

COURT-2

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

RP No. 24 OF 2025 & IA No. 1679 OF 2025 & IA No. 1598 OF 2025

Dated: 6th January, 2026

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

In the matter of:

Jaiprakash Power Ventures Ltd.

.... Petitioner(s)

Versus

Madhya Pradesh Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel on record for the Petitioner(s) : Sakya Singha Chaudhuri
Avijeet Lala
Astha Sharma
Shreya Dubey
Devank Maheshwari
Asmita Narula
Astha Sehgal
Neha Das
Nikhil Anand
Aditya Pratap Singh
Tannishtha Chatterje
Kaushiki
for App. 1

Counsel on record for the Respondent(s) : Mandakini Ghosh
for Res. 1

Ravin Dubey
for Res. 2

ORDER

IA No. 1598 OF 2025
(For condonation of delay in filing reply) (R-1) (03 days)

The delay of 03 days in filing reply is condoned and the reply is taken on record. The application stands disposed off accordingly.

RP No. 24 OF 2025 & IA No. 1679 OF 2025

The appellant, by way of the instant petition has sought review of common judgment dated 14.07.2025 passed by this Tribunal in Appeal Nos.293/2018, 49/2020, 341/2019 & 244/2017.

Heard Mr. Sanjay Sen, learned senior counsel appearing on behalf of the review petitioner as well as learned counsel for the respondent.

Mr. Sen has drawn our attention to Paragraph Nos.192, 206 and 207 of the judgment under review which are extracted hereinbelow for the sake of convenience: -

“192. One of the other common issues in all of the other appeals is the disallowance of additional premium as part of capital cost for the Nigrie plant. This issue has not been argued and may be deferred for consideration in view of the challenge in Appeal No. 95 of 2016.”

.....

“206. The Appellant has raised the following issues in Appeal No. 293 of 2018:

- i. Disallowance of additional capitalization towards procurement of assets of Amelia (North) Coal Mine and payment of Additional Premium on coal received is unjustified,*
- ii. Disallowance of O&M expenses of the transmission line and bay is unsustainable,*
- iii. Disallowance of recovery of pro-rated expenses of operating the Project from beneficiaries of 92.5% capacity on account of supply of 7.5% of concessional power under the PPA dated 06.09.2011 is unjustified,*
- iv. Consideration of claim of FERV with respect to exchange rate at the scheduled date of repayment against the exchange rate as on the actual date of repayment is contrary to the provisions of Tariff Regulations,*
- v. Disallowance of additional capitalization on account of land which was part of original scope of work.*

207. Out of the above five (5) issues, the issue nos. i., ii. and iii. are already covered above by the Appeal No. 244 of 2017.”

Mr. Sen has pointed out that it has been incorrectly mentioned in Paragraph No.207 that Issue No.(i) (formulated in Paragraph No.206) relating to disallowance of additional capitalization is already covered by judgment in

Appeal No.244/2017, whereas it was mentioned during the course of arguments that this issue has not been argued and may be deferred for consideration in view of the challenge in Appeal No.95/2016, as noted in Paragraph 192. This fact is not disputed on behalf of the respondent(s).

Therefore, we hereby clarify that Issue No.(i) noted hereabove is not covered by Appeal No.244/2017 and decision on the same has been deferred in view of the challenge to the same in appeal no.95/2016 and batch.

The review petition, along with all pending applications stand disposed off accordingly. This order shall form part and parcel of judgment dated 14.07.2025.

Virender Bhat
Judicial Member

Seema Gupta
Technical Member (Electricity)

Tp/dk