

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION
GANDHINAGAR**

IA No. 02 of 2026 in Petition No. 2548 of 2025.

In the Matter of:

Interlocutory Application under Section 94 (2) of the Electricity Act, 2003 read with Regulation 61 & 80 of the GERC (Conduct of Business) Regulations, 2004 seeking interim stay of the disputed supplementary invoices raised in the Petition.

And

Petition No. 2548 of 2025.

In the Matter of:

Petition under Section 86 (1) (f) of the Electricity Act, 2003 seeking directions against the Respondent M/s Adani Solar Energy Kutchh One Limited for uploading the wrongful and disputed invoices dated 03.07.2025 on the PRAPTI Portal in violation of terms of the PPA (And its amendments) and Statutory provisions.

Applicant/ Petitioner : Gujarat Urja Vikas Nigam Limited,
Sardar Patel Vidyut Bhavan,
Race Course Circle, Vadodara – 390 007.

Represented by : Ld. Adv. Mr. Aneesh Bajaj along with Mr. K. N.
Brahmabhatt and Ms. M. N. Gajjar.

V/s.

Respondent No. 1 : Adani Solar Energy Kutchh One Limited
Adani Corporate House, 4th Floor – South Wing
Shantigram Near Vaishnav Devi Circle
S. G. Highway, Khodiyar, Ahmedabad – 382 421.

Represented By : Mr. K. Mahesh Kumar and Mr. Jainish
Kumar Patel.

Respondent No. 2 : State Load Despatch Centre- Gujarat
220 kV Gotri Substation Compound
Nr. T. B. Hospital Gotri Road
Vadodara – 390 021. Gujarat

Represented by : Mr. Bhavesh C. Solanki

CORAM:
Pankaj Joshi, Chairman
Hiren Shah, Member

Date: 09/01/2026.

ORDER

1. The present IA No. 02 of 2026 in Petition No. 2548 of 2025 was listed for hearing on 08.01.2026.
2. At the outset Ld. Adv. Aneesh Bajaj appearing on behalf of the Applicant / Petitioner submitted that the Applicant / Petitioner has filed present IA No. 02 of 2026 seeking for stay of the disputed invoices dated 27.10.2025, 02.12.2025, 23.12.2025 and any other subsequent similar invoices to be raised by the Respondent on the PRAAPTI portal, including any coercive action under Electricity (Late Payment Surcharge and Related Matters) Rules, 2022 (LPS Rules, 2022), pending final disposal of the present Petition. He further sought directions to the Respondent to take down / withdraw the aforementioned invoices from the portal during pendency of the present Petition.
- 2.1. He further submitted that the main Petition No. 2548 of 2025 along with IA No. 91 of 2025 was earlier listed for hearing on 17.09.2025 and the Commission passed the Order dated 18.09.2025, wherein the operation of

disputed invoice dated 03.07.2025 uploaded by the Respondent on PRAAPTI portal was stayed and the Respondent was directed not to take any coercive steps under the LPS Rules, 2022 as amended from time to time, till next date of hearing in the present matter. Despite the aforesaid directives of the Commission, the Respondent has failed to withdraw the disputed invoice dated 03.07.2025 from the PRAAPTI portal and proceeded ahead to raise and uploaded similar supplementary invoices dated 27.10.2025, 02.12.2025 and 23.12.2025 for the subsequent period on the PRAAPTI portal.

- 2.2. He further submitted that in case of non-payment of disputed invoice(s) uploaded on PRAAPTI Portal, the power supply for the entire State of Gujarat would be regulated in a staggered manner in terms of Rule 7 of the LPS Rules, 2022 notified by Ministry of Power, Govt. of India. Since the trigger date for the disputed invoice dated 27.10.2025 is approaching on 11.01.2026, the Applicant / Petitioner has preferred the present Application *inter-alia* seeking a stay of the same along with the other invoices raised by the Respondent, till the present matter is finally adjudicated by the Commission.
3. On the query of the Commission to the Respondent regarding the status of compliance of directives given in the Order dated 18.09.2025 including withdrawal of disputed invoice dated 03.07.2025 from PRAAPTI portal, the representative appearing on behalf of the Respondent submitted that under the PRAAPTI portal, there is no provision for withdrawal of disputed invoices except deletion of the same. Pursuant to the Order dated 18.09.2025 passed by the Commission, the Respondent has sent an email communication to the PRAAPTI portal team to keep the said invoice under “Disputed” status till the final outcome of the present Petition. As regard to disputed invoices of the subsequent period uploaded by the Respondent on the PRAAPTI portal, he

submitted that while uploading such invoices on the PRAAPTI portal, it is mentioned in these invoices that these have been disputed by the GUVNL and has also given reference to the Order dated 18.09.2025 passed by the Commission. Thus, there was no intention on part of the Respondent to defy the directions of the Commission in its Order dated 18.09.2025.

- 3.1. He further submitted that in fact there is direction for curtailment in generation of the solar power plant from time to time by SLDC due to technical / grid constraints and the Respondent is incurring revenue loss on account of such curtailment directed by SLDC for which the Respondent is entitled to receive compensation at the PPA tariff under the provisions of Electricity (Promotion of Generation of Electricity from Must-Run Power Plant) Rules, 2021 (Must Run Rules, 2021) notified by Ministry of Power, Government of India.
4. In response to the above contentions of the Respondent, the Ld. Adv. Mr. Aneesh Bajaj appearing on behalf of Applicant / Petitioner submitted that under the Must Run Rules, 2021 and PPA executed with the Respondent, there is no provision for payment of compensation for curtailment of generation for the reasons other than commercial consideration. He further submitted that when the matter is pending before the Commission and stay has been granted against the disputed invoice, it was appropriate on part of the Respondent to have deleted/ withdrawn the disputed invoice dated 03.07.2025 from the PRAAPTI portal and restrain from uploading disputed invoices of the subsequent period.
5. Heard the parties. We note that in the present matter, the Commission has already passed the Order dated 18.09.2025 in IA No. 91 of 2025 filed by the

Applicant / Petitioner. It is relevant to refer the para 6.4 of the said Order, which read as under : -

“6.4 In light of the above, the Commission is satisfied that a prima facie case exists in favor of the Applicant/Petitioner GUVNL. The balance of convenience also lies with granting interim protection, as denial of stay may cause irreparable prejudice not only to the Applicant/Petitioner but also to consumers of the State at large, whereas the Respondent’s claim, if found legitimate in final adjudication of the main matter, can always be enforced subsequently. Therefore, we decide to stay the operation of the disputed invoices dated 03.07.2025 uploaded by the Respondent on PRAAPTI portal including any coercive steps under the LPA Rules, 2021 as amended from time to time, till next date of hearing in the main matter. Accordingly, the operation of the disputed invoices uploaded on PRAAPTI Portal is stayed, and the Respondent ASEK1L is directed to withdraw the same.”

Thus, in the aforesaid Order, the Commission has already stayed the operation of the disputed invoice raised by the Respondent and also directed the Respondent to withdraw it from the PRAAPTI portal including directions of not to take any coercive actions under the LPS Rules, 2022, against the Applicant / Petitioner till the next date of hearing in the matter.

6. We have considered the submission of the Respondent that there is no provision under the PRAAPTI portal to withdraw the disputed invoices once uploaded except delete the same. Further, pursuant to Commission’s Order dated 18.09.2025, the Respondent has sent an email communication to the PRAAPTI portal team to keep the invoices dated 03.07.2025 under “Disputed” status till the outcome of the present Petition. Further, it is submitted by the Respondent that while uploading the disputed invoices of the subsequent period on the PRAAPTI portal, they have mentioned that such invoices have been disputed by GUVNL and also given reference of the Order dated 18.09.2025 passed by the Commission.
7. Per contra, the Applicant / Petitioner has submitted that the trigger date for the disputed supplementary invoice dated 27.10.2025 uploaded on the

PRAAPTI portal is 11.01.2026 and unless the stay is granted by the Commission, the power supply for the entire State would be regulated in terms of Rule 7 of LPS Rules 2022. It is further submitted by the Applicant / Petitioner that in view of the Order dated 18.09.2025 passed by the Commission, the Respondent should have deleted the invoice dated 03.07.2025 from the PRAAPTI portal and restrained from uploading similar disputed invoices of subsequent period, during the pendency of the present Petition.

8. In light of the above, the Commission is satisfied that a prima facie case exists in favour of the Applicant/Petitioner GUVNL. The balance of convenience also lies with granting interim protection, as denial of stay may cause irreparable prejudice not only to the Applicant/Petitioner but also to consumers of the State at large, whereas the Respondent's claim, if found legitimate in final adjudication of the main matter, can always be enforced subsequently. Therefore, we decide to stay the operation of the disputed invoices dated 27.10.2025, 02.12.2025 and 23.12.2025 uploaded by the Respondent on PRAAPTI portal including any coercive steps under the LPS Rules, 2021 as amended from time to time, till next date of hearing in the main matter. Accordingly, the operation of the disputed invoices uploaded on PRAAPTI Portal is stayed, and the Respondent ASEK1L is directed to withdraw / delete the same.

- 8.1. The Respondent is also directed to comply with the Order dated 18.09.2025 passed in the IA No. 91 of 2025 in Petition No. 2548 of 2025 by deleting the invoice dated 03.07.2025 from the PRAAPTI portal with immediate effect.

8.2.The Respondent is further directed to file an affidavit with regard to compliance of the directions issued by the Commission vide this Order.

8.3.The Respondent is also directed to refrain from uploading similar disputed invoices for the subsequent period, if any, during pendency of the Petition No. 2548 of 2025.

9. With this Order the present IA No. 02 of 2026 stands disposed of.

10. Next date of hearing in main Petition will be intimated separately.

11. Order accordingly.

Sd/-
[Hiren Shah]
Member

Sd/-
[Pankaj Joshi]
Chairman

Place: Gandhinagar.
Date: 09/01/2026.

