

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 361 OF 2025 & IA No. 79 OF 2026 & IA No. 1819 OF 2025

Dated: 15th January, 2026

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

In the matter of:

Gujarat Urja Vikas Nigam Limited Appellant(s)

Versus

Adani Solar Energy Kuttch Two Private Limited & Anr. Respondent(s)

Counsel on record for the Appellant(s) : Ranjitha Ramachandran
Srishti Khindaria
Aneesh Bajaj
for App. 1

Counsel on record for the Respondent(s) : Sourav Roy
Anshu Deshpande
for Res. 1

Suparna Srivastava
for Res. 2

ORDER

IA NO. 79 OF 2026
(Urgent listing)

The matter having been listed, has served its purpose. The application is disposed of accordingly as it has become infructuous.

IA No. 1819 OF 2025
(for interim relief)

Ms. Ranjitha Ramachandran, Learned Counsel for the Appellant, would submit that, in compliance with the impugned order, the Appellant

herein had, albeit under protest, paid the principal amount due in terms of the impugned order to the 1st Respondent; the relief sought for in this IA is confined only to payment of carrying cost on the said principal amount; in para 11.18 & 11.19 of the impugned order, the Commission had relied on the judgment of this Tribunal in **“Parampujya Solar Energy Private Limited vs. CERC (judgment in Appeal No. 256 of 2019 dated 15.09.2022)”** and thereafter, in para 11.20, had referred to the interim order of the Supreme Court in **Telangana Northern Power Distribution Company Ltd. & Anr. vs. Parampujya Solar Energy Private Limited (order in Civil Appeal No. 8880 of 2022 dated 12.12.2022)**; however the Commission has chosen not to follow the said order of the Supreme Court which, while permitting the Commission to compute the amounts payable in terms of the judgment of this Tribunal in **Parampujya Solar Energy Private Limited**, had made it clear that the final order of the CERC shall not be enforced; and this Tribunal has, in several cases, stayed payment of the amount following the afore-said interim order of the Supreme Court.

While contending that an interim order, passed by the Supreme Court granting stay, is not a precedent and does not disable this Tribunal from examining the Appellant’s claim on merits, Mr. Amit Kapur Learned Counsel appearing on behalf of the 1st Respondent, would further submit that a natural corollary of delayed payment of the principal amount, is payment of interest; the Appellant, which has already paid the principal amount, should be directed to also pay the interest component; and payment of both can be made subject to the result of the main appeal.

We have, in several earlier appeals, followed the interim order passed by the Supreme Court in Civil Appeal No. 8880 of 2022 dated 12.12.2022, and have granted interim stay of recovery in terms of the impugned order. In the present case, the Appellant has already paid the

principal amount. It is only the carrying cost component/interest component for which the stay is sought by way of present IA.

As we have followed the afore-said interim order of the Supreme Court in several other cases, it may not be appropriate for us to take a different view in the present IA alone. We, therefore, direct that, pending further orders, there shall be stay of recovery of carrying cost payable in terms of the impugned order. We make it clear that payment of the principal amount, and the interim stay now granted by us in so far carrying cost is concerned, shall both be subject to the result of the main appeal; and the order now shall pass by us shall not disable the 1st Respondent from seeking restitution, which claim shall also be examined when the main appeal is finally heard.

APL No. 361 OF 2025

Reply shall be filed within six weeks and rejoinder, if any, shall be filed within four weeks' thereafter. After pleadings are complete, Registry to verify the same, and then include the Appeal in the '**List of Finals**' to be taken up from there, in its turn

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

Sk/mg