

COURT-2

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 495 of 2025 & IA No. 1941 OF 2025 & IA No. 1940 OF 2025 & IA
No. 1939 OF 2025

Dated: 23rd December, 2025

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

In the matter of:

Scatec India Renewable One Private Limited Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors. Respondent(s)

Counsel on record for the Appellant(s) : Dinesh Pardasani
Bibin Kurian
Kaustubh Shrinarain
for App. 1

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

ORDER

IA No.1941 of 2025
[For Urgent Listing]

The application filed by the Applicant/appellant having served its purpose stands disposed of.

IA No.1939 of 2025
[For exemption from filing certified copy of impugned order]

Learned Counsel for the Appellant undertakes to file certified copy of the impugned order before the next date of hearing. Accordingly, the application stand disposed of.

DFR No : 495 of 2025

Learned Counsel for the Appellant undertakes to cure the defects within ten days.

Issue notice to the Respondents returnable on 12.01.2026. Dasti is permitted. The said notice shall bear the next date of hearing.

List the appeal before **Court-I** on **12.01.2026**

IA No.1940 of 2025
(for interim relief)

Heard Mr. B.P. Patil, Learned Senior Counsel appearing on behalf of the Appellant for sometime.

We note that in the previous Appeal Nos. 258 & 259 of 2024, this Tribunal had protected the rights and interests of the Appellant qua the power project in question by passing an interim order. Those two appeals were filed against the orders passed by the Commission in Petition No. 377/AT/2023 dated 31.03.2024 and in Petition No. 26/MP/2024 dated 27.03.2024 respectively. Those appeals were disposed of by this Tribunal vide a common judgement dated 2nd July, 2024 thereby remanding the case back to the Commission for passing the fresh order after hearing the parties. The relevant portion of the order is material and extracted herein below :-

“In the light of the orders passed by this Tribunal earlier, as referred to hereinabove, the Appellant's interests would be adequately safeguarded by passing the following order: -

(1) Both the 2nd and 3rd Respondents herein shall file their reply to the said Petition No. 26/MP/2024 within one week from today, and the Appellant herein shall file their rejoinder within one week thereafter.

(2) None of the parties shall be entitled to seek extension of time to complete their respective pleadings. The CERC shall also ensure that none of the parties unduly delay proceedings.

(3) The CERC shall, with utmost expedition and in any event within two months from today, decide Petition No. 26/MP/2024 in accordance with law, after giving the parties to the proceedings a reasonable opportunity of being heard.

It is made clear that we have not expressed any opinion on merits and the CERC shall adjudicate the Petition in Petition in accordance with law uninfluenced by any observations made in this order. Needless to state that, consequent on disposal of Petition No.26/MP/2024 by CERC, the Appellant is at liberty to avail such remedies as are available to them in law, including for extension of timelines.

Both these Appeals are disposed of accordingly. All the IAs therein shall, consequently, stand dismissed.”

Even though this Tribunal had directed the Commission to pass fresh order within two months from the date of the judgment, it is evident that the Commission has taken more than a year in passing the fresh order. From the list of dates submitted today by the Appellant, it is manifest that the hearing on the petition was concluded by the Commission on 09.09.2024 but the impugned order was passed on 28th November, 2025. In the meanwhile, the timelines as per the PPAs for completion of the works have already expired. It is also pertinent to note that the Appellant had approached the High Court

also by way of Writ Petition No. (C) 8582 of 2025 and the High Court vide orders dated 23rd & 30th July, 2025 protected the interest of the Appellant.

The relevant portion of these two orders were :-

Order dated 23.07.2025

“13. Till the matter is finally decided by the CERC in terms of the aforesaid directions, the respondent shall not take any coercive/precipitative steps against the petitioner including with regard to the bid securities and the bank guarantees submitted by the petitioner to the respondent”.

Order dated 30.07.2025

“6. In view of the aforesaid, it is also directed that the interim protection granted to the petitioner vide paragraph 13 of the order dated 23.07.2025 shall operate till the matter is taken up for consideration by the CERC in the first instance. Therefore, it shall be for the CERC to consider whether the interim protection is to be continued or not”.

In view of these facts and circumstances of the case, we find in the interest of justice to protect the rights and interests of the Appellant by way of an ad-interim order. Therefore, we hereby direct that no coercive/precipitative steps be taken against the Appellant with regard to the bid securities and the bank guarantees submitted by the Appellant to the Respondents till the next date of hearing.

The Respondents may file their replies to the instant application within two weeks.

List the IA alongwith main appeal on **12.01.2026**, before **Court-I.**

Virender Bhat
Judicial Member

Js/dk

Seema Gupta
Technical Member (Electricity)