

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 248 of 2025 & IA No. 1948 OF 2025 & IA No. 1950 OF 2025 &
IA No. 1072 OF 2025 & IA No. 1071 OF 2025

DFR No : 249 of 2025 & IA No. 1952 OF 2025 & IA No. 1951 OF 2025 &
IA No. 1075 OF 2025 & IA No. 1074 OF 2025

DFR No : 250 of 2025 & IA No. 1953 OF 2025 & IA No. 1954 OF 2025 &
IA No. 1078 OF 2025 & IA No. 1077 OF 2025

DFR No : 251 of 2025 & IA No. 1955 OF 2025 & IA No. 1956 OF 2025 &
IA No. 1081 OF 2025 & IA No. 1080 OF 2025

DFR No : 252 of 2025 & IA No. 1957 OF 2025 & IA No. 1958 OF 2025 &
IA No. 1084 OF 2025 & IA No. 1083 OF 2025

Dated: 5th January, 2026

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

In the matter of:

Damodar Valley Power Consumers Association & Ors. Appellant(s)

Versus

West Bengal Electricity Regulatory Commission & Anr. Respondent(s)

Counsel on record for the Appellant(s) : Rajiv Yadav
for App. 1

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Counsel on record for the Respondent(s) : C.K. Rai
Anuradha Roy
Vinay Kumar Gupta
for Res. 1

Shri Venkatesh
Ashutosh Kumar Srivastava
Nihal Bhardwaj
Surbhi Kapoor
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Manav Bhatia
Siddharth Nigotia
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DFR No : 252 of 2025 & IA No. 1957 OF 2025 & IA No. 1958 OF 2025 &
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ORDER

IA NO. 1072 OF 2025 IN DFR NO. 248 OF 2025
IA NO. 1075 OF 2025 IN DFR NO. 249 OF 2025
IA NO. 1078 OF 2025 IN DFR NO. 250 OF 2025
IA NO. 1081 OF 2025 IN DFR NO. 251 OF 2025
IA NO. 1084 OF 2025 IN DFR NO. 252 OF 2025

(For leave to file appeal)

Mr. Rajiv Yadav, Learned Counsel for the Appellant-Association, would state that the other Appellants in the appeal are Members of the first Appellant-Association; they are consumers of the electricity supplied by the Damodar Valley Corporation; the order impugned in this appeal is a tariff order passed by the WBERC; and since the tariff so determined by the Commission has an adverse impact on each of the individual consumers of DVC, including the Appellant-consumers herein, they are parties aggrieved entitled to file the present appeal under Section 111(1) of the Electricity Act.

While fairly stating that the individual consumers, who are arrayed as Appellants in this Appeal, are entitled to maintain the present appeal, Mr. Shri Venkatesh, Learned Counsel for the DVC, would however question the maintainability of the Appeal filed by the Association which is a company registered under Section 8 of the Companies Act, 2013.

While the first Appellant is, no doubt, an Association, the fact remains that the other Appellants are consumers who are entitled to maintain an appeal against the impugned tariff order. The question whether the first Appellant-Association can maintain an appeal, independent of the other Appellants who are consumers of the electricity supplied by DVC, can be examined when the main appeal is finally heard. Leaving this question open, we see no reason to deny the Appellant-consumers leave to file an appeal. Leave, as sought for, is granted subject to the maintainability of the appeal filed on behalf of the first Appellant-Association. The applications are disposed of accordingly.

IA NOS. 1948 OF 2025 & 1950 OF 2025 IN DFR NO. 248 OF 2025
IA NOS. 1951 OF 2025 & 1952 OF 2025 IN DFR NO. 249 OF 2025
IA NOS. 1954 OF 2025 & 1953 OF 2025 IN DFR NO. 250 OF 2025
IA NOS. 1955 OF 2025 & 1956 OF 2025 IN DFR NO. 251 OF 2025 &
IA NOS. 1957 OF 2025 & 1958 OF 2025 IN DFR NO. 252 OF 2025
(For condonation of delay of 06 days each in filing rejoinder)

The delay in filing rejoinders, as computed by the Registry, is of 06 days each. Mr. Rajiv Yadav, Learned Counsel for the Appellant, would state that the rejoinders were filed on 22.12.2025 which is a Monday, since Saturday and Sunday are court holidays; and if these two days are excluded, then the delay in filing rejoinder is of four days only.

The delay in filing rejoinders is condoned and the rejoinders be taken on record. The Applications are disposed of.

DFR NO. 248 OF 2025 & IA NO. 1071 OF 2025
DFR NO. 249 OF 2025 & IA NO. 1074 OF 2025
DFR NO. 250 OF 2025 & IA NO. 1077 OF 2025
DFR NO. 251 OF 2025 & IA NO. 1080 OF 2025 &
DFR NO. 252 OF 2025 & IA NO. 1083 OF 2025

Mr. Rajiv Yadav, Learned Counsel for the Appellant, requests two weeks' time for a short note regarding the commonality of the issues raised in these five appeals to be highlighted therein. Learned Counsel states that they would file the said note latest by 13.01.2026 after handing over a copy thereof to the Counsel for the Respondents.

Post on **14.01.2026**.

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

tpd/kns