

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 104 OF 2025 & IA No. 84 OF 2025
APL No. 158 OF 2025 & IA No. 65 OF 2025
APL No. 159 OF 2025 & IA No. 75 OF 2025 &
APL No. 195 OF 2025 & IA No. 585 OF 2025

Dated: 15th July, 2025

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

APL No. 104 OF 2025 & IA No. 84 OF 2025

In the matter of:

Andhra Pradesh Ferro Alloys Producers Association, & Appellant(s)
Ors.

Versus

Andhra Pradesh Electricity Regulatory Commission & Respondent(s)
Ors.

Counsel on record for the Appellant(s) : Poonam Verma Sengupta
Saunak Kumar Rajguru
Priyakshi Bhatnagar
Devisi Bhuwalka for
Appellants

Counsel on record for the Respondent(s) : Gaichangpou Gangmei
Arjun D Singh
Ankita Sharma
Yimyanger Longkumer
Nisha Pandey
Maitreya Mahaley for Res. 1

Yelamanchili Shiva
Santosh Kumar
Rudrajit Ghosh
Khyati Chhabra
Maria Jerome J
for Res. 2 and 3

APL No. 158 OF 2025 & IA No. 65 OF 2025

In the matter of:

South Indian Cement Manufacturers Association & Ors. Appellant(s)

Versus

Andhra Pradesh Electricity Regulatory Commission & Ors. Respondent(s)

Counsel on record for the Appellant(s) : Poonam Verma Sengupta
Saunak Kumar Rajguru
Priyakshi Bhatnagar
Devisi Bhuwalka
for the Appellants

Counsel on record for the Respondent(s) : Gaichangpou Gangmei
Arjun D Singh
Ankita Sharma
Yimyanger Longkumer
Nisha Pandey
Maitreya Mahaley for Res. 1

Yelamanchili Shiva
Santosh Kumar
Rudrajit Ghosh
Khyati Chhabra
Maria Jerome J
for Res. 2, 3 & 4

APL No. 159 OF 2025 & IA No. 75 OF 2025

In the matter of:

Andhra Pradesh Textile Mills Association & Ors. Appellant(s)

Versus

Andhra Pradesh Electricity Regulatory Commission & Ors. Respondent(s)

Counsel on record for the Appellant(s) : Poonam Verma Sengupta
Saunak Kumar Rajguru

Counsel on record for the Respondent(s) : Priyakshi Bhatnagar
Devisi Bhuwalka
for the Appellants
Gaichangpou Gangmei
Arjun D Singh
Ankita Sharma
Yimyanger Longkumer
Nisha Pandey
Maitreya Mahaley for Res. 1

Yelamanchili Shiva
Santosh Kumar
Rudrajit Ghosh
Khyati Chhabra
Maria Jerome J
for Res. 2, 3 & 4

APL No. 195 OF 2025 & IA No. 585 OF 2025

In the matter of:

Greenpanel Industries Limited & Ors. Appellant(s)

Versus

Andhra Pradesh Electricity Regulatory Commission & Ors. Respondent(s)

Counsel on record for the Appellant(s) : Hitendra Nath Rath
Laxmi
Veronica Shikha Johnson
for the Appellants

Counsel on record for the Respondent(s) : Gaichangpou Gangmei
Arjun D Singh
Ankita Sharma
Yimyanger Longkumer
Nisha Pandey
Maitreya Mahaley for Res. 1

Yelamanchili Shiva
Santosh Kumar
Rudrajit Ghosh
Khyati Chhabra
Maria Jerome J
for Res. 2 & 3

ORDER

IA-84/2025, IA-65/2025, IA-75/2025 & IA-585/2025
(For interim relief)

On more or less identical issues for FY 2022-23, a batch of appeals, in Appeal No.12 of 2025 & batch, were filed before this Tribunal. We had, in IA No. 1976 of 2024 in Appeal No. 12 of 2025 and batch dated 19.03.2025, passed an elaborate interim order observing that the impugned order did not require interference at the interlocutory stage, and any payment made by the Appellant, to the Respondents-AP Discoms in compliance with the impugned order during the pendency of the appeals, shall be subject to the result of the main appeals. All the IAs were, accordingly, disposed of.

Aggrieved thereby, the South Indian Cement Manufacturers Association filed Civil Appeal Nos. 6877 of 2025 and the Supreme Court, in its order dated 19.05.2025, found no good grounds and reasons to interfere with the impugned order, and dismissed the appeal. It is relevant to note that the very same Appellant before the Supreme Court is the Appellant in Appeal No. 158 of 2025 which is an appeal relating to the subsequent FY 2023-34.

Both Mr. A. Ravinder, Learned Senior Counsel appearing on behalf of the Appellant in Appeal No. 195 of 2025, and Ms. Poonam Verma Sengupta, Learned Counsel appearing on behalf of the Appellants in Appeal Nos.104 of 2025, 158 of 2025 and 159 of 2025, would submit that the impugned order necessitates being set aside in as much as the consumers were not provided an oral hearing with respect to the objections raised by them.

We had, in Surya Alloys Industries Ltd. Vs. West Bengal Electricity Regulatory Commission (Judgment in Appeal No. 267 of 2023 dated

04.07.2025), considered the very same issue; and had held that, in terms of Section 64(3) of the Electricity Act, the only right which the consumer had was to put forth their objections to the tariff petition and not for an oral hearing.

Mr. A. Ravinder, Learned Senior Counsel, would however contend that the said judgment may not be applicable since the scope and ambit of Section 10(7) of the AP Electricity Reforms Act, 1998 did not arise for consideration therein. The question whether or not the aforesaid judgment is applicable to the facts of the present case, and as to whether the provisions relied upon by the Learned Senior Counsel would obligate an oral hearing being given by the Commission to the Appellants herein, must await a detailed examination when the main appeal is finally heard, more so in the light of the submissions of Mr. Rudrajit Ghosh, Learned Counsel appearing on behalf of the AP Discoms, that Regulation 12.5(e) of the 4th amendment of the APERC Tariff Regulations 2005 only requires written objections to be called from the general public, and for orders to be issued thereafter.

Making it clear that the amounts, if any paid by the Appellants in compliance with the impugned order, shall be subject to the result of the main appeal, the IAs in these appeals are dismissed following the order passed by this Tribunal earlier in IA No. 1976 of 2024 in Appeal No. 12 of 2025 and batch dated 19.03.2025, and in terms thereof.

APL No. 104 OF 2025, APL No. 158 OF 2025
APL No. 159 OF 2025 & APL No. 195 OF 2025

Ms. Poonam Verma Sengupta, Learned Counsel appearing on behalf of the Appellants, states that the Appellants, in Appeal Nos. 158 of 2025 and 159 of 2025 do not wish to file a separate rejoinder and would adopt the rejoinder filed by the Appellant in Appeal No. 104 of 2025.

Learned Counsel on both sides state that pleadings are otherwise complete. Registry to verify whether pleadings are complete and, thereafter, re-include this appeal in the 'List of Finals', to be taken up from there in its turn.

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

(Justice Ramesh Ranganathan)
Chairperson