



Tushar Srivastava

Associate Partner

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New Delhi

PRIMARY PRACTICES

Regulatory and Policy

Projects Energy and Infrastructure
Restructuring and Insolvency.

EDUCATION

B.A. LL.B. University of Lucknow
(2015)

ADMISSIONS

Bar Council of Delhi

Delhi High Court Bar Association

LANGUAGES

English & Hindi

Tushar Srivastava is an Associate Partner in the Regulatory & Policy practice group of the firm. With over 9 years of experience, he has worked extensively in the field of electricity regulatory litigation and has represented and advised the Generating Companies, Distribution Licensees, Transmission Licensees and Trading Licensees. He has a vast experience in tariff related issues pertaining to tariff determination. He has played a key role in concretizing the law on captive power plants and has also been part of various writ issues leading to passage of landmark judgments governing the Electricity and Regulatory Sector. Prior to joining HSA, Tushar was associated with Desai and Diwanji.

REPRESENTATIVE MATTERS

- **Wind Independent Power Producers Association** along with three leading renewable generating companies before the Madhya Pradesh High Court in a Writ Petition challenging the legality, validity, and propriety of the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022 notified by the Ministry of Power on 03.06.2022.
- **Tetra-Pak** before National Company Law Tribunal at Ahmedabad in an Application filed under Section 9 of the Insolvency and Bankruptcy Code seeking institution of insolvency proceedings against the corporate debtor.
- **Sika India** before National Company Law Tribunal at Cuttack in an Application filed under Section 10 of the Insolvency and Bankruptcy Code.
- **Srijan Energy Systems Pvt. Ltd.** before the Central Electricity Regulatory Commission for a renewable energy generating company, challenging the illegal and unwarranted levy of relinquishment charges by the Central Transmission Utility.
- **Watsun Infrabuild Pvt. Ltd.** before the Hon'ble Supreme Court in a Civil Appeal filed by the Tamil Nadu Distribution Company challenging the Order passed by Appellate Tribunal for Electricity restoring the wind energy banking period to twelve months, which was reduced to one month by the State Regulatory Commission vide its Tariff Order.
- **Tamil Nadu Power Producers Association** before the Appellate Tribunal of Electricity (APTEL) in an Appeal challenging the legality and veracity of the guidelines issued by the Tamil Nadu Regulatory Commission for verification of captive status of the captive power plants located in the State of Tamil Nadu.
- **Adani Electricity Mumbai Limited** in a dispute arisen pertaining to the development of intra-state transmission infrastructure for transmission of electrical energy before Supreme Court, APTEL, as well as State Regulatory Commission.
- **RKM Powergen Pvt. Ltd** before High Court of Chhattisgarh in a Writ Petition challenging the Electricity Duty Act, 2013, as the said act created an obligation in the power generators for making payment towards electricity duty for auxiliary consumption.
- **M/s Singareni Collieries Co. Ltd.** before Supreme Court in an Civil Appeal challenging the Judgment passed by Hon'ble APTEL thereby upholding the decision passed by the State Commission, whereby, the said Commission decided the case on merits although it lacked jurisdiction to adjudicate the dispute.
- **RattanIndia Power Limited** before Ld. MERC in a Petition seeking to intervention of the Commission in the current coal crisis being faced in India and to issue necessary directions to the Maharashtra State Electricity Distribution Company Ltd. enabling the Generator to sustain its generation and meet the power demand of the State of Maharashtra.
- **Tata Power Delhi Distribution Limited** in an Appeal filed by Military Engineer Services before Hon'ble APTEL seeking grant of Short-Term Open Access as "Deemed Distribution Licensee" in the area of supply of Tata Power Delhi Distribution Limited.
- **Hidalco Industries Limited** in a Writ Petition filed before Madurai and Madras High Court con challenging the legality and veracity of the Regulations issued for monitoring the deviation in the supply and drawl of power.
- **Continuum Green Energy (India) Pvt. Ltd.** before the Gujarat High Court in a Writ Petition seeking issuance of appropriate direction extending the validity of the Wind Solar Hybrid Tariff Order in the absence of promulgation of new tariff order.

- **Tata Power Delhi Distribution Limited** in a Tariff Appeal before Hon'ble APTEL assailing the legality, validity and propriety of the Tariff Order passed by Ld. DERC for FYs 2019-20 and 2021-22.
- **Watsun Infrabuild Pvt. Ltd.** in a petition filed by TANGEDCO before Ld. TNERC seeking to recover CSS and ASC by declaring the CGP of Watsun Infrabuild Pvt. Ltd. for the earlier period starting from 2017-18 to 2022-2023.
- **Srijan Energy Systems Pvt. Ltd.** before Ld. GERC challenging the action/conduct of the DISCOM in imposing Additional Surcharge on the generator despite the same being exempted under the State Wind Policy, as well as the applicable Tariff Order.
- **Greenko Solar (Dharamvaram) Limited and SEI Arushi Pvt. Ltd.** in the Execution Petition, as well as Appeal filed before Hon'ble APTEL challenging the actions of the Andhra DISCOM in unilaterally reducing the tariff, as well as denying compliance with the directions issued by Hon'ble APTEL for making payment for power supplied at full tariff as per the Agreement.