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**BEFORE THE HON'BLE GUJARAT ELECTRICITY REGULATORY  
COMMISSION AT GANDHINAGAR**

Filing No. \_\_\_\_\_

Case No. \_\_\_\_\_

**IN THE MATTER OF**

Filing Petition for Compliance of the Gujarat Electricity Regulator Commission (Procurement of Energy from Renewable Sources) Regulations, 2010 and its subsequent amendments notified by the Commission.

**AND**

**PETITIONER**

MPSEZ Utilities Limited,  
Adani Corporate House, Shantigram,  
Near Vaishno Devi Circle,  
S.G Highway, Khodiyar,  
Ahmedabad – 382 421



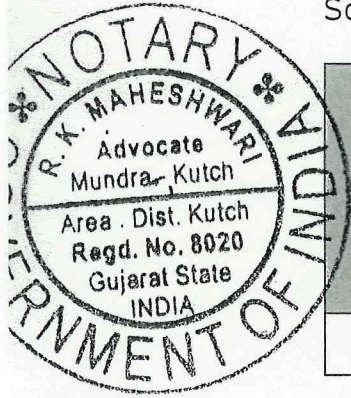
**THE PETITIONER RESPECTFULLY SUBMIT AS UNDER:**

1. MPSEZ Utilities Limited (hereinafter referred to as "MUL" or "Petitioner") (Formerly known as MPSEZ Utilities Private Limited) is a company incorporated under the Companies Act, 1956 having its registered office at Adani Corporate House, Shantigram, Near Vaishno Devi Circle, S.G. Highway, Khodiyar, Ahmedabad-382 421.
2. The Hon'ble Commission in exercise of the powers conferred under section 61, 66, 86 (1) (e) and 181 of the Electricity Act, 2003 (36 of 2003), has made the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) Regulations, 2010 for promoting the sale of power from renewable energy sources and procurement of energy from renewable sources by distribution licensee within the state of Gujarat vide its Notification No. 3 of 2010 dated 17.04.2010 (herein after referred as RPO Regulations). In the RPO Regulations, the Hon'ble Commission has specified the minimum percentage for the procurement of power from Wind, Solar and Other Sources for the period from FY 2010-11 to FY 2012-13.

*[Handwritten Signature]*



3. Subsequently, the Hon'ble Commission has issued the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (First Amendment) Regulations, 2014 vide notification no. 2 of 2014 dated 04.03.2014. The Hon'ble Commission has fixed the RPO targets for the obligated entities through the aforesaid regulations for the period from FY 2010-11 to FY 2016-17.
4. The Hon'ble Commission has notified the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (Second Amendment) Regulations, 2018 vide notification no. 1 of 2018 dated 21.04.2018. The Hon'ble Commission has fixed the RPO targets for the obligated entities through the aforesaid regulations for the period from FY 2017-18 to FY 2021-22.
5. The Hon'ble Commission has notified the Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (Third Amendment) Regulations, 2022 vide notification no. 1 of 2022 dated 08.04.2022. The Hon'ble Commission has fixed the RPO targets for the obligated entities through the aforesaid regulations for the period from FY 2022-23 to FY 2024-25.
6. The RPO target specified by the Hon'ble Commission to be fulfilled by the obligated entities during FY 2023-24, as per Gujarat Electricity Regulatory Commission (Procurement of Energy from Renewable Sources) (Third Amendment) Regulations, 2022, are as under:



Year	Minimum Quantum of purchase (in %) from renewable energy sources (in terms of energy in kWh)			
	Total	Wind	Solar	Others (Biomass, Bagasse, MSW, Small/Mini/Micro Hydro etc.)
2023-24	18.70	8.40	9.50	0.80

7. The Petitioner has achieved RPO of 10.53% against 18.70% stipulated in GERC (Procurement of Energy from Renewable Energy Source) (Third Amendment) Regulation, 2022 for FY 2023-24.

The status of RPO compliance for FY 2023-24 is tabulated as below,

Particular	FY 2023-24
<b>Actual Energy Requirement in MUs</b>	<b>679.11</b>
RE Procurement	
Wind Energy to be procured (8.40%)	57.05
Solar Energy to be procured (9.50%)	64.52
Biomass/Biogas/Others (0.80%)	5.43
Total (@ 18.70%)	126.99

*Pruney*



<b>Compliance (Non-Solar)</b>	
Wind Procured & Attributes in MUs	56.95
Non-Solar from Px in MUs	2.24
HPO from Px in MUs	0.10
Non-Solar Attributes in MUs	0.06
Compliance in MUs	59.37
Compliance (as % of Energy Requirement)	8.74%
<b>Compliance (Solar)</b>	
Solar from Px in MUs	0.27
Solar Attributes in MUs	11.87
Compliance in MUs	12.14
Compliance (as % of Energy Requirement)	1.79%
<b>Total Compliance (as % of Energy Requirement)</b>	<b>10.53%</b>
<b>Total Shortfall/ (Surplus) in MUs</b>	<b>55.49</b>

7. The Petitioner respectfully submits that it has made the necessary arrangements to fulfill its non-solar RPO by entering into long term power purchase agreement with Wind Turbine Generators (WTG). The Petitioner has also considered the non-solar attributes allocated by GUVNL as per Gujarat Waste to Energy Policy – 2016 under the "Others" category of RPO. Accordingly, the Petitioner has achieved non-solar RPO of 8.74% against prescribed RPO of 9.20% for the FY2023-24.
8. The Petitioner respectfully submits that it has fulfilled its Solar RPO mainly by using renewable attributes of Solar rooftop Projects which are installed by its consumer's end as per Gujarat Solar Policy – 2015. The Petitioner has also procured solar energy through exchange to fulfill its solar RPO. Accordingly, the Petitioner has achieved Solar RPO of 1.79% against prescribed RPO of 9.5% for the FY2023-24.
9. The Petitioner has achieved an overall RPO of 10.53% against 18.70% as prescribed for the FY 2023-24. Thus, there is a shortfall of 55.49 MUs in the overall RPO fulfillment for the FY 2023-24. The shortfall is due to the following issues which are beyond the control of the Petitioner:

- a. The Petitioner respectfully submits that it envisaged a generation of 84.42 MUs during FY2023-24 from WTGs tied-up by the Petitioner. The same was approved by the Hon'ble Commission in its order dated 31.03.2023 in Case No. 2177 of 2023. However, the actual generation from WTGs tied-up by the Petitioner during FY2023-24 was reasonably lower by approximately 27.47 MUs. Of



*Rammy B*



this shortfall, 16.09 MUs were in account of lower generation, and 11.38 MUs were attributable to the delayed commissioning of one of the 5.2 MW WTG. (4)

- b. The Petitioner respectfully submits that the actual generation from solar project installed at Petitioner's consumer end in FY 2023-24 was lower by 1.73 MUs with respect to generation in FY 2021-22. The RPO attributes of such solar generation are considered towards the RPO fulfillment of the Petitioner as per Gujarat Solar Policy – 2015.
- c. From the above, it is clearly evident that there was a substantial shortfall in RE generation of 29.20 MUs on account of lower RE generation from both Wind and Solar resources.
- d. The installed capacity for Biomass/Bagasse/Mini Hydro category in the state is as below

Year	Biomass (MW)	Mini Hydro (MW)
As on 31.03.20	41.10	60.60
As on 31.03.21	44.15	60.96
As on 31.03.22	51.65	77.61
As on 31.03.23	51.65	77.61
As on 31.03.24	61.65	77.61

Source: SLDC

It can be seen from the above that there is no significant capacity addition in Biomass and Mini Hydro during past five years. It may also be noted that the Petitioner has not received any offer for supply of power from above source during FY 2023-24.

- e. Additionally, the petitioner respectfully submits that the Petitioner had considered fulfilling its RPO for FY2023-24 through procurement from the Green Market on the Indian Energy Exchange (IEX). Accordingly, the Hon'ble Commission, in its order dated 31.03.2023 in Case No. 2177 of 2023, approved the procurement of Renewable Energy at a rate of Rs. 3.68 per unit. Based on this approval, the Petitioner made efforts to procure Renewable Energy from the Power Exchanges. However, the average price discovered in the Green Market segment of IEX during FY2023-24 was Rs. 5.81. The month-wise average price discovered in the IEX for Green Market Segment is provided below.



*Pranav B*

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Month	Average Price Discovered in GDAM (Rs./kWh)
Apr-23	6.11
May-23	5.21
Jun-23	5.74
Jul-23	4.95
Aug-23	7.16
Sep-23	7.05
Oct-23	7.29
Nov-23	5.05
Dec-23	5.29
Jan-24	6.30
Feb-24	5.50
Mar-24	4.08

Due to enormous price differences than approved rate and actual market discovered price in the Green Market segment, the Petitioner was unable to procure Renewable Energy from exchange. Consequently, this resulted in a shortfall in the fulfillment of Petitioner's RPO requirement for FY 2023-24.

f. Moreover, it humbly submits that the Petitioner has tied up with SECI for a Wind Solar Hybrid Long Term PPA of 1070MW for procurement of Renewable Energy to meet its RPO. The same has been approved by the Hon'ble commission under order no. 2189/2023, granting adoption of tariff discovered under Competitive Bidding Process conducted vide RFS No. SECI/C&P/IPP/13/0003/21-22 dated 22.10.2021 issued by SECI for the procurement of 1070MW ISTS connected WSH power under Tranche-V Scheme. This arrangement will enable the Petitioner to fulfill its RPO requirements in the future.

g. From the above, it is evident that Petitioner has made consistent efforts to fulfil its RPO obligation and the shortfall in RPO fulfilment is mainly due to shortfall in RE generation and delay in commencement of RE supply which is beyond the control of the Petitioner.

10. The Petitioner would like to highlight that the clause 4.2 of the GERC (Procurement of energy from Renewable Sources) Regulations, 2010 and subsequent amendments provides that:

*[Handwritten Signature]*





*"4.2 The Commission may, suo-motu or at the request of a licensee, revise the percentage targets for a year as per clause 4.1 of these Regulations keeping in view supply constraints or other factors beyond the control of the licensee."*

Hence, Aforesaid regulation confers powers upon commission to revise the minimum percentage target for purchase of power from renewable energy sources for the FY2023-24.

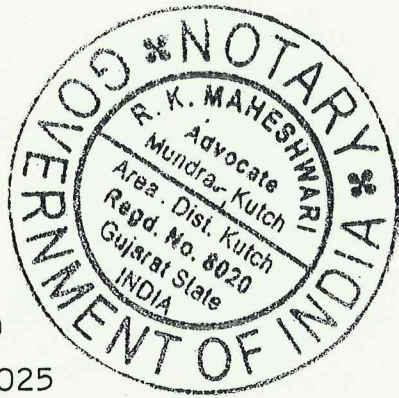
In view of the above, the Petitioner requests Hon'ble Commission to revise RPO targets for FY2023-24 accordingly.

**Prayers:**

In the facts and circumstances mentioned above, it is most respectfully prayed that this Hon'ble Commission may be pleased to:

- a. To admit the Petition.
- b. Consider the submissions as above.
- c. To revise the percentage target of purchase from renewable energy sources for the FY2023-24.
- d. Allow to carry forward shortfall of RPO for FY 2023-24.
- e. Allow additions / alterations / changes modifications to the submissions.
- f. Condone any inadvertent omissions/errors/shortcomings.
- g. Afford reasonable opportunity of personal hearing before passing any orders in the matter.
- h. Grant any relief/s as it deems fit and appropriate under the circumstances of the case and in the interest of justice.

Declaration that the subject matter of above petition has not been raised by the Petitioner before any other competent forum, and that no other competent forum is currently seized of the matter or has passed any orders in relation thereto.



Place: Mundra  
Date: 28.05.2025

For, MPSEZ Utilities Limited

Anil Rabadia

(Authorized Signatory)

(7)

**BEFORE THE HON'BLE GUJARAT ELECTRICITY REGULATORY  
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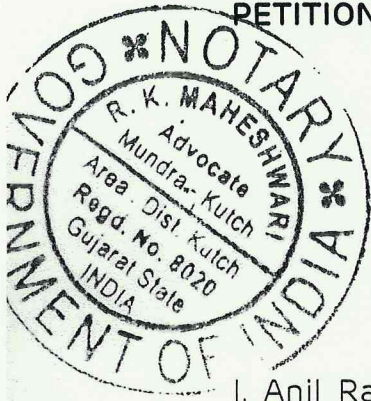
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**PETITIONER**

MPSEZ Utilities Limited,  
Adani Corporate House, Shantigram,  
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**AFFIDAVIT IN SUPPORT**

I, Anil Rabadia, son of Shri Bhagvanji Rabadia aged about 42, on behalf of  
MPSEZ Utilities Limited, Adani Corporate House, Shantigram, Near Vaishno  
Devi Circle, S.G Highway, Khodiyar, Ahmedabad – 382 421, do hereby solemnly  
affirm and state as under:

1. I say that I am duly authorized by Petitioner Company and am conversant  
with the facts of the present case and hence, competent to swear the  
present affidavit.
2. I say that I have read the contents of the accompanying submissions, and I  
have understood the contents of the same.
3. I say that the contents of the accompanying submissions are based on the  
records of Petitioner maintained in normal course of business and believed  
by me to be true.

**DEPONENT**

**VERIFICATION**

I, the deponent above named, do hereby verify the contents of the above  
affidavit to be true to the best of my knowledge, no part of it is false and  
nothing material has been concealed therefrom.

Verified at Mundra on this 28<sup>th</sup> day of May, 2025

SR. No. 2384/25  
DATE: 28/5/2025

**Signed Before me**

**RAVILAL K. MAHESHWARI**  
Advocate "Notary"  
At - Mundra Dist. - Kutch  
Gujarat (India)



**DEPONENT**