

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY  
(Appellate Jurisdiction)  
Appeal No. 158 OF 2021**

**Dated: 30<sup>th</sup> May, 2025**

**Present: Hon'ble Mr. Sandesh Kumar Sharma, Technical Member  
Hon'ble Mr. Virender Bhat, Judicial Member**

**In the matter of:**

- 1. Southern Power Distribution Company of Telangana Ltd.,**  
Rep. by the Chairman and Managing Director,  
Corporate Office, 6-1-50, Mint Compound,  
Hyderabad, Telangana – 500063.
  - 2. Northern Power Distribution Company of Telangana Ltd.,**  
Rep. by the Chairman and Managing Director,  
Corporate Office, Vidyuth Bhavan,  
Hanamkonda, Warangal,  
Telangana – 506001.
- ...Appellant(s)**

Versus

- 1. Central Electricity Regulatory Commission,**  
3<sup>rd</sup> & 4<sup>th</sup> Floor, Chanderlok Building,  
36, Janpath, New Delhi -110001.
- 2. M/s Parampujya Solar Energy Private Limited,**  
5B, Sambhav House, Judges Bungalow Road,  
Bodakdev, Ahmedabad – 380015,  
Gujarat.
- 3. The Ministry of New and Renewable Energy (MNRE)**  
Block-14, CGO Complex,  
Lodhi Road, New Delhi 110 003.

**4. National Thermal Power Corporation Ltd. (NTPC),**  
Core-7, SCOPE Complex, 7, Institutional Area,  
Lodhi Road, New Delhi-110 003.

**... Respondent(s)**

Counsel for the Appellant(s) : Mr. D. Abhinav Rao for Appellant 1 & 2

Counsel for the Respondent(s) : Mr. Amit Kapur  
Ms. Poonam Verma Sengupta  
Ms. Aparajita Upadhyay  
Mr. Sidhant Kaushik  
Ms. Sakshi Kapoor  
Mr. Saunak Kumar Rajguru  
Ms. Adishree Chakraborty for Res.2

Mr. Shri Venkatesh  
Ms. Nishtha Kumar  
Mr. Somesh Srivastava  
Mr. Vikas Maini  
Mr. Suhael Buttan  
Mr. Ashutosh Kumar Srivastava  
Mr. Lasya Pamidi for Res.4

## **JUDGEMENT**

### **PER HON'BLE MR. SANDESH KUMAR SHARMA, TECHNICAL MEMBER**

1. The Appeal no. 158 of 2021 has been filed by the Appellants ie Southern Power Distribution Company of Telangana Ltd. and Northern Power Distribution Company of Telangana Ltd. The Appellants are, hereby, challenging the common order in Petition No. 209/MP/2018 (***'Impugned Order'***) dated

12.04.2019 passed by the Central Electricity Regulatory Commission (**in short “Central Commission or ‘CERC’**).

***Description of parties:-***

2. The Appellants herein, are Southern Power Distribution Company of Telangana Limited and Norther Power Distribution Company of Telangana Limited (hereinafter referred as TSDISCOMS), are companies incorporated under the provisions of the Companies Act, 1956 and are distribution utilities of the state of Telangana.

3. Respondent No. 1 is Central Electricity Regulatory Commission, is a statutory body constituted under Section 76 of the Electricity Act, 2003.

4. Respondent No. 2 is M/s Parampujya Solar Energy Private Limited, a generating company in terms of Section 2(28) of the Electricity Act, 2003 and owns and operates the Solar Power Project in the State of Telangana.

5. Respondent No.3 is Ministry of New and Renewable Energy (MNRE), Govt, of India issued guidelines for selection of 3000 MW Grid connected Solar PV power projects under Batch-II “State Specific Building Scheme”.

6. Respondent No.4 - NTPC is identified by the Govt. of India as the Nodal Agency for purchase and sale of grid connected 'Solar PV' power under the "State Specific Bundling Scheme" under National Solar Mission.

7. After hearing the learned counsel on either side and examining the documents filed before us, we observe that the present case is also covered by our judgement rendered in Appeal No. 394 of 2018 & batch (*Azure Power Jupiter Pvt. Ltd. Vs. Central Electricity Regulatory Commission & Ors.*).

8. In the said judgement, we have observed as under:-

*"For the foregoing reasons as stated above, we are of the considered view that the batch of appeals is remanded to the CERC in terms of the observation made in the foregoing paragraphs with the following directions:*

***"Suffice it, therefore, to dispose of these appeals in terms of the Order passed by this Tribunal in Appeal No. 256 of 2019 dated 15.09.2022, making it clear that, consequent on remand, the observations made here in shall be considered by the CERC while passing an order afresh. Needless to state that, in terms of the Order of the Supreme Court, the order to be passed by the CERC shall not be enforced till the aforesaid***

***Order is either varied or the appeal itself is disposed of by the Supreme Court.***

***The instant Appeal is, accordingly, disposed of.***

*The Impugned Orders, as noted in the first paragraph of this judgment, passed by CERC are set aside to the extent as observed herein above”.*

9. It is also noted that this Tribunal after taking a note of the judgement passed in Appeal No. 256 of 2019 & batch dated 15.09.2022 in Parampujya Solar Energy Pvt. Ltd. & Anr. Vs. CERC & Ors. has passed the above order:-

*“71. Further, this Tribunal, in **Adani Solar Energy Jodhpur Three Pvt. Ltd. v. CERC** (Appeal No. 432 of 2022, Order dated 19.01.2023), disposed of the Appeal in line with its earlier decision in Parampujya Solar, allowing the parties to raise all legal contentions before CERC, while noting that enforcement of CERC’s order remains stayed per the Hon’ble Supreme Court’s directive.*

*“Ms. Gayatri Aryan, learned Counsel for the Appellant, submits that the subject matter of this Appeal is covered by the order passed by this Tribunal earlier in Appeal No. 256 of 2019 & Batch dated 15.09.2022; on an appeal being preferred against the said Order in*

*Civil Appeal No. 8880 of 2022, the Supreme Court, by order dated 12.12.2022 while directing the CERC to comply with the directions issued in paragraph 109 of the order of this Tribunal, further directed that the final order of the CERC shall not be enforced until further orders. The directions issued by this Tribunal as noted in Para 109 of the above said Judgment, reads as under:*

*.....*

***Suffice it, therefore, to dispose of this appeal in terms of the Order passed by this Tribunal in Appeal No. 256 of 2019 dated 15.09.2022, making it clear that, consequent on remand, it shall be open to the parties to the dispute to raise all such contentions as are available to them in law, and the same shall be considered by the CERC while passing an order afresh. Needless to state that, in terms of the Order of the Supreme Court, the order to be passed by the CERC shall not be enforced till the aforesaid Order is either varied or the appeal itself is disposed of by the Supreme Court.***  
***The instant Appeal is, accordingly, disposed of”.***

72. Therefore, in light of the Hon’ble Supreme Court judgement mentioned above and the finding of this Tribunal in the afore-referred cases, we find it apt that this Appeal be remanded to the Central Commission with the direction that any order by the Commission concerning additional compensation (O&M expenses and carrying

*cost) shall be subject to the Hon'ble Supreme Court's pending decisions in Civil Appeal No. 8880/2022 and Civil Appeal No. 000505-000510/2023".*

10. Accordingly, we find it appropriate to pass an identical order after considering the facts of the captioned appeal as under:-

### **ORDER**

For the foregoing reasons as stated above, we are of the considered view that the batch of appeals is remanded to the CERC in terms of the observation made in the judgment passed in Appeal No.394 of 2018 & batch with the following directions:

**Suffice it, therefore, to dispose of these appeals in terms of the Order passed by this Tribunal in Appeal No. 394 of 2018 & batch dated 27.05.2025, making it clear that, consequent on remand, the observations made here in shall be considered by the CERC while passing an order afresh. Needless to state that, in terms of the Order of the Supreme Court, the order to be passed by the CERC shall not be enforced till the aforesaid Order is either varied or the appeal itself is disposed of by the Supreme Court.**

**The instant Appeal is, accordingly, disposed of.**

The Impugned Order dated 12.04.2019 in Petition No. 209/MP/2018 passed by CERC is set aside to the extent as observed herein above”.

The Captioned Appeal is disposed of in above terms.

**PRONOUNCED IN THE OPEN COURT ON THIS 30<sup>th</sup> DAY OF MAY, 2025.**

**(Virender Bhat)**  
**Judicial Member**

**(Sandesh Kumar Sharma)**  
**Technical Member**

*pr/mkj/kks*