

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No. 16 of 2025 & IA No. 71 OF 2025 & IA No. 70 OF 2025

Dated: 7th February, 2025

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

In the matter of:

Maharashtra State Electricity Distribution Company Ltd. Appellant(s)

Versus

Maharashtra Electricity Regulatory Commission & Ors. Respondent(s)

Counsel on record for the Appellant(s) : Shashwat Kumar
Rahul Chouhan
Harshit Gupta
Mukut Choudhary
for App. 1

Counsel on record for the Respondent(s) :
for Res. 1

Somya Sahni
Tanisha Lunia
Sakya Singha Chaudhuri
Avijeet Lala
Astha Sharma
Shreya Dubey
Ritika Singhal
Devank Maheshwari
Neha Das
Shriya Gambhir
Chandan Kumar
for Res. 2

ORDER

IA No.70 OF 2025

(for exemption from filing certified copy of the impugned order)

Mr. Rahul Chouhan, learned Counsel for the Appellant, undertakes to file certified copy of the order under appeal within four weeks. Recording his submission, the IA is closed.

IA No. 71 of 2025

(for interim relief)

We are saved the trouble of passing an interlocutory order on merits, since both Mr. B.P. Patil, learned Senior Counsel appearing on behalf of the Appellant, and Mr. Avijeet Lala, learned Counsel appearing on behalf of the 2nd Respondent, agree on the nature of the interim order which may be passed during the pendency of the appeal.

It is, however, necessary for us to briefly note a few facts. The subject PPA was executed on 21.06.2013 after the 2nd Respondent commissioned the plant on 11.08.2011 and began effecting supplies to the Appellant on 01.04.2013. It is not in dispute that the PPA was to remain valid for a period of 13 years. The dispute, before the Commission and in this appeal, relates the date from which this 13 year period should be reckoned.

While the submission urged on behalf of the Appellant is that it should commence from 11.08.2011 (ie the date of commissioning), in which event, the 13 year period would end on 10.08.2024, the submission urged on behalf of the 2nd Respondent is that the 13 year period should be

reckoned from the date on which power supply to the Appellant commenced ie from 01.04.2013, in which event the 13 year period would expire only on 31.03.2026. The dispute, therefore, relates to the 2nd Respondent's entitlement to be paid higher tariff during the period 11.08.2024 to 31.03.2026.

Mr. B.P. Patil, learned Senior Counsel appearing on behalf of the Appellant, would submit that the Appellant is ready and willing to execute a supplementary PPA with the 2nd Respondent for a period of 12 years from 11.08.2024 to 10.08.2036 in terms of the Order of the Commission dated 30.09.2020, and to pay them a tariff of Rs.4.75 (ceiling) or actuals whichever is less, in terms of the order of the Commission, and subject to the terms and conditions stipulated in the said order, and subject to the result of the present appeal. Mr. Avijeet Lala, learned Counsel for the 2nd Respondent, would submit, on instructions, that the 2nd Respondent is also willing to execute the supplementary PPA in terms of what has been recorded in this order without prejudice to their contentions in the appeal pending before this Tribunal, and on condition that they are paid the tariff, in terms of the supplementary PPA from 11.08.2024, from which date payment to the 2nd Respondent has been stopped by the Appellant.

As learned Senior Counsel for the Appellant and learned counsel for the 2nd Respondent are in agreement, we permit parties to execute a supplementary PPA, to be valid till 10.08.2036, subject to the condition that the Appellant pays the 2nd Respondent tariff in terms of the supplementary PPA from 11.08.2024 onwards, within one week from the date on which the supplementary PPA is executed. Learned Counsel on both sides agree that the PPA would be executed by the parties within two weeks from the

date of receipt of a copy of this order. The supplementary PPA executed between the parties shall be subject to the result of the main appeal, and without prejudice to the contentions which both sides may be entitled to raise in the appeal pending before this Tribunal. The IA is accordingly disposed of.

DFR No : 16 of 2025

Mr. Rahul Chouhan, learned Counsel for the Appellant, states that costs, as directed to be paid by this Tribunal, has been paid on 04.02.2025. Learned counsel undertakes to file proof of payment on or before 21.02.2025. His submission is recorded.

Six weeks' time is granted to file reply. Rejoinder, if any, may be filed within four weeks thereafter.

Learned Counsel on both sides agree that the issue involved in this appeal is short. After pleadings are complete, Registry to verify the same, and then include the Appeal in the '**List of short matters**' to be taken up from there, in its turn.

(Seema Gupta)
Technical Member (Electricity)

(Justice Ramesh Ranganathan)
Chairperson

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