[**ACME HEERGARH POWERTECH PRIVATE LIMITED VERSUS MAHARASHTRA ELECTRICITY REGULATORY COMMISSION & ANR [APL NO. 330 OF 2022 & IA NO.1194 OF 2022 & 213 OF 2023]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//36da1b9b-6937-4788-a1c0-72281760ad5f.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 31.01.2025**

**Area of Law: PPA Disputes (*Force Majeure*)**

The Appellate Tribunal for Electricity (APTEL) has allowed the appeal and set aside the order of the Maharashtra Electricity Regulatory Commission (MERC).  
  
The key points in the APTEL's judgment are:  
  
1. The APTEL found that the MERC erred in considering the start date of the Force Majeure event as 26.11.2021 instead of June 2021, when the Appellant had provided notice and correspondence regarding the disruption in the supply chain.  
  
2. The APTEL also held that the MERC erred in considering the cessation date of the Force Majeure event as 31.12.2021 instead of the original commissioning date of 23.05.2022, as the Appellant had informed about the continuing Force Majeure event beyond 31.12.2021 through subsequent letters.  
  
3. The APTEL has extended the Scheduled Commercial Operation Date (SCOD) for the project up to the actual date of commissioning i.e. 23.05.2022, and directed the Appellant to be entitled to all consequential benefits accordingly.  
  
The APTEL has analyzed the facts and precedents in detail before arriving at this decision, as this was a batch matter involving similar issues.

[**CHHATTISGARH STATE POWER DISTRIBUTION CO. LTD. VERSUS CHHATTISGARH STATE ELECTRICITY REGULATORY COMMISSION (CSERC) & ANR [APL NO. 186 OF 2017]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//75122955-475e-4108-ac3d-ade71c84986b.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 27.01.2025**

**Area of Law: Parallel Operation Charges**

The Appellate Tribunal for Electricity held that the parallel operation charges (PoC) for Respondent No. 2's captive generating plant should be calculated based on the actual operational capacity of 15 MW, and not the installed capacity of 30 MW, for the period from 04.09.2015 to 22.06.2016.   
  
The Tribunal noted that the CSPTCL had granted approval for synchronization and parallel operation of Respondent No. 2's 1x30 MW generating set with a generation capacity limited to 15 MW, and this was communicated to the Appellant (CSPDCL). The Tribunal relied on a previous judgment (Chhattisgarh Power Distribution Co. Ltd. vs. Godawari Power & Ispat Ltd.) which held that PoC should be based on the practical generation capacity, not just the rated capacity of generators.  
  
Considering the evidence and legal precedents, the Tribunal ruled that the PoC charges should be calculated based on the actual 15 MW generation capacity, and directed the Appellant to refund the excess amount charged and pay interest.

[**GUJARAT URJA VIKAS NIGAM LIMITED VERSUS TAXUS INFRASTRUCTURE & POWER PROJECTS LTD & ORS. [APL NO.114 OF 2015 &  
IA NO.1310 OF 2024]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//61ff3530-c915-4e6d-89a7-f63e6729e402.pdf)

**Judges: Justice Ramesh Ranganathan, Chairperson & Smt. Seema Gupta, Technical Member (Electricity)**

**Date of Judgement: 12.02.2025**

**Area of Law: PPA Disputes (*Force Majeure*)**

1. The court held that the delay in the project due to the state government's refusal to allow the project to be set up through a special purpose vehicle (SPV) cannot be considered a force majeure event, as this was a commercial decision by the project developer that did not directly impact the construction timeline.  
  
2. However, the court found the delay in registering the land sale deeds due to uncertainty over revised jantri (stamp duty) rates to be a valid force majeure event, and accordingly condoned the delay for this period.  
  
3. The court disagreed with the state commission's decision to consider the commercial operation date (COD) as 31.03.2013, in the absence of the required certificate from the Chief Electrical Inspector. The court held the COD should be considered as 03.04.2013, when the Chief Electrical Inspector's certificate was issued.  
  
4. While the court upheld the project developer's contention that the delay was not entirely its fault, it found the developer liable to pay liquidated damages as per the undertaking provided to the appellant to avoid termination of the power purchase agreement.

[**HUBLI ELECTRICITY SUPPLY COMPANY LIMITED VERSUS ADYAH SOLAR ENERGY PRIVATE LIMITED & ANR [APL NO. 245 OF 2023]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//16309d82-e212-4522-8477-c267875c09f2.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member &**

**Date of Judgement: 07.02.2025**

**Area of Law: PPA Disputes (Change in Law)**

The Appellate Tribunal for Electricity upheld the order of the Karnataka Electricity Regulatory Commission, which had declared the imposition of Safeguard Duty and Integrated Goods and Services Tax as a 'Change in Law' event. The Commission had accordingly awarded an incremental tariff of Rs.0.39 per unit to the power generator for the entire 25-year period of the Power Purchase Agreement, in addition to the original tariff of Rs.2.91 per unit.  
  
The Tribunal found that the Commission was justified in adopting the parameters and principles specified in the Generic Tariff order dated 18/05/2018 to determine the incremental tariff, despite the original tariff being determined through competitive bidding under Section 63 of the Electricity Act. The Tribunal held that the Commission had the power under Section 86(1)(b) of the Act to regulate the price at which electricity is procured, including determining the incremental tariff when there is a change in law.  
  
The Tribunal also noted that the Commission had factored in the time value of money while determining the incremental tariff, and found no infirmity in the approach adopted by the Commission. Accordingly, the Tribunal dismissed the appeal filed by the Distribution Licensee against the Commission's order.

[**INDIA POWER CORPORATION LIMITED VERSUS WEST BENGAL ELECTRICITY REGULATORY COMMISSION & ANR [APL NO. 908 OF 2023 & IA NOS. 1198 & 751 OF 2024]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//c5223905-c7cf-4614-a696-d1b40460417a.pdf)

**Judges: Justice Ramesh Ranganathan, Chairperson & Smt. Seema Gupta, Technical Member (Electricity)**

**Date of Judgement: 10.02.2025**

**Area of Law: Renewable Energy (Hybrid)**

The Appellate Tribunal for Electricity (APTEL) upheld the order of the West Bengal Electricity Regulatory Commission (WBERC) that imposed a ceiling of 30% combined annual Capacity Utilization Factor (CUF) for the applicability of concessional transmission charges to the Appellant's wind-solar hybrid renewable energy project.   
  
APTEL held that the term "pure wind" and "pure solar" used in the WBERC Open Access Regulations, 2022 cannot be interpreted to include hybrid renewable energy sources, as per the established principles of statutory interpretation. The WBERC, in the Statement of Reasons for the Regulations, had explicitly excluded hybrid renewable energy sources from the ambit of the concessional transmission charges provided under Regulation 18.2.1(h).   
  
APTEL further observed that the inclusion of wind-solar hybrid renewable energy sources within the purview of Regulation 18.2.1(h), albeit with a 30% CUF ceiling, may amount to an amendment of the Regulations, which can only be done by the WBERC following the due process of law. APTEL refrained from commenting on the Appellant's contention that the 30% CUF ceiling is contrary to the policies and statutes promoting renewable energy, as such challenges to the validity of the Regulations are required to be made before the High Court through judicial review proceedings, and not before the Appellate Tribunal.

[**JAIPUR VIDYUT VITRAN NIGAM LTD. & ORS VERSUS CENTRAL ELECTRICITY REGULATORY COMMISSION & ORS [APL NO. 111 OF 2018 & 112 OF 2018]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//eba76c3b-a679-418e-8306-528663f2d523.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 13.02.2025**

**Area of Law: Jurisdiction (State Commission or CERC)**

The Appellate Tribunal for Electricity held that the Central Electricity Regulatory Commission (CERC) erred in asserting its jurisdiction over the dispute between the Appellants (Jaipur, Jodhpur, and Ajmer Vidyut Vitran Nigams) and the association of steel industries (the 2nd Respondent) regarding settlement of unscheduled interchange (UI) accounts.   
  
The Tribunal found that the members of the association, being embedded consumers in the state of Rajasthan, were subject to the Rajasthan Electricity Regulatory Commission's (RERC) Open Access Regulations, even when using the inter-state transmission system in conjunction with the intra-state system. Therefore, the dispute fell within the exclusive jurisdiction of RERC, and not CERC.  
  
The Tribunal set aside the impugned orders of CERC and dismissed the petitions filed by the 2nd Respondent before CERC for lack of jurisdiction.

[**JINDAL POWER LIMITED VERSUS CENTRAL ELECTRICITY REGULATORY COMMISSION & ANR [APL NO. 205 OF 2017]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//71430f57-6455-47c6-a103-d014cce9f47b.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 27.01.2025**

**Area of Law: Transmission Charges (extinguishment post liquidation)**

The Appellate Tribunal for Electricity held that the appeal filed by Jindal Power Limited (JPL) against the order of the Central Electricity Regulatory Commission (CERC) has become infructuous. The Tribunal found that during the pendency of the appeal, Simhapuri Energy Limited (SEL), the original appellant, had undergone liquidation and was subsequently sold as a "going concern" to JPL. Pursuant to this, the Tribunal held that the claims of Power Grid Corporation of India Limited (PGCIL)/Central Transmission Utility of India Limited (CTUIL) against SEL for transmission charges have been permanently extinguished, in line with the principle of "clean slate" under the Insolvency and Bankruptcy Code. The Tribunal dismissed the appeal, finding that the subject matter of the dispute (the claims of PGCIL/CTUIL against SEL) no longer survives.

[**KARNATAKA POWER TRANSMISSION CORPORATION LIMITED & ANR. VERSUS M/S GLOBAL ENERGY PRIVATE LIMITED & ANR. [APL NO. 272 OF 2014]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//9144c79b-1d8a-461a-bb64-8d6e915ee7f8.pdf)

**Judges: Justice Ramesh Ranganathan, Chairperson & Seema Gupta, Technical Member (Electricity)**

**Date of Judgement: 06.02.2025**

**Area of Law: Compensation under Section 11(2) of Electricity Act, 2003**

The Appellate Tribunal for Electricity (APTEL) held that:  
  
1. The Appellants' claim of set-off should be examined by the Karnataka Electricity Regulatory Commission (KERC) after giving both parties a reasonable opportunity of being heard.  
  
2. The KERC should determine the transmission charges to be deducted from the weighted average market rate in fixing the rate payable under Section 11(2) of the Electricity Act, 2003.   
  
3. The KERC's earlier order fixing the rate at Rs.5.72 per unit is set aside, and the matter is remanded to the KERC for fresh consideration of the issues of set-off and transmission charges, in line with the observations and directions provided in the APTEL's judgment.  
  
The APTEL's decision was based on the Supreme Court's order that remanded the matter to APTEL for a fresh decision on merits, leaving all issues open for consideration.

[**KERALA STATE ELECTRICITY BOARD LIMITED VERSUS KERALA STATE ELECTRICITY REGULATORY COMMISSION & ORS [APL NO. 518 OF 2023 & IA NO. 2015 OF 2024]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//3ba847e9-461f-4c05-acd2-5eb048544629.pdf)

**Judges: Justice Ramesh Ranganathan, Chairperson & Seema Gupta, Technical Member (Electricity)**

**Date of Judgement: 13.02.2025**

**Area of Law: Tariff Adoption**

The Appellate Tribunal for Electricity held that the Kerala State Electricity Regulatory Commission (KSERC) was justified in rejecting the Kerala State Electricity Board Limited's (KSEBL) request to grant approval to the Power Supply Agreements (PSAs) executed with the respondent generators. The Tribunal found that KSEBL had significantly deviated from and violated the 2013 Central Government Guidelines for procurement of power through competitive bidding under Section 63 of the Electricity Act, without obtaining the prior approval of the Central Government as required. Consequently, the tariff determined by KSEBL could not be said to have been determined through a transparent process of bidding in accordance with the Central Government Guidelines, and the KSERC was justified in refusing to grant approval to the unapproved PSAs.

[**M/S GREEN ENERGY ASSOCIATION VERSUS JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION & ANR [APL NO. 382 OF 2017]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//14ee5452-39d4-47d5-9e86-a29aac5fe15a.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 27.01.2025**

**Area of Law: Renewable Purchase Obligations**

The Appellate Tribunal for Electricity (APTEL) held that the Jharkhand State Electricity Regulatory Commission (JSERC) erred in exempting Tata Steel Limited (Respondent No. 2) from fulfilling its Renewable Purchase Obligation (RPO) for the fiscal years 2011-12 to 2013-14. The APTEL found that the JSERC's decision was contrary to the law and against the interest of consumers.  
  
The APTEL referred to its earlier judgment in Lloyd Metal and Energy Limited vs MERC, which held that the regulatory body (State Commission) cannot require distribution companies to procure power from fossil fuel-based cogeneration sources to satisfy RPO obligations under Section 86(1)(e) of the Electricity Act. Cogeneration from fossil fuel sources should not be equated with renewable energy generation, and the RPO obligations cannot be adjusted or set off against power consumed from such cogeneration plants.  
  
Accordingly, the APTEL set aside the JSERC's impugned order and directed the JSERC to determine the amount for the relevant period of non-compliance in terms of the RPO Regulations and order Tata Steel Limited to deposit the same.

[**M/S SOLAIRE SURYA URJA PRIVATE LIMITED VERSUS CENTRAL ELECTRICITY REGULATORY COMMISSION & ORS. [APL NO. 126 OF 2022]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//d6f12893-15eb-45d2-8b1d-2b3904d196a5.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 10.02.2025**

**Area of Law: PPA Disputes (Extension of Scheduled Commercial Operation Date)**

The Appellate Tribunal for Electricity held that the delay in the Appellant's solar power projects commencing supply of power to NTPC by the Scheduled Commercial Operation Date (SCOD) was due to the non-availability of adequate evacuation transmission system, which was the responsibility of the State Transmission Utility (RRVPNL). The Tribunal found that the Appellant had commissioned the projects in parts as and when the transmission connectivity was made available, and it could not have started supply of power without the necessary evacuation infrastructure.  
  
The Tribunal noted that as per the Power Purchase Agreements, the Appellant was entitled to an extension of the SCOD due to delay by the solar park implementing agency in providing connectivity. Accordingly, the Tribunal set aside the order of the Central Electricity Regulatory Commission and extended the SCOD of the Appellant's projects till the date of actual commissioning. The Tribunal also held that the Appellant was not liable to pay any liquidated damages to NTPC.  
  
This was a batch matter heard by a two-member Bench of the Appellate Tribunal for Electricity.

[**M/S. CHRISTIAN MEDICAL COLLEGE VELLORE VERSUS TAMIL NADU ELECTRICITY REGULATORY COMMISSION & ORS [APL NO. 408 OF 2024 & IA NO. 1530 OF 2024  
AND 409 OF 2024 & IA NO. 1527 OF 2024]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//305ea38e-c079-48f3-95d3-bbf75a09d0ee.pdf)

**Judges: Justice Ramesh Ranganathan, Chairperson & Seema Gupta, Technical Member (Electricity)**

**Date of Judgement: 22.01.2025**

**Area of Law: Classification of Consumer Category**

The Appellate Tribunal for Electricity set aside the orders passed by the Tamil Nadu Electricity Regulatory Commission (TNERC) in two appeals filed by Christian Medical College Vellore, and remanded the matter back to the TNERC for fresh consideration.   
  
The key legal points are:  
  
1. The TNERC had relied solely on the latest tariff order (2022) to classify the appellant's electricity connections, without considering the earlier tariff orders and government orders in force during the relevant period.   
2. The Tribunal held that the TNERC should have examined the appellant's claim in the context of the government orders and laws applicable at the relevant time, rather than the latest tariff order.  
3. The Tribunal observed that the interim order passed by the High Court could not be interpreted to extend beyond the period to which the main dispute related.  
4. The Tribunal noted that the applicability of the Supply Code Regulations was limited to the period after they were notified, and could not restrict the scope of the TNERC's examination in the present case.  
  
The Tribunal remanded both appeals back to the TNERC for fresh consideration in accordance with the relevant laws and orders in force during the period in question, and requested the TNERC to dispose of the matter expeditiously.

[**M/S. G. R. ENTERPRISES VERSUS HIMACHAL PRADESH ELECTRICITY REGULATORY COMMISSION & ORS. [APL NO. 135 OF 2021]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//e0759bb8-3567-4ef3-8bf3-52369920b1d0.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 07.02.2025**

**Area of Law: PPA Disputes (Determination of Date of Commissioning)**

The Appellate Tribunal for Electricity held that the Appellant's solar PV project was commissioned on 30.03.2018 when it synchronized with the grid and began supplying energy, despite the PPA's procedural requirements for additional commissioning tests.  
  
The Tribunal found that the PPA's definition of "commissioned" is ambiguous and should be interpreted according to industry practice, which considers a solar project commissioned when it begins supplying energy to the grid. The Tribunal declined to strictly enforce the PPA's post-synchronization commissioning test requirements, given the nature of solar technology.   
  
Accordingly, the Tribunal set aside the State Commission's order and held that the Appellant is entitled to the higher tariff of ₹5.31/kWh from 30.03.2018, the date of synchronization and commencement of energy supply. The Respondents were directed to make the differential payment within 3 months along with carrying costs.

[**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD. & ANR VERSUS MAHARASHTRA ELECTRICITY REGULATORY COMMISSION & ANR [APL 27 OF 2019]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//9c04c8d4-5bba-48d9-8d87-1d60ac9beaa8.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 09.01.2025**

**Area of Law: Jurisdiction (State Commission’s jurisdiction in respect of Grievance Redressal Forum orders)**

The Appellate Tribunal for Electricity held that the Maharashtra Electricity Regulatory Commission (MERC) erred in ordering the Maharashtra State Electricity Distribution Company Limited (MSEDCL) to pay interest on the refund amount to Jai Corp Limited (JCL), as the Electricity Grievance Redressal Forum (CGRF) had explicitly denied interest in its original order. The Tribunal found that MERC overstepped its jurisdiction under Section 142 of the Electricity Act by acting as an appellate authority instead of just enforcing the CGRF order. The Tribunal set aside MERC's impugned order and allowed the appeal.

[**NVR ENERGY PRIVATE LIMITED VERSUS TAMIL NADU ELECTRICITY REGULATORY COMMISSION & ORS [APPEAL NO. 330 OF 2023 & 331 OF 2023]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//30d847cc-713e-4340-a12e-933e56abfd92.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 09.01.2025**

**Area of Law: Energy Accounting**

The Appellate Tribunal for Electricity upheld the TNERC's order, holding that the Tariff Orders issued by the Commission govern the methodology for determining excess energy drawn by the solar power generators and adjusting it against the energy injected into the grid, rather than the terms of the Power Purchase Agreement alone.   
  
The Tribunal found that the PPA itself incorporates the applicable regulatory framework, including Tariff Orders, as per Article 10 of the PPA. The slot-wise or time block-wise adjustment methodology prescribed in the Tariff Orders applies uniformly to all solar power generators, including the Appellants, to ensure accurate energy accounting and maintain grid stability.   
  
The Tribunal rejected the Appellants' arguments that the Tariff Orders do not apply as their tariff was determined under Section 63 of the Electricity Act, 2003, holding that the Commission's jurisdiction extends to regulating billing methodologies in the interest of consumers and public welfare, even for Section 63 PPAs.

[**ORANGE BERCHA WIND POWER LIMITED VERSUS MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION & ORS. [APL NO. 174 OF 2017]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//e299480d-fc3a-4efb-b1f6-19f457547229.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 10.02.2025**

**Area of Law: PPA Disputes (Delay in Commissioning)**

The Appellate Tribunal for Electricity (APTEL) held that the 50 MW wind power project of the Appellant, Orange Bercha Wind Power Limited, was ready for commissioning before the 31.03.2016 deadline, and the delay in issuing the commissioning certificate until 05.05.2016 was attributable to the arbitrary and perverse actions of the Respondents, Madhya Pradesh Electricity Regulatory Commission (MPERC) and other state utilities.   
  
The Tribunal found that the Appellant had fulfilled all necessary requirements like obtaining CEIG approval, completing PLCC connectivity, and testing/certifying meters by 31.03.2016. The delays were largely due to the faulty spare channel provided by the Respondents and their failure to install required equipment between the Badnagar substation and Indore Sub-LDC.   
  
Relying on its previous rulings, the Tribunal held that the delays caused by the authorities should not be attributed to the Appellant. Accordingly, the Tribunal set aside the MPERC's order and held that the Appellant is entitled to the higher tariff of Rs. 5.92 per unit under the 26.03.2013 Tariff Order, and not the lower tariff of Rs. 4.78 per unit under the 17.03.2016 Tariff Order.

[**POWER COMPANY OF KARNATAKA LTD & ORS. VERSUS M/S HIMATSINGKA SEIDE LTD & ORS. [APL NO. 373 OF 2024 & IA NO. 1623 OF 2024]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//73b21e11-f0f7-4ed4-bc0c-b3b2888639da.pdf)

**Judges: Justice Ramesh Ranganathan, Chairperson & Seema Gupta, Technical Member (Electricity)**

**Date of Judgement: 06.02.2025**

**Area of Law: Transmission Charges**

The Supreme Court of India held that the Appellate Tribunal's previous remand order to the State Commission was a limited one, requiring it to only determine the transmission charges and marketing expenses to be deducted from the average short-term market price to calculate the rate at which the generators should be compensated for supplying power to the distribution companies under the government's Section 11(1) directive.   
The State Commission erred in going beyond the limited remand order and concluding that no transmission charges need to be deducted, as they are to be borne by the buyers. The court noted that the Appellants had provided data showing the applicable transmission charges, and the Respondents were willing to accept a deduction of 16 paise per unit towards transmission charges. To provide a final resolution to the long-pending dispute, the court accepted this compromise and directed the Appellants to pay the Respondents Rs. 5.56 per unit, along with interest, to offset the adverse financial impact under Section 11(2).

[**PUNJAB STATE POWER COMPANY LIMITED VERSUS PUNJAB STATE ELECTRICITY REGULATORY COMMISSION & ANR [APPEAL NO.215 OF 2020]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//efa60b5e-b18d-4e7d-808d-67606ded2c90.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 21.02.2025**

**Area of Law: Classification of Consumer Category**

The Appellate Tribunal for Electricity held that the 2nd respondent, M/s Singhania International Ltd., should be considered a Power Intensive Unit (PIU) with effect from February 2016, when the appellant PSPCL had categorized it as such while sanctioning an extension of its load.   
The Tribunal disagreed with the state electricity regulatory commission's order, which had held that the 2nd respondent should be considered a PIU only from the date of the impugned order and disallowed PSPCL from recovering the differential tariff for the past period.  
The Tribunal, relying on its interpretation of the relevant supply code regulation, held that PSPCL was entitled to recover the differential tariff between the PIU and general industrial categories from the 2nd respondent for the past period, as this was due to an inadvertent error or misclassification.

[**SARDA ENERGY AND MINERALS LTD VERSUS CENTRAL ELECTRICITY REGULATORY COMMISSION, & ANR [APL NO. 400 OF 2017]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//832df026-e437-4624-8c41-729f015960d1.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 28.01.2025**

**Area of Law: LTA Dispute (*Force Majeure*)**

The Appellate Tribunal for Electricity held that the acquisition of the Appellant's project land by the Central Government and the cancellation of the Appellant's captive coal mine by the Supreme Court constituted force majeure events that frustrated the underlying purpose of the Long-Term Access Agreement (LTAA) dated 14.03.2012, rendering the Appellant's performance under the agreement impossible. The Tribunal set aside the impugned order of the Central Electricity Regulatory Commission, discharged the Appellant from its obligations under the LTAA, and directed the refund of the bank guarantee amount along with interest. The Appellant was also held not liable for any relinquishment charges related to the alleged stranded assets.

[**SHRI KHANDERAO THAKAJI KHAIRE & ANR VERSUS MAHARASHTRA STATE ELECTRICITY TRANSMISSION CORPORATION LTD & ANR [APPEAL NO. 464 OF 2024]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//d654b22d-9c91-43e4-addd-a55c71de7b98.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 21.02.2025**

**Area of Law: Damages for Erection of Transmission Lines**

The Appellate Tribunal for Electricity upheld the decision of the Maharashtra Electricity Regulatory Commission to set aside the District Collector's order and hold that the Maharashtra State Electricity Transmission Company Limited (MSETCL) is liable to pay the appellant landowner only Rs.53,340 as compensation for the damage caused to grape trees on his land due to the erection of a transmission line.   
  
The Tribunal found that the Panchnama (inspection report) prepared by MSETCL on the date of the incident was more reliable and accurate in terms of recording the details required to determine the compensation, compared to the other panchnamas relied upon by the Collector. The Tribunal observed that the Collector had failed to properly address the issues flagged by the Commission while remanding the matter, and had selectively relied on the DSAO report without verifying the ground realities.

[**TAMILNADU GENERATION AND DISTRIBUTION CORPORATION LTD VERSUS M/S. AMBIKA COTTON MILLS LTD & ANR [APL NO. 36 OF 2017]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//36f30908-8ac0-4735-a37f-cb091e04bbc3.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 27.01.2025**

**Area of Law: Energy Accounting**

The Appellate Tribunal for Electricity set aside the impugned order of the Tamil Nadu Electricity Regulatory Commission (TNERC), which had sought to clarify the applicability of slot-to-slot adjustment of wind energy generators covered under the TNERC's 2006 tariff order. The Tribunal held that the TNERC's approach in the impugned order was not permissible, as it was effectively amending the 2006 tariff order in the guise of a clarification, which is contrary to the settled principles of law. The Tribunal ruled that the 2006 tariff order was clear and unambiguous, and the TNERC could not expand its scope by way of a purported clarification.

[**TATA POWER DELHI DISTRIBUTION LIMITED VERSUS DELHI ELECTRICITY REGULATORY COMMISSION [APL NO. 301 OF 2015]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//700ca482-6397-46cb-840e-03dab143b060.pdf)

**Judges: Hon`ble Sandesh Kumar Sharma, Technical Member & Hon`ble Virender Bhat, Judicial Member**

**Date of Judgement: 28.01.2025**

**Area of Law: Tariff Determination**

The Appellate Tribunal for Electricity held that the Delhi Electricity Regulatory Commission (DERC) erred in disallowing various requirements of the appellant Tata Power Delhi Distribution Limited (TPDDL) under different heads, setting aside the DERC's findings on issues like disallowance of trading margin paid to a related party, consideration of reversal of doubtful debts as non-tariff income, erroneous computation of WACC, and disallowance of material cost incurred towards maintenance of streetlights, while remanding some issues back to DERC for fresh consideration. However, the Tribunal upheld DERC's decision on issues like disallowance of increase in LC charges, cost of auditor's certificate and credit rating fee. This was a batch matter involving 75 issues formulated by the appellant under different categories.

[**THE TAMIL NADU GENERATION AND DISTRIBUTION CORPORATION LIMITED (TANGEDCO) VERSUS TAMIL NADU ELECTRICITY REGULATORY COMMISSION & ANR [APL NO. 910 OF 2023 & IA NO. 1546 OF 2024 & IA NO. 2341 OF 2023]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//d51092c9-6f29-458f-9d0f-7b8c48016b2a.pdf)

**Judges: Justice Ramesh Ranganathan, Chairperson & Smt. Seema Gupta, Technical Member (Electricity)**

**Date of Judgement: 27.01.2025**

**Area of Law: PPA Disputes (Fuel Supply Issues)**

The Appellate Tribunal for Electricity, comprising Justice Ramesh Ranganathan as the Chairperson and Smt. Seema Gupta as the Technical Member (Electricity), upheld the order of the Tamil Nadu Electricity Regulatory Commission (TNERC) that allowed the respondent SEPC Power Private Limited to terminate the Coal Supply and Transportation Agreement (CSTA), execute a Fuel Supply Agreement (FSA) with CIL/domestic coal supplier, and procure coal from alternate sources in the interim period without any ceiling price mechanism.   
  
However, the Tribunal modified the TNERC's order regarding the removal of the ceiling price mechanism and the associated discount on the variable fuel charge (VFC). The Tribunal held that the discount of ₹0.225 per unit offered by the respondent and accepted by the TNERC was originally for a period of three years, which had lapsed. The Tribunal further directed that the interim arrangement allowing the respondent to procure imported coal shall continue for a maximum period of 12 months beyond the date on which the revamped SHAKTI Policy comes into force or the date on which the respondent secures domestic coal linkage, whichever is earlier. After this period, if the respondent fails to secure domestic coal linkage, the appellant will be at liberty to take appropriate action as per law.

[**TATA POWER DELHI DISTRIBUTION LIMITED VERSUS DELHI ELECTRICITY REGULATORY COMMISSION [APL NO. 33 OF 2020]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//513b57e6-785c-475f-8b2b-025ccfa9d859.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 10.02.2025**

**Area of Law: Tariff Determination**

The Appellate Tribunal for Electricity held that the Delhi Electricity Regulatory Commission (DERC) erred in restricting the recovery of capital cost of the Rithala Combined Cycle Power Plant (CCPP) through depreciation only till financial year 2017-18, despite the plant's useful life being 15 years as determined by the DERC itself in its previous order.   
  
The Tribunal noted that as per the DERC's own 2011 Regulations, depreciation has to be calculated annually based on the straight line method over the useful life of the asset. Since the DERC had approved the useful life of the Rithala CCPP as 15 years in its previous order, the recovery of the capital cost through depreciation should also be spread over that period, and not limited to 6 years.   
  
The Tribunal set aside the DERC's impugned order and remanded the case back to the DERC with the direction to allow the recovery of the entire capital cost of the Rithala CCPP by way of depreciation over its 15-year useful life.

[**UTTAR PRADESH POWER CORPORATION LIMITED & ORS VERSUS CENTRAL ELECTRICITY REGULATORY COMMISSION & ORS [APL NO. 438 OF 2019]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//e12fdf9f-ec41-45b7-9b7a-648c0b390838.pdf)

**Judges: Hon`ble Justice Ramesh Ranganathan, Chairperson & Hon`ble Seema Gupta, Technical Member (Electricity)**

**Date of Judgement: 17.01.2025**

**Area of Law: PPA Disputes (Payment of Capacity Charges)**

The Appellate Tribunal for Electricity upheld the order of the Central Electricity Regulatory Commission, holding that:  
  
1. The procurers (UP discoms) were obligated to pay capacity charges and transmission charges for the entire contracted capacity of 361 MW made available by the seller (MB Power) from April 1, 2017 to May 16, 2017, even though the procurers had scheduled only 277 MW during this period.  
  
2. The seller was not required to provide a 60-day advance preliminary written notice and a 30-day advance final written notice before commencing supply of power through the operationalization of the remaining 169 MW under long-term open access (LTOA), as the initial commencement of supply had already taken place in August 2015.  
  
3. The procurers were liable to reimburse the transmission charges paid by the seller for the contracted capacity, irrespective of the actual usage, as per the terms of the power purchase agreement.  
  
The Tribunal noted that the procurers had acknowledged the fulfillment of the condition precedent by the seller regarding obtaining LTOA, and had also agreed to the revised scheduled delivery date. It found no merit in the procurers' arguments and dismissed the appeal, upholding the decision of the Central Electricity Regulatory Commission.

[**UTTARAKHAND ELECTRICITY REGULATORY COMMISSION VERSUS UTTARAKHAND POWER CORPORATION LIMITED [APPEAL NO. 177 OF 2017]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//b843a246-0472-4de4-ab85-3046d9f35f71.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 21.02.2025**

**Area of Law: PPA Disputes (Delay in Completing Transmission Line)**

The Appellate Tribunal for Electricity upheld the Uttarakhand Electricity Regulatory Commission's order denying the Appellant's claim for deemed generation tariff before the commercial operation date (COD) of its 12.6 MW Sarju II small hydropower project.   
The court found that deemed generation claims can only be made after COD, not before, and that the Appellant was responsible for delays in completing the dedicated transmission line (DTL) from the project to the Kapkote substation as required under the PPA. The court held that the Appellant was not entitled to deemed generation benefits until the DTL was completed, consistent with the state commission's decision.

[**NDIAN WIND POWER ASSOCIATION VERSUS GUJARAT ELECTRICITY REGULATORY COMMISSION & ORS [APL NO. 68 OF 2017, 69 OF 2017 & 78 OF 2017]**](https://pub-cc8438e664ef4d32a54c800c7c408282.r2.dev//34e5ca04-ffc2-477b-99be-28a78c82c879.pdf)

**Judges: Sandesh Kumar Sharma, Technical Member & Virender Bhat, Judicial Member**

**Date of Judgement: 29.01.2025**

**Area of Law: Renewable Purchase Obligation**

The Appellate Tribunal for Electricity held that the Indian Wind Power Association's appeals challenging the Gujarat Electricity Regulatory Commission's orders revising the Renewable Purchase Obligation (RPO) targets for FY 2014-15 can be disposed of, as the power distribution companies have been able to achieve the RPO targets in recent years, with some relaxations granted in earlier years. The Tribunal examined the compliance report filed by the respondents and noted that they have achieved the RPO targets in FY 2022-23 to 2024-25 (Q1). While the Tribunal did not make any observations on the submissions, it clarified that the respondents should adhere to the RPO regulations notified from time to time.