

**BEFORE THE GUJARAT ELECTRICITY REGULATORY COMMISSION  
GANDHINAGAR**

**Petition No. 1633 of 2016.**

**In the Matter of:**

**Petition under Section 18 of the Electricity Act, 2003 for amendment of licence.**

Petitioner : MPSEZ Utilities Private Limited  
Adani House, Nr. Mithakhali Circle,  
Navrangpura, Ahmedabad 380 009.

Represented by : Shri Nirav Shah, Shri Saurabh Singh and Shri Gaurav Sharma

**CORAM:**

**Shri P. J. Thakkar, Member  
Shri K. M. Shringarpure, Member  
Shri Anand Kumar, Chairman**

**Date: 21/1/2017**

**DAILY ORDER**

1. The matter was kept for hearing on 17.1.2017. Shri Nirav Shah, on behalf of the Petitioner, submitted that the present petition has been filed for inclusion of new land pockets notified as SEZ in the existing Distribution Licence of the Petitioner issued by the Commission. Presently, the Distribution Licence No. 6 of 2016, issued by the Commission pursuant to the Order dated 17.8.2015 in Suo-Motu Petition No. 1446/2014, records the area of 6641.2784 Hectares considering the Notification No. S.O. 1365 (E) dated 27.5.2009 and S.O 583 (E) dated 26.3.2012. Ministry of Commerce and Industry vide Notification No. S.O 3379 (E) dated 11.12.2015 has notified an additional area of 1856.53.35 Hectares to SEZ, which was earlier baron land under the Forest Department. Ministry of Commerce and Industry, Department of Commerce, Government of India, vide Notification No. S. O. 528 (E) dated

3.3.2010 has notified that the Developer of a Special Economic Zone notified under Sub-section 1 of Section 4 of the Special Economic Zone Act, 2005 shall be deemed to be a licensee, with effect from the date of notification of such Special Economic Zone, which will also be applicable for land pockets as notified vide Notification No. S.O. 3379 (E) dated 11.12.2015. Moreover, the Ministry of Commerce and Industry, vide Notification No. 3029 (E) dated 21.9.2016 has consolidated the Special Economic Zones mentioned in various notifications and re-notified total SEZ area as 8481.2784 Hectares. The Petitioner has also submitted the revised map certified by the Development Officer of Mundra Special Economic Zone, which is the concerned authority in this regard. Thus, the Commission may amend the licence issued to the Petitioner accordingly.

2. We have noted the submissions made by the Petitioner. The present petition has been filed by the Petitioner for amendment in the license area pursuant to the Notification No. S.O. 3379 (E) dated 11.12.2015 of Ministry of Commerce and Industry for addition of 1856.53.35 Hectares area to the existing SEZ area of the Petitioner.

2.1. Earlier, the Commission issued the Distribution Licence No. 6 of 2016 to the Petitioner pursuant to the order dated 17.08.2015 in Suo-Motu Petition No. 1446 of 2014 indicating the license area of 6641.2784 Hectares taking into the account the Notifications No. S.O. 1365 (E) dated 27.5.2009 and S.O 583 (E) dated 26.3.2012. Now, the Petitioner has requested to amend the Distribution Licence area considering the aforesaid Notification issued by Ministry of Commerce and Industry.

2.2. As the Petitioner has filed the present petition for amendment of license area, it is necessary to refer the Section 18 of the Electricity, 2003 which reads as under:

“.....

**18. Amendment of license. -**

*(1) Where in its opinion the public interest so permits, the Appropriate Commission, may, on the application of the licensee or otherwise, make such alterations and amendments in the terms and conditions of his licence as it thinks fit:*

*Provided that no such alterations or amendments shall be made except with the consent of the licensee unless such consent has, in the opinion of the Appropriate Commission, been unreasonably withheld.*

*(2) Before any alterations or amendments in the licence are made under this section, the following provisions shall have effect, namely: -*

*(a) where the licensee has made an application under sub-section (1) proposing any alteration or modifications in his licence, the licensee shall publish a notice of such application with such particulars and in such manner as may be specified;*

*(b) in the case of an application proposing alterations or modifications in the area of supply comprising the whole or any part of any cantonment, aerodrome, fortress, arsenal, dockyard or camp or any building or place in the occupation of the Government for defence purposes, the Appropriate Commission shall not make any alterations or modifications except with the consent of the Central Government;*

*(c) where any alterations or modifications in a licence are proposed to be made otherwise than on the application of the licensee, the Appropriate Commission shall publish the proposed alterations or modifications with such particulars and in such manner as may be specified;*

*(d) the Appropriate Commission shall not make any alterations or modifications unless all suggestions or objections received within thirty days from the date of the first publication of the notice have been considered.*

As stipulated in the aforesaid provisions, it is necessary to issue a public notice with regard to amendment/alteration/modification of licence and invite suggestions and objections from the public within 30 days from the date of such first publication of the notice.

2.3. The Commission has also notified GERC (Distribution Licence) Regulations, 2005. The relevant Regulation 16 pertaining to amendment of a Distribution Licence is reproduced below:

“.....

*16. Amendment of a Distribution Licence*

*i) Where in its opinion the public interest so requires, the Commission may, on the application of the Distribution Licensee or of a local authority or otherwise, make such amendments to the terms and conditions of a Distribution Licence as it thinks fit, having regard to the object and purposes of the Act:*

*Provided that no such amendment, other than an amendment made by virtue of a term or condition of the Distribution Licence or of a term or condition imposed under sub-section (5) of section 23 of the State Act read with Regulation 17 (iv) of these Regulations, shall be made, except with the consent of the Distribution Licensee, unless in the opinion of the Commission, such consent has been unreasonably withheld.*

*(ii) Where a Distribution Licensee has made an application for amendment of its Distribution Licence, the Distribution Licensee shall, within fifteen (15) days of making such application, publish a notice in one issue each of a daily newspapers in English language and two daily newspapers in Gujarati language having wide circulation in the area of operation of distribution licence sought to be amended giving following particulars:*

*(a) Brief details of existing Distribution Licence;*

*(b) Proposed amendments to the existing Distribution Licence; and*

*(c) Reasons for the amendment;*

*(d) The names, addresses and other necessary details of the person(s) nominated by the applicant in major cities or towns of area of proposed distribution licence, who can make available for inspection the application and other documents or from whom they can be purchased in person or by post at reasonable charges, not exceeding photocopying charges;*

*(e) A statement that any person, desirous of making any suggestion or objection with reference to the application to the Commission, may do so by way of written intimation (six copies) addressed to the Secretary within thirty days from the date of the first publication of the notice.*

*(iii) All objections to an application for amendment pursuant to publication of notice under clause (ii) above shall be considered by the Commission if received within thirty (30) days from the date of first publication of the notice.*

*(iv) Where an amendment to a Distribution Licence is proposed by the Commission suo motu, the Commission shall publish a notice in one issue each of daily newspapers in English language and two daily newspapers in Gujarati language having wide circulation in the area of operation of distribution licence sought to be amended giving following particulars:*

*(a) Name of the Distribution Licensee and address of main office in the area of supply;*

*(b) Description of alteration or amendment proposed to be made by the Commission;*

*(c) Brief Reasons for proposed alteration or amendment;*

*(d) A statement that any person, desirous of making any suggestion or objection with reference to application to the Commission, may do so by way of written intimation (six copies) addressed to the Secretary within thirty days from the date of the first publication of the notice.*

*All objections to the proposed amendment, received within one month from the date of first publication of notice, shall be considered by the Commission before effecting or rejecting the proposed amendment.*

*(v) The provisions of these Regulations relating to grant of Distribution Licence shall, as far as may be practicable and necessary, apply to consideration and disposal of an application for amendment of Distribution Licence.*

*(vi) In the case of an application proposing an amendment in an Area of Licence comprising the whole or any part of the cantonment, aerodrome, fortress, arsenal, dockyard or camp or of any building or place in the occupation of the Central Government for defence purposes, the Commission shall not make the amendment except with the consent of the Central Government.*

The aforesaid Regulation also provides that prior to amendment in licence, it is necessary to issue public notice, invite comments and suggestions from the public within 30 days and thereafter, considering suggestions/objections, the Commission shall decide about the amendment in licence.

- 2.4. In view of above, we direct the Petitioner to issue a public notice as provided in Regulation 16 of GERC (Distribution Licence) Regulations, 2005 and Section 18 of the Electricity Act, 2003. The public notice shall be issued in one English Newspaper and two daily newspapers in Gujarati, having wide circulation in the area of Petitioner as well as in other parts of the State of Gujarat. The Petitioner is directed to include in the public notice the details of additional area of 1856.53.35 Hectares notified as SEZ and proposed to be included in existing licence area and invite comments and suggestions from the public within 30 days from the date of publication of public notice. The public notice shall contain

a statement that any person, desirous of making any suggestion or objection with reference to the application, shall submit their submissions/objections in 6 copies along with affidavit to the Secretary, GERC, 6<sup>th</sup> Floor, Gift-One, Road-5C, Zone-5, Gift City, Gandhinagar 382355, Gujarat with a copy to the Petitioner. Moreover, Paschim Gujarat Vij Company Limited (PGVCL) being the existing distribution licensee in the western part of the State, and the Gujarat Energy Transmission Corporation Limited (GETCO) being the State Transmission Utility, they are the necessary Parties to the present petition. We, therefore, direct the Petitioner to implead them as Respondents, providing them a copy of the petition. PGVCL and GETCO are at liberty to file their comments/suggestions, if any, on the present petition. After receipt of the objections/suggestions from the public and hearing the parties, the Commission will decide the matter. The staff of the Commission is also directed to upload the petition alongwith all supporting documents and notice published by the Petitioner, upon receipt from the Petitioner, inviting the comments and suggestions from the stakeholders.

3. Considering the existing SEZ area of 6641.2784 Hectares and addition of 1856.53.35 Hectares, the total SEZ area works out to 8497.8119 Hectares whereas the Notification No. 3029 (E) dated 21.9.2016 issued for consolidation of total SEZ area indicates area of 8481.2784 Hectares. We, therefore, direct the Petitioner to reconcile the difference of 16.53.35 Hectares and file an explanation of this difference with the Commission within 10 days of this Order.
4. We order accordingly.
5. The next date of hearing will be intimated separately.

**Sd/-**  
**[P. J. THAKKAR]**  
**Member**

**Sd/-**  
**[K. M. SHRINGARPURE]**  
**Member**

**Sd/-**  
**[ANAND KUMAR]**  
**Chairman**

Place: Gandhinagar.  
Date: 21/1/2017.