

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 161 OF 2025 & IA No. 865 OF 2025 & IA No. 1216 OF 2025

Dated: 6th November, 2025

Present : Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Mr. Ajay Talegaonkar, Technical Member (Electricity)

In the matter of:

Punjab State Power Corporation Limited Appellant(s)

Versus

Punjab State Electricity Regulatory Commission & Anr. Respondent(s)

Counsel on record for the Appellant(s) : Anand K. Ganesan
Swapna Seshadri
Amal Nair
Shivani Verma
Devyani Prasad
for App. 1

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

Tajender K. Joshi
Rampal Kohle
for Res. 2

ORDER

IA-1216/2025
(For modification of Order)

Mr. Anand K. Ganesan, Learned Counsel for the Appellant states that they do not seek adjudication of this IA. The said IA is dismissed as not pressed.

IA-865/2025
(For interim relief)

PSPCL has filed the present appeal aggrieved by the order passed by the PSERC in Petition No. 01 of 2025 dated 09.05.2025 whereby the termination notice issued by the Appellant on 11.12.2024, terminating the PPA, signed between the Appellant and the second Respondent on 11.07.2012, was held not to in order, and was set aside. The Appellant was further directed to compensate the second Respondent by payment of fixed charges, for non-evacuation of power for the period the PPA remained terminated by the Appellant, by considering deemed generation equivalent to the actual amount injected to the corresponding period of the previous year, along with carrying cost and other interest as allowable to PSPCL for its working capital required for the said period.

The tariff determined, with respect to the PPA executed on 11.07.2012 was for a period of 13 years which expired during the pendency of this appeal on 07.08.2025, thirteen years from the COD. Even if the impugned order were to be implemented in toto, the tariff for the remaining around seven years is required to be determined afresh by the PSERC. The fact however remains that, as a consequence of and ever since the termination notice issued by the Appellant on 11.12.2024, the Appellant has stopped procuring power from the second Respondent for the past more than eleven months.

Mr. Tajender K. Joshi, Learned Counsel for the second Respondent, would submit that, with a view to avoid any further delay in adjudicating the IA, the second Respondent is willing to inject/supply power to the Appellant at the tariff to be determined by the Commission for the remaining seven years duration; the Appellant undertakes not to claim fixed charges, which the Appellant is required to pay in terms of the

impugned order, during the pendency of this appeal; they also undertake not to claim carrying cost for the power they would, if permitted, commence injecting till their tariff is determined afresh by the PSERC; and these concessions made on behalf of the second Respondent is because they have not been able to inject/supply power to the Appellant for the past nearly a year, and the delay caused thereby has resulted in their suffering irreparable injury.

As we find considerable force in the submission urged on behalf of the second Respondent, we inquired from Mr. Anand K. Ganesan, Learned Counsel for the Appellant, as to why an interim order should not be passed in the light of the submission urged on behalf of the second Respondent. Learned Counsel would state that he has no instructions in this regard, and this Tribunal may consider adjudicating the IA on its merits.

It must be borne in mind that an interim order, passed in an appeal, is an arrangement made to remain in force only till the main appeal is finally heard and decided. It is not in dispute that the tariff determined by the Commission earlier was for a duration of thirteen years which came to end on 07.08.2025. In terms of the impugned order, the Appellant is obligated to receive power supplied by the second Respondent, as also to pay them fixed charges for the period they have disabled from injecting power.

The submissions urged on behalf of the second Respondent is that they would refrain from making any claim for payment of fixed charges during the pendency of the appeal, and would await a final adjudication of the appeal in this regard. While seeking an order to be permitted to inject/supply power to the Appellant forthwith, the second Respondent also states that they would await determination of tariff by the Commission for payment to be made for the supplies effected by them, and they would

not claim carrying cost for the period from the date of supply afresh till the date on which tariff is determined by the Commission. We are of the view that the submission made on behalf of the second Respondent would more than adequately safeguard the interests of the Appellant even in case the appeal were to be allowed latter.

In such circumstances, we direct that, pending disposal of the main appeal, the second Respondent shall be permitted to inject/supply power which the Appellant shall receive at the tariff to be determined later by the PSERC. Till such exercise of determination is undertaken by the PSERC and the tariff is determined, the second Respondent shall not be entitled to claim tariff for the power injected by them. The second Respondent shall also not claim carrying cost for belated payment of tariff from the date on which they injected power till determination of tariff by the Commission. They shall also not claim fixed charges, as directed by the Commission in the original order, during the pendency of this appeal, and their claim for payment of such fixed charges shall await a final adjudication of main appeal.

The IA is disposed with the aforesaid directions.

APL-161/2025

Let the appeal be re-included in the List of Finals, to be taken up from there in its turn.

(Ajay Talegaonkar)
Technical Member (Electricity)

mk/sk

(Justice Ramesh Ranganathan)
Chairperson