COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 419 of 2025 & IA No. 1653 OF 2025 & IA No. 1654 OF 2025 & IA No. 1651 OF 2025 & IA No. 1650 OF 2025 & IA No. 1652 OF 2025 & IA No. 1649 OF 2025 & IA No. 1832 OF 2025

Dated: 8th December, 2025

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

In the matter of:

Mis Radha Smelters Private Limited	....	Appellant(s)
Versus		
Telangana Electricity Regulatory Commission	....	Respondent(s)

Counsel on record for the Appellant(s)	:	Akshansh Gupta Sourabh Gupta Puneet Yadav Priya Mittal Vasu Dev for App. 1
Counsel on record for the Respondent(s)	:	for Res. 1

ORDER

IA No. 1650 OF 2025
(for interim relief)

This appeal is preferred against the order passed by the Telangana Electricity Regulatory Commission (TERC) for the tariff years 2005-06 till 2014-15 with respect to cross-subsidy surcharge. The Appellant, however, has restricted its appeal only to the two financial years 2013-14 and 2014-15.

Both Mr. Apoorv Kurup, Learned Senior Counsel appearing on behalf of the Appellant and Mr. D. Abhinav Rao, Learned Counsel for the Respondent-Discoms, agree that, in so far as payment of the principal amount is concerned, and with respect to condonation of delay, an order similar to that passed by this Tribunal earlier, in DFR 356 of 2025 dated 27.11.2025, be passed in the present appeal also.

Mr. Apoorv Kurup, Learned Senior Counsel, would point out that, unlike in the earlier batch, the Appellant herein has not been mulcted with any liability to pay interest/carrying cost. Mr.D. Abhinav Rao, Learned Counsel for the 2nd Respondent-Discoms, would however contend that the appellant is liable to pay carrying cost from the date on which the impugned order was passed.

In such circumstances there shall be interim stay or the impugned order on condition that the Appellant pays 50% of the differential principal amount towards cross-subsidy surcharge within four weeks from today. The Respondent-discom shall compute the interest component payable from the date of the impugned order ie. 30.08.2024, and intimate the Appellant of their liability in this regard. The Appellant shall pay 50% of the interest/surcharge component within four weeks from the date of intimation by the Respondent-Discom of the amount payable by them. Failure on the part of the Appellant, to comply with this order within the timeframe stipulated herein above, will result in automatic vacation of the said order. It would then be open to the Respondent-Discoms to enforce the order passed by the Commission in accordance with law.

IA No. 1653 OF 2025
(for leave to file Appeal)

The Appellant is a consumer, and is aggrieved by the impugned order passed by the Regulatory Commission imposing cross-subsidy recharge on them. As the Appellant is a "person aggrieved" in terms of Section 111(1), we see no reason to deny them leave to file the appeal. Leave, as sought for, is granted and the application is disposed of.

IA No. 1654 OF 2025
(for condonation of delay of 386 in filing the appeal)

For reasons stated in DFR 357 of 2025 and batch dated 27.11.2025, and as condonation of delay is not opposed by the Respondent, the delay is condoned and the IA is disposed of.

IA No. 1649 OF 2025
(for impleadment/intervention)

This application is filed to implead the Respondent-Discoms and its officers as Respondent Nos. 2 to 4. While the Respondent-Discom is sought to be arrayed as the 2nd Respondent in the appeal, its officers are sought to be arrayed as Respondent 3 & 4. We see no reason to permit the Appellant to implead officers of the Respondent-Discoms as party Respondents to this appeal. Impleadment of the Respondent-Discom, as the 2nd Respondent in this appeal, is however, permitted. The IA is partly allowed and partly dismissed. The 2nd Respondent shall stand arrayed as the 2nd Respondent in this appeal. An amended memo of parties shall be filed by the Appellant, within two weeks from today. IA is disposed of accordingly.

IA No. 1651 OF 2025
(for exemption from filing certified copy of the impugned order)

Mr. Sourabh Gupta, Learned Counsel appearing on behalf of the Appellant, undertakes to file certified copy of the order under appeal within four weeks. Recording his submission, the IA is closed.

IA No. 1652 OF 2025
(for directions)

Mr. Sourabh Gupta, Learned Counsel appearing on behalf of the Appellant, submits that IA No. 1652 of 2025 has become infructuous. The IA is accordingly dismissed.

IA No. 1832 OF 2025
(for bringing on record)

The said application is not opposed, and is therefore ordered. The Appellant is permitted to bring on record the complete copy of the impugned order annexed along with the IA. The IA is disposed of accordingly.

DFR No : 419 of 2025

Registry to verify whether pleadings are complete. If the pleadings are complete, let the appeal be included in the 'List of finals of Court-II' to be taken up from there in its turn.

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

sk/kns