

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 75 OF 2025 & IA No. 157 OF 2025 & IA No. 159 OF 2025 & IA
No. 193 OF 2025 & IA No. 374 OF 2025

Dated: 4th July, 2025

Present : Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Ms. Seema Gupta, Technical Member (Electricity)

In the matter of:

Shree Renuka Sugars Limited Appellant(s)

Versus

Karnataka Electricity Regulatory Commission & Ors. Respondent(s)

Counsel on record for the Appellant(s) : Prerna Priyadarshini
for App. 1

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

Sumana Naganand
Garima Jain
Tushar Kanti Mohindroo
Nidhi Gupta
Arnav Khanna
Vismaya Simha
for Res. 2

Sumana Naganand
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Tushar Kanti Mohindroo
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for Res. 3

Sumana Naganand
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for Res. 4

Sumana Naganand
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Tushar Kanti Mohindroo
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Vismaya Simha
for Res. 5

Sumana Naganand
Garima Jain
Tushar Kanti Mohindroo
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Vismaya Simha
for Res. 6

ORDER

IA No. 374 OF 2025

(for taking on record additional grounds)

Heard Mr. Buddy A. Ranganadhan, learned Senior Counsel appearing on behalf of the Appellant, and Mr. S.S. Naganand, learned Senior Counsel appearing on behalf of Respondent Nos. 2 to 6.

Facts, to the extent necessary, are that the Government of Karnataka passed an order under Section 11(1) of the Electricity Act directing

generators, including the Appellant herein, to supply electricity to the Respondent Discoms at Rs.4.86 per unit. The said Section 11(1) Order required the Respondent-Discoms to seek approval of the KERC to the tariff specified in the Section 11(1) Order, which was a provisional rate of Rs.4.86 per unit. The Respondent Discoms, in compliance with the afore-said directives, filed a Petition before the KERC seeking tariff to be fixed at Rs.4.86 per unit. By the impugned order, the KERC has reduced the provisional tariff, specified in the Section 11 (1) Order of Rs.4.86 per unit, to Rs. 4.75 per unit, and directed the Respondent-Discoms to recover the differential amount from the Appellant herein. Aggrieved thereby the present appeal.

The present IA is filed by the Appellant seeking permission to raise additional grounds. The Appellant contends that the KERC lacks jurisdiction to entertain a Petition from a distribution licensee seeking approval of tariff, since such a right is available to be exercised only by a generating company under Section 11(2), and not a distribution licensee; and KERC also lacks jurisdiction to reduce the tariff from Rs.4.86 per unit to Rs.4.75 per unit in a Petition filed by the distribution licensee in terms of the Section 11(1) Order.

The submission, urged on behalf of the Respondents, is that the directions to the distribution licensees to approach the Commission is in terms of the Section 11(1) order, the validity of which cannot be questioned in an Appeal under Section 111 of the Electricity Act, and could only have been subjected to challenge in judicial review proceedings under Article 226 of the Constitution; and, since the validity of the Section 11(1) Order cannot be gone into in appellate proceedings under Section 111 of the

Electricity Act, the challenge to the jurisdiction of the KERC does not merit acceptance.

The present application is filed seeking permission to raise additional grounds challenging the jurisdiction of the KERC to pass the impugned order. It is settled law that the question regarding the jurisdiction of a Court/Tribunal, over a subject matter, can be raised at any stage of the proceedings including at the appellate stage, or even in collateral proceedings (**“Sushil Kumar Mehta v. Gobind Ram Bohra” : 1990 (1) SCC 193**).

What we are required to consider at this stage is only whether the Appellant should be permitted to raise these grounds or not, and not whether such grounds merits acceptance. We see no reason, therefore, to deny the Appellant an opportunity to raise such contentions. It is, however, made clear that the question whether or not such contentions merit acceptance shall be examined later either in the IA for interim relief or when the main appeal is finally heard. All such objections which the Respondents may have, on these issues, shall be considered at that stage.

The IA is allowed to the limited extent, the Appellant is permitted to raise these additional grounds in the appeal. The Appellant shall file an amended appeal, including therein these additional grounds, within ten days from today. The Respondents may file their reply, to the amended appeal, within four weeks thereafter.

IA No. 157 OF 2025

(for interim relief)

Post the IA for interim relief for hearing on **14.08.2025.**

(Seema Gupta)
Technical Member (Electricity)

(Justice Ramesh Ranganathan)
Chairperson

ts/sk