

COURT-2

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 191 OF 2025 & IA No. 1515 OF 2025 & IA No. 1465 OF 2025 & IA
No. 1517 OF 2025
APL No. 212 OF 2025 & IA No. 1516 OF 2025

Dated: 16th October, 2025

Present : Hon`ble Ms. Seema Gupta, Technical Member (Electricity)
Hon`ble Mr. Virender Bhat, Judicial Member

In the matter of:

APL No. 191 OF 2025 & IA No. 1515 OF 2025 & IA No. 1465 OF 2025 & IA No. 1517
OF 2025

Chadha Sugars and Industries Pvt. Ltd.

.... Appellant(s)

Versus

Punjab State Power Corporation Limited & Ors.

.... Respondent(s)

Counsel on record for the Appellant(s) : Karan Nagrath
Niharika Nagrath
Ambuj Tiwari
Arjun Nagrath
B.P. Sharma
for App. 1

Counsel on record for the Respondent(s) : Poorva Saigal
Shubham Arya
Pallavi Saigal
Reeha Singh
Rishabh Saxena
Harshvardhan Singh
Shirin Gupta
for Res. 1

Gargi Kumar
for Res. 2

APL No. 212 OF 2025 & IA No. 1516 OF 2025

Punjab State Power Corporation Limited,		Appellant(s)
Versus		
Chadha Sugars And Industries Pvt. Ltd. & Ors.		Respondent(s)
Counsel on record for the Appellant(s)	:	Poorva Saigal Shubham Arya Pallavi Saigal Reeha Singh Rishabh Saxena Harshvardhan Singh Shirin Gupta for App. 1
Counsel on record for the Respondent(s)	:	Niharika Nagrath Ambuj Tiwari Karan Nagrath Arjun Nagrath B.P. Sharma for Res. 1 Gargi Kumar for Res. 2

ORDER

IA No. 1517 OF 2025 in Appeal No. 191 of 2025
(For Modification)

By way of this application, the Appellant seeks modification of order dated 29th September, 2025 passed in this appeal in which we had directed as under :-

“Accordingly, we hereby stay the adjustment of the tariff as per the new tariff determined by the Commission vide the impugned order w.e.f 20.12.2023 onwards till the date of passing of the impugned order only to the extent of 50% of the same.”

However, the 1st respondent shall continue paying the re-determined tariff from the date of issuance of the impugned order by the Commission. The IA stands disposed of in these terms.”

Heard Mr. Basava Prabhu Patil, Learned Senior Counsel appearing on behalf of the Appellant and Ms. Poorva Saigal, learned Counsel for 1st Respondent.

It is pointed out by Learned senior Counsel for the Appellant that in pursuance to the said direction passed by this Tribunal, the Respondent No. 1 is entitled to adjust up to 50% of the excessive tariff as per the tariff determined by the Commission vide the impugned order, w.e.f. 20th December, 2023, from the amounts payable to the Appellant. It is submitted that the said adjudgment of 50% of the excessive tariff amounts to approximately Rs.15.6 crores. It is submitted that such adjustment would result in grave situation for the Appellant as it would not only be unable to gain any effective revenue against which invoices raised during Financial Year 2025-26 but would also incur losses towards the cost of power generation that it will have to bear at its own cost.

It is also submitted that consequent to the re-determination of tariff as per the impugned order of the Commission, Appellant's average monthly generation realization comes to approximately Rs.3.75/- crores. It is submitted that it would not be fair, just and equitable to order the Respondent to make any adjustment towards the excessive tariff as determined by the Commission vide impugned order from the monthly bills of Appellant as they would be unable to meet even the operating cost of plant, if the entire bill amount for each month is adjusted in terms of this Tribunal's Order and, therefore,

occasion has arisen for the Appellant to seek modification of the order dated 29th September, 2025 passed by this Tribunal in this appeal in order to seek complete stay of the operation of the impugned order dated 8th May, 2025 of the Commission.

Learned Counsel for Respondent No. 1 has vehemently opposed the submission of the Appellant's counsel stating that no case for modification of the order dated 29th September, 2025 of this Tribunal has been made out. It is submitted by the Learned Counsel that the Appellant is not facing any financial constraints as projected in this application and in fact is earning revenue from sale of power from its generating station. It is submitted that the order dated 29th September, 2025 is just and equitable in the facts and circumstances of this case and does not call for any further modification.

We may note that the Appellant operates a Bagasse based co-generation power plant which, being dependent on the sugarcane crushing cycle, is capable of generating and supplying electricity to Respondent No. 1 only during the crushing season i.e. from November to May each year. It is not under dispute that in pursuance to the adjustment that has to be carried out in terms of the order dated 29th September, 2025 passed in this appeal, the entire amount of bills/invoices to be raised by the Appellant would be adjusted and no revenue from sale of power would remain in the hands of the Appellant to take care even of the operation and maintenance expenses. Therefore, the Appellant would be put to acute financial hardship in case the order dated 29th September, 2025 is given effect and it would be difficult for the Appellant to even run the generating station and generate power therefrom. Therefore, keeping in view of the submission made on behalf of the Appellant, we find that a strong case for modification of the order dated 29th September, 2025 has been made out.

Therefore, we direct that 50% of the recoverable amount from the Appellant as per the impugned order of the Commission, as permitted vide order dated 29th September, 2025, shall be recovered by adjusting only 50% of the amount of bills/invoices to be raised by the Appellant upon 1st Respondent. The Appellant shall be paid 50% of the amount reflected in the bills/invoices to be raised by it to the 1st Respondent.

The order dated 29th September, 2025 stands modified accordingly in these terms. The Application stands disposed of accordingly.

IA No. 1465 OF 2025 in Appeal No. 191 of 2025
(for condonation of delay in filing rejoinder)(06 days)

Despite repeated reminders of the need to file pleadings within the time sought for by the Counsel themselves, applications are still being filed seeking further extension of time for completing pleadings. Such requests not only disable us from striving to achieve the objective of the Act to dispose of the Appeal within 180 days, but also results in needless wastage of precious court time which can be more usefully spent in hearing Appeals on merits.

The present case is yet another instance of procrastination. We, however, see no reason to deny the Appellant an opportunity to file their rejoinder. We consider it appropriate to permit them to file rejoinder on condition that the Appellant pays costs of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Central Transmission Utility of India Limited (CTUIL) within four weeks, and file proof of payment in the Registry within two weeks thereafter. Subject to compliance with the aforesaid directions, the delay in filing rejoinder is condoned, and the rejoinder filed by the Appellant shall be taken on record. The application is disposed of.

The Appellant shall also intimate the CTUIL of the Appeal No. and the date of Order, in terms of which costs are being paid.

APL No. 191 OF 2025

Since affidavit of service of notice on Respondent Nos. 2 & 3 has already been filed, failure to effect service of court notice on Respondent No.2 & 3 is of no consequence.

IA No. 1515 of 2025 in Appeal No. 191 of 2025
IA No. 1516 of 2025 in Appeal No. 212 of 2025
(Urgent Listing)

The applications filed by the Applicants having served its purpose stands disposed of. Learned counsel for the applicants submitted that the issues involved in these matters are short and requested to include these matters in the “List of Short Matters”. Let the batch of appeals be included in the ‘**List of Short Matters**’ to be taken up from there, in its turn. Registry is directed to delete it from the List of Finals of Court-I and include it in the List of Short matters of Court-I.

Virender Bhat
Judicial Member

Seema Gupta
Technical Member (Electricity)

JS/dk