

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

RP No. 9 OF 2025

Dated: 17th July, 2025

Present : Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Ms. Seema Gupta, Technical Member (Electricity)

In the matter of:

Essar Power Limited Petitioner(s)

Versus

Gujarat Urja Vikas Nigam Limited & Anr. Respondent(s)

Counsel on record for the Petitioner(s) : Mahesh Agarwal
for App. 1

Counsel on record for the Respondent(s) : Ranjitha Ramachandran
Anand K. Ganesan
Swapna Seshadri
Ashwin Ramanathan
Harsha Manav
Srishti Khindaria
for Res. 1

Shikha Ohri
for Res. 2

ORDER

The first Respondent in Appeal No. 138 of 2021 has filed the present review petition aggrieved by the order passed by this Tribunal in Appeal No. 138 of 2021 dated 21.03.2023 to the limited extent this Tribunal had recorded in the last lines of para 74 that:-

“DPC” (Delayed Payment Surcharge) applicable as per the PPA for delay in payment by GUBNL to SR is a rational approach when payment liability is affixed on Essar Power. We therefore find no infirmity in the

Impugned Order regarding the applicability of DPC as per the PPA on simple interest”.

While fairly stating that the Petitioner herein is not aggrieved by the directions afore-extracted, to the extent the Appellant in Appeal No. 138 of 2021 was granted simple interest, Mr. Buddy A. Ranganadhan, Learned Senior Counsel appearing on behalf of the Petitioner, would submit that the other observations in the said order may come in the way of the Petitioner’s claim in Appeal No. 692 of 2023 that, in terms of the PPA, they are entitled for compound interest.

Since the Petitioner herein is not aggrieved by the directions passed by us in Appeal No. 138 of 2021 dated 21.03.2025 whereby simple interest was granted to the Appellant therein, the question whether the PPA stipulates simple or compound interest is merely academic, and academic issues do not necessitate adjudication even in a substantive appeal, much less in a review petition where the scope of interference is confined to errors apparent on the face of record. We see no reason, in such circumstances, to entertain the review petition.

The review petition is, accordingly, dismissed. All the IAs therein also stand dismissed.

(Seema Gupta)
Technical Member (Electricity)
mk/dk

(Justice Ramesh Ranganathan)
Chairperson