

**Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)**

**IA No.187 of 2015 in  
Appeal No. 258 of 2013 & Appeal No. 21 of 2014**

**Dated : 14<sup>th</sup> May, 2015**

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson  
Hon'ble Mr. Rakesh Nath, Technical Member**

**In the matter of :**

**IA No.187 of 2015**

**Torrent Power Limited,  
"Torrent House",  
Station Road, Surat-395003.**

**..... Applicant /  
Respondent in Main Appeal**

**in the main Appeal No. 258 of 2013**

**In the matter of :**

**Indian Wind Power Association  
Versus**

**.....Appellant**

**Gujarat Electricity Regulatory Commission & Ors.**

**... Respondent(s)**

**& Appeal No. 21 of 2014**

**Indian Wind Power Association & Ors  
Versus**

**.....Appellant(s)**

**Gujarat Electricity Regulatory Commission & Ors.**

**... Respondent(s)**

**Counsel for the Appellant(s) : Mr. M.G. Ramachandran  
Ms. Deepa Chawan  
Ms. Swapna Seshadri**

**Counsel for the Respondent(s) : Mr. Vishal Gupta  
Mr. Kumar Mihir for R-1 (in A.No.258 of 2013)**

**Mr. Neelmani Pant  
Mrs. Suparna Srivastava for R-1**

**Mr. Hemant Singh  
Mr. Tushar Nagar (in A.No.21 of 2014)**

## **ORDER**

### **RAKESH NATH, TECHNICAL MEMBER**

This application for clarification has been filed by Torrent Power limited seeking clarifications on the judgment dated 16.04.2015 of this Tribunal. The Applicant seeks clarifications on the direction contained in the judgment dated 16.04.2015 to the extent it refers to uniform reduction for all the entities in view of reduction in capacity addition of Wind Energy and other sources in the State.

2. We have heard Shri M.G. Ramachandran, Learned Counsel for the Applicant, Shri Vishal Gupta and Shri Kumar Mihir, Learned Counsels for the Respondents raised objections that the Application is not maintainable because once the court gives judgment it becomes functus officio. It cannot change the judgment. On the other hand, Shri M.G. Ramachandran clarified that the Applicant is not seeking any dilution in the findings of the Tribunal but only seeking clarifications regarding implementation of the judgment.
3. Once the court gives a judgment, it becomes functus officio. Therefore, we do not want to change or in any way dilute the judgment dated 16.04.2015. However, in the present case the Tribunal while interpreting the regulations has also discussed the various conditions under which the State Commission may revise the RPO targets after the completion of the financial year under Regulation 4.2 due to supply constrains or factors beyond the control of the licensee. The Tribunal has held that if RPOs are revised due to the inadequate capacity addition in the State, the same percentage will be applicable to all the obligated entities.

4. We feel that in the present case where we have described various conditions under which the Commission may revise RPOs targets, it is necessary for us to give the clarification regarding implementation of the judgment without any way changing the findings in the judgment. We, therefore, clarify that in case the State Commission decides to revise targets due to inadequate capacity addition in the State the same may be done keeping in view overall availability of renewable energy resources in the State and other relevant factors and after hearing all concerned and not merely on the basis of actual RPO achievement by the various entities. With this clarification the application is disposed off.
5. Pronounced in the open court on this **14<sup>th</sup> day of May, 2015.**

**(Rakesh Nath)**  
**Technical Member**

**(Justice Ranjana P. Desai)**  
**Chairperson**

✓  
REPORTABLE/~~NON-REPORTABLE~~  
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