COURT-2

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

Review Petition No. 10 of 2025
IN
Appeal No. 66 of 2019

Dated : 27th November, 2025

Present: Hon'ble Ms. Seema Gupta, Technical Member
Hon'ble Mr. Virender Bhat, Judicial Member

In the matter of:

Maharashtra State Electricity Distribution Co. Ltd
Through Chief Engineer (Commercial)
Plot No G-9, Prakashgad,
5th Floor, Station Road,
Bandra (East), Mumbai – 400051
Email: ecomho@gmail.com … Petitioner(s)

Versus

1. **Pudumjee Paper Products Ltd.**
Through its Managing Director
Thergaon, Chinchwad
Pune – 411033
Email: pudumjee@pudumjee.com

2. **Maharashtra Electricity Regulatory Commission**
Through its Secretary
World Trade Centre,
Centre No. 1, 13th Floor, Cuffe Parade,
Colaba, Mumbai – 400005
Email: secretary@merc.gov.in … Respondent (s)

Counsel for the Appellant(s)	:	Buddy A. Ranganadhan Sr. Adv. Shashwat Kumar Rahul Chouhan Purva Kohali Harshit Gupta Mukut Choudhary for App. 1
Counsel for the Respondent(s)	:	Anand K. Ganesan Neha Garg Swapna Seshadri for Res. 1

ORDER

PER HON'BLE MR. VIRENDER BHAT, JUDICIAL MEMBER

IA No. 1275 OF 2025
(for condonation of delay in filing rejoinder) (3 days)

This application has been filed for condonation of delay in filing rejoinder. Delay is condoned and rejoinder is taken on record. Application is disposed of accordingly.

RP No. 10 OF 2025

1. Heard Mr. Buddy Ranganadhan, Learned Senior Counsel appearing on behalf of the Review Petitioner and Mr. Anand K. Ganesan, Learned Counsel for Respondent No. 1 (Appellant in the main appeal).

2. The Petitioner (Respondent No. 2 in the main appeal) is seeking review of the judgement dated 24th February, 2025 passed by this Tribunal in Appeal No. 66 of 2019.

3. It is the submission of the Learned Senior Counsel for the Review Petitioner that the Appellant in main appeal had restricted its challenge to the Impugned Order of the Commission only to the extent of applicability of the

previous judgement of this Tribunal in ***"Sridevi Trading Company Private Limited"*** case (Appeal No. 20 of 2019) decided on 6th October, 2022 which relates to the scope as well as applicability of Regulation 14.6 of Distribution Open Access (DOA) Regulations, 2016. Learned Senior Counsel pointed out that in the Impugned Order, the Commission had not referred and relied upon Regulations 14.6 alone but also upon the Regulation 11.9 of DOA Regulations, 2016, the applicability of which to the instant case was not argued by the Appellant (Respondent No. 1 in Review Petition) before this Tribunal. It is pointed out by him that there is no mention or discussion about the applicability or otherwise of Regulation 11.9 of DOA Regulations, 2016 in the Impugned Judgement and therefore, setting aside of the entire impugned order of the Commission cannot be said to be proper and thus, the Impugned Judgement needs to be reviewed.

4. Learned Counsel for the Appellant (Pudumjee Paper Products Ltd. (PPPL)) submits that there is no patent error in the judgement under review and therefore, Review Petition needs to be dismissed outrightly.

5. Perusal of the Impugned Order of the Commission (impugned in the Appeal) reveals that the same is based upon two Regulations i.e. Regulation 14.6 and Regulation 11.9 of DOA Regulations, 2016 which have been discussed by the Commission under issue No. 1 & issue No. 2 framed in the Impugned Order. The Commission, while giving its findings on Issue No. 1,

relied upon its earlier order in Sridevi Trading Company case, which came to be reversed/set aside by this Tribunal in Appeal No. 20 of 2019 decided on 6th October, 2022. However, while giving its findings on issue No. 2, the Commission has not relied upon its said earlier order in Sridevi Trading case.

6. Keeping in view these facts and circumstances, this Tribunal, in the judgement under review held as under :-

> *"15. Thus, in view of the above discussion, we are unable to sustain impugned order of the Commission. Same is hereby set aside. We hold that the methodology followed by MSEDCL for levying of wheeling and transmission charges is not correct and is contrary to DOA Regulations of 2014 as well as of 2016, as quoted hereinabove. We concur with the views of this Tribunal in judgment dated 06.10.2022 in appeal No.20/2019 and affirm that wheeling charges cannot be levied on the quantum of power at injection point and are leviable / payable only on the actual power drawn by the consumer at the consumption end."*

7. So far as the findings of the Commission on issue No. 2 in the impugned order are concerned, this Tribunal did not disturb those findings as the Appellant had restricted its challenge to the impugned order of the

Commission to its findings on Issue No. 1 only, and accordingly it was mentioned in paragraph No. 16 of the judgement under review:-

"16. Accordingly, the appeal stands allowed to the extent indicated hereinabove."

8. Bare reading of paragraph No. 16 of the judgement under review, extracted herein above, clearly shows that the judgement of this Tribunal under review related to what has been discussed in the judgement and ultimately what was held in paragraph No. 15. The judgement does not relate to any other aspect of the Impugned Order of the Commission which is not discussed in the judgement and does not find any mention in paragraph No. 15.

9. Therefore, we do not find any error apparent on the face of record in the judgement dated 24th February, 2025. The Review Petition is sans any merit and is hereby dismissed.

(Virender Bhat)
Judicial Member

(Seema Gupta)
Technical Member (Electricity)

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REPORTABLE / ~~NON REPORTABLE~~

Js/tc