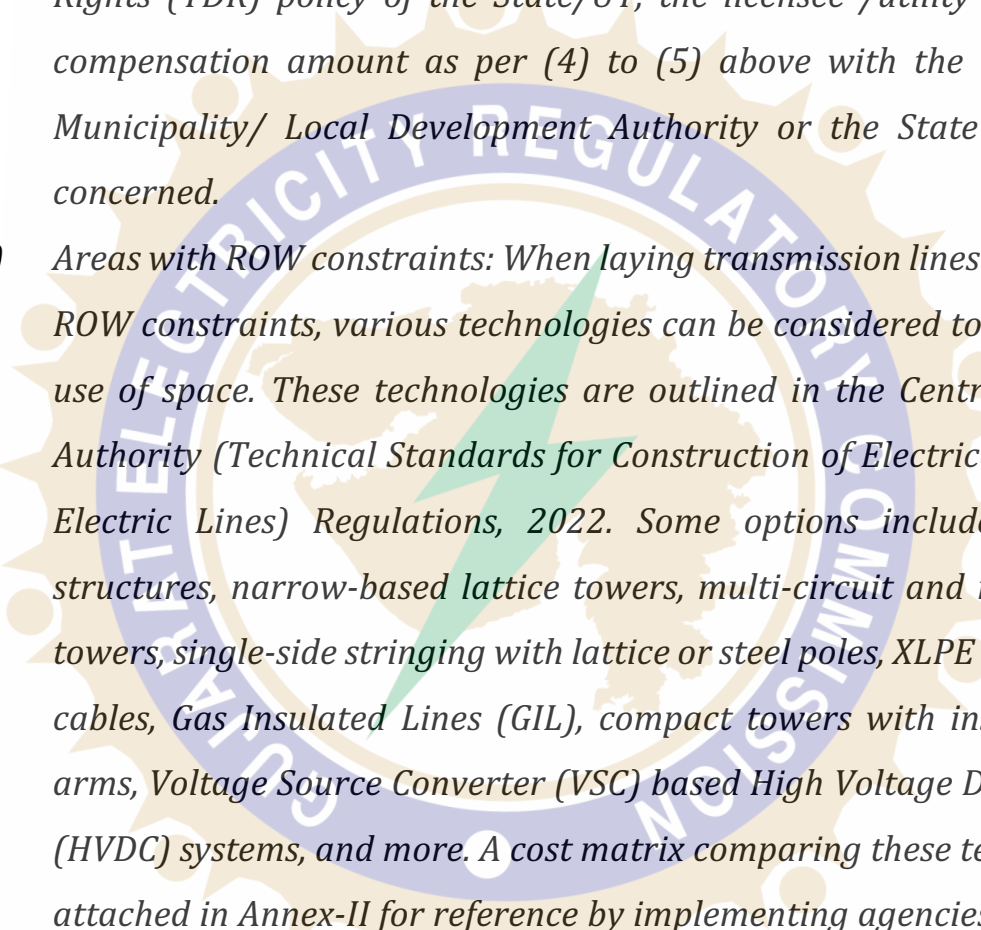
Sir,

- 1. The Ministry of Power, as referenced above, has issued Guidelines for the payment of Right of Way (ROW) compensation concerning transmission lines including those in urban areas. It is imperative to address the ROW issues effectively to expedite the construction of transmission lines and ensure timely completion.*
- 2. After careful consideration of the matter, the Central Government has issued the following guidelines for determining compensation for damages regarding the ROW for laying transmission lines under Sections 67 and 68 of the Electricity Act, 2003, read with Sections 10 and 16 of the Indian Telegraph Act, 1885, in addition to the compensation for normal crop and tree damages. These guidelines are issued in supersession of the earlier guidelines mentioned in the references above.*

COMPENSATION GUIDELINES FOR TRANSMISSION LINES

- 
- (1) *Applicability: The compensation shall be payable only for transmission lines supported by a tower base of 66 kV voltage level and above, and not for sub-transmission and distribution lines below 66 kV.*
 - (2) *Authority for determination of Compensation: District Magistrate /District Collector/Deputy Commissioner shall be the authority for determining the compensation.*
 - (3) *Determination of Compensation: The compensation shall ordinarily be based on the Circle rate/Guideline value/Stamp Act rates of the land, except where the market rate exceeds the Circle rate/Guideline value/Stamp Act rates. In such instances, the land value shall be determined based on the prevailing market rate as ascertained by the District Magistrate/District Collector/Deputy Commissioner in the manner as may be specified by the State Government. The determined land value shall serve as the basis for compensation and shall be promptly communicated by the respective District Magistrate/District Collector/Deputy Commissioner.*
 - (4) *Tower Base Compensation: Compensation for the tower base area shall be 200% of the land value. The tower base area shall be the area enclosed by the four legs of the tower at ground level, plus an additional one (1) meter extension on each side.*
 - (5) *ROW Corridor Compensation: The compensation amount for Right-of-Way (ROW) corridor shall be 30% of the land value. Land within the ROW corridor, as defined in Schedule VII of the Central Electricity Authority (Technical Standards for Construction of Electrical Plants and Electric Lines) Regulations, 2022 (Annex-1), shall be eligible for compensation. This compensation will address the potential diminution of land value due to the presence of overhead lines or underground cables within the ROW*

corridor. No construction activity of any kind would be permitted within the ROW of the transmission line. States/UTs may decide higher rate depending on the area and urgency of the work.

- 
- (6) Alternate Compensation: In areas where land owner/owners have been offered/accepted alternate mode of compensation by Corporation/Municipality concerned under Transfer of Development Rights (TDR) policy of the State/UT, the licensee /utility shall deposit compensation amount as per (4) to (5) above with the Corporation/ Municipality/ Local Development Authority or the State Government concerned.*
- (7) Areas with ROW constraints: When laying transmission lines in areas with ROW constraints, various technologies can be considered to optimize the use of space. These technologies are outlined in the Central Electricity Authority (Technical Standards for Construction of Electrical Plants and Electric Lines) Regulations, 2022. Some options include: steel pole structures, narrow-based lattice towers, multi-circuit and multi-voltage towers, single-side stringing with lattice or steel poles, XLPE underground cables, Gas Insulated Lines (GIL), compact towers with insulated cross arms, Voltage Source Converter (VSC) based High Voltage Direct Current (HVDC) systems, and more. A cost matrix comparing these technologies is attached in Annex-II for reference by implementing agencies. This matrix can help them choose the most cost-effective option for each project.*
- (8) Landowner Identification: During the check survey conducted at the execution stage, the names of landowners whose property falls within the transmission line's Right-of-Way (ROW) will be documented. This process shall adhere to the Regulation 84(8) of the Central Electricity Authority*

(Technical Standards for Construction of Electrical Plants and Electric Lines) Regulations, 2022.

- (9) Compensation Payment: Compensation payment shall be one-time and upfront. Whenever possible, compensation will be paid through various digital payment methods, such as the Aadhaar Enabled Payment System (AEPS) and Unified Payments Interface (UPI).*
- (10) Standard Operating Procedure (SOP): States/UTs and transmission developers should refer to the Standard Operating Procedure (SOP) at Annex-III for detailed guidelines.*
- 3. The States/UTs may adopt these guidelines in their entirety or issue their own modified guidelines. In the absence of State Government guidelines, these guidelines issued by the Central Government shall apply for determining compensation.*
- 4. This issues with the approval of the Minister of Power.*

*Yours faithfully,
s/d
(Om Kant Shukla)
Director (Trans)
Tele: 011-23716674.*

Copy to:

- 1. Secretaries to the Government of India.*
- 2. Prime Minister's Office.*
- 3. Technical Director, NIC, Ministry of Power-with the request to upload on the website of Ministry of Power.*
- 4. PS to MoP.*
- 5. Addl. PS to MoSP*
- 6. Sr. PPS/PPS/PS to Secretary (Power)/ AS(Trans)/ JS&FA/ AS (IC)/ All Joint Secretaries/ EA/ All Directors/ Deputy Secretaries, Ministry of Power.*

.....”

12.33. We have carefully considered the submission of both the sides and documents placed on the record. Considering the above, we are of the opinion that there is unforeseen reason arose in the Petitioner case which qualify for grant of extension in timeline for construction of transmission system by the Petitioner.

12.34. The unforeseen reasons or the events were beyond the control of the Petitioner to setup transmission system delay 27.09.2024 to 21.12.2024 for obtaining approval under Section 68 and Section 168 of the Electricity Act, 2003 for the above period. Similarly, the non-receipt of approval from Mamlatdar, District Collector on the ground of the Mamlatdar letter dated 09.01.2025 to 14.02.2025 and time spent for ROW issue starting from 28.01.2025 on wards and still continue on the last date of hearing i.e. 04.04.2025 works out to 187 days which are required to be considered as force majeure or unforeseen reasons.

13. Now, we deal with issue regarding delay in obtaining No Objection Certificate from the Forest Department for erection of transmission line.

Petitioner Submissions:

13.1. The Petitioner submitted that after approval of concerned authorities for route of construction of the evacuation line, the Petitioner had encountered

unforeseen issues in 6 locations along the route which were later proposed under Forest Buffer Zone as per Notification titled Draft Notification of Eco-Sensitive Zone around Gir Wildlife Century and Paniya Wildlife Century and Mitiyala Wildlife Century Gujarat issued on 18.09.2024.

- 13.2. It is submitted that as per Draft Notification dated 18.09.2024 stated above the part of route for transmission network fell under Forest Buffer Zone.
- 13.3. The Petitioner applied for approval to assess the forest land for construction of evacuation infrastructure.
- 13.4. On 07.10.2024, Office of Deputy Conservator of Forest vide its communication to Parikshetra Forest Officer sought opinion for issuance of NOC for erection of overhead line in Jafrabad Taluka.
- 13.5. The Deputy Conservator of Forest was requested vide communication letter dated 22.10.2024 to grant NOC as the land falls within the Forest buffer zone as per the Draft Notification.
- 13.6. Though the Petitioner complied with necessary criteria, due to delay in approval by the competent authorities delayed in completion of transmission network and execution of the project.
- 13.7. Based on above, the Petitioner submitted that the delay occurred on account of some of the locations which fall under Forest Area requires approval of the forest authorities and it led to delay in completion of transmission network.

Respondent submission:

- 13.8. It is submitted that the Petitioner claimed that there was an unforeseen issue because of a Draft notification issued on 18.09.2024. The Petitioner claims to have applied in October 2024 but has not provided any date as to when it had been obtained. Further the Petitioner has not substantiated whether work at other locations has been carried out or not.
- 13.9. The quarterly progress report received on 16.01.2025 had also indicated that expected date of commissioning was 11.03.2025. Hence, as per the Petitioner the aforesaid issue did not affect the timelines.
- 13.10. Based on the above the Respondent objected to the claim of the Petitioner for extension in transmission network creation by the Petitioner.

Commission's Analysis:

- 13.11. The Petitioner has submitted that the delay in obtaining No Objection Certificate from the Forest Department qualifies for unforeseen reason for extension of time period sought by the Petitioner. The Petitioner submitted that a Draft Notification dated 18.09.2024 issued by the Government of Gujarat wherein certain part/area wherein the transmission network required to be created by the Petitioner fall under Forest Department. We note that the Draft Notification dated 18.09.2024 issued by the Government of Gujarat as per certain part or route of the transmission network fell under the Forest buffer Zone. It led Petitioner to apply for approval of the competent authority for

allowing creation of transmission network. We note that the Office of Deputy Conservator of Forest vide its communication dated 07.10.2024 sought opinion for issuance of NOC for erection of overhead line in Jafrabad taluka. The said letter is reproduced below:

નાયબ વન સંરક્ષકશ્રીની કચેરી
સામાજિક વનીકરણ વિભાગ, અમરેલી
બહુમાળીભવન, બી-બ્લક, બીજો માળ,
અમરેલી-૩૬૫૬૦૧

E-mail: fo-amr@gujara.gov.in
Forestamreli@gmail.com

Tel. (02792) 222603
Fax. (02792) 222603

ક્રમાંક : બ/ જમન/ ટે.૮/ ૨૪૯૯-૨૫૦૦/ ૨૦૨૪-૨૫ તા. ૦૭/ ૧૦/ ૨૦૨૪

વિષય : To Issue NOC For erection of 66 KV S/C Lunsapur (Sintex) to Kagvadar PSS Transmission Line on D/C Tower with ECO_PANTHER T2353 SQmm Conductor.

સંદર્ભ : FSGE Renewable Pvt. Ltd. Gurugram ની ઓનલાઈન પી.એમ.ગતિશક્તિ પોર્ટલ પર કરેલ તા. ૦૫.૧૦.૨૦૨૪ ની અરજી

આથી પરિક્ષેત્ર વન અધિકારીશ્રી, સામાજિક વનીકરણ રેંજ, રાજુલા ને ઉપરોક્ત વિષય અને સંદર્ભપત્ર અન્વયે જણાવવાનું કે, FSGE Renewable Pvt. Ltd. Gurugram દ્વારા જાફરબાદ તાલુકામાં ઓવરહેડ લાઈન પસાર કરવાની થાય છે. જે કામગીરીના સ્થળ દર્શક નકશાઓ (KML file e-mall દ્વારા તા. ૦૭-૧૦-૨૦૨૪ ના રોજ આપને મોકલવામાં આવેલ છે.) તથા એન.ઓ.સી અંગેની દરખાસ્ત યુઝર એજન્સી દ્વારા સંદર્ભપત્રથી રજુ કરેલ છે. સદરહું દરખાસ્ત પેટામાં સામેલ રાખી મોકલવામાં આવે છે. જેની તમારા દ્વારા યુઝર એજન્સી સાથે સ્થળ ખરાઈ કરી અત્રેના વિભાગ હેઠળનો કોઈ પ્રોટેક્ટેડ વિસ્તાર, ખાતાકીય વાવેતર

કે અન્ય કોઈ વન વિસ્તાર આવે છે કે કેમ? તે અંગે તમારા સ્પષ્ટ અભિપ્રાય સહ અહેવાલ દિન-પ માં બિનચુક અત્રેને સાદર કરવા નોંધ લેવી.

બિડાણ:- દરખાસ્ત

S/d.
નાયબ વન સંરક્ષક
સામાજીક વનીકરણ વિભાગ

અમરેલી

પ્રતિ,

પરિક્ષેત્ર વન અધિકારીશ્રી,

સામાજીક વનીકરણ રેંજ,

રાજુલા

નકલ રવાના: FSGE Renewable Pvt.Ltd gurugram તરફ જાણ તથા ઉપરોક્ત પ.વ.અશ્રી નો સંપર્ક કરી જરૂરી કાર્યવાહી કરવા સારુ.

13.12. In the aforesaid letter, Deputy Conservator of Forest has written to Parikshetra Forest officer, Rajula, stating that it has received an email/ letter from the Petitioner i.e. FSGE Renewable Pvt. Ltd. wherein it is stated that the Petitioner has submitted the route survey of transmission overhead line laid down by the Petitioner along with KML file forwarded to the Parikshetra Forest Officer for verification of the proposal of the Petitioner and issuance of NOC if it is permissible. It is stated that the Parikshetra Forest Officer with the applicant/ users/ agency be kept by the forest officer and verify that any area of the proposed transmission network / system falls within the protected area for

harvesting carried out and also any forest area has within such area of the Petitioner's proposed transmission network system or not?

13.13. The Petitioner has vide its letter/ application dated 22.10.2024 to the Deputy Conservator of Forest requested to grant NOC to install wind turbine on the land falls within notified Eco-sensitive Forest Buffer Zone as per draft Notification. Due to aforesaid reason, the Petitioner is compelled to obtain NOC from Deputy Conservator of Forest to set up wind turbine in the land which falls in eco-sensitive zone area which qualified as unforeseen circumstances/ force majeure event qualify for grant of extension in creation of transmission system by the petitioner.

14. Now, we deal with the issue raised by the Petitioner that there was delay by the GETCO in material standard drawing submitted by the Petitioner and made following submissions:

14.1. The Petitioner has applied to GETCO for standard drawing approval on 07.10.2024.

14.2. The GETCO approved the drawing on 18.12.2024.

14.3. The Petitioner sought certain revisions from GETCO in the drawing due to different issues as narrated above on 31.12.2024.

14.4. The GETCO granted final approval on 07.01.2025.

14.5. Based on above, the Petitioner submitted that the Petitioner was unable to initiate transmission network work due to certain procedural delay for approval related to bay drawing, SLD, Bay allotment in material etc. which led to delay in creation of transmission network.

Respondent submission:

14.6. Per-contra the Respondent contended that the contention of the Petitioner with regard to delay in material standard drawing by the GETCO is concerned, the Respondent has submitted that the Petitioner has applied for approval of drawing in October 2024 which was approved by the Respondent GETCO on 18.12.2024. Thereafter, the Petitioner has also sought certain revision in the said approved drawing on 31.12.2024 which was granted by the Respondent on 07.01.2025. Thus, some time may be taken by the GETCO with consideration of procedure aspect is not a ground for grant of extension sought by the Petitioner.

Commission's Analysis:

14.7. We note that the petitioner has applied for grant of approval from State Government with regard to laying of transmission network under Section 68 and 164 of The Electricity Act, 2003. It is a fact that without permission or approval under Section 68 and 164 of the Act, the transmission licensee or the Petitioner are unable to start transmission line work in advance. The application dated 27.09.2024 to the Energy & Petrochemicals Dept., Govt. of

Gujarat is approved vide Resolution No. ELA/202223/161/K dated 21.12.2024 with certain conditions which is reproduced below:

*Government of Gujarat
Energy and Petrochemicals Department
Sachivalaya, Gandhinagar,
Resolution No. ELA/202223/161/K
Date:21.12.2024*

PREAMBLE:

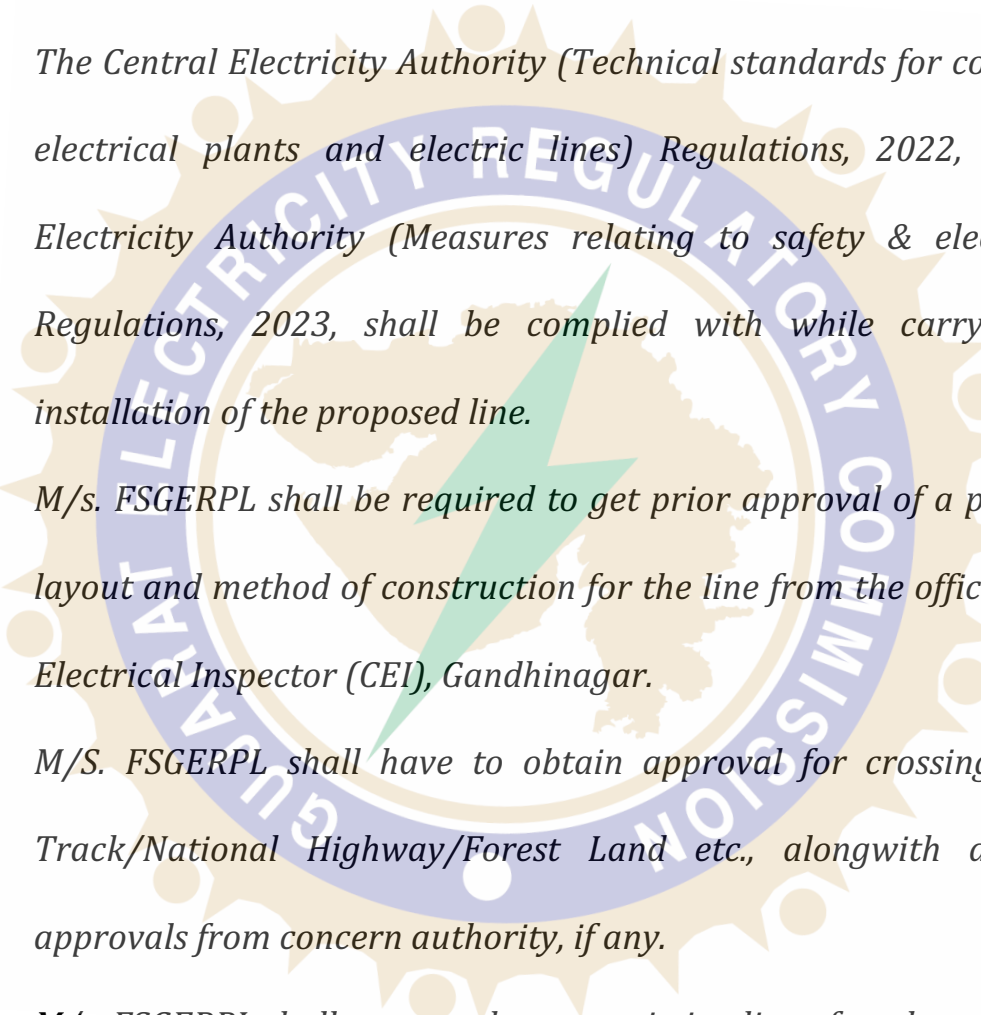
M/s. FSGE Renewable Private Limited (FSGERPL), 5th Floor, North Tower, M3M Tee Point, Sector-65, Golf Course Extension Road, Gurugram, Haryana 122018 have engaged in the development of Solar-Wind (Hybrid) Power Projects in the State of Gujarat, in this regard, M/s. FSGERPL applied to GETCO for a grid connectivity and feasibility study for the evacuation of 70 MW Solar-Wind (Hybrid) Power (Renewable Energy) at the 220 KV Rajula substation, Vill. Lunasar, Ta Jafrabad, Dist. Amreli of GETCO. In response to the same, GETCO has granted connectivity of 70 MW of Solar-Wind (Hybrid) Power subject to the approval of Section 68 and Section 164 of the Electricity Act, 2003 from the Government of Gujarat. For this purpose, M/s. FSGERPL has proposed to grant approval to install a 66 kV Single Circuit overhead transmission line from M/s. FSGERPL's 66 KV Kagavadar Pooling substation is located in the Vill. Kagavadar, Ta. Jafrabad, Dist. Amreli to 220 kV Rajula Substation of GETCO under Section 68 and Section 164 of the Electricity Act, 2003. The line length is 4.91KM.

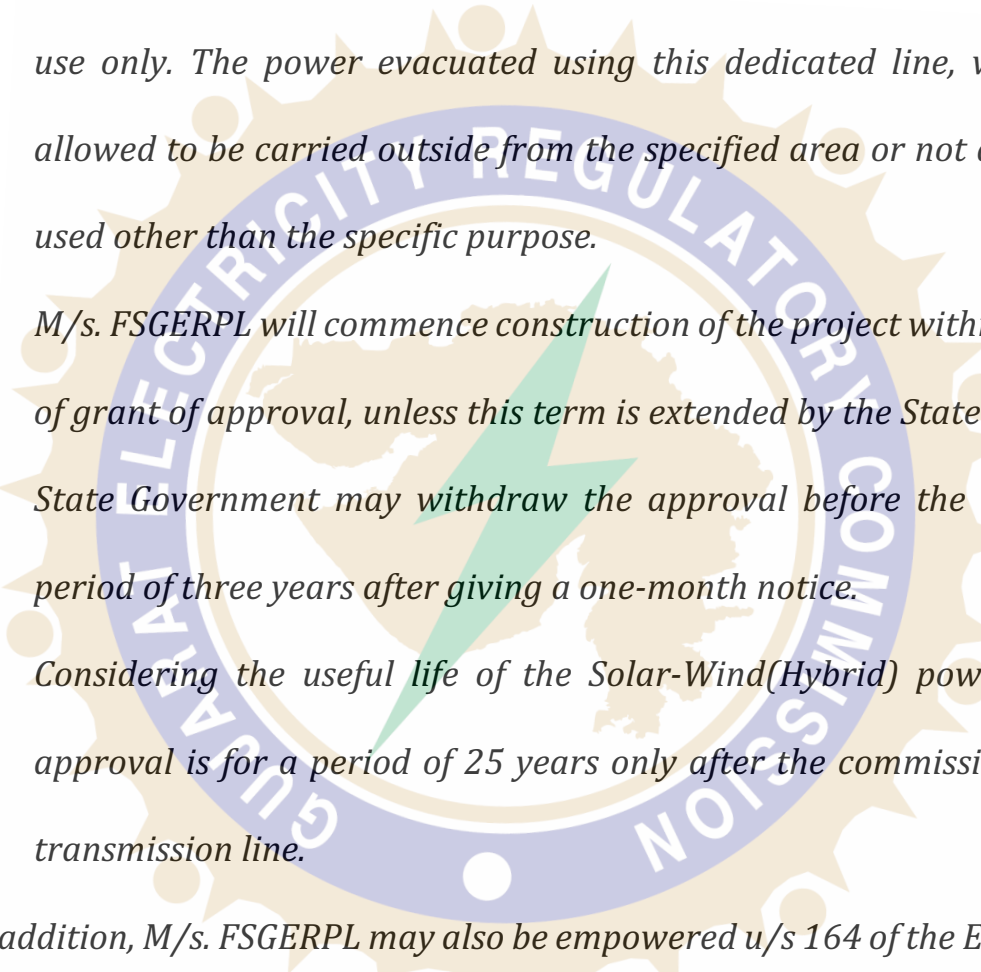
In view of the above, the matter was under consideration of the State Government.

RESOLUTION:

After careful consideration of the proposal of M/s. FSGE Renewable Private Limited (FSGERPL) in consultation with State Transmission Utility i.e. GETCO and O/o the Chief Electrical Inspector and relevant provisions of the Electricity Act, 2003, the State Government is pleased to accord approval under Section 68 of the Act, to M/s. FSGERPL for installation of 220 kV Single Circuit overhead transmission line from M/s. FSGERPL's Nagpur pooling substation at Vill. Nagpur, Ta. Kalavad, Dist. Jamnagar to 220 kV Kalavad Substation, Vill. Kalavad Ta. Kalavad, Dist. Jamnagar of GETCO having 8.801 KM line length for the purpose of evacuation of 100 MW Solar-Wind (Hybrid) power, is subject to the following conditions:-

- 2) M/s. FSGERPL shall have to adhere to the relevant provisions of the Electricity Act, 2003 as amended from time to time and the rules and regulations made there under.*
- 3) M/s. FSGERPL shall have to obtain written consent from the concerned authorities before starting the erection of the line.*

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- 4) *The Works of Licensees Rules, 2006 prescribed by the Central Government under the Electricity Act, 2003 vide Notification No. G.S.R. 217(E) dated 18.04.2006 shall be followed while carrying out the work.*
 - 5) *M/s. FSGERPL shall have to follow the regulations made by the Gujarat Electricity Regulatory Commission from time to time.*
 - 6) *The Central Electricity Authority (Technical standards for construction of electrical plants and electric lines) Regulations, 2022, and Central Electricity Authority (Measures relating to safety & electric supply) Regulations, 2023, shall be complied with while carrying out the installation of the proposed line.*
 - 7) *M/s. FSGERPL shall be required to get prior approval of a plan for route layout and method of construction for the line from the office of the Chief Electrical Inspector (CEI), Gandhinagar.*
 - 8) *M/S. FSGERPL shall have to obtain approval for crossing of Railway Track/National Highway/Forest Land etc., alongwith all necessary approvals from concern authority, if any.*
 - 9) *M/s. FSGERPL shall operate the transmission line after the approval of the CEI.*

- 
- 10) *The dedicated transmission line to be erected by M/s, FSGERPL at their own cost and the Operation & Maintenance (O&M) of the aforesaid line will be done by M/s. FSGERPL.*
- 11) *M/s. FSGERPL shall use these dedicated transmission lines for evacuating power from their pooling substation to receiving substation for the specific use only. The power evacuated using this dedicated line, would not be allowed to be carried outside from the specified area or not allowed to be used other than the specific purpose.*
- 12) *M/s. FSGERPL will commence construction of the project within three years of grant of approval, unless this term is extended by the State Government. State Government may withdraw the approval before the expiry of the period of three years after giving a one-month notice.*
- 13) *Considering the useful life of the Solar-Wind(Hybrid) power plant, the approval is for a period of 25 years only after the commissioning of said transmission line.*

In addition, M/s. FSGERPL may also be empowered u/s 164 of the Electricity Act, 2003, with all relevant powers of Telegraph Authority under the Telegraph Act, 1885 to place the said lines for transmission of electricity.

By order and in the name of the Governor of Gujarat,

*S/d.
(Harshill Ranpariya)]*

Under Secretary to the Government

To,

- *The PS to the Governor of Gujarat, Raj Bhavan, Gandhinagar.*
- *The PS to Hon. Min. (Energy), Swarnim Sankul-1, Sachivalaya, Gandhinagar.*
- *The Secretary, Gujarat Electricity Regulatory Commission, Gift City, Gandhinagar.*
- *The Managing Director, Gujarat Urja Vikas Nigam Limited, Vadodara.*
- *The Collector, Collectorate, Amreli.*
- *The Managing Director, Gujarat Energy Transmission Corporation Ltd., Vadodara*
- *The Managing Director, PGVCL, Rajkot.*
- *The Chief Electrical Inspector, O/o the CEI, Udyog Bhavan, Gandhinagar.*
- *Section Officer, B-1 Branch, Energy & Petrochemicals Department, Sachivalaya.*
- *The Manager, M/s. FSGE Renewable Private Limited (FSGERPL), 5th Floor, North Tower, M3M Tee Point, Sector-68, Golf Course Extension Road, Gurugram, Haryana-122018.*
- *The Select file.*

14.8. In the aforesaid approval, the Govt of Gujarat has provided certain conditions which need to be fulfilled by the Petitioner. Thus, we note that the Government of Gujarat had permitted for setting up transmission line under Section 68 read with 164 of the Electricity Act, 2003 for evacuation of power from the Petitioner power plant by laying down transmission network with certain conditions imposed by the Government of Gujarat. The aforesaid time period of 27.9.2024 to 21.12.2024 is for obtaining approval from the State Government by the petitioner which is unforeseen circumstances by the

petitioner and qualify for grant of extension in time limit of transmission network sought by the petitioner. Hence, the same is granted.

14.9. We also note that the Petitioner has applied to GETCO for approval of standard drawing on 07.10.2024. Such approval is necessary for the Petitioner prior to starting the work of transmission network. The GETCO has approved the drawing on 18.12.2024. In absence of approval of GETCO, the Petitioner is not able to carry out the work pertaining to laying down the transmission network. Hence, the time spent between 07.10.2024 to 18.12.2024 is qualify for unforeseen circumstances. Hence, force majeure event needs to be allowed by the Commission. Hence, we decide to grant extension in time limit for creation of transmission infrastructure by the Petitioner on aforesaid ground.

14.10. We further note that the Petitioner has also sought an extension in time limit of the delay in construction of transmission system on a ground that there was delay in approval of standard drawing by GETCO for which the Petitioner has applied on 31.12.2024 and the same was approved by GETCO on 07.01.2025 thus there is delay of 7 days claimed as unforeseen reason by the Petitioner. We note that the Petitioner has applied for approval of standard drawing after earlier approved standard drawing on 18.12.2024 due to certain changes in land as well as transmission network aspects needs change in the earlier approved standard drawing by GETCO. We are of the view that the time taken

by GETCO for approval is very less time and is not qualify for extension in timeline. Thus, delay in approval of standard drawing from 31.01.2024 to 07.01.2025 is not qualify for extension in time line sought by the Petitioner.

15. Now, we deal with the issue raised by the Petitioner stating that due to Ministry of Defense Notification specifying that in certain area/locations were declared as “No Wind Turbine Generation Zone”. It is also specified that in certain area/few locations, it requires no objection certificate from Ministry of Defense prior to setting up WTG, which led to delay in laying down transmission network. The Petitioner has made following submission in this regard.

15.1. The Petitioner submitted that on 31.01.2024, it had applied for grant of Stage-II connectivity. On that day it had already acquired 50% land as required under the connectivity procedure dated 07.01.2023 issued by the GETCO.

15.2. Based on stage-II connectivity granted, the Petitioner has initiated acquiring balance of 50% land area from 12.03.2024.

15.3. The Ministry of Defense issued a Notification dated 05.06.2024 and as per the aforesaid notification a few locations were declared as “No WTG Zone” areas whereas other few locations required NOC to be obtained from Ministry of Defense.

15.4. Due to aforesaid Notification, some of the already acquired land locations from the earlier 50% land by the Petitioner could not be finalized due to aforesaid notification and the 50% land which was required to be procured by the Petitioner and more time was taken for it. Thus, there was delay occurred for land acquisition for finalization of PSS and it affected the execution of transmission, evacuation network for the WTG project.

15.5. Based on the above, the Petitioner submitted that the delay occurred on aforesaid terms is unforeseen reasons and need to allow by the Commission.

Respondent submission:

15.6. Per-contra the Respondent contended that the contention of the Petitioner regarding Ministry of Defense Notification specifying that in certain area/locations were declared as “No Wind Turbine generation zone” is concerned, the Commission may take appropriate decision on aforesaid issue. He submitted that the Petitioner has been granted connectivity on 12.03.2024 and it has to verify that the land or location procured by it is free from any restriction of the appropriate authority to carryout construction activity and execute the project.

15.7. The Notification of MOD was required to be considered by the Petitioner prior to procurement of land for the project as well as establishment of transmission network. Further, when there is restriction put up by MOD, the Petitioner has

not to procure the land for the project or PSS. The reason advanced by the Petitioner needs to verify by the Commission prior to decide the matter.

Commission's Analysis:

15.8. The Petitioner has submitted that there is Ministry of Defense Notification under which some of the area's declared as "No Wind Turbine Generation Zone" due to which, they require to procure the land to mitigate the consequences arose due to aforesaid notification. We note that the Petitioner has submitted that it has upheld for grant of stage II connectivity at the same time, the Petitioner has acquired 50% of land under the connectivity procedure issued on 07.01.2023. The Ministry of Defense issued notification dated 05.06.2024 wherein it is provided that certain area/ location is earmarked as "No WTG zone". The Ministry of Defense issued a Notification dated 05.06.2024 wherein it has notified that some of the area as "No Wind Zone". Thus, the Petitioner is required to procure other land which do not fall in the Notified area of MoD instead of the land area which was already acquired by the petitioner prior to 31.01.2024. The Petitioner has submitted that the following locations/ area which were procured by it at the time of application to Stage-II connectivity were fall in "No WTG Zone" declared by MoD notification. The details of such locations of the petitioner are tabulated below:

| No. | SPV | Stage | Type | R.S. | Village | Deed No. | Lease Date | Lease area | Acre | MOD Status |
|-----|----------------|----------|------|------------------------|-------------|-----------|------------|------------|------|-----------------|
| 1 | FSGE Renewable | Stage II | Wind | 14 PS/P2 | Raydi | 64-2023 | 13-02-2023 | 6554 | 1.62 | In No. WTG Zone |
| 2 | FSGE Renewable | Stage II | Wind | 20 P1 | Kodiya | 68-2023 | 13-02-2023 | 9409 | 2.32 | Out of MOD |
| 3 | FSGE Renewable | Stage II | Wind | 70/P1 | Raydi | 65-2023 | 13-02-2023 | 8295 | 2.05 | In No WTG Zone |
| 4 | FSGE Renewable | Stage II | Wind | 87/8 P2 | Raydi | 66-2023 | 13-02-2023 | 7487 | 1.85 | In No WTG Zone |
| 5 | FSGE Renewable | Stage II | Wind | 88/14 P3/P1 | Raydi | 67-2023 | 13-02-2023 | 8060 | 1.99 | In No WTG Zone |
| 6 | FSGE Renewable | Stage II | Wind | 60/1 P4/P1, 60/1 P4/P3 | Aadsang | 1513-2023 | 10-4-2023 | 8094 | 2.00 | Out of MOD |
| 7 | FSGE Renewable | Stage II | Wind | 23/P4 | Trakuda | 723-2023 | 06-11-2023 | 8094 | 2.00 | In No WTG Zone |
| 8 | FSGE Renewable | Stage II | Wind | 32/P3 | Trakuda | 722-2023 | 06-11-2023 | 8094 | 2.00 | In No WTG Zone |
| 9 | FSGE Renewable | Stage II | Wind | 102/1/P2 | Barmon Mota | 725-2023 | 06-11-2023 | 8195 | 2.02 | In No WTG Zone |
| 10 | FSGE Renewable | Stage II | Wind | 32 P2 | Trakuda | 789-2023 | 15-12-2023 | 9611 | 2.37 | In No WTG Zone |

| No. | SPV | Stage | Type | R.S. | Village | Deed No. | Lease Date | Lease area | Acre | MOD Status |
|-----|-------------------|----------|------|-------|---------|----------|------------|------------|------|----------------------|
| 11 | FSGE Renewable | Stage II | Wind | 366P1 | Dedan | 718-2023 | 06-11-2023 | 4349 | 1.07 | In No WTG Zone |

15.9. The Petitioner submitted the land locations to set up WTG to GETCO only on 11.09.2024. Thus, the Notification of MoD by which it was declared as “No Wind Zone” area to set up WTG led to arrange for new land location to set up WTG submit it to GETCO is qualified as unforeseen reason and to grant extension in connectivity sought by the Petitioner. The delay occurred between 05.06.2024 to 11.9.2024 is qualified for grant of creation of transmission network by the Petitioner.

15.10. Considering the above, we are of the view that the petitioner is not able to construct the transmission network due to circumstances beyond its control and/or unforeseen reasons as stated above. We also note that the period which is beyond the control of the Petitioner to construct transmission network due to uncertain unforeseen reasons is qualified for grant of extension to the petitioner for creation of transmission network.

15.11. The delay occurred in (i) due to NOC from forest department from the period 18.09.2024 to 22.10.2024 (ii) grant of Government approval under Section 68 and 164 for the period from 27.09.2024 to 21.12.2024 and (iii) grant of

approval of standard drawing by GETCO from 07.10.2024 to 18.12.2024 with consideration of overlapping period starting from 18.09.2024 to 21.12.2024 is of 94 days. (iv) Delay on part of ROW started from 28.01.2025 and still continue as on 27.06.2025 i.e. of 151 days. (vi) Delay due to change in MOD notification started from 05.06.2024 to 11.09.2024 i.e. 98 days, totaling net days of delay is of 343 days.

16. Based on above, we decide that the Petitioner is eligible to get extension in completion of transmission network/ system for a period of 343 days is granted.
17. We order accordingly.
18. With this order, the petition stands disposed of.

Sd/-
[S.R. Pandey]
Member

Sd/-
[Mehul M. Gandhi]
Member

Place: Gandhinagar.
Date: 27 /06/2025