

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY  
(Appellate Jurisdiction)

APL No. 240 OF 2025 & IA No. 894 OF 2025

**Dated: 8<sup>th</sup> January, 2026**

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

In the matter of:

J. B. Rolling Mills Limited & Anr. .... Appellant(s)

Versus

Himachal Pradesh Electricity Regulatory Commission & Anr. .... Respondent(s)

Counsel on record for the Appellant(s) : Lakshya Gupta  
Sachit Mathur  
Harshit Agarwal  
Kamal Kumar  
Aasheesh Gupta  
Abhishek Sharma  
Harendra Kumar Ray  
for App. 1

Lakshya Gupta  
Sachit Mathur  
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for App. 2

Counsel on record for the Respondent(s) : Pradeep Misra  
Manoj Kumar Sharma  
for Res. 1

Anand K. Ganesan  
Swapna Seshadri  
Amal Nair  
Shivani Verma  
Devyani Prasad  
for Res. 2

## **ORDER**

### **IA NO. 894 OF 2025** *(For interim relief)*

This IA is confined only to the grant of night-time concession. The 2<sup>nd</sup> Respondent herein filed a petition, seeking rationalization thereof, contending as under:

*'12.30.07 The Petitioner has submitted that due to increase in rates in the market during night hours, the Night-time concessions provided in the previous Tariff Order needs to be rationalized. The Petitioner has submitted details of the Consumers availing Night-time concession. The Petitioner has submitted that rebate is being availed by all the Industrial Consumers for industrial as well as lighting load during night hours resulting in lower Tariff than other category of Consumers. It has been submitted that from FY 2022-23 onwards, the Power is costly during night hours as compared to normal hours. The Petitioner has informed that earlier the Power used to be cheaper during night hours and demand was also less. Therefore, to encourage the growth in industrial consumption during Night-time, the concession was provided but the scenario has changed in last few years. Further, the Petitioner has also submitted month-wise Short-term market rates per unit in Rs /kWh for the last three years as shown in the Table below:*

| <i>Year</i>    | <i>Rate per unit<br/>(Normal Hours)</i> | <i>Rate per unit<br/>(Night Hours)</i> |
|----------------|-----------------------------------------|----------------------------------------|
| <i>2023-24</i> | <i>5.08</i>                             | <i>5.30</i>                            |
| <i>2022-23</i> | <i>5.95</i>                             | <i>6.58</i>                            |
| <i>2021-22</i> | <i>4.13</i>                             | <i>3.16</i>                            |

The Commission considered the said submission and observed as under:

*“12.30.09 The Commission has analysed the monthly data of Night-time prices vis-à-vis the average prices for the period March, 2024 to February, 2025 of the Indian Energy Exchange (EX). The comparison of average Night-time monthly charges vis-à-vis the average monthly charges compiled based on IEX hourly data by the Commission are as under:*

*...*

*12.30.10 It can be seen from the above table that there have been significant negative variations in the Night-time Short-term Power prices vis-a-vis monthly average Short-term Power prices from April 2024 to October 2024. Moreover, this is the only period when the Petitioner has some surplus of Power during Night-time especially monsoon months. But the price differences are very high meaning thereby the Petitioner has to incur higher cost and at the same time earning less revenue out of it. However, it is also observed that the Night-time average prices are significantly lower during winter months comparison to the average prices of the day. But the Petitioner is not having any Surplus Power available during night hours as the Hydro Generation is very low during winter period as water availability dips significantly. Therefore, the Petitioner has to bear heavy cost to sell the power during night hours at discounted rates.*

*12.30.11 This discrepancy results in financial losses for the Petitioner, as it effectively subsidizes Consumers at rates below procurement costs. Maintaining the concession could lead subsidization, affecting Tariff stability for other Consumers. Further, the Power deficits in several months in current financial year has led the Petitioner to buy additional Power at premium rates from the Short-term market. Offering a*

*concession under such conditions shall further increases the financial burden of the Petitioner Given the higher Night-time Power procurement costs, the continued provision of Night-time concessions is economically unsustainable Therefore, withdrawing Night-time concession shall align the Tariffs with market conditions, ensure cost recovery, and promote financial stability for the HPSEBI. In view of the above, the Commission is of considerate view to abolish Night-Time concession and, thus, the Night-Time concession is abolished."*

It does appear, from the afore-said observations of the Commission, that the Nigh-Time average prices were significantly lower during winter months in comparison to the average prices of the day; however the 2<sup>nd</sup> Respondent did not have any surplus power available during night hours as Hydro-Generation was very low during the winter period as water availability dips significantly resulting in the 2<sup>nd</sup> Respondent having to bear heavy cost to sell the power during night hours at discounted rates; this discrepancy resulted in financial losses to the 2<sup>nd</sup> Respondent as it effectively subsidized consumers at rates below procurement costs; and maintaining the concession could lead to subsidization affecting tariff stability for other consumers.

Prima facie, the reasons assigned by the Commission does appear to justify the exercise undertaken by them for rationalizing the night time concession granted earlier. While we may not be understood to have expressed a final conclusion in this regard, since the matter must await a detailed hearing and adjudication when the main tariff appeal is taken up for hearing, we are of the view that the present case is not one such which would require an interim order to be passed staying the rationalization exercise undertaken by the Commission.

Suffice it, in such circumstances, to make it clear that the rationalization exercise undertaken by the Commission and the impugned order passed pursuant thereto, shall be subject to the result of the main appeal. The IA is accordingly disposed of.

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Registry to verify whether pleadings are complete, and thereafter include this appeal in the '**List of Finals**' to be taken up from there for hearing, in its turn.

Ajay Talegaonkar  
Technical Member (Electricity)

Justice Ramesh Ranganathan  
Chairperson

*tpd/mkj*