

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 270 of 2025 & IA No. 1671 OF 2025 & IA No. 1672 OF 2025 & IA
No. 1143 OF 2025 & IA No. 1145 OF 2025 & IA No. 1144 OF 2025 & IA
No. 39 OF 2026

Dated: 14th January, 2026

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

In the matter of:

Shreesatya Steel and Power Private Limited Appellant(s)

Versus

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

Counsel on record for the Appellant(s) : Rohit Bansal
for App. 1

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

Mohit Mansharamani
Shri Venkatesh
Shryeshth Ramesh Sharma
Ashutosh Kumar Srivastava
Suhael Buttan
Kanika Chugh
Akash Lamba
Nihal Bhardwaj
Priya Dhankar
Siddharth Nigotia
Abhishek Nangia
Vineet Kumar
Kartikay Trivedi
Mohit Gupta
Manu Tiwari
Surbhi Kapoor
Indu Uttara

Kunal Veer Chopra
Shivam Kumar
Tanishka Khatana
Harsh Vardhan
Aashwyn Singh
Nikunj Bhatnagar
Vedant Choudhary
Aniket Kanhaa
Tarang Saraogi
Adarsh Singh
Manav Bhatia
Ananya Dutta
Drishti Rathi
Punyam Bhutani
for Res. 2

ORDER

Heard the Learned Counsel appearing on behalf of the Appellant, Mr. Shri Venkatesh, Learned Counsel appearing on behalf of the 2nd Respondent-DVC, and Mr. C.K. Rai, Learned Counsel appearing on behalf of the 1st Respondent-Commission. Learned Counsel for the Appellant submitted that he has no instructions to make submissions in this appeal.

Mr. Shri Venkatesh, Learned Counsel for the 2nd Respondent-DVC would submit that the appeal necessitates dismissal for suppression and misrepresentation of relevant and material facts; the Appellant had, in para 10 of its appeal, stated that they have not filed any other suit or appeal or any other legal proceedings against the impugned order passed by the WBERC dated 05.05.2022; the Appellant herein had filed WP No. 9872 of 2022 before the Calcutta High Court challenging the very same order of the WBERC dated 05.05.2022; the Calcutta High Court considered the batch of Writ Petitions, challenging the said order passed by the WBERC, on its merits and, by order dated 17.02.2023, observed that there was no scope for interference with the said order in the writ petitions and, accordingly, the entire batch of writ petitions, including WPA No. 9872 of 2022 filed by the

Appellant herein, were dismissed; while some of the petitioners, in the said batch of writ petitions, have no doubt preferred appeals against the said order, the Appellant is not one such; and the order of the Calcutta High Court, in so far as the Appellant herein is concerned, has attained finality.

We are satisfied that both on the ground of suppression of facts that the Appellant herein had filed a writ petition against the very same order before the Calcutta High Court, and for misrepresentation of facts that they had not filed any other suit or proceedings against the said order, the present appeal necessitate dismissal. Even otherwise, since the Calcutta High Court had dismissed the writ petition filed by the Appellant, against the order of WBERC dated 05.05.2022, by its order dated 17.02.2023, and in as much as no liberty has been granted by the said High Court to the Appellant herein to approach any other forum, the Appellant is bound by the said order of the Calcutta High Court and cannot approach this Tribunal challenging the very same order. Further, the present appeal has been filed with an inordinate and unexplained delay of 1130 days ie a delay of more than three years. The application for delay also necessitates dismissal, and the appeal rejection on the ground of delay.

Viewed from any angle, we see no reason to entertain the appeal. The appeal fails and accordingly is dismissed. And all the other IAs shall also stand rejected.

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

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