

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

Dated: 30th 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,**
3rd & 4th 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 Delh110 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. The issue in hand relates to only grant of CIL compensation to developer on account of the GST Tribunal construction period. This issue has already been settled and Central Commission has already been granted such relief.

ORDER

The Appeal is found to be devoid of merit and stands dismissed.

PRONOUNCED IN THE OPEN COURT ON THIS 30th DAY OF MAY, 2025.

(Virender Bhat)
Judicial Member

(Sandesh Kumar Sharma)
Technical Member

pr/mkj/kks

COURT-2

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 158 OF 2021 & IA No. 1041 OF 2025

Dated: 17th July, 2025

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

In the matter of:

Southern Power Distribution Company of Telangana Ltd. & Appellant(s)
Anr.

Versus

Central Electricity Regulatory Commission & Ors. Respondent(s)

Counsel on record for the Appellant(s) : D. Abhinav Rao
for App. 1

D. Abhinav Rao
for App. 2

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

Amit Kapur
Poonam Verma Sengupta
Aparajita Upadhyay
Sidhant Kaushik
Sakshi Kapoor
Saunak Kumar Rajguru
Adishree Chakraborty for Res. 2

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

ORDER

IA No. 1041 OF 2025
(For modification)(R-2)

This application has been filed seeking modification of the order. In the light of the judgment of Appeal No. 256 of 2019 & batch titled Parampujya Solar Energy Pvt. Ltd. Vs. CERC, this tribunal has set aside the order passed by Central Electricity Regulatory Commission in Petition Nos. 34/MP/2018, 47/MP/2018, 52/MP/2018, 13/MP/2018, 211/MP 2018, 232/MP/2017, 233/MP/2017 and 13/MP/2018.

This tribunal in the present judgment dated 27.05.2025 has rejected the arguments of Telangana Discom in Appeal No.901 of 2023 challenging the grant of change in the law compensation to developer on account of GST during the construction period inter alia upholding the order of the Commission granting change in law relief to the developer.

Accordingly, once the CERC order has been upheld by this tribunal, the remand is limited to other change in law relief during the operational period which are denied by CERC. However, it is submitted by the Applicant/Respondent No.2 that the prayer in the Appeal is limited to only one issue that is grant of CIL compensation to developer on account of the GST during construction period. We find that the remand on the issue of change in law compensation for GST during construction period is not appropriate to be remanded once it has been granted to by CERC and upheld by this tribunal. The application is allowed and stands disposed of.

Accordingly, the final paragraph no.10 along with “*ORDER*” in the judgment is to read as:

“The issue in hand relates to only grant of CIL compensation to developer on account of the GST Tribunal construction period. This issue has already been settled and Central Commission has already been granted such relief”.

“ORDER”

“The Appeal is found to be devoid of merit and stands dismissed.”

The modified judgment will be uploaded accordingly.

Virender Bhat
Judicial Member

Sandesh Kumar Sharma
Technical Member (Electricity)

Pr/tp