

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY**  
(Appellate Jurisdiction)

**IA NO.541 OF 2025**  
**IN**  
**APPEAL No.5 OF 2023**

Dated: 18.08.2025

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

**In the matter of:**

**SIDCUL Entrepreneur Welfare Society**

*Through its Vice President, Shreekar Sinha*

Plot No. 1, SIDCUL, Pantnagar,

Rudrapur, U,S, Nagar,

Uttarakhand – 263153

Email Id: [sews.sidcul.pantnagar@gamil.com](mailto:sews.sidcul.pantnagar@gamil.com)

... Appellant

*Versus*

**1. Uttarakhand Electricity Regulatory Commission**

*Through its Secretary*

Vidyut Niyamak Bhawan,

Near I.S.B.T.,

P.O. Majra, Dehradun,

Uttarakhand – 248171

Email Id: [secy.uerc@gov.in](mailto:secy.uerc@gov.in)

**2. Uttarakhand Power Corporation Ltd.**

*Through its Managing Director*

Urja Bhawan, Kanwali Road, Dehradun,

Uttarakhand – 248171

Email Id: [cgmupcl@yahoo.com](mailto:cgmupcl@yahoo.com)

... Respondent (s)

Counsel for the Appellant(s) : Pankaj Kumar Singh

Counsel for the Respondent(s) : C.K. Rai  
Anuradha Roy  
Vinay Kumar Gupta for Res. 1  
  
Pradeep Misra  
Manoj Kumar Sharma for Res. 2

## **ORDER**

### **PER HON'BLE MR. VIRENDER BHAT, JUDICIAL MEMBER**

1. By way of this application, the applicant M/s Shirdi Panel Industries Ltd has sought impleadment as an appellant in this appeal.
  
2. The instant appeal has been filed by a society by the name of SIDKUL Entrepreneur Welfare Society, challenging therein the legality and validity of the tariff order dated 28.09.2022 passed by the 1<sup>st</sup> respondent Uttarakhand Electricity Regulatory Commission. The main grievance of the appellant is that by way of impugned order, the Commission has increased the Continuous Supply Surcharge (CSS) from 2.5% as determined vide letter dated 31.03.2022 to 15% for FY 2022-23 in exercise of power to remove difficulties, which is not only impermissible but also highly exorbitant.
  
3. The contention of the applicant in the application under disposal is that the applicant is also a member of the appellant Society and is affected by

the impugned order passed by the Commission. It is stated in the application that the appellant Society is not taking any action for urgent listing and early disposal of the instant appeal by reason of which, the Commission has been fixing the rate of CSS at 15% of the power purchase in the subsequent Multi-Year Tariff Orders also dated 30.03.2023 (for FY 2023-24) and 28.03.2024 (for FY 2024-25), which have been assailed before this Tribunal by the applicant by way of separate appeals.

4. The application is strongly resisted on behalf of the respondents even though they have chosen not to file any formal reply to the same.

5. We have heard learned counsels for the parties and have perused the averments made in the application.

6. It is not in dispute that the applicant is a member of appellant Society and has been getting electricity supply from 2<sup>nd</sup> respondent UPCL. It is also not in dispute that the impugned order dated 28.09.2022 is applicable to the applicant also and thus he is competent to raise grievances against the said order.

7. Sub-section 1 of Section 111 of Electricity Act, 2003 which specifies as to who can approach this Tribunal by way of appeal lays down: -

***“Section 111. (Appeal to Appellate Tribunal): --- (1) Any person aggrieved by an order made by an adjudicating officer under this Act (except under section 127) or an order made by the Appropriate Commission under this Act may prefer an appeal to the Appellate Tribunal for Electricity:  
...”***

8. Thus, as per this legal provision, a person who is aggrieved by the order of the Commission is competent to file appeal against that order before this Tribunal. However, this Section further provides that the person filing appeal should be aggrieved by the order appealed against. So, essentially it is only that person, who has been affected by the order in question, who is competent to maintain appeal against the same.

9. We may note that only two classes of persons/entities would be affected/aggrieved by a tariff order issued by the appropriate Commission. One such class consists of generating stations/distribution licensees/transmission licensees for whom the order determines the tariff and the other class comprises of the consumers of the electricity who have

to pay the tariff. Section 2(15) of the Electricity Act, 2003 defines consumer as :-

*“(15) "consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;”*

10. Thus, it is the person who gets supply of electricity for his own use from a distribution licensee or the government or whose premises is connected with the work of such licensee or the government for the purpose of receiving electricity, qualifies as a “consumer” under the Act.

11. In the instant case, we have already observed that admittedly the applicant is a consumer of electricity getting electricity supply from the 2<sup>nd</sup> respondent UPCL. It is also admitted position that the impugned order dated 28.09.2022 affects the applicant also in so far as applicant also has to bear the burden of CSS charges which have been raised to 15% of the power

purchase. Therefore, applicant is fully competent to assail the impugned order of the Commission by way of appeal before this Tribunal.

12. As a logical corollary, once the appeal has already been filed by the Society of which the applicant is a member, before this Tribunal against the said order of the Commission, applicant cannot be disentitled from prosecuting the appeal in case the applicant feels of the opinion that the Society is not pursuing the appeal properly and diligently. No prejudice will be caused to the respondents in case the applicant is impleaded as an appellant, in addition to the Society, in this appeal.

13. Hence, the application is allowed. The applicant is hereby impleaded as appellant no.2 in the instant appeal.

14. The appellant shall file fresh memo of parties within one week from today.

**Pronounced in the open court on this the 18<sup>th</sup> day of August, 2025.**

(Virender Bhat)  
Judicial Member

(Sandesh Kumar Sharma)  
Technical Member (Electricity)

√  
REPORTABLE / ~~NON-REPORTABLE~~

*tp*