IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 16882 of 2025

==========

ALEMBIC PHARMACEUTICALS LTD.

Versus

STATE OF GUJARAT & ORS.

==========

Appearance:
MR SUDHIR NANAVATI, SR. COUNSEL, WITH MS PRACHITI SHAH WITH MR AARSM BRAHMBHATT FOR NANAVATI & NANAVATI(1933) for the Petitioner(s) No. 1
MR NIKUNJ KANARA AGP for the Respondent(s) No. 1
MR MAULIK NANAVATI FOR NANAVATI & CO.(7105) for the Respondent(s) No. 2,3

==========

CORAM:**HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**

Date : 19/12/2025

ORAL ORDER

After hearing both the parties and on the broad consensus as arrived at between the parties as well as their learned counsels, following consent order is passed:-

1. The impugned Supplementary Bill dated 02.12.2025 shall be considered as preliminary assessment Bill as provided under Section 126 of the Electricity Act, 2003.

2. The Petitioner Company will be at liberty to make representation/reply along with necessary documents to the aforesaid preliminary assessment within a period of 4 weeks from today.

3. The Adjudicating Authority shall thereafter provide an effective hearing to the petitioner and taking into consideration the reply, documents on record and the contentions raised at the

time of hearing, the Adjudicating Authority shall pass the final assessment order in terms of Section 126 of the Electricity Act, 2003.

4. The final assessment order passed by the Adjudicating Authority shall be kept in abeyance for a period of 2 weeks so as to enable the Petitioner Company to challenge the same in accordance with law.

5. It will further be open for the Petitioner Company to approach Respondent Company for executing necessary agreement as provided in Clause 16.3 of the Gujarat Electricity Regulatory Commission (Net Metering Rooftop Solar PV Grid Interactive Systems) (Third Amendment) Regulations, 2022. On receipt of such an application duly complete in all respects, the Respondent Company may undertake the procedure for execution of the agreement in accordance with the prevalent Regulations. Post completion of necessary formalities in respect of execution of Agreement, the Respondent No.2 Company thereafter may take appropriate steps to de-seal the Captive Generation Solar Power PV System of the subject unit of the Petitioner and regularize the Captive Generation Solar Power PV System within a period of four weeks.

6. Further, the Petitioner is directed to execute a Bank Guarantee to the extent of 50% of the amount as assessed in the impugned Supplementary Bill dated 02.12.2025. The said Bank Guarantee shall be made available in favour of the Respondent No.2 Company before the execution of the Agreement in terms of Clause 16.3 of the Regulations, 2022. The said Bank Guarantee

shall be kept alive by the petitioner till a period of 2 weeks from the date of passing of the final Assessment Order. It is further agreed by the petitioner and respondent No.2 company that the said Bank Guarantee shall not be encashed by the Respondent No.2 Company within 2 weeks after the final Assessment Order is passed.

7. In the event the Final Assessment Order is desired to be challenged by the Petitioner in accordance with law, and in such case, if any pre-deposit amount is required to be deposited before the appropriate Forum/Respondent No. 2 company, then, on depositing of such requisite amount, the Bank Guarantee so executed shall be cancelled and no encashment of the said Bank Guarantee shall be done by the Respondent No. 2 Company. On pre-deposit of the amount in the appeal proceedings, the Respondent No. 2 Company shall forthwith return the Original bank guarantee to the petitioner company.

8. After the final Assessment Order is passed, no coercive action including disconnection of supply of electricity and/or sealing of the Petitioner's Captive Generation Solar Power PV Solar System etc. shall be initiated by the respondent No.2 company for a period of 2 weeks.

Accordingly, the present Special Civil Application stands disposed of. No order as to costs.

(ANIRUDDHA P. MAYEE, J.)

KAUSHIK D. CHAUHAN

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: KAUSHIKKUMAR DINESHCHANDRA CHAUHAN(HC00197), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 20/12/2025 17:19:23