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PROJECTS, ENERGY & INFRASTRUCTURE

MONTHLY NEWSLETTER

APRIL & MAY 2026

LEGAL & POLICY UPDATES

In this Section

The Ministry of Power (MoP) has issued directions to Imported Coal-Based Generating Companies under Section 11 of the Electricity Act, 2003 on March 27, 2026

Ministry of Power, Government of India, has notified Amendment to General Financial Rules (GFR), 2017 relating to Bid Security and Performance Security on April 7, 2026

Rajasthan Electricity Regulatory Commission (RERC) issued the Rajasthan Electricity Regulatory Commission (Electricity Supply Code and Connected Matters) (Third Amendment) Regulations, 2026 on March 18, 2026

Rajasthan Electricity Regulatory Commission (RERC) issued the Rajasthan Electricity Regulatory Commission (Framework for Resource Adequacy) Regulations, 2026 on April 24, 2026

RERC issued the Rajasthan Electricity Regulatory Commission (Renewable Purchase Obligation) (First Amendment) Regulations, 2026 on April 24, 2026

Delhi Electricity Regulatory Commission (DERC) issued Delhi Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) (Second Amendment) Regulations, 2026 on April 30, 2026

Delhi Electricity Regulatory Commission (DERC) issued Delhi Electricity Regulatory Commission (Business Plan) (First Amendment) Regulations, 2026 on April 30, 2026

The Ministry of Power (MoP) has issued directions to Imported Coal-Based Generating Companies under Section 11 of the Electricity Act, 2003 on March 27, 2026

- The Ministry of Power **(MoP)**, Government of India on March 27, 2026 has issued directions to Imported Coal-Based Generating Companies under Section 11 of the Electricity Act, 2003, considering the prevailing demand–supply scenario and the anticipated increase in electricity demand in the coming months, has undertaken various measures to ensure adequate availability of electricity across the country.
- The key directions issued are provided below:
  - The Imported Coal - Based power plant of Coastal Gujarat Power Ltd. **(CGPL)** shall operate and generate power to their full capacity.
  - A Committee comprising representatives from MoP, Central Electricity Authority **(CEA)**, and National Thermal Power Corporation **(NTPC)** shall determine the benchmark tariff for supply of power, ensuring coverage of prudent costs including coal price, transportation, and operational expenses, along with a reasonable margin.
  - The fixed charges shall continue to be governed by the provisions of the existing PPAs or as has agreed mutually between the generating company and the procurers.
  - The PPA holders shall have the option to procure power either at the benchmark rate determined by the Committee or at a mutually negotiated rate with the generating company.
  - The generated power, in the first instance will be supplied to the PPA holders. Any surplus power shall be sold through power exchanges.
  - In cases where a DISCOM does not schedule its allocated power according to PPA, such power shall be offered to other PPA holders, and any remaining power shall be sold on the power exchanges.
  - Where a DISCOM is not able to enter mutually negotiated rates with the generating company and is not willing to procure power at the benchmark rate, or fails to make timely payments, the generator shall be entitled to sell such power in the power exchanges.
  - PPA holder, who does not wish to requisition power, it shall inform the Imported Coal-Based **(ICB)** plant at least three days in advance for a minimum period of one week. In case of failure to give such intimation, the ICB plant may sell power to other distribution licensees. During such period, the PPA holder shall not be liable to pay fixed charges and shall not be entitled to requisition power.

Rajasthan Electricity Regulatory Commission (RERC) notified the Rajasthan Electricity Regulatory Commission (Battery Energy Storage Systems) Regulations, 2026 on May 13, 2026

- Where power is not scheduled by the procurer, the generator shall bid power in the power exchange at the tariff determined by the Committee or mutually agreed tariff. The bid shall be cleared on the Market Clearing Price **(MCP)** discovered in the power exchange. The generator shall not be bound to sell where the MCP is lower than such tariff, but shall mandatorily sell where the MCP is higher.
- The net profit arising from the sale of power in exchanges (in lieu of supply to PPA holders) shall be shared between the generator and procurers in the ratio of 50:50 on a monthly basis.
- Payment security mechanisms, including maintenance of Letter of Credit **(LC)**, shall be strictly enforced. In the absence of LC or advance payment, the generator shall not be obligated to supply power and may sell it on exchanges.
- Payments by procurers shall be made on a weekly basis, in accordance with rebates as per Central Electricity Regulatory Commission **(CERC)** norms or PPA provisions, whichever is higher, shall be applicable.
- The generator shall maintain adequate coal stock as per prescribed norms to ensure continuous operation at full capacity.
- Weekly reports of generation and sale of power shall be submitted by the generator to the Ministry of Power.
- No penalties shall be imposed on generators for availability under PPA while operating under these directions.
- Outstanding dues of generators shall not affect compliance with these directions and shall be addressed separately.
- The Energy Charge Rate **(ECR)** shall be determined based on the lowest of cost of coal based on the index linked with the lower cost of imported coal; cost of coal minus mining profit; or actual ECR based on the price of imported coal provided by the seller.
- Where coal is sourced from the country in which the coal mine owned by the seller or its group company is located, the mining profit shall be calculated based on the index used for imported coal from such country and shall be deducted by the generating company.
- Non-compliance with these directions may attract penalties under the Electricity Act, 2003.
- The benchmark tariff shall be reviewed every 15 days by the Committee, considering fluctuations in coal prices and associated costs.

- The MoP may extend similar directions to other generating stations, if required, depending on future demand-supply conditions.

Ministry of Power, Government of India, has notified Amendment to General Financial Rules (GFR), 2017 relating to Bid Security and Performance Security on April 7, 2026

- The Ministry of Power **(MoP)**, Government of India, on 07.04.2026, has notified Amendment to General Financial Rules **(GFR)**, 2017 relating to Bid Security and Performance Security.
- MOP as made partial amendment in Rule 170(i) and Rule 171(i) of the GFR, 2017. The amendment has recognised Insurance Surety Bonds (**ISBs**) as an acceptable alternative to Bank Guarantees **(BGs)** for Bid Security and Performance Security.
- The amendment made in Rule 170(i) and Rule 171(i) are provided below:
  - Rule 170(i): The bid security may be accepted in the form of Insurance Surety Bonds, Account Payee Demand Draft, Fixed Deposit Receipt, Banker's Cheque or Bank Guarantee from any of the Commercial Banks or payment online in an acceptable form, safeguarding the purchaser's interest in all respects.
  - Rule 171(i): Performance Security may be furnished in the form of Insurance Surety Bonds, Account Payee Demand Draft, Fixed Deposit Receipt from a Commercial bank, Bank Guarantee from a Commercial bank or online payment in an acceptable form safeguarding the purchaser's interest in all respects.

Rajasthan Electricity Regulatory Commission (RERC) issued the Rajasthan Electricity Regulatory Commission (Electricity Supply Code and Connected Matters) (Third Amendment) Regulations, 2026 on March 18, 2026

- The Rajasthan Electricity Regulatory Commission **(RERC)**, in exercise of its powers under Sections 43 to 48, 50, 55 and 56 read with Section 181 of the Electricity Act, 2003, has notified the RERC (Electricity Supply Code and Connected Matters) (Third Amendment) Regulations, 2026 **(Regulations)**.
- The Regulations extend to the entire State of Rajasthan and amend the RERC (Electricity Supply Code and Connected Matters) Regulations, 2021 and apply to distribution licensees, including deemed licensees, and consumers.
- Dual Source Supply:
  - The Regulations introduce a new provision enabling supply of electricity to High Tension **(HT)** and Extra High Tension **(EHT)** consumers from dual sources, either for simultaneous use or as a standby arrangement, subject to technical feasibility and compliance with applicable safety regulations. Consumers are permitted to utilise their contracted demand from either source, ranging from zero up to the contracted demand.
- Cost Implications:
  - Applicants opting for dual source supply are required to bear the expenses towards extension of electrical lines and plant for both sources, in addition to the applicable charges specified under the Schedule of Charges **(Schedule-I)**. The Regulations further introduce a proviso under Schedule-I stipulating that consumers applying for dual source supply (whether simultaneous or standby) will be liable to pay twice the plant cost.

Rajasthan Electricity Regulatory Commission (RERC) issued the Rajasthan Electricity Regulatory Commission (Framework for Resource Adequacy) Regulations, 2026 on April 24, 2026

- The Rajasthan Electricity Regulatory Commission **(RERC)**, in exercise of its powers under Section 181 read with Sections 61, 66 and 86 of the Electricity Act, 2003, has notified the RERC (Framework for Resource Adequacy) Regulations, 2026 **(Regulations)**.
- The Regulations establish a comprehensive framework for ensuring resource adequacy by enabling planning of generation and transmission resources to reliably meet projected electricity demand with an optimal generation mix, and apply to generating companies, distribution licensees, State Load Despatch Centre **(SLDC)**, State Transmission Utility and other grid-connected entities and stakeholders in the State of Rajasthan.
- Resource Adequacy Framework:
  - The framework provides for demand assessment and forecasting, generation resource planning, procurement planning, and monitoring and compliance. Distribution licensees are required to prepare Long-Term Distribution Resource Adequacy Plan (10 years), Medium-Term Distribution Resource Adequacy Plan (5 years), and Short-Term Distribution Resource Adequacy Plan (1 year). All the Distribution Licensees of the state shall, by mutual consent, adopt uniform tools, techniques, software, procedures, etc. for preparation of their respective Resource Adequacy Plans.
- Planning and Forecasting:
  - Distribution licensees are required to undertake detailed demand assessment and forecasting using scientific and statistical methodologies, including scenario-based analysis such as most probable, business-as-usual and aggressive scenarios. The forecasting exercise must consider historical demand patterns, consumer category-wise consumption, load profiles, weather and demographic data, and policy and technological developments, and is required to be carried out for long-term, medium-

term and short-term horizons to determine peak demand and energy requirements.

- Capacity and Procurement Framework:
  - The Regulations provide for detailed generation resource planning based on demand forecasts, existing and planned capacity, and Planning Reserve Margin **(PRM)**, which is prescribed to be not less than 10%. The framework introduces a methodology for determining capacity credit of generation resources based on a net load approach and requires distribution licensees to plan procurement through an optimal mix of long-term, medium-term and short-term arrangements, with indicative ranges of 75-80% long-term and 10-20% medium-term procurement, while ensuring reliability and cost optimisation.
  - The framework emphasises integration of renewable energy sources into the overall resource mix and mandates consideration of storage solutions, including battery energy storage systems and pumped storage projects, to address variability and ensure reliability of supply.
- Monitoring and Compliance:
  - Distribution licensees are required to comply with resource adequacy obligations within specified timelines and maintain data, planning and reporting frameworks in accordance with the Regulations. In case of non-compliance, the Commission may impose appropriate non-compliance charges, subject to specified conditions.

RERC issued the Rajasthan Electricity Regulatory Commission (Renewable Purchase Obligation) (First Amendment) Regulations, 2026 on April 24, 2026

- The Rajasthan Electricity Regulatory Commission **(RERC)**, in exercise of its powers under Section 181 read with Sections 61, 66 and 86 of the Electricity Act, 2003, has notified the RERC (Framework for Resource Adequacy) Regulations, 2026 **(Regulations)**.
- The RERC, in exercise of its powers under Section 86(1)(e) read with Section 181 of the Electricity Act, 2003, has notified the RERC (Renewable Purchase Obligation) (First Amendment) Regulations, 2026 (Regulations), which amend the RERC (Renewable Purchase Obligations) Regulations, 2023 and shall come into force from April 1, 2026.
- Introduction of Distributed Renewable Energy:
  - The Regulations introduce the concept of distributed renewable energy, defined as renewable energy generated from projects not exceeding 10 MW, including solar installations under various configurations such as net metering, gross metering, virtual net metering, group net metering and behind-the-meter systems, along with other renewable energy sources as notified by the Central Government. Compliance with distributed renewable energy obligations is to be assessed in energy terms, with provision for conversion of installed capacity into energy where generation data is not available.
- RPO Targets and Compliance Framework:
  - The Regulations revise Renewable Purchase Obligation **(RPO)** targets for FY 2024-25 and FY 2025-26 and introduce a trajectory of RPO targets for distribution licensees from FY 2026-27 to FY 2029-30, with a structured break-up across wind, hydro, distributed renewable energy and other renewable energy components. The framework provides that obligations under wind, hydro and other renewable energy components are fungible, while distributed renewable energy obligations are non-fungible, although surplus distributed renewable energy may be utilised to meet other obligations. The Regulations further clarify that RPO shall be computed based on electricity supplied to consumers and exclude electricity consumed from nuclear power sources.
- Alignment with Energy Conservation Act Framework:
  - The Regulations align RPO compliance with the Renewable Consumption Obligation **(RCO)** framework under the Energy Conservation Act, 2001 for designated consumers for FY 2024-25 and FY 2025-26, and provide that no

parallel RPO compliance or enforcement shall apply to such consumers to the extent of compliance under the central framework. From FY 2026-27 onwards, designated consumers shall be governed by the central framework, while RPO obligations under these Regulations shall continue to apply to other obligated entities, with the Central Government framework prevailing in case of any inconsistency.

Delhi Electricity Regulatory Commission (DERC) issued Delhi Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) (Second Amendment) Regulations, 2026 on April 30, 2026

- The Delhi Electricity Regulatory Commission **(DERC)**, in exercise of its powers conferred under Section 181 read with Section 61 and Section 86(1)(b) of the Electricity Act, 2003, has notified the DERC (Terms and Conditions for Determination of Tariff) (Second Amendment) Regulations, 2026 (**Regulations**).
- The Regulations amend the Delhi Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) Regulations, 2017 (**Principal Regulations**).
- Short Title and Commencement:
  - These Regulations shall be called the Delhi Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) (Second Amendment) Regulations, 2026. The Regulations shall be applicable from 1st June 2026, corresponding to the Power Procurement by the Distribution Companies **(DISCOMs)** from 1st April 2026 onwards.
- Amendment to Regulation 134- Fuel and Power Purchase Adjustment Surcharge (FPPAS):
  - Regulation 134 of the Principal Regulations has been substituted in its entirety. The substituted Regulation 134 governs the Fuel and Power Purchase Adjustment Surcharge **(FPPAS)**, which is defined as the change in cost of power supplied to consumers due to change in fuel cost, power purchase cost and transmission charges, with reference to the cost of supply approved by the Commission. The key provisions of the substituted Regulation 134 are as under:
- Billing Mechanism:
  - FPPAS shall be calculated and billed to consumers automatically, on a monthly basis, without going through the regulatory approval process, according to the formula prescribed by the Commission. The surcharge shall be subject to true-up on an annual basis. FPPAS shall be computed and charged by the Distribution Licensee in the (n+2)th month, on the basis of actual variation in cost of fuel and power purchase and Interstate/Intrastate Transmission Charges for the power procured during the nth month.
- **Forfeiture and Carrying Cost Provisions:**
  - In case of positive FPPAS, if the Distribution Licensee fails to compute and charge the surcharge in full within the prescribed timeline (except in cases of force majeure), its right to recovery of costs on account of FPPAS shall be forfeited, including the right to recover the same at the time of true-up. In case of negative FPPAS, failure to compute and refund the surcharge in full within the prescribed timeline (except in cases of force majeure) shall render such FPPAS recoverable from the licensee at the time of true-up along with carrying cost at 1.20 times the carrying cost rate under these Regulations, to be adjusted from the revenue available towards Annual Revenue Requirement **(ARR)**.
- Capping of FPPAS:
  - The percentage increase on account of FPPAS shall be applied as a surcharge on the total of Energy Charges and Fixed Charges billed to a consumer and shall be capped at 10% of the total Energy Charges and Fixed Charges. The Commission may periodically review and revise this cap considering the effect of carrying cost and other regulatory aspects. FPPAS claims exceeding the 10% ceiling shall be carried forward and adjusted by the Distribution

Licensee in subsequent months within the same financial year, subject to the prescribed ceiling.

- **True-up, Reporting and Compliance:**
  - The revenue recovered on account of FPPAS shall be trued up for the year concerned. Any amount billed in excess of the admissible FPPAS shall be recovered from the Distribution Licensee at the time of true-up along with carrying cost at 1.20 times the carrying cost rate, adjusted from the revenue available towards ARR. Under-recovery of FPPAS shall be allowed at the time of true-up The Distribution Licensee shall submit detailed computations and supporting documents to the Commission, both at the time of true-up and through monthly submissions, in formats as specified by the Commission from time to time. A Statutory Auditor's certificate on a quarterly basis, accompanied by an affidavit signed by a senior officer of the Distribution Company, shall also be furnished to the Commission. All FPPAS details shall be published and archived by the Distribution Licensee on its website through a dedicated web address.
- **Transitional Provisions:**
  - FPPAS being claimed by the DISCOMs on the basis of the Tariff Order dated 30.09.2021 for the financial year 2021-22 shall not be claimed with effect from the date of applicability of these Regulations. For the intervening period, i.e., after the expiry of the period covered by the last order passed by the Commission for Power Purchase Adjustment Charge **(PPAC)** (FPPAS) and before the applicability of these Regulations, the DISCOMs shall be allowed to recover PPAC (FPPAS) at the rates approved by the Commission in its last order for PPAC, irrespective of the rates applicable for the relevant quarter under Clause 30 of the existing Business Plan Regulations, 2023. The approved intervening period rates are: **TPDDL** - 7.24%; **BRPL** - 5.76%; **BYPL** - 2.96%; and **NDMC** - 8.75%.
- **Deletion of Regulations 135 and 136:**
  - Regulations 135 and 136 of the Principal Regulations have been deleted.

Delhi Electricity Regulatory Commission (DERC) issued Delhi Electricity Regulatory Commission (Terms and Conditions for Determination of Tariff) (Second Amendment) Regulations, 2026 on April 30, 2026

- The Delhi Electricity Regulatory Commission **(DERC)**, in exercise of its powers conferred under Section 181 read with Section 61 and Section 86(1)(b) of the Electricity Act, 2003, has notified the DERC (Business Plan) (First Amendment) Regulations, 2026 (**Regulations**).
- The Regulations amend the Delhi Electricity Regulatory Commission (Business Plan) Regulations, 2023, extended up to 2026-27 (**Principal Regulations**).
- Short Title and Commencement:
  - These Regulations shall be called the Delhi Electricity Regulatory Commission (Business Plan) (First Amendment) Regulations, 2026. The Regulations shall be applicable from 01st June 2026, corresponding to the Power Procurement by the Distribution Companies **(DISCOMs)** from April 1, 2026 onwards.
- Amendment to Regulation 30:
  - Regulation 30 of the Principal Regulations has been deleted. The Fuel and Power Purchase Adjustment Surcharge **(FPPAS)** shall henceforth be governed by Regulation -134 of the DERC (Terms and Conditions for Determination of Tariff) (Second Amendment) Regulations, 2026.

Rajasthan Electricity Regulatory Commission (RERC) notified the Rajasthan Electricity Regulatory Commission (Battery Energy Storage Systems) Regulations, 2026 on May 13, 2026

- The Rajasthan Electricity Regulatory Commission **(RERC)**, in exercise of the powers conferred on it under Section 61, Section 86 read with Section 181 of the Electricity Act, 2003, has notified the RERC (Battery Energy Storage Systems) Regulations, 2026 (**Regulations**), effective from the date of publication in the Official Gazette.
- The Regulations apply to all Licensees, the State Transmission Utility **(STU)**, State Load Despatch Centre **(SLDC)**, Generating Companies, Renewable Energy Developers, Aggregators, Battery Energy Storage System **(BESS)** Service Providers, Consumers/Prosumers, and all other entities involved in the planning, procurement, deployment, operation, or utilisation of Battery Energy Storage Systems within the State of Rajasthan.
- **Ownership and Business Models:**
  - BESS may be developed, owned, leased, or operated by Distribution Licensees, Transmission Licensees, Generating Companies, Independent Power Procurers (IPPs), Independent BESS Service Providers, Standalone BESS Developers, Renewable Energy Developers, Aggregators, Consumers/Prosumers, or any third-party investors. BESS may be deployed as co-located with generators, grid-connected standalone storage, embedded in distribution or transmission networks, behind the meter, or integrated with Electric Vehicle infrastructure for Vehicle-to-Grid (V2G) services. Standalone BESS and non-co-located BESS scheduled as a separate storage element shall comply with scheduling, metering, telemetry, and dispatch requirements under the applicable Grid Code and SLDC procedures, with deviations settled as per applicable CERC Regulations mutatis mutandis. The BESS shall carry the same legal status as that of its owner.
- **Planning and Procurement:**
  - Distribution Licensees and the STU, in consultation with SLDC, shall plan energy storage capacity within their respective areas, aligned with the State's Renewable Energy Policy, Energy Storage Targets, and State Transmission Plan. The STU shall prepare a consolidated intra-state storage plan, including recommended locations and voltage levels, and share it with all relevant entities. The minimum individual project size shall be 1 MW or above with an energy rating of at least two hours, connected at 11 kV or above. This minimum does not apply to BESS at the Distribution Transformer level or for behind-the-meter consumer applications. For BESS co-located with existing generating stations, the minimum energy rating may be reduced to less than two hours where the primary application is ancillary services or frequency regulation, subject to approval of the storage plan by STU, DISCOM, and SLDC. All procurement of BESS capacity or services by Licensees shall be through transparent competitive bidding in accordance with Central Government guidelines.
- **Ancillary Services and Market Participation:**
  - BESS shall be eligible to provide ancillary services including frequency regulation, spinning reserves, voltage support, black start services, and demand response. BESS may provide multiple services concurrently or sequentially, with revenues and obligations accounted for separately to prevent double recovery. Where a conflict arises between contracted commitments and real -time grid security, SLDC instructions shall prevail. Aggregators may aggregate BESS resources from multiple sites to provide services to the SLDC, Licensees, or other market participants, subject to registration and protocols specified by the SLDC. BESS participating in ancillary services shall be required to meet prescribed response times, maintain communication and telemetry infrastructure enabling real-time data transmission to SLDC, possess the capability to receive and respond to Automatic Generation Control (AGC) signals where applicable, and comply with metering arrangements as specified by SLDC. Applications for registration shall be disposed of within thirty days, extendable by a further thirty days.

- Tariff Framework:
  - All Licensee procurement of BESS capacity or services shall be through tariff - based competitive bidding. Bid documents shall explicitly specify commercial and operational responsibility for charging energy, losses, round-trip efficiency, battery parameters, metering, scheduling, and settlement. Any deviations from bidding guidelines shall require prior approval of the Commission. For ancillary services, the Commission may approve a single-part or multi-part tariff structure, including capacity charges, variable energy charges, and performance-linked payments. The Commission may also consider pay-for -performance and cap-and-floor tariff frameworks. Renewable energy used to charge BESS shall retain its renewable character upon discharge, and obligated entities shall be eligible to claim RPO/RCO benefits for such discharged energy.
- Consumers/Prosumers:
  - All consumers and prosumers may install behind-the -meter BESS up to their contract demand, with or without solar power plants, subject only to online registration with the Distribution Licensee, no separate permission or connection agreement is required. Where BESS is installed in hybrid mode with a solar plant under Net Metering, Net Billing, Group Net Metering, or Virtual Net Metering, the hybrid system shall be governed by the RERC (Grid Interactive Distributed Renewable Energy Generating Systems) Regulations, 2021. Consumers/prosumers may participate in energy arbitrage and demand response programmes, directly or through an Aggregator. Distribution Licensees shall develop Vehicle-to-Grid and Grid-to-Vehicle programmes through smart chargers. Energy injected into the Distribution Licensee's network during non -solar peak hours shall be payable at an incentivised tariff as may be specified by the Commission.
- Role of SLDC and Technical Standards:
  - The SLDC is designated as the Nodal Agency for ancillary services at the intra-state level. It shall publish eligibility criteria for BESS ancillary service providers within three months, and prepare procedures for scheduling, metering, accounting, and settlement within six months, of the notification date. BESS installations shall conform to technical standards specified by the CEA and MNRE. Cyber security protocols shall adhere to MeitY and CEA guidelines. Decommissioning and disposal of batteries shall comply with the Battery Waste Management Rules, 2022, including Extended Producer Responsibility provisions. The SLDC shall also monitor the performance of BESS, including State of Charge (SoC), Round -Trip Efficiency, and availability, and shall prepare a standard agreement format for procuring ancillary services subject to prior approval of the Commission.
- Dispute Resolution and Savings:
  - Consumer disputes shall be dealt with under the RERC (Consumer Grievance Redressal Forum, Electricity Ombudsman and Consumer Advocacy) Regulations, 2021. All other disputes shall be referred to the State Power Committee, which shall endeavour to resolve them within 30 days, failing which the matter shall be referred to the Commission, whose decision shall be final and binding. Existing PPAs, Energy Storage Service Agreements, and procurement processes initiated prior to the notification shall continue under their respective terms. BESS projects that have achieved financial closure or commenced construction prior to notification shall be deemed to comply with the minimum project size requirements. Existing registrations of Aggregators and AS providers shall remain valid subject to re-registration under the SLDC procedure.
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RECENT JUDGMENTS

In this Section

M/s. STEAG Energy Services (India) Pvt. Ltd. v. GSPC Pipavav Power Company Ltd. & Ors.

Uttar Pradesh Jal Vidyut Nigam Limited v. Central Electricity Regulatory Commission & Ors.

M/s Shree Cement Limited v. Karnataka Electricity Regulatory Commission & Ors.

Damodar Valley Power Consumers' Association v. Central Electricity Regulatory Commission & Ors.

Assam Power Distribution Company Limited v. ONGC Tripura Power Company Limited & Ors.

Madhya Pradesh Electricity Regulatory Commission v. M/s JSW Steel Coated Products Ltd..

Clarification in case of UPSLDC Limited.

M/s J.K. Minerals v. Managing Director, M.P. Power Transmission Co. Ltd and others.

Indian Railways v. West Bengal State Electricity Distribution Company Ltd. & Ors.

Chhattisgarh State Power Distribution Co. Ltd. v. M/s Sarda Energy & Minerals Ltd.

Damodar Valley Corporation v. Jharkhand State Electricity Regulatory Commission & Anr.

M/s Everest Power Private Ltd. v. Punjab State Electricity Regulatory Commission & Ors.

M/s. STEAG Energy Services (India) Pvt. Ltd. v. GSPC Pipavav Power Company Ltd. & Ors.

Supreme Court (SC) Judgement dated March 25, 2026, in Special Leave Petition (SLP) (C) No(s). 30209-30210 of 2025

Background facts

- GSPC PIPVAV Power Company Limited **(GPPC)**, which had commissioned a gas based combined cycle power plant of 702.86 MW in 2013-2014, floated a public tender in January 2025 inviting bids for operation and maintenance of the said power plant for an initial period of 5 years, based on the quality and cost-based system with weightage of 70% to technical evaluation and 30% to cost evaluation.
- Out of 4 bids submitted, 3 bidders qualified; upon evaluation the appellant, STEAG Energy Services (India) Pvt. Ltd., scored 95 out of 100 in technical evaluation and 95.4978453 in the combined score, while the writ petitioner, O&M Solutions Pvt. Ltd., scored 93 out of 100 technically and 95.09989831 in the combined score, the appellant was accordingly declared the successful bidder.
- The Board of Directors of GPPC, in their 81st Board meeting dated May 5, 2025, resolved to award the contract to the appellant, and a Letter of Award **(LOA)** was issued on June 9, 2025, pursuant thereto, the appellant mobilised its manpower and machinery, took over the plant, commenced work, and a formal contract was executed on July 1, 2025.
- The writ petitioner, O&M Solutions Pvt. Ltd., approached the Gujarat High Court challenging the tender evaluation process as arbitrary and violative of Article 14 of the Constitution, the High Court directed GPPC's consultant, Fichtner Consulting Engineers India Pvt. Ltd., to re-evaluate the technical bid, pursuant to which the appellant's marks under clause 20.2(1)(B) were revised from 10 to 8, resulting in a tie between both bidders at a technical score of 93.
- On the basis of the marginal difference in price quoted, the writ petitioner having quoted ₹19,65,55,668 as against the appellant's ₹19,65,69,120, the High Court allowed the writ petition, quashed the LOA and the contract awarded to the appellant, and directed GPPC to award the contract to the writ petitioner, relying solely on clause 20.2(vi) which provided that the bidder with the highest total score shall be considered for award of job.

Issues at Hand

- Whether the High Court was justified in interfering with the LOA dated 09.06.2025 and the formal contract dated July 1, 2025 executed between GPPC and the appellant, solely on account of a minuscule difference of 0.00205301 in the combined total score between the two competing bidders, when no arbitrariness, mala fide, or perversity in the decision-making process of GPPC had been established.

ACME Cleantech Solutions Private Ltd. v. Central Transmission Utility of India Ltd.

Prerak Greentech Solar Pvt. Ltd. v. Central Transmission Utility of India Ltd.

In Re: Mechanism for treatment of connectivity granted under the GNA Regulations based on the LoA, where the PPA has not been signed within a period of 12 months from the date of issuance of the LoA.

Ganeko One Energy Pvt. Ltd. & Anr. v. Central Transmission Utility of India Ltd. & Anr.

Madhya Pradesh Power Management Company Ltd. & Uttar Pradesh Power Corporation Ltd. - Approval of Tender Documents and Deviations for Long-Term Procurement of Power from Inter-State Transmission System Connected Pump Storage Plants through Competitive Bidding.

Tata Power Company Ltd. v. Gujarat Urja Vikas Nigam Ltd. and Ors.

ReNew Solar Power Pvt. Ltd. & Ors. v. Central Transmission Utility & Ors. And Batch.

UltraTech Cement Ltd. and Anr. v. Uttar Pradesh Power Transmission Corporation Ltd. and Ors.

Rosa Power Supply Company Ltd. v. Uttar Pradesh Power Corporation Ltd.

Purvanchal Vidyut Vitran Nigam Limited and Uttar Pradesh Power Corporation Ltd. - Post-facto approval for power purchase from South Bihar Power Distribution Company Ltd.

M/s Lokmangal Mauli Industries Ltd. and Anr. v. Maharashtra State Electricity Distribution Co. Ltd.

Avaada MH Sustainable Pvt. Ltd. v. Maharashtra State Electricity Distribution Co. Ltd.

M/s JSW Steel Coated Products Ltd. v. Maharashtra Energy Development Agency

Sai Services Pvt. Ltd. v. Maharashtra State Electricity Distribution Co. Ltd.

M/s Adani Hybrid Energy Jaisalmer Four Ltd. v. M/s Adani Electricity Mumbai Ltd.

Adani Power Ltd. v. Maharashtra State Load Despatch Centre.

- Whether constitutional courts, in the exercise of judicial review of contractual matters, can substitute their own assessment for that of the owner in a highly technical and competitive tender process, particularly when the contract is already underway and the needs and requirements of the owner have been altogether lost sight of.

Decision of the Tribunal

- The Supreme Court held that the High Court committed a serious error in interfering with the grant of LOA dated June 9, 2025 followed by the execution of the contract on July 1, 2025, particularly when the difference between the total scores of the competing bidders was not merely marginal but, in the court's own words, minuscule, being 0.00205301.
- Placing reliance on *Afcons Infrastructure Ltd. v. Nagpur Metro Rail Corporation Ltd.*, the court reiterated that interference with the decision-making process of the owner is permissible only if it is mala fide, intended to favour someone, or is so arbitrary or irrational that no responsible authority acting reasonably could have reached such a decision but no such case was made out before the High Court or the Supreme Court.
- Drawing from *Montecarlo Ltd. v. National Thermal Power Corporation Ltd.*, the court emphasised the twin principles of restraint in judicial review of contractual matters and the freedom of contract permitting allowance of "free play in the joints" to the owner, observing that where a decision is manifestly in consonance with the tender document, courts should follow the principle of restraint.
- The court observed that the judicial solution for problems arising out of fierce competition between competing bidders is not to be found in mathematical precision or application of rigid formulae, and that judicial review must balance justice with flexibility, requiring courts to exercise nuanced discretion between multiple outcomes and binary choices.
- The court pointedly observed that in the whole process of judicial scrutiny, both the contesting contractors as well as the court lost sight of the needs and requirements of the owner, GPPC had floated the tender in January 2025, the LOA was granted on June 9, 2025, and more than a year had already passed with the question of accountability for delay in execution remaining conspicuously unaddressed.
- The court held that while clause 20.2(vi) provides that the bidder with the highest total score shall be considered for award of job, the entity to consider is the 'owner' and not the court, it is for the owner to take the final decision with necessary flexibility and pragmatism, and the tender itself at clause 23.1 reserved GPPC's right to accept or reject any bid at any time prior to award.
- The court held that constitutional courts do not exercise, and should not exercise, ex-ante jurisdiction to pre-empt executive actions in contractual matters, and on this count the High Court had exceeded the first principle of judicial restraint.
- As regards the appellant's submission on the claim of additional 5 marks under clause 4 of 20.2(B) towards operation and maintenance of sea water system experience, the court found no justification to interfere with the well-considered findings of the High Court, holding them to be based on true and correct facts and a reasonable interpretation of the tender document, accordingly, the civil appeal arising out of special civil application no. 12328 of 2025 was dismissed.
- The court also cautioned against reading too much into the fact that GPPC's counsel had cooperated with the court-directed re-evaluation exercise, observing that cooperation by counsel for government or its instrumentalities is an important facet of good practices at the bar and cannot become an additional ground for intense inquiry.
- The civil appeal arising out of special civil application No. 7289 of 2025 was allowed, the judgment and order of the High Court of Gujarat was set aside, and the LOA dated June 9, 2025 as well as the formal contract dated July 1, 2025 executed by GPPC in favour of the appellant were upheld, with GPPC directed to proceed with performance of the contract without any hindrance, with no order as to costs.

Gujarat Urja Vikas Nigam Limited and Ors. - Refund of connectivity charges for Small Scale Distributed Solar Project Developers availing second-time exit option.

Gujarat Urja Vikas Nigam Limited v. M/s WYN Renewables Pvt. Ltd.

In Re: Compliance with the Commission's directions regarding submission of the final proposal for installation of Flue Gas Desulphurization systems at RVUN's generating stations.

Adani Power Ltd. v. Rajasthan Urja Vikas Nigam Ltd. & Ors.

Rajasthan Urja Vikas & IT Services Ltd. v. Rajasthan Rajya Vidyut Prasaran Nigam Ltd. & Anr.

Jaipur Vidyut Vitran Nigam Ltd., Ajmer Vidyut Vitran Nigam Ltd. and Jodhpur Vidyut Vitran Nigam Ltd.

M/s Benisar Solar Plant v. Rajasthan Urja Vikas and IT Services Limited & Anr.

In the matter of the reduction of GST rate on the procurement of renewable energy devices and parts for their manufacture from 12% to 5%.

Transmission Corporation of Andhra Pradesh Ltd. - Performance Review and True-down for FY 2024-25.

Ministry of Power (MoP) states that India has successfully met the all-time highest peak power demand of ~256 GW without shortage.

India records historic growth in wind energy sector; Government reiterates commitment towards policy reforms and capacity expansion.

Workshop on SHANTI Act, 2025 highlights roadmap for scaling India's nuclear power capacity to 100 GW through private participation and regulatory reforms.

HSA
Viewpoint

This decision results to a timely and much-needed reassertion of the principle of judicial restraint in tender matters, particularly in the context of highly technical and competitive bids where the difference between competing scores can, by the very design of the evaluation methodology, only ever be minuscule. The High Court's approach of applying clause 20.2(vi) as though it were itself the decision-maker, rather than merely a check on the owner's decision, exemplifies precisely the kind of substitution of judicial wisdom for executive judgment that the doctrine of "free play in the joints" is designed to guard against.

Uttar Pradesh Jal Vidyut Nigam Limited v. Central Electricity Regulatory Commission & Ors.

Appellate Tribunal for Electricity's (APTEL) Order dated April 13, 2026, in Appeal No. 309 of 2018

Background facts

- The Appellant, Uttar Pradesh Jal Vidyut Nigam Limited **(UPJVNL)**, is one of the companies formed upon unbundling of the erstwhile Uttar Pradesh State Electricity Board and operates the Rihand and Matatila Hydro Power Stations. Respondent No. 2, Madhya Pradesh Power Management Company Limited **(MPPMCL)**, is the successor entity of the erstwhile Madhya Pradesh State Electricity Board. On account of submergence of large tracts of land in Madhya Pradesh during development of these generating stations, it was agreed through the Central Zonal Council that 15% of power from Rihand Hydro Power Plant **(HPP)** and 33% from Matatila HPP would be supplied to Madhya Pradesh Electricity Board **(MPEB)** at cost price plus 5%.
- MPPMCL filed Petition No. 128/MP/2016 before Central Electricity Regulatory Commission **(CERC)** seeking directions to UPJVNL to file Annual Revenue Requirement **(ARR)** and tariff petitions for determination of Operation & Maintenance **(O&M)** charges for the two stations from 1st April, 2008 onwards, and to raise bills at O&M expenses as indicated in Uttar Pradesh Electricity Regulatory Commission **(UPERC)** tariff orders on a provisional basis. CERC, vide order dated 12th October, 2017, declined to reopen the tariff already determined by UPERC for the period 2000-01 to 2013-14 and directed UPJVNL to file tariff petitions only for the period 2014-15 to 2018-19 under CERC Tariff Regulations, 2014.
- MPPMCL filed Review Petition No. 1/RP/2018 seeking modification of the said order to direct filing of tariff petitions from 1st April, 2008. CERC rejected this prayer, holding it was a conscious decision not to reopen UPERC-determined tariff. However, while disposing of the review petition, CERC suo motu noticed that MPPMCL's prayer for provisional billing at UPERC O&M rates had not been addressed in the original order, and proceeded to modify the order dated 12th October, 2017 by directing MPPMCL to pay O&M charges for the period 1st April, 2008 to 31st March, 2014 in accordance with UPERC tariff orders. Aggrieved by this modification, UPJVNL preferred the present appeal before Appellate Tribunal for Electricity **(APTEL)**.

Issues at hand

- Whether CERC could, in exercise of powers under Section 79 of the Electricity Act, 2003, direct payment of O&M charges for the period 2008-2014 when it had consciously decided not to reopen the tariff already determined by UPERC for the same period.
- Whether CERC erred in modifying the tariff determined by UPERC, which had been accepted as the basis for tariff payable by Madhya Pradesh to Uttar Pradesh.
- Whether CERC could exercise suo motu review jurisdiction to address a prayer not raised by any party in the Review Petition, and without hearing the affected party.

Decision of the Tribunal

- The Supreme Court of India issued an order on January 16, 2026, in Civil Appeal No(s). 15195/2025 (*Gujarat Urja Vikas Nigam Limited vs. Central Electricity*

Regulatory Commission & Ors.), dismissing the appeals by procurers (including GUVNL and others) and declining to interfere with the APTEL judgment. This upheld the framework for interim relief.

- APTEL affirmed CERC's "extremely wide" power under Section 94(2) to grant interim relief in Section 11(2) proceedings, ensuring that generators need not await a final order to mitigate the financial impact of coercive government directions.
- It was clarified that while financial loss generally does not constitute "irreparable injury" (as it is compensable by money) and future procurement issues are extraneous to Section 11(2), substantive justice may override such technicalities if the outcome remains equitable.
- A limited remand directing CERC to recalculate the exact entitlement based on verified data for the period of April 16, 2023, to March 10, 2025, to ensure mathematical precision in the final recovery was issued.
- It imposed strict safeguards to protect procurers, requiring the generator to furnish an unconditional Bank Guarantee for the full interim amount and an undertaking to pay "carrying costs" should the main petition eventually be dismissed.
- It further requested the commission to adjudicate the substantive dispute on its merits with utmost expedition, targeting a final disposal within a six-month timeline.

HSA
Viewpoint

This judgment is a crucial precedent for the implementation of Section 11 of the Electricity Act. It balances the "Public Interest" in ensuring power plants remain financially viable during national emergencies with "Procurer Protection" while ensuring interim payments are backed by bank guarantees and undertakings. APTEL has rightly prioritized substantive equity over procedural perfection by refusing to quash an order despite technical errors, provided the final dollar value was reasonable.

M/s Shree Cement Limited v. Karnataka Electricity Regulatory Commission & Ors.

Appellate Tribunal for Electricity's (APTEL) Order dated March 16, 2026, in Appeal No. 58 of 2020

Background facts

- The Appellant, M/s Shree Cement Limited **(Shree Cement)**, is a company engaged in the manufacture of cement and trading of electricity. The Respondent No. 1, the Karnataka Electricity Regulatory Commission **(KERC)** is the electricity regulator for Karnataka. Respondent No. 2, the Power Company of Karnataka Ltd. **(PCKL)** is the holding company of Respondent Nos. 3 to 7, which are the distribution licensees **(DISCOMs)** responsible for electricity supply across Karnataka.
- On 29th August, 2017, PCKL floated a tender for procurement of 500 MW Round-The-Clock **(RTC)** power for its DISCOMs. The Appellant was declared the successful bidder **(L1)** and was allocated 100 MW at a tariff of Rs. 4.08/kWh. A Letter of Award **(LOA)** dated 11th November, 2017 was issued in favour of the Appellant.
- The Appellant commenced supply of 100 MW RTC power to the Respondents from 16th November, 2017 from its generating unit located in Rajasthan, which used Pet-coke as its primary fuel.
- On 17th November, 2017, the Supreme Court of India banned the use of Pet-coke in the National Capital Region and the States of Uttar Pradesh, Rajasthan and Haryana with immediate effect. Consequently, the Appellant discontinued supply from 23:30 hours on 18th November, 2017, and intimated PCKL vide letter dated 17th November, 2017, citing Force Majeure, while stating it would endeavour to arrange power from an alternate source.
- The Appellant executed the PPA with Respondent Nos. 3 to 7 on 24th November, 2017. Prior to execution, vide letter dated 20th November, 2017, the Appellant had sought consent to supply power from an alternate source.

- Sembcorp Gayatri Power Limited **(SGPL)** for the period 24th November to 30th November, 2017, along with an Open Access application filed before the Southern Regional Load Despatch Centre **(SRLDC)**. Vide email dated 21st November, 2017, the Appellant also sought consent for supply from an alternate source for 22nd and 23rd November, 2017, however without identifying a specific alternate source or processing an Open Access application for those two days.
- PCKL raised a claim for liquidated damages **(LD)** of Rs. 29,72,647/- for short supply of power during November 2017. Aggrieved, the Appellant filed O.P. No. 22 of 2019 before the State Commission seeking withdrawal of the LD claim and refund of amounts withheld. The State Commission dismissed the petition vide order dated 26th November, 2019, holding that the Appellant's offer of supply from an alternate source was valid for the period 24th to 30th November, 2017 but not for 22nd and 23rd November, 2017, and additionally held the Appellant liable for Open Access charges of Rs. 12,81,010/-. Aggrieved by this the Appellant preferred the present appeal before the Appellate Tribunal for Electricity **(APTEL)**.

Issues at hand

- Whether non-supply of power from November 22, 2017 to November 23, 2017 constitutes a Force Majeure event under Clause 7.1 of the PPA, and whether the Appellant is liable for liquidated damages for the said period.
- Whether the Appellant's invocation of Clause 5.1.4 (alternate source of supply) of the PPA amounted to a waiver of its right to claim Force Majeure under Clause 7 of the PPA.
- Whether the State Commission was justified in imposing liability for Open Access charges on the Appellant, when no such claim had been specifically raised by the Respondents or directed in the operative part of the Impugned Order.

Decision of the Tribunal

- APTEL held that Clauses 5.1.4 and 7 of the PPA operate in distinct and mutually exclusive spheres. Clause 5.1.4 is a contractual mechanism for ensuring continuity of supply in circumstances other than Force Majeure, whereas Clause 7 is a protective provision excusing performance upon the occurrence of extraordinary and unforeseeable events. By invoking Clause 5.1.4 to arrange supply from an alternate source, the Appellant had effectively elected to proceed on the footing that the circumstances did not constitute Force Majeure, and was therefore deemed to have waived its right to claim Force Majeure under Clause 7. APTEL upheld the Impugned Order insofar as it denied the Appellant's claim under the Force Majeure provisions.
- On the question of liquidated damages for November 22 and 23, 2017, APTEL upheld the Impugned Order, observing that the Appellant's email dated November 21, 2017 could not be treated as a valid or substantiated offer for those two days, as no alternate source had been identified and no Open Access application had been processed. By contrast, the letter dated November 20, 2017 for the period November 24 to 30, 2017 was accompanied by a specific alternate source and an Open Access application before SRLDC, which constituted a valid offer. Accordingly, APTEL upheld the LD calculation of Rs. 24,89,412/- for non-supply from November 19 to November 23, 2017, with deemed supply for the period November 24 to November 30, 2017.
- The Tribunal set aside the liability of Rs. 12,81,010/- imposed by the State Commission, holding that no independent demand or claim for Open Access charges had been raised by the Respondents at any point prior to or subsequent to the Impugned Order, and no specific operative direction imposing such liability had been issued. APTEL held that a party cannot be burdened with a liability which has neither been claimed by the counterparty nor specifically directed in the operative portion of an order.
- The appeal was accordingly partly allowed as the LD calculation was upheld, but the Open Access charges liability was set aside. Any excess amount withheld by PCKL over and above the upheld LD amount is to be refunded to the Appellant with simple interest at the prevailing SBI Prime Lending Rate **(PLR)** up to the date of actual payment.

HSA
Viewpoint

This judgment underscores the Doctrine of Election within power purchase agreements. APTEL has clarified that Force Majeure (Clause 7) and alternate supply arrangements (Clause 5.1.4) are mutually exclusive remedies. By opting to provide power from an alternate source, a generator effectively acknowledges that the contract is still performable, thereby waiving the right to claim the protection of a Force Majeure event.

Damodar Valley Power Consumers' Association v. Central Electricity Regulatory Commission & Ors.

Appellate Tribunal for Electricity's (APTEL) Order dated March 23, 2026, in Appeal Nos. 123 of 2017, 256 of 2017, 143 of 2018, 142 of 2020 and 255 of 2017

Background facts

- The Appellant, Damodar Valley Power Consumers' Association **(DVPCA)**, is a non-profit company incorporated under Section 8 of the Companies Act, 2013, formed with the primary object of safeguarding the rights and interests of high voltage electricity consumers in Eastern India who receive supply from Damodar Valley Corporation **(DVC)**. Membership of the Association is open to persons and body corporates who consume high voltage electricity generated in and around the Damodar Valley Region.
- In this batch of five appeals, DVPCA had challenged various tariff orders passed by the Central Electricity Regulatory Commission **(CERC)** (in Appeal Nos. 123 of 2017, 256 of 2017 and 143 of 2018) and the West Bengal Electricity Regulatory Commission **(WBERC)** (in Appeal Nos. 255 of 2017 and 142 of 2020) determining the generation tariff for power projects owned and operated by DVC.
- When the appeals came up for final disposal in March 2025, DVC raised a preliminary objection to the maintainability of the appeals, contending that DVPCA, being a company incorporated under Section 8 of the Companies Act, 2013, is a separate juristic entity distinct from its members, does not itself procure electricity from DVC, and is therefore neither a "consumer" under Section 2(15) nor a "person aggrieved" under Section 111 of the Electricity Act, 2003. DVC filed Interlocutory Applications **(IAs)** seeking dismissal of all five appeals on this ground.
- In response, DVPCA filed separate IAs seeking impleadment of M/s Maithan Alloys Ltd. a member of the Association as Appellant No. 2 in each of the five appeals, as an abundant caution to meet the maintainability objection raised by DVC.

Issues at hand

- Whether DVPCA, as a consumer association incorporated under Section 8 of the Companies Act, 2013, qualifies as a "person aggrieved" under Section 111 of the Electricity Act, 2003 and has locus standi to maintain appeals against tariff orders passed by the appropriate Electricity Regulatory Commissions.
- Whether DVC's objection to the maintainability of the appeals is hit by the Doctrine of Issue Estoppel, given that Appellate Tribunal for Electricity **(APTEL)** had previously recognised DVPCA as a "person aggrieved" in multiple prior appeals where DVC was a respondent and had not challenged those orders.
- Whether M/s Maithan Alloys Ltd. can be impleaded as Appellant No. 2 at this stage, and if so, whether such impleadment would relate back to the date of institution of the original appeals so as to avoid the bar of limitation.

Decision of the Tribunal

- APTEL held that DVPCA falls within the ambit of "aggrieved person" under Section 111 of the Electricity Act, 2003 and is competent to maintain appeals against tariff orders passed by the Electricity Regulatory Commissions. APTEL observed that Parliament had deliberately used the broad expression "any "person aggrieved" in Section 111, and not the narrower term "consumer", indicating that the right of appeal is not restricted only to consumers. Since DVPCA is an association comprising high voltage electricity consumers of DVC,

any enhancement of tariff by the Commission directly impacts its members and therefore the Association itself, making it an "aggrieved person".

- APTEL distinguished the case from its earlier judgment in *Surat Citizens' Council Trust v. Gujarat Electricity Regulatory Commission* (2024), where the Trust's deed did not include any object relating to electricity consumers, observing that DVPCA was incorporated solely and specifically for safeguarding the rights and interests of electricity consumers, making it fundamentally different.
- APTEL further held that DVC's objection to the locus standi of DVPCA was hit by the Doctrine of Issue Estoppel. APTEL had previously, in Appeal Nos. 862/2023, 13/2024, 165/2024, 345/2024 and 347/2024, held DVPCA to be a "person aggrieved" and granted leave to file appeals orders which DVC had not challenged. DVC was therefore precluded from reagitating the same issue in the present batch of appeals, especially at the stage of final disposal, after over five years from institution.
- In the case of impleadment of M/s Maithan Alloys Ltd., APTEL allowed the impleadment applications, holding that since the omission to arraign M/s Maithan Alloys Ltd. as an appellant at the outset was made in good faith given DVPCA's reasonable belief that the appeals were maintainable the impleadment would relate back to the date of institution of the original appeals by virtue of the proviso to Section 21(1) of the Limitation Act, 1963. The applications filed by DVC seeking dismissal of the appeals were dismissed as devoid of merit.

HSA
Viewpoint

This order is a significant victory for representative standing in electricity litigation. By interpreting "person aggrieved" under Section 111 more broadly than the term "consumer," APTEL has ensured that non-profit associations have the locus standi to protect the collective interests of their members. Additionally, the application of the Doctrine of Issue Estoppel serves as a procedural safeguard, preventing respondents from re-litigating settled jurisdictional points at the final stage of a long-standing appeal.

Assam Power Distribution Company Limited v. ONGC Tripura Power Company Limited & Ors.

Appellate Tribunal for Electricity's (APTEL) Order dated April 6, 2026, in Appeal No. 334 of 2017

Background facts

- ONGC Tripura Power Company Limited **(OTPC)** is a joint venture company primarily owned by Oil and Natural Gas Corporation **(ONGC)** (50%), Gas Authority of India Limited **(GAIL)** (26%), and the Government of Tripura (0.5%), incorporated to develop the “Palatana” generating station with an installed capacity of 726.6 MW in Tripura. Out of the total installed capacity, 628 MW was allocated to the beneficiary States of the North Eastern Region.
- OTPC filed Petition No. 129/GT/2015 before the Central Electricity Regulatory Commission **(CERC)** seeking determination of tariff for Blocks I and II of the Palatana generating station for the control period 2014-19 and requested relaxation of the Normative Annual Plant Availability Factor **(NAPAF)** from 85% to 68%, citing acute shortage of fuel gas supply from ONGC.
- CERC, by order dated 30.03.2017, relaxed the NAPAF from 85% to 76% for the period 24.03.2015 to 30.09.2018 as a one-time dispensation, directing that any incentive earned by OTPC would be adjusted against the differential Annual Fixed Charges **(AFC)** until full recovery. CERC subsequently issued a corrigendum order dated 03.05.2017 to correct certain inadvertent arithmetical errors in the computation.
- Aggrieved by the relaxation in NAPAF, the Appellant, Assam Power Distribution Company Limited **(APDCL)**, filed the present Appeal before Appellate Tribunal for Electricity **(APTEL)**, contending that OTPC ought to have invoked its contractual rights against ONGC under the Gas Sale and Purchase Agreement **(GSPA)** dated 29.09.2008, particularly alleging that ONGC being the majority shareholder (50%) in OTPC and the sole gas supplier had diverted gas supplies from Palatana to the Monarchak project of NEEPCO, resulting in the beneficiary States being made to bear the financial consequences.

Issues at hand

- Whether CERC was justified in relaxing the NAPAF for the Palatana Project of OTPC from 85% to 76%, given the shortage of gas supply purportedly attributable to ONGC, which is both the majority shareholder in OTPC and the sole fuel supplier under the GSPA.
- Whether OTPC's failure to invoke its contractual remedies under the GSPA including claiming liquidated damages from ONGC for shortfall in gas supply disentitled it from seeking relaxation in NAPAF and effectively shifting the burden onto beneficiary States.
- Whether the letter dated 18.03.2016 issued by ONGC could be treated as a valid Force Majeure notice under Clause 17.3 of the GSPA.

Decision of the Tribunal

- APTEL held that OTPC and ONGC are distinct legal entities. ONGC's shareholding in OTPC does not obliterate either entity's separate corporate personality, and the contractual rights and obligations under the GSPA are enforceable independently of ONGC's equity interest. OTPC cannot, by virtue of ONGC's shareholding, assert any priority claim over ONGC's gas production or dictate the allocation of gas across ONGC's consumers.
- APTEL distinguished the present case from its earlier judgment in *NTPC Limited v. CERC & Ors.*, Appeal No. 110 of 2012, noting that unlike NTPC (which had diverted coal among its own plants), OTPC had not diverted any fuel; the shortage was attributable to ONGC as a separate entity. However, APTEL also held that the responsibility for arranging fuel lies squarely with the generator, and that OTPC, having entered into the GSPA with ONGC, could not shift this burden onto beneficiaries without first exhausting contractual remedies.
- APTEL held that no valid Force Majeure notice was issued within the 48-hour period stipulated under Clause 17.3 of the GSPA. The letter dated 18.03.2016 issued by ONGC nearly a year after the commencement of the alleged gas shortage cannot constitute a valid Force Majeure notice, rendering the Force Majeure plea unsustainable.
- APTEL held that OTPC failed to pursue its contractual remedy of liquidated damages against ONGC under Clause 15 of the GSPA for the shortfall in gas supply. The relaxation in NAPAF from 85% to 76% effectively conferred an undue benefit upon ONGC (the defaulting fuel supplier and 50% shareholder) by passing the consequences of supply failure onto the beneficiaries.
- APTEL clarified that Clause 14.3 of the GSPA (pro-rata supply in case of reduced production) cannot be construed to grant ONGC a blanket exemption from liability under Clause 15.
- Accordingly, APTEL set aside the CERC Order dated 30.03.2017 with regard to relaxation in NAPAF from 85% to 76% for the period 24.03.2015 to 30.09.2018, and annulled the consequential effects of the corrigendum order dated 03.05.2017 to that extent. The Appeal was allowed.

HSA
Viewpoint

This case sets a vital precedent regarding the interdependence of fuel supply and regulatory relief. APTEL has made it clear that a generator cannot "internalize" a fuel shortage benefit within its corporate group. Even if the fuel supplier is a parent company, the generator must treat it as an arms-length entity and exhaust all contractual remedies (such as claiming Liquidated Damages) before asking the Commission to relax performance targets (NAPAF). This prevents the financial consequences of a fuel supplier's default from being unfairly shifted onto the end consumers.

Madhya Pradesh Electricity Regulatory Commission v. M/s JSW Steel Coated Products Ltd.

Maharashtra Electricity Regulatory Commission's (MERC) Order Dated March 18, 2026, in Suo Moto Petition No. 45 of 2024

Background facts

- JSW Steel Coated Products Ltd. **(JSWSCPL)** was served a notice by Madhya Pradesh Electricity Regulatory Commission **(MPERC)** for non-compliance of renewable purchase obligation **(RPO)** for the period November 10, 2010, to March 31, 2024, following which the commission initiated a suo moto petition.
- The commission vide order dated October 23, 2024, directed the Respondent to comply with its RPO obligations, against which the Respondent filed an appeal before Appellate Tribunal for Electricity **(APTEL)**, which set aside the commission's order and remanded the matter back for reconsideration on limited issues.
- Pursuant to APTEL's remand order dated October 28, 2025, the Respondent submitted the approved resolution plan dated September 6, 2022, along with proof of renewable energy certificates **(RECs)** purchases, claiming that pre-Corporate Insolvency Resolution Process **(CIRP)** RPO obligations stood extinguished under the Insolvency and Bankruptcy Code, 2016 **(IBC)** framework and that post-takeover RPO obligations had been duly complied with.

Issues at hand

- Whether the RPO obligations for the period November 10, 2020 to May 19, 2023 formed part of the approved resolution plan, and if not, whether JSW could still be held liable for the same in light of the Supreme Court's ruling in Ghanshyam Mishra and Sons Pvt. Ltd.
- Whether JSW had complied with its RPO obligations for the period from May 19, 2023 to March 31, 2024.

Decision of the Tribunal

- The commission examined clauses of the approved resolution plan and found that all actual and potential dues, liabilities, and non-compliances of statutory obligations prior to the effective Date stood permanently extinguished by virtue of the National Company Law Tribunal **(NCLT)**'s order approving the resolution plan.
- The RPO obligations were not specifically included in the resolution plan, and since MPERC itself had not filed any claim during the CIRP proceedings, no surviving liability could be fastened upon JSW for the pre-CIRP period, consistent with the "clean slate" doctrine affirmed by the Supreme Court in Essar Steel and Ghanshyam Mishra.
- For the post-takeover period from May 20, 2023, to March 31, 2024, the revised RPO requirement worked out to 1,194 RECs, against which JSW procured 1,417 RECs, thereby fully satisfying its obligations; the commission accordingly withdrew all further proceedings under a suo motu petition.

HSA
Viewpoint

The order reflects a balanced application of the IBC's overriding framework to regulatory obligations. The commission rightly acknowledged that once an NCLT-approved resolution plan extinguishes pre-CIRP liabilities, including statutory dues, then no regulatory authority can independently revive those claims, especially when it failed to submit them during the insolvency process. At the same time, the commission ensured that compliance obligations arising after the effective date were not let off lightly, and on verification, found JSW to have actually exceeded the revised REC requirement.

Clarification in case of UPSLDC Limited.

Uttar Pradesh Electricity Regulatory Commission's (UPERC) Order Dated March 20, 2026, in Petition No. 2310 of 2025

Background facts

- The Uttar Pradesh State Load Despatch Centre **(UPSLDC)** filed a petition before the Uttar Pradesh Electricity Regulatory Commission **(UPERC)** under Regulation 18 of the UPERC (Fees and Charges of State Load Despatch Centre and Other Related Matters) Regulations, 2025, seeking clarification on the effective date of levy of fees and charges under the said Regulations.
- The UPERC notified the (Fees and Charges of State Load Despatch Centre and Other Related Matters) Regulations, 2025 on June 20, 2025, superseding the earlier UPERC (Fee and Charges of State Load Dispatch Centre and Other Related Matters) Regulations, 2020, however the regulations specified April 1, 2025 as the date of commencement, creating a gap of nearly three months during which the regulations were not yet published.
- UPSLDC, acting on the specified commencement date of April 1, 2025, informed the Indian Energy Exchange **(IEX)** vide email dated July 4, 2025 that revised operating charges of Rs. 1500 plus 18% GST per day were applicable from April 1, 2025, and sought recovery of differential charges for April to July 2025.
- IEX responded vide email dated July 4, 2025 refusing retrospective payment, stating it could only pay revised charges from July 6, 2025, also citing Clause 12(a)(ii) of the procedure for grant of transmission-general network access **(T-GNA)** through National Open Access Registry **(NOAR)**, which prohibits retrospective revision of transmission charges and losses.
- This discrepancy between the notified date and the commencement date created administrative, accounting, and operational difficulties for UPSLDC in levying registration fees, application fees for short-term open access **(STOA)**, and operating charges for collective transactions from the period prior to actual notification.

Issues at hand

- Whether registration fees under the (Fees and Charges of State Load Despatch Centre and Other Related Matters) Regulations, 2025 were applicable from April 1, 2025 (the date of commencement specified in the Regulations) or from June 20, 2025 (the actual date of publication in the official gazette).
- Whether application fees and operating charges for short-term open access transactions could be levied retrospectively from April 1, 2025 or only prospectively from the date of notification.
- Whether the specific difficulty arising in collection of operating charges from power exchanges, which were communicated only on July 4, 2025 and accepted from July 6, 2025 by IEX, merited a separate effective date for collective transactions.

Decision of the Tribunal

- On the issue of registration fees, the commission observed that under Regulations 2(1)(n), 14(1) and 14(2), registration fee is a non-refundable one-time payment linked to the date of registration, and users already registered and having paid fees as on June 20, 2025 could not be asked to pay the revised fee retrospectively, accordingly, the revised registration fee was held applicable only from June 20, 2025.
- The commission held that application fees under the (Fees and Charges of State Load Despatch Centre and Other Related Matters) Regulations, 2025 were to be deposited within three working days from the date of filing of application, and since most applications for short-term open access processed before June 20, 2025 had already been paid under the UPERC's (Fee and Charges of State Load Dispatch Centre and Other Related Matters) Regulations, 2020 and their contracts may have concluded, revised application fees could not be recovered retrospectively from April 1, 2025.
- On operating charges for collective transactions, the commission acknowledged that these are recurring per-day charges and no provision exists in the regulations for retrospective recovery, accordingly, revised operating charges were held not applicable from April 1, 2025.

- The commission further noted that since the revision of operating charges was communicated to IEX only on July 4, 2025 and IEX could implement the same only from July 6, 2025 in line with Clause 12(a)(ii) of the NOAR procedure, the commission, exercising its power under Regulation 18 (Power to Remove Difficulties) of the (Fees and Charges of State Load Despatch Centre and Other Related Matters) Regulations, 2025, directed that operating charges for collective transactions shall be effective from July 6, 2025.
- The commission also affirmed the settled legal principle, relying on the Supreme Court's ruling in *Regional Transport Officer, Chittoor v. Associated Transport, Madras (P) Ltd.*, (1980) 4 SCC 597, that a delegated authority cannot give retrospective operation to subordinate legislation unless the parent statute expressly authorises it, and the Electricity Act, 2003, confers no such power on the commission.
- The petition was accordingly disposed of with clarifications on all three issues.

HSA
Viewpoint

The order sensibly resolves what was essentially a drafting oversight, specifying a commencement date of April 1, 2025 for regulations that were only published on June 20, 2025. The commission correctly applied the well-settled principle that subordinate legislation cannot operate retrospectively without explicit statutory authority, ensuring that neither UPSLDC nor its users were saddled with financial liabilities for a period when the regulatory framework did not even exist in law. The separate effective date of July 6, 2025 for collective transaction operating charges vis-à-vis IEX reflects a practical, ground-level understanding of how power market settlements actually work, making this a pragmatic and legally sound order.

M/s J.K. Minerals v. Managing Director, M.P. Power Transmission Co. Ltd and others.

Madhya Pradesh Electricity Regulatory Commission (MPERC) Order dated March 18, 2026, in Petition no. 22 of 2017

Background facts

- M/s J.K. Minerals, operating a 1 MW Solar Power Plant at village Ranthbawar, filed a petition before Madhya Pradesh Electricity Regulatory Commission **(MPERC)** seeking compensation for energy injected into the grid, which was decided against them vide order dated August 16, 2019.
- Aggrieved by the commission's order, the petitioner filed an appeal before the Appellate Tribunal for Electricity **(APTEL)**, which vide its judgement dated January 19, 2026, set aside the commission's order and held the petitioner entitled to compensation at Average Power Purchase Cost **(APPC)** rates along with carrying cost at State Bank of India Prime Lending Rate **(SBI PLR)** +2%.
- APTEL directed the parties to appear before the State Commission within one month, with the petitioner submitting all requisite details, and the commission to pass consequential orders calculating total compensation, including carrying cost within a further one month thereafter.
- Pursuant to APTEL's directions, the petitioner filed an affidavit dated February 18, 2026 computing a principal claim of Rs. 45,37,818/- for energy injected during September 15, 2017 to May 10, 2018, applying APPC rates of Rs. 3.89/kWh for FY 2017-18 and Rs. 3.86/kWh for FY 2018-19, along with compound interest at 15.45% p.a.
- The respondent, sought adjournment stating that the APTEL order had been challenged before the Supreme Court, though no stay had been granted, the commission declined the adjournment and proceeded with the matter

Issues at hand

- Whether the commission was obliged to proceed with passing consequential orders despite the respondent's challenge to the APTEL judgement pending before the Supreme Court without a stay.
- What was the correct applicable APPC rate for computing compensation for energy injected during the period September 15, 2017 to May 10, 2018.

- Whether carrying cost was to be computed on compound interest or simple interest basis, as APTEL's order had not specifically directed compound interest.

Decision of the Tribunal

- Relying on the Supreme Court's ruling in *Dr. Sajad Majid v. Dr. Syed Zahoor Ahmed and Anr.*, the commission held that mere pendency of an appeal does not excuse compliance, and accordingly refused the respondent's request for adjournment.
- The commission corrected the applicable APPC rate to Rs. 3.78/kWh as per the Retail Supply Tariff order dated March 31, 2017, revising the principal claim downward from Rs. 45,37,818/- to Rs. 44,15,834/-.
- The commission clarified that compensation is payable only for energy actually injected into the grid net of auxiliary consumption, not for total energy generated, and directed revision if actual injected units differ from those submitted.
- Since APTEL had not directed compound interest, the commission computed carrying cost on simple interest basis applying SBI PLR + 2% rates from time to time.
- The total payable amount was accordingly computed at Rs. 91,28,327/- (principal plus simple interest from June 2018 to February 2026), subject to verification of injected energy figures by the respondent.
- The Respondent was directed to make payment of the entire sum of Rs. 91,28,327/- within four weeks of the order, under intimation to the commission.

HSA
Viewpoint

The order reflects the commission's firm stance that a party cannot use a pending appeal as a shield to delay compliance, particularly when no stay has been granted by the superior court. The commission also exercised due diligence in correcting both the applicable APPC rate and the interest methodology, ensuring that the petitioner receives what was strictly directed by APTEL. The downward revision of the principal and the switch from compound to simple interest show that while the petitioner's right to compensation was upheld, the commission was careful not to award anything beyond the scope of APTEL's directions, making this a well-reasoned consequential order.

Indian Railways v. West Bengal State Electricity Distribution Company Ltd. & Ors.

Supreme Court (SC) Judgement dated May 8, 2026, Civil Appeal No. 4652 of 2024 with Civil Appeal Nos. 4653-4659 of 2024

Background facts

- Indian Railways filed a petition before the Central Electricity Regulatory Commission **(CERC)** seeking declaration of its status as a Deemed Distribution Licensee **(DDL)** under the third proviso to Section 14 of the Electricity Act, 2003, and consequentially claiming entitlement to non-discriminatory open access without liability to pay Cross-Subsidy Surcharge **(CSS)** or Additional Surcharge **(AS)** to distribution licensees in various states.
- The controversy arose when the Maharashtra State Electricity Transmission Company Limited **(MSETCL)** refused to grant connectivity to Indian Railways for procuring 100 MW power from Gujarat Urja Vikas Nigam for its traction substations and directed the Railways to first obtain a declaration of its DDL status from the competent commission.
- The CERC vide order dated November 5, 2015 held that Indian Railways was an authorised entity under the Railways Act for carrying out transmission and distribution activities, qualified as a DDL under the third proviso to Section 14 of the Electricity Act, 2003 and was accordingly entitled to open access on terms applicable to a distribution licensee.
- Aggrieved by the CERC order, the West Bengal State Electricity Distribution Company Limited **(WBSEDCL)** and several other Distribution Companies **(DISCOMs)** and State Electricity Regulatory Commissions **(SERCs)** from states including Odisha, Kerala, Madhya Pradesh, Rajasthan, Maharashtra, Haryana,

and Punjab filed appeals before the Appellate Tribunal for Electricity **(APTEL).** Notably, five out of eight SERCs had independently held that Indian Railways did not qualify as a DDL.

- APTEL vide its common judgment dated February 12, 2024 set aside the CERC order and held that Indian Railways was not a DDL, and being a consumer of electricity that procured power exclusively for its own use, it remained liable to pay CSS and like any other consumer availing open access under Section 42 of the Electricity Act, 2003.

Issues at hand

- Whether the activities of Indian Railways under Sections 11(g) and (h) of the Railways Act constituted distribution of electricity so as to qualify it as a DDL under the Electricity Act.
- Whether Indian Railways, as an entity of the Central Government, fell within the ambit of Appropriate Government under Section 14 of the Electricity Act.
- Whether Indian Railways, even if treated as a DDL, was exempt from the obligation to pay CSS or AS for availing non-discriminatory open access.
- Whether a proposed but unenacted legislation could be relied upon as an aid to statutory interpretation to address gaps in the existing framework.

Decision of the Tribunal

- On the first issue, the Supreme Court held that Indian Railways did not qualify as a DDL under the Electricity Act. The Court observed that a distribution licensee under Section 2(17) must fulfil twin mandatory requirements, namely operating and maintaining a distribution system and supplying electricity to consumers within its area of supply. The Railways' internal electrical infrastructure, including traction substations, overhead catenary systems, and associated installations, merely conveyed electricity within a closed and self-contained network for its own operational consumption and did not terminate at the premises of any external consumer. Accordingly, the distribution installation of the Railways could not be equated with a distribution system as defined under Section 2(19) of the Electricity Act.
- The Court further held that the non-obstante clause in Section 11 of the Railways Act could not operate as a blanket immunity from the mandatory licensing framework under the Electricity Act, as the two statutes were capable of being read harmoniously and there was no irreconcilable conflict between them. Reliance on the decision in General Manager, Northern Railways v. Chairman, Uttar Pradesh State Electricity Board was held to be misplaced, as that judgment had dealt only with the power to construct transmission lines and had not addressed the question of distribution. The Court also noted that the Appellant itself had expressly disclaimed any intention to supply electricity to third parties or enter into the business of distributing electricity outside its area of operations, which further confirmed that it neither sought nor accepted the obligations of a distribution licensee.
- On the second issue, the Court held that while Indian Railways could be regarded as falling within the ambit of Appropriate Government under Section 2(5)(a) of the Electricity Act given the pervasive administrative, nominal, and fiscal control exercised by the Central Government over the Railways, this finding carried no determinative consequence for the relief sought. The Court emphasised that merely qualifying as an Appropriate Government did not automatically confer DDL status unless the entity actually performed the substantive functions of distribution within the meaning of the Electricity Act. The Court drew a distinction between Indian Railways and the Military Engineering Services **(MES),** which is a recognised DDL precisely because it supplies electricity to consumers such as residents and personnel within defined cantonment and defence areas, unlike the Railways which supplies electricity to no one outside its own operational domain.
- On the third issue, the Court held that Indian Railways was a consumer under Section 2(15) of the Electricity Act since it procured electricity exclusively for its own use and operations. Placing reliance on the decision in Sesa Sterlite Limited v. Orissa Electricity Regulatory Commission **(OERC),** the Court applied a functionality test and held that even if an entity were accorded DDL status, if it consumed the entire quantum of electricity for its own purposes without any customers, it would be treated as a consumer and remain liable to pay CSS and AS upon availing open access. The Court accordingly confirmed that Indian

Railways was liable to pay both CSS and AS in the same manner as any other consumer under Section 42 of the Electricity Act.

- On the fourth issue, the Court held that the Draft Electricity Amendment Bill 2025, which proposed to progressively eliminate CSS and AS for Indian Railways within five years, was remedial in nature and confirmed that no such exemption existed under the prevailing statute. Relying on the principle established in Vodafone International Holdings BV v. Union of India, the Court held that a legislative proposal introducing a specific exemption is indicative that such exemption was not covered by the existing framework, and that a casus omissus cannot be supplied through judicial interpretation. The Court further noted that the Electricity Amendment Bill 2014, which had specifically sought to deem the Railways a licensee under the Electricity Act, had been rejected by Parliament, reflecting a consistent legislative intent that the Railways did not qualify as a licensee under Section 14.

HSA
Viewpoint

This judgment firmly closes a decade-long attempt by Indian Railways to claim the benefits of a Deemed Distribution Licensee status while rejecting its corresponding obligations. The Court aptly noted that the Railway's own disclaimer of any intention to supply electricity to third parties effectively defeated its entire claim, and that the Draft Electricity Amendment Bill 2025 proposing to exempt the Railways from cross-subsidy was itself the clearest admission that such liability already exists under the current framework.

Chhattisgarh State Power Distribution Co. Ltd. v. M/s Sarda Energy & Minerals Ltd.

Appellate Tribunal for Electricity's (APTEL) Order dated April 20, 2026, in Appeal No. 20 of 2021

Background facts

- The appeal was filed by Chhattisgarh State Power Distribution Co. Ltd. **(CSPDCL)** challenging the order dated January 28, 2020 passed by the Chhattisgarh State Electricity Regulatory Commission **(CSERC)**, whereby M/s Sarda Energy & Minerals Ltd. **(SEML)** along with its wholly owned subsidiary M/s Sharda Metals and Alloys Ltd. **(SMAL)** was held to qualify as a captive user in relation to an 80 MW captive generating plant established by SMAL in Andhra Pradesh.
- SEML was availing power from the captive generating plant through inter-State open access. CSPDCL had levied cross subsidy surcharge **(CSS)** on such power procurement, following which SEML approached CSERC seeking exemption from CSS and refund of the surcharge already recovered.
- CSERC held that SEML and SMAL collectively satisfied the requirements under Rule 3 of the Electricity Rules, 2005, namely minimum 26% ownership and 51% captive consumption, and accordingly directed CSPDCL to permit open access without levy of CSS and refund the amount already recovered.

Issues at hand

- Whether a holding company situated in one State can qualify as a captive user in respect of a captive generating plant established by its wholly owned subsidiary in another State.
- Whether supply of power through inter-State open access from such captive generating plant would remain exempt from levy of cross subsidy surcharge under Section 42(2) of the Electricity Act, 2003.

Decision of the Tribunal

- The Appellate Tribunal for Electricity **(APTEL)** upheld the findings of CSERC and held that neither Section 2(8) nor Section 9 of the Electricity Act, 2003, nor Rule 3 of the Electricity Rules, 2005 require the captive generating plant and the captive user to be situated in the same State. The Tribunal observed that no such territorial restriction could be read into the statutory framework in the absence of express language to that effect.
- The Tribunal further held that consumption by a holding company and its wholly owned subsidiary could be combined for determining compliance with the 51%

captive consumption requirement under Rule 3. Since SEML held 100% equity shareholding in SMAL, both entities collectively satisfied the ownership and consumption criteria prescribed under Rule 3(1)(a).On technical feasibility, the commission noted UPPTCL's submissions regarding space and capacity constraints at the existing Old Tanda sub-station and the feasibility of providing connectivity through the New Tanda sub-station subject to construction of a 132 kV GIS bay and associated transmission infrastructure.

- The Tribunal also observed that the amendments introduced to Rule 3 in 2023 recognising consumption by holding and subsidiary companies were merely clarificatory in nature and did not introduce any new substantive principle. Consequently, the Tribunal dismissed the appeal and affirmed the exemption from CSS for power procured by SEML through inter-State open access from the captive generating plant of SMAL.

HSA
Viewpoint

The judgment provides an important clarification on the interpretation of captive consumption under the Electricity Act, 2003 and Rule 3 of the Electricity Rules, 2005, particularly in the context of group company structures and inter-State open access arrangements. By recognising that a holding company and its wholly owned subsidiary can collectively satisfy the ownership and consumption requirements for captive status, APTEL has reinforced the legislative objective of facilitating captive generation and open access.

Damodar Valley Corporation v. Jharkhand State Electricity Regulatory Commission & Anr.

Appellate Tribunal for Electricity's (APTEL) Order dated April 24, 2026, in Appeal No. 227 of 2025

Background facts

- The appeal was filed by Damodar Valley Corporation **(DVC)** challenging the order dated May 27, 2025 passed by the Jharkhand State Electricity Regulatory Commission **(JSERC)** in relation to truing-up for FY 2023-24, Annual Performance Review for FY 2024-25 and Aggregate Revenue Requirement for FY 2025- 26 concerning DVC's distribution business in Jharkhand.
- DVC contended that JSERC had wrongly considered income arising from its generation and transmission businesses as "Non-Tariff Income" **(NTI)** for the purpose of determining the distribution tariff, despite the tariff for DVC's generation and transmission assets being regulated by the Central Electricity Regulatory Commission **(CERC)**.
- The dispute also involved issues concerning segregation of DVC's transmission and distribution assets, maintenance of separate accounts for its regulated business, and the methodology adopted by JSERC for apportionment of NTI attributable to DVC's distribution business.

Issues at hand

- Whether JSERC was justified in considering components of DVC's "Other Income" as Non-Tariff Income attributable to its distribution business for tariff determination purposes.
- Whether DVC was obligated to maintain segregated accounts and furnish separate details relating to its distribution business notwithstanding the provisions of the Damodar Valley Corporation Act, 1948.

Decision of the Court / Tribunal

- The Appellate Tribunal for Electricity **(APTEL)** held that only such income that bears a direct nexus to the distribution business and is derived from distribution assets can be treated as Non-Tariff Income for the purpose of determining the distribution tariff. The Tribunal reiterated that income attributable to generation and transmission functions regulated by CERC cannot automatically be treated as NTI for DVC's distribution business.
- The Tribunal further observed that DVC, being a deemed distribution licensee, necessarily possesses a distribution system and corresponding distribution

assets. Accordingly, it upheld the requirement for segregation of transmission and distribution assets and maintenance of separate accounts relating to DVC's regulated distribution business.

- While recognising practical difficulties in segregation of assets and accounts owing to DVC's vertically integrated structure, the Tribunal approved the adoption of a reasonable and interim approximation methodology by JSERC for the determination of NTI attributable to the distribution business until proper segregation of accounts and assets is undertaken.

HSA
Viewpoint

The judgment assumes significance in the context of tariff determination for vertically integrated utilities operating under special statutory frameworks such as DVC. By reaffirming that only income attributable to the distribution business can qualify as NTI, while simultaneously recognising the necessity of segregation of distribution assets and accounts, APTEL has attempted to balance regulatory practicality with tariff discipline.

M/s Everest Power Private Ltd. v. Punjab State Electricity Regulatory Commission & Ors.

Appellate Tribunal for Electricity's (APTEL) Order dated May 4, 2026, in Appeal No. 430 of 2019 & Appeal No. 416 of 2022

Background facts

- M/s Everest Power Private Ltd. **(EPPL)**, the developer of the 100 MW Malana-II Hydro Electric Project in Himachal Pradesh, filed appeals challenging tariff orders passed by the Punjab State Electricity Regulatory Commission **(PSERC)** concerning the determination and true-up of Annual Fixed Cost **(AFC)** and Multi-Year Tariff **(MYT)** for FY 2017-18 onwards.
- EPPL contended that PSERC had arbitrarily disallowed substantial portions of Operation and Maintenance **(O&M)** expenses and certain capital expenditure claims while determining the tariff for the project.
- EPPL further argued that PSERC had incorrectly benchmarked the Malana-II Hydro Project against Punjab State Power Corporation Ltd.'s **(PSPCL)** Shanan Hydro Project despite substantial differences in geography, altitude, terrain, climatic conditions and operational complexity between the two projects.

Issues at hand

- Whether PSERC had correctly determined baseline O&M expenditure for the MYT control period in accordance with Regulation 8.1(b) of the PSERC MYT Regulations, 2014.
- Whether PSERC was justified in benchmarking EPPL's hydro project against PSPCL's Shanan Hydro Project while assessing the prudence of O&M expenditure.

Decision of the Court / Tribunal

- The Appellate Tribunal for Electricity **(APTEL)** held that Regulation 8.1(b) imposed a mandatory obligation upon the commission to consider multiple factors, including past approved figures, latest audited accounts, industry benchmarks, expected expenditure and other relevant considerations while determining baseline O&M expenditure. The Tribunal observed that PSERC had acted mechanically by merely escalating previously approved figures through Wholesale Price Index **(WPI)** adjustment without conducting the comprehensive analysis mandated under the MYT framework.
- The Tribunal opined that the comparison drawn between EPPL's Malana-II Hydro Project and PSPCL's Shanan Hydro Project was fundamentally flawed owing to substantial differences in geography, altitude, terrain, climatic conditions, accessibility and operational complexity. The Tribunal recognised that hydro projects are inherently site- specific and that the unique operational challenges of the Malana-II Project warranted independent consideration while determining the prudence of expenditure.

- Importantly, the Tribunal also clarified that tariff determination proceedings are regulatory and inquisitorial in nature rather than strictly adversarial civil proceedings. Consequently, procedural rules governing admission of additional evidence must be construed liberally where such documents assist in the determination of the rightful tariff in accordance with statutory principles.

HSA
Viewpoint

The judgment is significant for reaffirming that tariff determination under the MYT regime cannot be reduced to a mechanical exercise based solely on historical approvals. APTEL's emphasis on project-specific realities, industry benchmarks and comprehensive prudence review strengthens the principle that tariff determination must reflect operational realities of generating stations, particularly hydroelectric projects with unique geographical and technical characteristics.

ACME Cleantech Solutions Private Ltd. v. Central Transmission Utility of India Ltd.

Central Electricity Regulatory Commission's (CERC) Order dated May 13, 2026 in Petition No. 856/MP/2025 along with IA No. 129/2025

Background facts

- ACME Cleantech Solutions Private Ltd. **(ACME)** filed a petition before the Central Electricity Regulatory Commission **(CERC)** seeking directions against the Central Transmission Utility of India Ltd. **(CTUIL)** in relation to the change of source of connectivity from solar to wind under the CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 **(GNA Regulations)**.
- ACME had originally obtained in-principle connectivity for a 400 MW solar project at Pachora Pooling Station, Madhya Pradesh, via the Land BG route. Subsequently, pursuant to a Letter of Award **(LoA)** issued by NTPC for a wind-solar hybrid project, ACME sought conversion of 100 MW connectivity from the Land BG route to the LoA route and requested a change of source from solar to wind under Regulation 9.3 inserted through the Third Amendment to the GNA Regulations.
- CTUIL declined to process the source-change request on the grounds that the transition of existing connectivity grantees into solar / non-solar hour access entities under the Third Amendment framework had not yet been completed. CTUIL further treated ACME as non-compliant with Regulation 11A concerning land-document requirements and proceeded to revoke the in-principle connectivity granted to ACME.

Issues at hand

- Whether CTUIL could defer processing of source-change applications under Regulation 9.3 of the GNA Regulations pending completion of the solar / non-solar access transition exercise under the Third Amendment framework.
- Whether ACME's application for change of source from solar to wind and partial conversion from the Land BG route to the LoA route was liable to be considered notwithstanding the pendency of the transition process.

Decision of the Court / Tribunal

- The commission held that Regulation 9.3 of the GNA Regulations expressly permits entities holding in-principle connectivity to apply for change of renewable energy source within the prescribed period and that such applications are required to be processed within 30 days from the date of application. The commission rejected CTUIL's interpretation that source-change applications could not be processed until completion of transition of all existing entities into solar / non-solar hour access entities.
- The commission observed that the Third Amendment framework did not envisage indefinite deferment of source-change applications during the transition phase and clarified the sequencing and priority mechanism applicable to source-change requests, Right of First Refusal **(ROFR)** applications and

competing applications for non-solar access during and after the transition period.

- Accordingly, the commission directed CTUIL to process ACME's application for change of source within 30 days from the date of the order. However, the commission also clarified that change of source is not an absolute right and may be rejected where system studies or network constraints do not permit such conversion.

HSA
Viewpoint

The order assumes significance for clarifying the implementation framework introduced through the Third Amendment to the GNA Regulations, 2022, particularly in relation to change of renewable energy source and allocation of solar / non-solar hour access. By rejecting CTUIL's interpretation that source-change applications must await completion of the transition exercise, the commission has provided much-needed regulatory certainty regarding processing timelines and priority treatment of competing applications during the transition period.

Prerak Greentech Solar Pvt. Ltd. v. Central Transmission Utility of India Ltd.

Central Electricity Regulatory Commission's (CERC) Order dated May 13, 2026, in Petition No. 7/MP/2026, along with IA Nos. 2/IA/2026 and 7/IA/2026

Background facts

- Prerak Greentech Solar Pvt. Ltd. **(PGSPL)**, a renewable power park developer, filed a petition before Central Electricity Regulatory Commission **(CERC)** challenging the revocation of its 400 MW connectivity at Bhadla-III Pooling Station by the Central Transmission Utility of India Ltd. **(CTUIL)** under the CERC (Connectivity and General Network Access) Regulations, 2022 **(GNA Regulations)**.
- Under the amended final grant of connectivity dated September 19, 2024, the start date of connectivity for PGSPL stood revised to February 28, 2026. In terms of Regulation 11A(2) of the GNA Regulations, PGSPL was required to achieve financial closure six months prior thereto, i.e., by August 28, 2025.
- PGSPL submitted an in-principle loan sanction letter issued by Kotak Mahindra Bank along with supporting financial documents towards compliance with the financial closure requirement. Subsequently, owing to delays in approval under Section 68 of the Electricity Act for the associated transmission line and uncertainty arising from the pending Great Indian Bustard litigation before the Supreme Court, PGSPL also sought to rely upon internal funding arrangements and board resolutions furnished thereafter.
- CTUIL rejected the documents submitted by PGSPL, treated the same as non-compliant with Regulation 11A(2), revoked the connectivity granted to PGSPL on December 31, 2025 and initiated encashment of bank guarantees aggregating to Rs. 11.5 crores.

Issues at hand

- Whether the "firm start date of connectivity" under the GNA Regulations is linked to the date specified in the final grant / amendment of connectivity or to the subsequent operationalisation of the common transmission system.
- Whether the documents furnished by PGSPL constituted valid proof of financial closure under Regulation 11A(2) of the GNA Regulations.
- Whether CTUIL was justified in revoking PGSPL's connectivity and invoking the bank guarantees for alleged non-compliance with financial closure requirements.

Decision of the Court / Tribunal

- The commission held that both prior to and subsequent to the Third Amendment to the GNA Regulations, the "firm start date of connectivity" for the purposes of Regulation 11A(2) is the date communicated in the final grant or amendment of connectivity and not the later operationalisation / effective date of the transmission system. Accordingly, the commission rejected PGSPL's

contention that the financial closure timeline stood deferred till commissioning of the common transmission system.

- The commission opined that Regulation 11A(2) expressly recognises loan sanction letters, proof of first disbursal and board resolutions for internal funding as permissible modes of demonstrating financial closure. CERC also examined CTUIL's delayed scrutiny of the financial closure documents and the procedural ambiguity prevailing during successive amendments to the GNA framework.
- While considering the peculiar facts of the case, including the pendency of approvals under Section 68 of the Electricity Act and substantial progress achieved in implementation of the renewable energy project, the commission exercised its regulatory powers under the GNA Regulations and examined the validity of CTUIL's revocation action and invocation of bank guarantees.

HSA
Viewpoint

The order assumes significance for clarifying the interpretation of "firm start date of connectivity" and the operation of financial closure requirements under Regulation 11A of the GNA Regulations, 2022. By distinguishing between the notified start date of connectivity and the subsequent operationalisation of the transmission system, the commission has provided important regulatory clarity for renewable energy developers operating under the evolving GNA framework.

In Re: Mechanism for treatment of connectivity granted under the GNA Regulations based on the LoA, where the PPA has not been signed within a period of 12 months from the date of issuance of the LoA.

Central Electricity Regulatory Commission's (CERC) Order dated May 06, 2026, in Petition No. 11/SM/2026

Background facts

- Central Electricity Regulatory Commission **(CERC)** initiated suo motu proceedings to address issues arising under the CERC (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 **(GNA Regulations)** in cases where connectivity had been granted to renewable energy generators on the basis of Letters of Award **(LoAs)**, but the corresponding PPAs had not been executed even after lapse of 12 months from issuance of the LoAs.
- The Commission observed that a substantial quantum of connectivity granted through the LoA route remained blocked due to delays in execution of PPAs and PSAs by Renewable Energy Implementing Agencies **(REIAs)**, thereby affecting optimal utilisation of transmission infrastructure and allocation of connectivity under the GNA framework.
- A Staff Paper dated November 25, 2025 had earlier been issued by CERC proposing alternative mechanisms for treatment of such stranded connectivity, including exit from the LoA route, substitution of LoAs with PPAs issued under other LoAs and surrender / reallocation of connectivity through auction. Stakeholder comments from generating companies, discoms and industry associations were thereafter considered by the Commission while framing the present draft mechanism.
- The Ministry of Power **(MoP)** also issued an Office Memorandum dated April 16, 2026 recommending introduction of a one-time framework permitting surrender of legacy LoA-based connectivity without forfeiture of bank guarantees and proposing auction-based reallocation of such connectivity.

Issues at hand

- Whether connectivity granted on the basis of LoAs, where PPAs had not been executed within 12 months, should continue to subsist indefinitely under the GNA framework.
- Whether a regulatory mechanism ought to be introduced for conversion, substitution, surrender or auction-based reallocation of such stranded connectivity.
- Whether CERC could invoke its powers under Regulations 41 and 42 of the GNA Regulations, 2022 relating to relaxation and removal of difficulties to frame a one-time treatment mechanism for such connectivity.

Decision of the Court / Tribunal

- The commission observed that connectivity constitutes a scarce transmission resource and that connectivity granted through the LoA route was premised on timely conversion of LoAs into PPAs and subsequent commissioning of renewable energy projects. The commission noted that continued blocking of connectivity in the absence of executed PPAs warranted regulatory intervention.
- Accordingly, the commission proposed a one-time mechanism applicable to entities holding LoA-based connectivity where PPAs had not been signed within 12 months from issuance of the LoA. Under the proposed framework, affected entities may either: (i) exit the LoA route without surrendering connectivity upon furnishing fresh performance guarantees and complying with revised milestones; (ii) substitute the original LoA with a PPA executed under another LoA; or (iii) surrender the connectivity with return of Conn-BG1, Conn-BG2 and Conn-BG3.
- The commission invoked its powers under Regulations 41 and 42 of the GNA Regulations, 2022 relating to relaxation and removal of difficulties, observing that a one-time intervention was necessary to prevent transmission connectivity from remaining stranded indefinitely under the existing regulatory framework.

HSA
Viewpoint

The draft order assumes significance for proposing one of the first comprehensive regulatory frameworks governing treatment and reallocation of stranded LoA-based connectivity under the GNA regime. By recognising connectivity as a scarce transmission resource and introducing mechanisms for conversion, substitution, surrender and auction-based reallocation, the commission has sought to address growing concerns regarding connectivity hoarding and under-utilisation of transmission infrastructure.

Ganeko One Energy Pvt. Ltd. & Anr. v. Central Transmission Utility of India Ltd. & Anr.

Central Electricity Regulatory Commission's (CERC) Order dated May 04, 2026 in Petition No. 728/MP/2025 along with IA No. 67/2025 and IA No. 133/2025

Background facts

- Ganeko One Energy Private Ltd. **(Ganeko-1)** and Ganeko Two Energy Private Ltd. **(Ganeko-2)** were granted separate 300 MW connectivities at Mandsaur Pooling Station and Solapur Pooling Station, respectively, under the Land-BG route in terms of the Central Electricity Regulatory Commission (Connectivity and General Network Access to the inter-State Transmission System) Regulations, 2022 **(GNA Regulations)**.
- Ganeko-1 subsequently secured a Base Letter of Award **(Base LoA)** issued by SJVN Ltd. **(SJVN)** for a 140 MW FDRE project and sought conversion of its connectivity at Mandsaur PS from the Land-BG route to the LoA / PPA route, which was permitted by Central Transmission Utility of India Ltd. **(CTUIL)** on December 31, 2024. Thereafter, SJVN amended the Base LoA by changing the inter-State Transmission System **(ISTS)** interconnection point from Mandsaur PS to Solapur PS and Ganeko-2 executed a PPA based on the amended Base LoA.

- Separately, SJVN also issued a Greenshoe LoA to Ganeko-1 for another 140 MW FDRE project with Solapur PS as the interconnection point, which was later amended to substitute the interconnection point with Mandsaur PS.
- Ganeko-1 thereafter requested CTUIL to replace the original Base LoA with the amended Greenshoe LoA for sustaining its connectivity at Mandsaur PS. While scrutinising Ganeko-2's request for conversion from the Land-BG route to the LoA / PPA route, CTUIL observed that the PPA relied upon by Ganeko-2 was based on the same Base LoA which had already been utilised by Ganeko-1 for conversion of its connectivity. CTUIL accordingly issued Show Cause Notices dated July 29, 2025 proposing revocation of connectivity and initiation of blacklisting proceedings on grounds of suppression of material information, breach of undertakings and non-maintenance of eligibility conditions under the GNA Regulations.
- CTUIL subsequently conducted an inquiry and concluded that although the conduct of Ganeko-1 and Ganeko-2 amounted to regulatory non-compliance, no fraud or "transgression" within the meaning of the applicable CTU Procedure for Inquiry was established. However, CTUIL nevertheless proceeded to revoke the connectivities granted to both entities.

Issues at hand

- Whether CTUIL was justified in revoking the connectivity granted to Ganeko-1 and Ganeko-2 on grounds of breach of undertakings and non-maintenance of eligibility conditions under the GNA Regulations.
- Whether swapping or substitution of LoAs issued under the same bid process between affiliated entities could be permitted under the GNA framework.
- Whether the commission ought to exercise its powers under Regulations 41 and 42 of the GNA Regulations, 2022 relating to relaxation and removal of difficulties to regularise the alleged anomalies in the LoA / PPA mapping and connectivity conversion process.

Decision of the Court / Tribunal

- The commission examined the sequence of amendments carried out to the Base LoA and Greenshoe LoA, the conversion requests submitted before CTUIL and the regulatory framework governing conversion from the Land-BG route to the LoA / PPA route under the GNA Regulations. The commission noted that Ganeko- 1 and Ganeko-2 had altered the interconnection points under the respective LoAs in view of evolving project implementation realities, transmission readiness concerns and timelines associated with commencement of connectivity.
- The commission further took note of CTUIL's inquiry findings that although the Petitioners had committed regulatory violations relating to maintenance of eligibility conditions and disclosure obligations, no fraud, mala fide intent or unlawful gain had been established. The commission also noted that both projects had achieved substantial implementation progress, including fulfilment of land acquisition milestones and execution of major procurement contracts.
- The commission additionally considered the broader implementation challenges being faced under the GNA regime, including delays in transmission system readiness, practical issues relating to LoA / PPA mapping and the commission's own staff paper proposing substitution mechanisms for LoA-based connectivity. The commission accordingly examined the scope of its powers under Regulations 41 and 42 of the GNA Regulations, 2022 for granting regulatory relaxation and removal of difficulties in appropriate cases.
- The commission held that the Petitioners had breached their undertakings and there was non-compliance with the eligibility requirements under the GNA Regulations. However, since CTUIL's inquiry had found no fraud or transgression, the commission did not uphold outright revocation. Instead, it set aside CTUIL's revocation letter, subject to compliance with monetary and documentary conditions imposed on the Petitioners.
- The commission further observed that the Petitioners had obtained connectivity under the Land-BG route and could not use conversion to the LoA / PPA route as a means to avoid furnishing land documents. Since the Base LoA had already been utilised and the Petitioners were found to have used exhausted eligibility documents, the Commission held that no direction was required to be issued to CTUIL for considering the LoA / PPA for conversion of connectivity.

- The commission did not exercise its power to relax or remove difficulties to regularise the swapping of LoAs or the LoA / PPA mapping sought by the Petitioners. Instead, it treated the amended Base LoA as having become infructuous for Ganeko-1's Mandsaur connectivity and directed Ganeko-1 to comply with consequences akin to termination of LoA, including payment of Rs. 50,000 / MW, compensation at 5% of the Land-BG amount, and Rs. 50 lakhs for breach of undertaking. Ganeko-2 was also directed to pay Rs. 50 lakhs for breach of undertaking.

HSA
Viewpoint

The order assumes significance for its detailed examination of continuous eligibility obligations, LoA / PPA substitution and conversion from the Land-BG route to the LoA / PPA route under the evolving GNA framework. By distinguishing between regulatory non-compliance and fraud or transgression, the commission has highlighted the need for a balanced approach while dealing with implementation-related anomalies arising in large renewable energy projects.

Madhya Pradesh Power Management Company Ltd. & Uttar Pradesh Power Corporation Ltd. - Approval of Tender Documents and Deviations for Long-Term Procurement of Power from Inter-State Transmission System Connected Pump Storage Plants through Competitive Bidding.

Central Electricity Regulatory Commission's (CERC) Order dated May 4, 2026, in Petition No. 739/MP/2025, along with IA Nos. 27/2025

Background facts

- Madhya Pradesh Power Management Company Ltd. **(MPPMCL)** and Uttar Pradesh Power Corporation Ltd. **(UPPCL)** jointly approached the Central Electricity Regulatory Commission **(CERC)** seeking approval of deviations from the Standard Bidding Guidelines and adoption of tariff discovered through a competitive bidding process for procurement of power from Pumped Storage Projects **(PSPs)** on a Build-Own-Operate **(BOO)** basis.
- The petition pertained to a novel procurement framework under which PSP capacity was proposed to be utilised by Madhya Pradesh and Uttar Pradesh on a complementary seasonal basis, enabling optimisation of storage utilisation across differing demand profiles of the two States. The procurement structure envisaged long-term procurement for a period of 40 years.
- The Petitioners submitted that the bidding process had been conducted pursuant to the Ministry of Power **(MoP)** Guidelines dated February 13, 2025 governing procurement of storage capacity from PSPs through tariff- based competitive bidding. Certain deviations from the Standard Bidding Guidelines were also placed before the commission for approval, including provisions relating to payment security mechanism, bid security, scheduling framework and treatment of storage charges.
- The Petitioners contended that the proposed procurement structure would facilitate integration of renewable energy, enhance grid flexibility and ensure long-duration energy storage availability while reducing procurement costs through complementary utilisation of PSP capacity by the participating States.

Issues at hand

- Whether the deviations sought from the Standard Bidding Guidelines for procurement of PSP capacity on BOO basis were liable to be approved by CERC.
- Whether the tariff discovered through the competitive bidding process for long-duration PSP procurement satisfied the requirements under Section 63 of the Electricity Act, 2003.
- Whether the proposed complementary seasonal utilisation structure between Madhya Pradesh and Uttar Pradesh was consistent with the applicable regulatory and bidding framework governing PSP procurement.

Decision of the Court / Tribunal

- The commission examined the bidding framework, procurement structure and deviations proposed by the Petitioners in light of the MoP Guidelines governing procurement from PSPs. The commission noted that the proposed procurement mechanism was aimed at facilitating optimal utilisation of long-duration storage resources through complementary demand patterns of the participating States.
- The commission further examined the deviations sought by the Petitioners concerning bid security requirements, payment security mechanism, scheduling obligations and operational structure of the PSP arrangement. Upon being satisfied that the deviations did not adversely affect transparency, competitiveness or fairness of the bidding process, CERC approved the deviations and adopted the tariff discovered through the competitive bidding process under Section 63 of the Electricity Act, 2003.
- The commission additionally observed that long-duration energy storage and PSP-based procurement frameworks would play an increasingly significant role in facilitating renewable energy integration, balancing variability and strengthening grid reliability under the evolving power market structure.

HSA
Viewpoint

The order is noteworthy for approving one of the early large-scale procurement frameworks involving complementary inter-state utilisation of PSP capacity under the MoP's 2025 PSP procurement guidelines. By recognising the viability of a shared seasonal utilisation structure and approving deviations tailored to long-duration storage procurement, the commission has provided important regulatory guidance for future PSP-based procurement arrangements.

Tata Power Company Ltd. v. Gujarat Urja Vikas Nigam Ltd. and Ors.

Central Electricity Regulatory Commission's (CERC) Order dated April 29, 2026 in Petition No. 179/MP/2023

Background facts

- Tata Power Company Ltd. **(TPCL)** filed a petition before Central Electricity Regulatory Commission **(CERC)** under Section 11(2) read with Section 79 of the Electricity Act, 2003 seeking determination of compensation / adverse financial impact arising from implementation of directions issued by the Ministry of Power **(MoP)** under Section 11(1) of the Electricity Act, 2003 requiring generators to operate and supply power during the period from March 15, 2023 to June 16, 2023, as extended from time to time.
- TPCL contended that compliance with the Section 11 directions resulted in substantial adverse financial impact owing to increased imported coal costs and operational expenses, and therefore sought determination of compensation based on the principles earlier adopted by CERC in relation to the 2022 Section 11 directions.
- On March 10, 2025, CERC granted interim relief to TPCL after examining various parameters relevant for computation of Energy Charge Rate **(ECR)**, including Gross Calorific Value **(GCV)**, ocean freight, handling charges and Free on Board **(FOB)** price of imported coal. The commission also directed opening of revolving Letters of Credit **(LoC)** by certain procurers.
- The interim order dated March 10, 2025 was challenged before the Appellate Tribunal for Electricity **(APTEL)** by various distribution licensees. Vide judgment dated October 31, 2025, APTEL upheld the commission's power to grant interim relief under Section 11(2), while remanding the matter to CERC for limited reconsideration relating to computation of FOB value of imported coal in certain shipments where Cost and Freight **(CFR)** values had been erroneously considered.

Issues at hand

- Whether TPCL was entitled to compensation for adverse financial impact arising from compliance with the Section 11 directions issued by the MoP under the Electricity Act, 2003.

- Whether CERC possessed jurisdiction to grant interim relief and determine compensation methodology under Section 11(2) of the Electricity Act, 2003.
- Whether the methodology adopted for computation of imported coal cost, including FOB price determination, GCV and freight elements, required modification pursuant to the Ltd. remand ordered by APTEL.

Decision of the Court / Tribunal

- The commission examined the scope of the remand ordered by APTEL and observed that the remand was confined to reconsideration of FOB valuation of imported coal shipments where certain CFR values had been incorrectly treated as FOB values in the earlier computation exercise.
- The commission further noted that APTEL had affirmed the commission's jurisdiction under Section 94(2) of the Electricity Act, 2003 to grant interim relief in proceedings under Section 11(2), and had also upheld the broader methodology adopted by CERC for determination of adverse financial impact arising from compulsory supply directions.
- The commission thereafter reconsidered the FOB price computation for the affected imported coal shipments after excluding freight elements embedded within CFR values and proceeded to recompute the Petitioner's entitlement in terms of the methodology previously adopted in the interim order dated March 10, 2025.
- The commission additionally reiterated that compensation under Section 11(2) must adequately account for the actual adverse financial impact suffered by generators compelled to supply power pursuant to statutory directions issued under Section 11(1) of the Electricity Act, 2003.

HSA
Viewpoint

The order is noteworthy for reaffirming the regulatory framework governing compensation for adverse financial impact arising from compulsory supply directions under Section 11 of the Electricity Act, 2003. By clarifying the methodology for computation of imported coal costs and recognising the commission's power to grant interim relief under Section 11(2), the ruling provides important jurisprudential guidance for future emergency power supply situations involving merchant and imported coal-based generators.

ReNew Solar Power Pvt. Ltd. & Ors. v. Central Transmission Utility & Ors. And Batch.

Central Electricity Regulatory Commission's (CERC) Order dated April 28, 2026 in Petition Nos. 216/MP/2024, 242/MP/2024 and 271/MP/2024

Background facts

- The Petitioners, comprising various renewable energy developers including ReNew entities, Adani Renewable Energy entities and Altra Xergi Power Pvt. Ltd., filed petitions before Central Electricity Regulatory Commission **(CERC)** challenging invoices raised by the Central Transmission Utility of India Ltd. **(CTUIL)** towards bilateral / transmission charges under the CERC (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 **(Sharing Regulations, 2020)** and the CERC (Connectivity and General Network Access to the Inter-State Transmission System) Regulations, 2022 **(GNA Regulations)**.
- The Petitioners contended that CTUIL had raised Bills of Supply levying bilateral transmission charges despite the projects either not having commenced actual utilisation of the transmission system or the corresponding transmission systems not having become fully operational for evacuation purposes. The Petitioners accordingly challenged the legality of the invoices and sought protection against coercive measures including curtailment / backdown directions.
- The disputes arose in the context of transition from the erstwhile connectivity and Long-Term Access **(LTA)** framework to the GNA regime under the GNA Regulations, including conversion of existing connectivity / LTA into deemed GNA. Various project-specific facts relating to grant of Stage-II Connectivity, LTA,

deemed GNA and commissioning timelines were placed before the Commission by the respective Petitioners.

- Interim protection had earlier been granted by CERC restraining CTUIL from taking coercive steps such as issuance of curtailment / backdown directions, subject to deposit of certain amounts by the Petitioners pending adjudication of the disputes.

Issues at hand

- Whether CTUIL was justified in levying bilateral transmission charges upon renewable energy generators under the Sharing Regulations, 2020 and GNA Regulations despite alleged non-utilisation or non- availability of the transmission system.
- Whether transmission charge liability could arise merely upon grant of connectivity / LTA / deemed GNA under the GNA framework irrespective of actual evacuation or commissioning status.
- Whether CTUIL was entitled to issue coercive directions such as backdown / curtailment for non-payment of the disputed bilateral transmission charges.

Decision of the Court / Tribunal

- The commission examined the regulatory framework governing levy of transmission charges under the Sharing Regulations, 2020 and the GNA Regulations, including provisions relating to deemed GNA transition, operationalisation of access rights and liability for transmission charges.
- While considering the factual matrix concerning commissioning timelines, availability of transmission systems and readiness of the evacuation infrastructure, the commission clarified that any waiver for the transmission charges is applicable only after the COD of the renewable energy generating project.
- The commission concluded that the Petitioners are liable to pay the bilateral transmission charges for the POWERGRID Ramgarh Transmission Ltd. **(PRTL)** transmission system on Pro-rata basis till the COD of the respective generation project under Regulation 13(3) of the Sharing Regulations.

HSA
Viewpoint

The order assumes significance for its detailed examination of transmission charge liability and billing principles under the evolving GNA framework, particularly in the context of deemed GNA transition and renewable energy evacuation arrangements. By addressing the circumstances in which bilateral transmission charges may be levied despite alleged non-utilisation or non-availability of transmission systems, the commission has provided important regulatory guidance concerning the allocation of transmission cost liability during the transition from the erstwhile LTA regime to the GNA framework.

UltraTech Cement Ltd. and Anr. v. Uttar Pradesh Power Transmission Corporation Ltd. and Ors.

Uttar Pradesh Electricity Regulatory Commission's (UPERC) Order dated May 11, 2026 in Petition No. 2223 of 2025

Background facts

- UltraTech Cement Ltd. and Lalganj Power Pvt. Ltd. filed a petition before the Uttar Pradesh Electricity Regulatory Commission **(UPERC)** seeking enhancement of connectivity from 33 kV to 132 kV without treating the same as revocation / relinquishment of the existing Connectivity Agreement dated August 10, 2022 and Long-Term Open Access **(LTOA)** granted under the Bulk Transmission Agreement dated December 24, 2021.
- UltraTech Cement Ltd. presently operates a cement manufacturing unit at Tanda, Uttar Pradesh with an installed capacity of 1.2 MTPA and a proposed expansion to 4.2 MTPA at the same location, resulting in an enhanced power requirement of approximately 21-25 MVA against the existing requirement of 15.2 MW.

- The Petitioners contended that the proposed enhancement merely involved increase in voltage level and corresponding increase in quantum of power exchange for expansion of operations at the same premises and did not amount to relinquishment / revocation of the existing connectivity / LTOA arrangements. Uttar Pradesh Power Transmission Corporation Ltd. **(UPPTCL)** opposed the petition contending that migration from 33 kV to 132 kV constituted a "material change" under the Connectivity Regulations, thereby necessitating a fresh application for connectivity.

Issues at hand

- Whether enhancement of connectivity voltage level from 33 kV to 132 kV and corresponding increase in power requirement for expansion of operations at the same premises amounted to revocation / relinquishment of the existing Connectivity Agreement and LTOA under the applicable regulatory framework.
- Whether the commission could exercise its powers under the applicable Connectivity Regulations, Open Access Regulations and Conduct of Business Regulations to relax / remove difficulties arising in the present case.

Decision of the Court / Tribunal

- The commission observed that the Petitioners neither sought surrender nor cessation of connectivity / LTOA, but only enhancement of voltage level to meet increased load requirements arising from expansion of operations at the same premises.
- The Commission held that the existing 33 kV connectivity infrastructure had been created at the cost of the consumer and was being exclusively utilised by the Petitioners. It was further observed that enhancement of connectivity from 33 kV to 132 kV in the peculiar facts of the case could not be equated with voluntary relinquishment or revocation of connectivity / LTOA.
- On technical feasibility, the Commission noted UPPTCL's submissions regarding space and capacity constraints at the existing Old Tanda sub-station and the feasibility of providing connectivity through the New Tanda sub- station subject to construction of a 132 kV GIS bay and associated transmission infrastructure.
- Accordingly, UPPTCL was directed to provide 132 kV connectivity from the New Tanda sub-station, with the entire cost of the GIS bay, transmission line and associated interconnection facilities to be borne by the Petitioners.

HSA
Viewpoint

The order reflects a pragmatic interpretation of the connectivity framework by distinguishing enhancement of voltage level for expansion of operations from voluntary relinquishment of connectivity or LTOA. The Commission appropriately recognised that the Petitioners remained existing compliant consumers and were willing to bear the entire cost of augmentation works, thereby avoiding financial prejudice to the licensees.

Rosa Power Supply Company Ltd. v. Uttar Pradesh Power Corporation Ltd.

Uttar Pradesh Electricity Regulatory Commission's (UPERC) Order dated May 6, 2026 in IA No. 1 of 2025 in Petition Nos. 967 of 2014, 968 of 2014 and 1016 of 2015

Background facts

- Rosa Power Supply Company Ltd. **(RPSCL)** filed an Interlocutory Application before the Uttar Pradesh Electricity Regulatory Commission **(UPERC)** seeking implementation of the common judgment dated May 30, 2025 passed by the Appellate Tribunal for Electricity **(APTEL)** in Appeal Nos. 357 of 2017 and 22 of 2018 concerning tariff determination for the Rosa Thermal Power Project (Stage I and II).
- The APTEL judgment had, inter alia, remanded issues relating to (i) re-instatement of Interest on Working Capital **(IoWC)** based on actual landed coal cost, (ii) inclusion of Undischarged Liabilities **(UDL)** in capital cost, (iii) computation of Secondary Fuel Oil Consumption **(SFOC)** for Stage II as per the PPA, and (iv) allowance of carrying cost on claims allowed to RPSCL.

- RPSCL submitted revised computations claiming consequential tariff adjustments and carrying cost, whereas Uttar Pradesh Power Corporation Limited **(UPPCL)** opposed the claims contending that the remand was limited in scope and required fresh prudence check and verification of fuel procurement data, imported coal usage and supporting documents.

Issues at hand

- Whether RPSCL was entitled to consequential tariff revision pursuant to the APTEL judgment through allowance of IoWC, inclusion of UDL in capital cost, revision of SFOC for Stage II and grant of carrying cost.
- Whether the remand by APTEL required a fresh prudence check and re-examination of fuel procurement methodology, imported coal usage and supporting documents as contended by UPPCL.

Decision of the Court / Tribunal

- The Commission observed that the APTEL judgment had conclusively adjudicated the substantive disputes relating to IoWC, UDL, SFOC and carrying cost and that the present proceedings were limited to implementation of the remand directions issued by APTEL.
- The Commission held that the revised computation of capital cost and Annual Fixed Charges **(AFC)** was required to incorporate UDL for FY 2010-11 to FY 2013-14 and revised SFOC for Stage II at 2 ml / kWh in terms of the PPA, in accordance with the directions issued by APTEL.
- On IoWC, the Commission accepted computation based on revised fuel cost and corresponding working capital requirement, while observing that the remand proceedings could not be expanded into a fresh prudence review beyond the scope of the APTEL judgment.
- The Commission further allowed carrying cost on the admitted claims at the Late Payment Surcharge **(LPSC)** rate on a monthly compounding basis as stipulated under the PPA and directed consequential tariff adjustments in terms of the revised computations.

HSA
Viewpoint

The order reflects a strict implementation-oriented approach towards remand proceedings arising from appellate tariff adjudication. The Commission appropriately confined itself to giving effect to the findings and directions issued by APTEL rather than reopening substantive prudence review issues already settled in appeal. The ruling is significant for reaffirming the binding nature of contractual tariff parameters under the PPA, particularly in relation to SFOC and carrying cost.

Purvanchal Vidyut Vitran Nigam Limited and Uttar Pradesh Power Corporation Ltd. - Post-facto approval for power purchase from South Bihar Power Distribution Company Ltd.

Uttar Pradesh Electricity Regulatory Commission's (UPERC) Order dated April 30, 2026 in Petition No. 2036 of 2023

Background facts

- Purvanchal Vidyut Vitran Nigam Limited **(PuVVNL)** and Uttar Pradesh Power Corporation Limited **(UPPCL)** filed a petition before the Uttar Pradesh Electricity Regulatory Commission **(UPERC)** seeking post-facto approval for power purchase from South Bihar Power Distribution Company Limited **(SBPDCL)** and allowance of the corresponding power purchase cost.
- **The Commission** had earlier observed that although the arrangement had been operational since 2011, no prior approval had been obtained from UPERC despite such approval being required under the Electricity Act, 2003. The Commission accordingly directed the Petitioners to explain the procedure followed for the transactions and the basis for adoption of Indo- Nepal tariff-linked rates for the concerned supply arrangement.

- The Petitioners submitted that the arrangement originated from historical administrative and operational directions for maintaining electricity supply to consumers in the concerned area and was not an isolated field-level arrangement. The Petitioners further tendered an unconditional apology for not seeking prior approval of the Commission.

Issues at hand

- Whether post-facto approval ought to be granted for power procurement by PuVVNL from SBPDCL despite absence of prior regulatory approval under the Electricity Act, 2003.
- Whether the tariff and billing arrangement adopted for the concerned supply transactions was justified and sustainable going forward.

Decision of the Court / Tribunal

- The Commission accepted the unconditional apology tendered by the Petitioners while emphasising that such lapses in regulatory compliance should not be repeated and that prior approval of the Commission must be obtained in all matters requiring regulatory sanction.
- The Commission noted that the reference to Indo-Nepal tariff rates formed part of the historical administrative framework governing the arrangement and was not an isolated or ad hoc field-level decision.
- With regard to future billing, the Commission observed that the tariff applicable for HT-General category at 11 kV level, as approved by the Bihar Electricity Regulatory Commission **(BERC)**, would apply for the concerned connections. The Petitioners were further directed to maintain contracted demand levels commensurate with actual load to avoid excess demand charges and minimise avoidable financial burden.
- The Commission further observed that the prevailing arrangement for sourcing power from SBPDCL could not be sustained indefinitely and directed the Petitioners to explore alternative long-term solutions, including strengthening of the distribution network and adoption of decentralised solutions such as solar generation integrated with battery energy storage systems.

HSA
Viewpoint

The order reflects the Commission's balanced approach in regularising a long-standing operational arrangement while simultaneously reaffirming the importance of prior regulatory approval under the Electricity Act, 2003. While UPERC avoided disruption to supply arrangements in the concerned area, it clearly signalled that historical administrative practices cannot indefinitely substitute formal regulatory compliance.

M/s Lokmangal Mauli Industries Ltd. and Anr. v. Maharashtra State Electricity Distribution Co. Ltd.

Maharashtra Electricity Regulatory Commission's (MERC) Order dated April 22, 2026 in Case No. 216 of 2025

Background facts

- M/s Lokmangal Mauli Industries Ltd. **(LMIL)** and M/s Lokmangal Sugar Ethanol & Co-Generation Industries Limited **(LSECIL)** filed a review petition before the Maharashtra Electricity Regulatory Commission **(MERC)** seeking review of the Commission's Common Order dated August 21, 2025 in Case Nos. 114 and 115 of 2024 concerning payment of Late Payment Surcharge **(LPS)** and penal interest under the Energy Purchase Agreements **(EPAs)**.
- The Petitioners contended that while computing the allowable claims in the earlier order, the Commission had failed to consider various "Release Notices" issued under Section 33(1) of the Maharashtra Value Added Tax Act, 2002, thereby resulting in under-calculation of the payable claims. The Petitioners accordingly sought enhancement of the claim amount and disclosure of the Commission's final calculation sheet.
- Maharashtra State Electricity Distribution Company Limited **(MSEDCL)** opposed the review petition contending that the Petitioners were effectively seeking re-

computation and re-hearing of issues already adjudicated in the original proceedings and that no "error apparent on the face of the record" had been demonstrated to justify exercise of review jurisdiction.

Issues at hand

- Whether the Petitioners had established any error apparent on the face of the record warranting review of the Commission's Common Order dated August 21, 2025 under the MERC (Transaction of Business and Fees and Charges) Regulations, 2022.
- Whether the Commission had failed to consider the impact of "Release Notices" issued under Section 33(1) of the Maharashtra Value Added Tax Act, 2002 while computing LPS and penal interest payable to the Petitioners.

Decision of the Court / Tribunal

- The Commission observed that the original order dated August 21, 2025 had already considered the impact of all notices issued under Section 33(1) of the Maharashtra Value Added Tax Act, 2002, including both withholding notices and release notices, while computing the allowable claims.
- The Commission further clarified that where invoices had remained in abeyance due to withholding notices, a 60-day payment period from the date of the relevant release notices had already been factored into the computation of delayed payment surcharge and penal interest.
- The Commission rejected the contention that any computational or apparent error existed in the impugned order and held that the Petitioners were effectively seeking reconsideration of issues already adjudicated in the original proceedings, which fell outside the limited scope of review jurisdiction.
- Accordingly, the Commission dismissed the review petition while annexing the detailed computation sheets forming the basis of the original claim calculations.

HSA
Viewpoint

The order reiterates the limited scope of review jurisdiction in regulatory proceedings and reinforces the principle that review cannot be used as a mechanism for re-arguing or re-computing issues already adjudicated on merits. The Commission's clarification that release notices had already been factored into the original computation framework also underscores the importance of detailed documentary consideration in tariff and payment disputes involving statutory withholding obligations. The annexation of detailed computation sheets alongside dismissal of the review petition reflects a transparency-oriented approach while preserving finality of adjudicated claims.

Avaada MH Sustainable Pvt. Ltd. v. Maharashtra State Electricity Distribution Co. Ltd.

Maharashtra Electricity Regulatory Commission's (MERC) Order dated April 22, 2026 in Case No. 99 of 2024

Background facts

- Avaada MH Sustainable Pvt. Ltd. **(AMHSPL)** filed a petition before the Maharashtra Electricity Regulatory Commission **(MERC)** seeking Change in Law compensation on account of GST Notifications dated September 30, 2021 and October 14, 2021, whereby the applicable GST on Solar Power Generating Systems **(SPGS)** was revised from 5% to 12% and 13.8%, along with carrying cost.
- AMHSPL contended that the GST amendment notifications, issued after execution of the PPA dated August 10, 2021, resulted in additional expenditure of approximately Rs. 47.75 crores towards procurement of solar modules and EPC works for its 250 MW solar project. AMHSPL further submitted that the notifications constituted a "Change in Law" event under Article 9 of the PPA and that Change in Law notices dated September 16, 2022 and March 6, 2024 had been issued to Maharashtra State Electricity Distribution Co. Ltd. **(MSEDCL)**.
- MSEDCL opposed the petition contending that the Change in Law notices had not been issued within the mandatory 7-day period prescribed under Article

9.3.1 of the PPA and that the claim was therefore barred under the contractual framework governing Change in Law compensation.

Issues at hand

- Whether AMHSPL had complied with the mandatory requirement under Article 9.3.1 of the PPA requiring issuance of Change in Law notice within 7 days of becoming aware of, or reasonably being expected to know of the Change in Law event.
- Whether AMHSPL was entitled to Change in Law compensation and carrying cost on account of the GST amendment notifications increasing GST rates applicable to SPGS and EPC contracts.

Decision of the Court / Tribunal

- The Commission observed that the GST amendment notifications issued on September 30, 2021 and October 14, 2021 constituted amendments to the prevailing tax framework after execution of the PPA and therefore fell within the scope of Change in Law provisions under Article 9 of the PPA.
- However, the Commission held that Article 9.3.1 of the PPA mandatorily required issuance of Change in Law notice within 7 days after the affected party became aware of or should reasonably have known of the Change in Law event.
- The Commission rejected AMHSPL's contention that it became aware of the GST amendments only upon clarification from its EPC contractors in September 2022 and observed that invoices reflecting revised GST rates had been raised from October 2021 onwards, thereby demonstrating that AMHSPL ought reasonably to have known of the Change in Law event much earlier.
- Accordingly, the Commission held that AMHSPL had failed to comply with the mandatory notice requirement under the PPA and was therefore not entitled to claim Change in Law compensation or carrying cost. The petition was consequently dismissed.

HSA
Viewpoint

The order underscores the importance of strict compliance with contractual notice requirements in Change in Law claims under renewable energy PPAs. While the Commission recognised that the GST amendment notifications substantively fell within the scope of Change in Law provisions, it nevertheless denied compensation on account of failure to comply with the mandatory procedural requirement relating to timely issuance of notice.

M/s JSW Steel Coated Products Ltd. v. Maharashtra Energy Development Agency.

Maharashtra Electricity Regulatory Commission's (MERC) Order dated April 22, 2026 in Case No. 49 of 2025

Background facts

- M/s JSW Steel Coated Products Ltd. **(JSWSCPL)** filed a petition before the Maharashtra Electricity Regulatory Commission **(MERC)** challenging the notice dated January 10, 2025 issued by the Maharashtra Energy Development Agency **(MEDA)** requiring compliance with revised Renewable Purchase Obligation **(RPO)** targets under the MERC (RPO) First Amendment Regulations, 2024.
- JSWSCPL contended that it procures power through open access from captive generating plant **(CPP)** units commissioned prior to April 1, 2016 and was therefore entitled to the benefit of the proviso to Regulation 7.5 of the MERC (RPO) Regulations, 2019, which prescribed a composite RPO target of 9% for such captive users.
- JSWSCPL further submitted that the MERC (RPO) First Amendment Regulations, 2024 merely introduced Regulations 7.5(A), (B) and (C) after Regulation 7.5 and did not expressly repeal or override the pre-existing exemption applicable to captive users of CPPs commissioned prior to April 1, 2016. MEDA, on the other hand, contended that the amended regulatory framework applied uniformly to all obligated entities, including captive users and open access consumers.

Issues at hand

- Whether captive users procuring power from CPP units commissioned prior to April 1, 2016 continued to be governed by the composite RPO target of 9% under Regulation 7.5 of the MERC (RPO) Regulations, 2019 after notification of the MERC (RPO) First Amendment Regulations, 2024.
- Whether the revised RPO trajectory introduced under Regulations 7.5(A), (B) and (C) of the MERC (RPO) First Amendment Regulations, 2024 applied to all obligated entities, including captive users of pre-April 1, 2016 CPPs.

Decision of the Court / Tribunal

- The Commission observed that the RPO framework underwent substantial modification pursuant to the MERC (RPO) First Amendment Regulations, 2024, which introduced revised RPO trajectories for FY 2024- 25 to FY 2029-30 in alignment with the Ministry of Power **(MoP)**'s notification dated October 20, 2023.
- The Commission held that the amended framework was required to be read harmoniously with the earlier regulations and that the revised RPO trajectory introduced under Regulation 7.5(A) applied to all obligated entities, including captive users and open access consumers.
- The Commission further relied upon the MoP's clarification dated April 16, 2025 stating that, post the October 20, 2023 notification, earlier exemptions applicable to captive users would no longer remain operative and all designated consumers were required to comply with the revised Renewable Consumption Obligation **(RCO)** framework.
- Accordingly, the Commission upheld MEDA's interpretation regarding applicability of the revised RPO trajectory and held that the impugned notice dated January 10, 2025 was valid. JSWSCPL was directed to submit its RPO data in accordance with the amended regulatory framework.

HSA
Viewpoint

The order is significant for clarifying the post-2024 regulatory position concerning applicability of revised RPO / RCO obligations to captive users of legacy CPPs. The Commission's reliance on the MoP's October 2023 notification and subsequent clarification reflects a clear shift towards a uniform renewable consumption framework applicable across all obligated entities, notwithstanding earlier exemptions available under state regulations.

Sai Services Pvt. Ltd. v. Maharashtra State Electricity Distribution Co. Ltd.

Maharashtra Electricity Regulatory Commission's (MERC) Order dated April 22, 2026 in Case No. 31 of 2024

Background facts

- Sai Services Pvt. Ltd. **(SSPL)** filed a petition before the Maharashtra Electricity Regulatory Commission **(MERC)** seeking payment of outstanding dues amounting to Rs. 13.78 lakhs along with interest in relation to the short-term sale of wind energy supplied to Maharashtra State Electricity Distribution Co. Ltd. **(MSEDCL)** during the period from April 1, 2015, to May 31, 2015.
- SSPL submitted that although MSEDCL had approved the short-term sale arrangement by letter dated November 24, 2016, delays in the issuance of valid Credit Notes by MSEDCL prevented the timely raising and processing of invoices. Revised Credit Notes were ultimately issued only on March 27, 2019, following which SSPL resubmitted invoices to MSEDCL's Head Office on April 16, 2019.
- MSEDCL opposed the petition, contending that the claims were barred by limitation and that SSPL had, through an undertaking dated March 27, 2017, waived any entitlement to interest on the outstanding dues. During the pendency of proceedings, MSEDCL paid the principal amount of Rs. 13.76 lakhs under protest pursuant to the Commission's directions, while the dispute concerning interest remained unresolved.

Issues at hand

- Whether SSPL's claim for outstanding dues arising from the short-term sale of wind power during the period April 1, 2015 to May 31, 2015 was barred by limitation.
- Whether SSPL was entitled to payment of interest on the outstanding dues notwithstanding the undertaking dated March 27, 2017, executed in favour of MSEDCL.

Decision of the Court / Tribunal

- The Commission held that MSEDCL's failure to process invoices and release payment despite approval of the short-term sale arrangement constituted a "continuing wrong" giving rise to a recurring cause of action. Relying upon the judgment of the Appellate Tribunal for Electricity **(APTEL)** in *Megha Engineering & Infrastructures Ltd. v. PNGRB*, the Commission rejected MSEDCL's objection on limitation and held that the petition was maintainable.
- The Commission opined that delays in the issuance of valid Credit Notes and processing of invoices were attributable entirely to MSEDCL's internal administrative lapses and not to any negligence on the part of SSPL. Accordingly, the amount already released by MSEDCL was directed to be treated as payment towards established principal dues for the relevant supply period.
- On the issue of interest, the Commission examined the undertaking dated March 27, 2017, furnished by SSPL and held that the undertaking amounted to a valid and binding waiver of interest claims in respect of the relevant power sale transactions. The Commission rejected SSPL's interpretation that the waiver applied only to the post-EPA / EWA period and held that such interpretation would render the undertaking commercially meaningless.
- Accordingly, while allowing SSPL's claim towards principal dues, the Commission denied the claim for interest. The Commission also directed MSEDCL to identify procedural lapses in the issuance of Generation Credit Notes and submit a compliance report regarding corrective measures within three months.

HSA
Viewpoint

The order is significant for recognising delayed payment obligations in renewable energy transactions as constituting a continuing wrong capable of giving rise to a recurring cause of action for limitation purposes. At the same time, the Commission reaffirmed the binding nature of contractual and commercial undertakings relating to waiver of delayed payment charges and interest claims.

M/s Adani Hybrid Energy Jaisalmer Four Ltd. v. M/s Adani Electricity Mumbai Ltd.

Maharashtra Electricity Regulatory Commission's (MERC) Order dated April 22, 2026 in Case No. 191 of 2024

Background facts

- M/s Adani Hybrid Energy Jaisalmer Four Limited **(AHEJ4L)** filed a petition before the Maharashtra Electricity Regulatory Commission **(MERC)** seeking compensation for additional expenditure incurred due to the installation of bird diverters on transmission lines pursuant to the Supreme Court's order dated April 19, 2021, in *M.K. Ranjitsinh v. Union of India*, concerning protection of the Great Indian Bustard **(GIB)**. The project involved a 700 MW wind-solar hybrid project located in Jaisalmer, Rajasthan.
- In an earlier order dated May 22, 2024 passed in Case No. 154 of 2023, MERC had already recognised the Supreme Court's GIB order as a "Change in Law" event under the PPA, but had left open the question regarding responsibility for installation of bird diverters on transmission infrastructure situated within the solar park. The present proceedings were initiated to determine entitlement to compensation and allocation of responsibility for such expenditure.
- AHEJ4L submitted that it had incurred expenditure of approximately Rs. 26.53 crores towards the installation of bird diverters on both 33 kV and 220 kV dedicated transmission lines connecting the project with the solar park switchyard. It relied upon the PPA, Ministry of New and Renewable Energy

(MNRE)'s Solar Park Guidelines, and the implementation agreement executed with Adani Renewable Energy Park Rajasthan Limited **(AREPRL)** to contend that the entire expenditure was ultimately borne by AHEJ4L.

- Adani Electricity Mumbai Limited **(AEML-D)** opposed the claim to the extent it related to transmission infrastructure falling within the scope of the Solar Power Park Developer **(SPPD)** / AREPRL, contending that the costs attributable to the SPPD could not be passed through as Change in Law compensation. AEML-D also disputed the claim for carrying cost at the Late Payment Surcharge **(LPS)** rate on a compounding basis.

Issues at hand

- Whether AHEJ4L was entitled to Change in Law compensation for expenditure incurred towards the installation of bird diverters on dedicated transmission lines pursuant to the Supreme Court's GIB order.
- Whether the costs associated with the installation of bird diverters on transmission infrastructure constructed by AREPRL could nevertheless be recovered by AHEJ4L under the contractual arrangements.
- Whether carrying cost on the Change in Law compensation was payable at the LPS rate on a compounding basis, or only at the working capital interest rate on a simple interest basis.

Decision of the Court / Tribunal

- The Commission reaffirmed its earlier finding that the Supreme Court's GIB order constituted a valid Change in Law event under Article 12 of the PPA, as the developers could not have anticipated the requirement of installing bird diverters at the time of bidding.
- The Commission held that AHEJ4L was responsible for the installation of bird diverters on the 33 kV overhead lines connecting the generating units to the pooling substations and was therefore entitled to compensation for the associated expenditure.
- With respect to the 220 kV transmission lines falling within the construction scope of ARERPL, the Commission examined the MNRE Solar Park Guidelines and the implementation agreement executed between AHEJ4L and AREPRL. The Commission observed that although the transmission line was constructed by the ARERPL, the implementation agreement provided that any additional expenditure arising from Change in Law events would ultimately be borne by AHEJ4L. Accordingly, MERC held that AHEJ4L was also entitled to compensation for bird diverter installation costs relating to those dedicated transmission lines.
- The Commission consequently directed AEML-D to pay Rs. 26.53 crores to AHEJ4L as Change in Law compensation, subject to verification that the installed bird diverters complied with the prescribed technical specifications.
- On the issue of carrying cost, the Commission declined AHEJ4L's request for carrying cost at the PPA LPS rate on a compounding basis. Relying upon its earlier order dated May 22, 2024, the Commission held that carrying cost would instead be payable at the interest rate applicable to working capital loans, namely the average one-year SBI MCLR plus 150 basis points under the MERC Renewable Energy Tariff Regulations, 2019, computed on a simple interest basis. However, the Commission clarified that this issue remained subject to the outcome of the pending Appeal No. 327 of 2024 before the Appellate Tribunal for Electricity **(APTEL)**.

HSA
Viewpoint

The order is significant for clarifying allocation of Change in Law liability in renewable energy projects developed within solar parks, particularly where transmission infrastructure is constructed by the SPPD, but the underlying contractual arrangements ultimately allocate costs to the generating company. At the same time, the Commission maintained a conservative approach on carrying cost by restricting compensation to simple interest linked to working capital rates.

Adani Power Ltd. v. Maharashtra State Load Despatch Centre.

Maharashtra Electricity Regulatory Commission's (MERC) Order dated April 29, 2026, in Case No. 49 of 2024

Background facts

- Adani Power Ltd. **(APL)** filed a petition before the Maharashtra Electricity Regulatory Commission **(MERC)** seeking directions to Maharashtra State Load Despatch Centre **(MSLDC)** for formulation of guidelines relating to ramp rate performance evaluation for intra-state generating stations under the MERC (Multi-Year Tariff) Regulations, 2019 and for issuance of revised ramp rate certificates for Adani Dahanu Thermal Power Station **(ADTPS)** for FY 2020-21 and FY 2021-22.
- Under Regulation 29.6 of the MERC MYT Regulations, 2019, thermal generating stations were eligible for additional Return on Equity **(RoE)** linked to the achievement of incremental ramp rate performance above 1% per minute. APL contended that MSLDC had incorrectly applied the National Load Despatch Centre **(NLDC)** methodology, formulated under the CERC Tariff Regulations, 2019, for the evaluation of ramp rate performance of intra-state generating stations in Maharashtra.
- APL further submitted that the NLDC methodology, based on 15-minute time block data, was inconsistent with the MERC MYT Regulations, 2019, which envisaged ramp rate computation on a per-minute basis, thereby making achievement of additional RoE commercially impracticable. MSLDC, on the other hand, contended that in the absence of any state-specific methodology, adoption of the NLDC procedure was justified under the MERC State Grid Code Regulations, 2020.

Issues at hand

- Whether MSLDC was justified in applying the NLDC guidelines for ramp rate evaluation of intra-state generating stations during the control period FY 2020-21 to FY 2024-25 in absence of any state-specific methodology under the MERC MYT Regulations, 2019.
- Whether APL was entitled to issuance of revised ramp rate certificates for FY 2020-21 and FY 2021-22 based on Supervisory Control and Data Acquisition **(SCADA)** data or any alternative methodology.

Decision of the Court / Tribunal

- The Commission observed that although the MERC MYT Regulations, 2019 did not prescribe any specific methodology for ramp rate evaluation, Section 61 of the Electricity Act, 2003 required State commissions to be guided by the principles and methodologies specified by the Central Electricity Regulatory Commission **(CERC)** while determining tariff.
- The Commission held that in absence of any state-specific methodology, MSLDC was justified in adopting the NLDC guidelines for evaluation of ramp rate performance of intra-state generating stations. The Commission further observed that the State Grid Code Regulations, 2020 permitted application of provisions under the Indian Electricity Grid Code where no corresponding state-level provision existed.
- The Commission rejected APL's contention that the NLDC methodology rendered achievement of additional RoE commercially impossible and noted that the Petitioner itself had subsequently achieved additional RoE for FY 2023-24 based on the same methodology and MSLDC certification.
- The Commission further declined the request for issuance of revised ramp rate certificates for FY 2020-21 and FY 2021-22 based on SCADA data and observed that acceptance of such request would effectively reopen issues already determined in the Mid-Term Review Order dated March 31, 2023.
- While noting that MSLDC had subsequently formulated a draft ramp rate evaluation procedure under the MERC MYT Regulations, 2024, the Commission clarified that such a procedure would not be retrospectively applicable to the earlier control period governed by the MYT Regulations, 2019.

HSA
Viewpoint

The order affirms the permissibility of adopting central-sector operational methodologies at the intra-state level in the absence of corresponding state-specific procedures, particularly in matters relating to grid stability and technical performance evaluation. The Commission's refusal to reopen previously adjudicated tariff issues through revised ramp rate certification also reinforces the principle of regulatory finality in tariff proceedings.

Gujarat Urja Vikas Nigam Limited and Ors. - Refund of connectivity charges for Small Scale Distributed Solar Project Developers availing second-time exit option.

Gujarat Electricity Regulatory Commission's (GERC) Order dated April 17, 2026 in Petition No. 2432 of 2024

Background facts

- Gujarat Urja Vikas Nigam Limited **(GUVNL),** along with the State DISCOMs, filed a petition before the Gujarat Electricity Regulatory Commission **(GERC)** seeking approval for the refund of connectivity charges of Rs. 1 lakh collected from Small Scale Distributed Solar Project **(SSDSP)** developers who exercised the second-time exit option under the Government of Gujarat's "Policy for Development of Small Scale Distributed Solar Projects - 2019".
- Under Regulation 7(2) of the GERC (Terms and Conditions of Intra-State Open Access) Regulations, 2011, connectivity applications were required to be accompanied by a non- refundable fee of Rs. 1 lakh. However, following representations from developers regarding the commercial non-viability of projects and the absence of anticipated subsidy benefits, the Gujarat government decided to provide a second-time exit option without penalties. It directed the refund of charges recovered from developers exercising such an option.
- Pursuant to the State government's decision, GUVNL issued a public notice dated July 25, 2022, granting a second-time exit option and proposing refund of application fees, bank guarantees, supervision charges and connectivity charges, subject to approval of GERC in relation to the connectivity charges classified as non-refundable under the applicable regulations.

Issues at hand

- Whether GERC could permit refund of connectivity charges collected under Regulation 7(2) of the GERC (Terms and Conditions of Intra-State Open Access) Regulations, 2011 despite the charges being expressly classified as non-refundable.
- Whether the second-time exit option granted pursuant to the Gujarat government's policy decision constituted a special circumstance warranting relaxation of the applicable regulatory framework.

Decision of the Court / Tribunal

- The Commission observed that the purpose of the non-refundable connectivity charge under Regulation 7(2) was to deter speculative applications and recover administrative costs associated with processing connectivity requests. However, the Commission held that the provision was intended for ordinary cases of voluntary withdrawal by applicants and could not be mechanically applied to exceptional policy-driven circumstances affecting an entire class of developers.
- The Commission further observed that the Open Access Regulations contained an express power of relaxation enabling the Commission to relax provisions in cases of undue hardship. The Commission held that the present case constituted an exceptional circumstance warranting the exercise of such regulatory powers in light of the policy objective of promoting renewable energy and protecting stakeholder interests.

- Accordingly, the Commission permitted refund of the connectivity charges collected from SSDSP developers availing the second-time exit option under the Gujarat government's policy decision.

HSA
Viewpoint

The order reflects a purposive and policy-oriented interpretation of the regulatory framework governing connectivity charges under the Open Access Regulations. By distinguishing ordinary cases of withdrawal from sector-wide policy-driven exits, the Commission recognised that rigid application of the "non-refundable" stipulation would have led to inequitable consequences for developers participating under a State-sponsored renewable energy scheme.

Gujarat Urja Vikas Nigam Limited v. M/s WYN Renewables Pvt. Ltd.

Gujarat Electricity Regulatory Commission's (GERC) Order dated May 15, 2026 in IA No. 22 of 2026 in Petition No. 2571 of 2025

Background facts

- Gujarat Urja Vikas Nigam Limited **(GUVNL)** filed an interlocutory application before the Gujarat Electricity Regulatory Commission **(GERC)** seeking directions to M/s WYN Renewables Pvt. Ltd. for extension of validity of the Performance Bank Guarantee **(PBG)** furnished under the PPA dated May 10, 2023, pending adjudication of the main petition relating to extension of Scheduled Commercial Operation Date **(SCOD)** on Force Majeure grounds.
- In the main proceedings, the Commission had earlier granted interim protection restraining GUVNL from taking coercive steps for termination of the PPA. However, no restraint had been granted against encashment of the PBG, with WYN Renewables having deposited an equivalent amount in lieu of encashment. GUVNL contended that since the validity of the PBG was expiring on May 17, 2026, continuation of the security was necessary to safeguard its contractual rights in the event of termination of the PPA on account of developer default.
- WYN Renewables submitted that it was willing to extend the validity of the PBG and had already initiated the process with the issuing bank, though procedural delays could prevent extension before expiry of the existing guarantee. It further argued that encashment of the PBG during pendency of the dispute would be inequitable, particularly when the issue of termination compensation was yet to be adjudicated.

Issues at hand

- Whether GUVNL was entitled to seek continuation or encashment of the PBG pending adjudication of disputes relating to extension of SCOD and termination rights under the PPA.
- Whether the Commission ought to restrain encashment of the bank guarantee during pendency of the underlying contractual dispute.

Decision of the Court / Tribunal

- The Commission reiterated the settled legal position that a bank guarantee constitutes an independent and distinct contract between the issuing bank and the beneficiary, separate from the underlying contractual relationship between the parties. Accordingly, disputes under the underlying contract do not ordinarily justify restraint on invocation or encashment of an unconditional bank guarantee.
- The Commission opined that invocation of a bank guarantee does not depend upon termination of the underlying contract and that courts and tribunals should be slow in granting injunctions restraining encashment except in limited cases involving fraud or special equities. The Commission noted that WYN Renewables had failed to establish any such exceptional circumstances warranting restraint against encashment.
- At the same time, the Commission clarified that any encashment of the bank guarantee by GUVNL would remain subject to the final outcome of the pending petition. The Commission further continued its earlier interim protection

restraining GUVNL from taking coercive steps towards termination of the PPA till the next date of hearing.

- The Commission further allowed carrying cost on the admitted claims at the Late Payment Surcharge **(LPS)** rate on a monthly compounding basis as stipulated under the PPA and directed consequential tariff adjustments in terms of the revised computations.

HSA
Viewpoint

The order reaffirms the well-settled principle governing unconditional bank guarantees, namely that such instruments operate independently of the underlying contractual disputes and are ordinarily enforceable absent fraud or special equities. At the same time, the Commission sought to balance competing commercial interests by permitting contractual security mechanisms to remain operative while continuing interim protection against termination of the PPA pending adjudication of the substantive dispute relating to Force Majeure and extension of SCOD.

In Re: Compliance with the Commission's directions regarding submission of the final proposal for installation of Flue Gas Desulphurization systems at RVUN's generating stations.

Rajasthan Electricity Regulatory Commission's (RERC) Order dated May 05, 2026 in Suo Motu Proceedings

Background facts

- The Ministry of Environment, Forest and Climate Change **(MoEF&CC)**, vide notification dated December 07, 2015, introduced revised environmental norms for coal-based thermal power plants, including stricter SO2 emission standards requiring installation of Flue Gas Desulphurization **(FGD)** systems.
- Rajasthan Rajya Vidyut Utpadan Nigam Limited **(RVUNL)** had earlier filed Petition No. RERC/1459/2019 seeking in-principle approval for capital expenditure towards compliance with the revised environmental norms. Pursuant to recommendations issued by the Central Electricity Authority **(CEA)** regarding installation of FGD systems, the Commission, vide order dated August 21, 2019, permitted RVUNL to proceed with the proposed capital expenditure.
- Subsequently, MoEF&CC, vide Gazette Notification dated July 11, 2025, exempted all Category-C thermal power plants from compliance with revised SO2 emission norms, including mandatory installation of FGD systems, subject to compliance with prescribed stack height norms.
- In view of the revised environmental framework, the Rajasthan Electricity Regulatory Commission **(RERC)**, vide order dated March 09, 2026, directed RVUNL to obtain appropriate approvals / directions from the Government of Rajasthan **(GoR)** regarding continuation of under-construction FGD installations and to submit a final proposal approved by the GoR within one month.
- RVUNL thereafter informed the Commission that although it had approached the GoR for necessary approvals / directions, the same were still pending consideration at the government level.

Issues at hand

- Whether further capital expenditure towards installation of FGD systems at RVUNL's thermal power plants ought to continue pending final decision of the GoR in light of the revised MoEF&CC notification exempting Category-C thermal power plants.
- Whether interim directions were required to be issued concerning continuation of ongoing FGD works and associated capital expenditure.

Decision of the Court / Tribunal

- The Commission observed that the revised MoEF&CC notification dated July 11, 2025 had materially altered the regulatory position governing mandatory installation of FGD systems for Category-C thermal power plants. The

Commission further noted that the approvals / directions sought from the GoR regarding continuation of under-construction FGD works were still pending.

- Considering the significant financial and operational implications associated with continuation of FGD-related capital expenditure, the Commission deemed it appropriate to stay further expenditure under the said head pending submission of the final proposal approved by the GoR.
- Accordingly, the Commission directed RVUNL to immediately stop further work relating to installation of FGD systems until further review by the Commission upon receipt of the requisite proposal approved by the GoR.

HSA
Viewpoint

The order assumes significance in the context of the evolving regulatory framework governing environmental compliance obligations for coal-based thermal power plants following the MoEF&CC notification exempting Category-C plants from mandatory installation of FGD systems. By directing suspension of further FGD-related capital expenditure pending final policy determination by the GoR, the Commission has highlighted the substantial tariff and cost implications associated with continuation of such projects in the absence of a clear regulatory mandate.

Adani Power Ltd. v. Rajasthan Urja Vikas Nigam Ltd. & Ors.

Rajasthan Electricity Regulatory Commission's (RERC) Order dated May 05, 2026 in Petition No. RERC/2249/2024

Background facts

- Adani Power Ltd. **(APL)** filed a petition before Rajasthan Electricity Regulatory Commission **(RERC)** under Sections 86(1)(b) and 86(1)(f) of the Electricity Act, 2003 seeking adjudication of disputes relating to the methodology for computation and adjustment of Late Payment Surcharge **(LPS)** under the PPA dated January 28, 2010 executed with Rajasthan Discoms for supply of 1200 MW power from the Kawai Thermal Power Station.
- The dispute arose during reconciliation of accounts for FY 2023-24, wherein APL contended that in terms of Articles 8.3.2 and 8.3.5 of the PPA, LPS was required to be computed and adjusted on a day-to-day basis as and when payments were received from the Rajasthan Discoms.
- APL further contended that Rajasthan Discoms had historically followed day-to-day computation and adjustment methodology till March 31, 2020, but subsequently shifted to adjustment of LPS on monthly basis, thereby allegedly acting contrary to the PPA framework.
- The Rajasthan Discoms opposed the petition contending that Article 8.3.5 of the PPA expressly required LPS to be claimed through Supplementary Bills and that daily adjustment of LPS would effectively result in multiple compounding within the same month contrary to the contractual stipulation providing for “monthly rests”. The Respondents also raised issues concerning applicability of the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022.

Issues at hand

- Whether LPS under the PPA was chargeable for the day on which payment was made beyond the Due Date.
- Whether adjustment of LPS could be undertaken without raising a Supplementary Bill under Article 8.3.5 of the PPA.
- Whether the applicable rate for computation of LPS after June 03, 2022 would be governed by the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022.

Decision of the Court / Tribunal

- The Commission observed that Article 8.3.5 of the PPA clearly provided that LPS was payable for “each day of delay” beyond the Due Date. Accordingly, the Commission held that where payment was made after the Due Date, LPS would also be chargeable for the date on which such delayed payment was made.

- On the issue of adjustment methodology, the Commission held that although Article 8.3.2 prescribed the order of appropriation of payments towards LPS and unpaid bills, Article 8.3.5 expressly mandated that LPS must be claimed through a Supplementary Bill. The Commission therefore held that a valid LPS claim would arise only upon issuance of a Supplementary Bill and that adjustment of LPS could not be undertaken prior thereto.
- The Commission further clarified that LPS under the PPA was required to be calculated on a day-to-day basis and compounded with monthly rests in accordance with Article 8.3.5 of the PPA.
- On applicability of the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022, the Commission held that with effect from June 03, 2022, the applicable LPS rate would be governed by the said Rules, subject to the ceiling prescribed under the PPA. The Commission clarified that where the base rate under the LPS Rules was lower than the contractual rate specified in the PPA, the lower statutory rate would apply.

HSA
Viewpoint

The order assumes significance for its interpretation of contractual provisions governing computation, adjustment and billing of LPS under long-term PPAs. By clarifying that LPS claims must necessarily be raised through Supplementary Bills prior to adjustment and by recognising applicability of the Electricity (Late Payment Surcharge and Related Matters) Rules, 2022 over higher contractual rates where applicable, the Commission has provided important regulatory guidance concerning reconciliation of payment disputes between generating companies and distribution licensees.

Rajasthan Urja Vikas & IT Services Ltd. v. Rajasthan Rajya Vidyut Prasaran Nigam Ltd. & Anr.

Rajasthan Electricity Regulatory Commission's (RERC) Order dated May 15, 2026 in Petition No. RERC/2388/2025

Background facts

- Rajasthan Urja Vikas & IT Services Limited **(RUVITL)** filed a review petition under Section 94(1)(f) of the Electricity Act, 2003, seeking review of the Rajasthan Electricity Regulatory Commission's **(RERC)** earlier order dated November 18, 2025, passed in Petition No. RERC/2298/2025 concerning the proposed procurement of 3200 MW coal-based Round-the-Clock **(RTC)** power through tariff-based competitive bidding under the SHAKTI policy framework.
- In the earlier proceedings, the Commission had declined approval for initiation of the bidding process on the ground that the proposed requirement of 3200 MW RTC power required reassessment in light of the Central Electricity Authority's **(CEA)** revised Resource Adequacy Plan **(RAP)** 2025, projected renewable energy additions, Battery Energy Storage Systems **(BESS)**, proposed nuclear generation projects and upcoming MoU-based thermal capacities.
- Pursuant to the liberty granted by the Commission, RUVITL approached the CEA seeking reassessment of Rajasthan's coal-based capacity requirement. RUVITL contended in the review petition that subsequent communications issued by the CEA clarified that RAP 2025 envisaged a total coal-based capacity addition requirement of 4440 MW by FY 2035-36, excluding additional capacity implications arising from the retirement of older thermal units.
- RUVITL further argued that the Commission had failed to adequately consider the recommendations of the Energy Assessment Committee **(EAC)**, proposed retirement of ageing thermal units, grid security concerns arising from renewable energy intermittency and the continuing requirement of firm thermal capacity despite increasing renewable energy penetration.
- Various stakeholders opposed the maintainability of the review petition, contending that the petition effectively amounted to an appeal in disguise and failed to disclose any error apparent on the face of the record warranting exercise of review jurisdiction.

Issues at hand

- Whether the review petition disclosed any error apparent on the face of record warranting review of the Commission's earlier order dated November 18, 2025.
- Whether subsequent clarifications issued by the CEA regarding Rajasthan's coal-based capacity requirement constituted "new and important matter" justifying exercise of review jurisdiction.
- Whether RUVITL's proposed procurement of 3200 MW RTC coal-based capacity warranted reconsideration in light of revised resource adequacy assessments and projected thermal capacity requirements.

Decision of the Court / Tribunal

- The Commission extensively examined the scope of review jurisdiction under Section 94(1)(f) of the Electricity Act, 2003 and reiterated that review powers could not be exercised merely to rehear or re-argue issues already adjudicated upon unless there existed an error apparent on the face of the record or the discovery of genuinely new and material evidence. The Commission considered RUVITL's reliance upon subsequent CEA communications clarifying that RAP 2025 contemplated a total coal-based capacity addition requirement of 4440 MW by FY 2035-36, of which 2535 MW had already been identified, and 1905 MW remained to be tied up competitively. The Commission additionally considered competing submissions regarding retirement of ageing thermal units, viability of MoU-based thermal projects, evolving renewable energy integration, BESS deployment, distributed renewable energy growth and long-term resource adequacy planning requirements in Rajasthan. The Commission further analysed the interplay between long-term thermal capacity planning, renewable energy transition objectives, grid stability requirements and competitive procurement obligations under the Tariff Policy and resource adequacy framework.

HSA
Viewpoint

The order assumes significance for its detailed examination of review jurisdiction in the context of long-term power procurement planning and evolving resource adequacy assessments. The proceedings reflect the growing regulatory tension between renewable energy transition objectives and the continuing requirement of firm thermal capacity for grid stability, reserve support and long-term energy security.

Jaipur Vidyut Vitran Nigam Ltd., Ajmer Vidyut Vitran Nigam Ltd. and Jodhpur Vidyut Vitran Nigam Ltd.

Rajasthan Electricity Regulatory Commission's (RERC) Order dated April 15, 2026 in Petition No. RERC/2398/2026

Background facts

- Jaipur Vidyut Vitran Nigam Ltd., Ajmer Vidyut Vitran Nigam Ltd. and Jodhpur Vidyut Vitran Nigam Ltd., the three distribution licensees **(Rajasthan DISCOMs)** in the State of Rajasthan, filed a joint petition before the Rajasthan Electricity Regulatory Commission **(RERC)** on February 16, 2026 under Sections 135 and 138 of the Electricity Act, 2003 read with Regulation 12 of the RERC (Electricity Supply Code and Connected Matters) Regulations, 2021.
- The petition sought an amendment to the earlier RERC Order dated December 22, 2020, in Petition No. RERC1502/19, which had established a Vigilance Case Report **(VCR)** Monitoring Committee procedure for reviewing cases of electricity theft filed under Section 135 of the Electricity Act, 2003.
- In compliance with the 2020 Order, all three Discoms had issued detailed internal implementation orders, which prescribed a 30-day window from the date of provisional revenue assessment notice for filing appeals before the VCR Assessment Review Committee.
- The Rajasthan DISCOMs submitted that the 30-day period had, in practice, proved restrictive due to delays in receipt of notices, time required to arrange relevant documents, and the need to seek legal representation, thereby denying

consumers and non-consumers a reasonable opportunity to contest theft-related assessments.

Issues at hand

- Whether the time limit for filing an appeal before the VCR Assessment Review Committee should be enhanced from 30 days to 60 days from the date of issuance of registered notice.
- Whether a one-time final opportunity should be granted to consumers and non-consumers whose cases under Section 135 of the Electricity Act, 2003 are pending and who could not file an appeal within the earlier prescribed 30-day period.

Decision of the Court / Tribunal

- The Commission, after considering the written and oral submissions, found merit in the Discoms' proposal and approved enhancement of the appeal filing period from 30 days to 60 days from the date of issuance of registered notice, observing that the extended timeline would not adversely affect timely disposal of cases while upholding principles of natural justice.
- The Commission further held that granting a final opportunity to consumers and non-consumers with pending cases who could not appeal within the earlier 30-day period would serve the ends of justice, noting that some cases may have remained unrepresented due to lack of awareness, procedural constraints, or other genuine reasons.
- The Commission accepted both prayers of the Petitioners and directed all three Discoms to implement the modified procedure in their respective areas of supply immediately. The petition was accordingly disposed of.

HSA
Viewpoint

The order strikes a sensible balance between procedural efficiency and consumer fairness, with the extension to 60 days and the one-time amnesty for pending cases reflecting a pragmatic, access-to-justice-oriented approach to electricity theft adjudication.

M/s Benisar Solar Plant v. Rajasthan Urja Vikas and IT Services Limited & Anr.

Rajasthan Electricity Regulatory Commission's (RERC) Order dated May 14, 2026 in Petition No. RERC/2344/2025

Background facts

- M/s Benisar Solar Plant, a partnership firm, was issued a Letter of Award dated July 8, 2020 for establishment of a 2 MW solar power plant under PM-KUSUM Component-A at GSS Benisar, and executed a PPA with Jodhpur Vidyut Vitran Nigam Limited **(JdVVNL)** through Rajasthan Urja Vikas and IT Services Limited **(RUVITL)** on January 28, 2021 at a pre-fixed levelized tariff of Rs. 3.14 / kWh.
- Subsequent to the execution of the PPA, two significant Change in Law events occurred: the GST rate on solar modules and inverters was enhanced from 5% to 12% with effect from October 1, 2021, and Basic Customs Duty **(BCD)** was imposed on import of solar PV cells at 25% and solar PV modules at 40% with effect from April 1, 2022.
- The Commission, vide its Order dated January 27, 2023 in Petition Nos. 1964/2021 and 2026/2022 (*Kisan Urja Hitkari Samiti and Ors. v. RUVNL and Ors.*), recognized the enhancement of GST and imposition of BCD as change in law events and directed eligible Renewable Power Generators **(RPG)** to raise supplementary bills, upon which DISCOMs were obligated to refund the payable amounts after due verification.
- The Petitioner's solar power plant was commissioned on September 27, 2024, and the Petitioner submitted supplementary bills on November 28, 2024 claiming Change in Law compensation of Rs. 1,33,47,952.30 comprising BCD of Rs. 1,03,04,236.80 and GST differential of Rs. 30,43,715.50. Despite receipt of the bills and subsequent reminders, the Respondents failed to release payment.

- RUVITL had filed Review Petition No. 2279/2024 challenging the Order dated January 27, 2023, which was dismissed by this commission on November 25, 2025, on the ground that no error apparent on the face of the record was made out, thereby affirming the original order and giving it absolute finality.

Issues at hand

- Whether the Petitioner fulfilled the eligibility criteria laid down in Para 47(b) and (c) of the Commission's Order dated January 27, 2023 so as to be entitled to Change in Law compensation on account of enhancement of GST and imposition of BCD.
- Whether the Respondents were barred by the principle of res judicata from re-agitating arguments regarding reduction in module prices and unjust enrichment in light of the dismissal of Review Petition No. 2279/2024.
- Whether the Respondents' continued refusal to release payment constituted non-compliance of the Commission's Order dated January 27, 2023, warranting action under Sections 142 and 146 of the Electricity Act, 2003.

Decision of the Court / Tribunal

- On Issue I, the Commission held that the Petitioner squarely satisfied the eligibility criteria under Para 47(b) and (c) of the Order dated January 27, 2023: the PPA was executed on January 28, 2021, which is prior to the cut-off dates for both GST (September 30, 2021) and BCD (March 9, 2021), and the plant was commissioned on September 27, 2024, which is after the relevant dates of October 1, 2021 and April 1, 2022.
- On Issue II, the Commission held that the arguments pertaining to module price reduction, unjust enrichment, tariff subsumption, and the Tariff Order dated October 28, 2024 had all been raised, considered, and rejected in the main and review proceedings. The Order dated January 27, 2023, as affirmed by dismissal of the Review Petition, had attained finality, and the Respondents could not be permitted to re-agitate the same issues in execution / compliance proceedings, relying on the Supreme Court's ruling in *Ishwar Dutt vs. Land Acquisition Collector and Anr.*, (2005) 7 SCC 190.
- On Issue III, while observing that the Respondents had raised bona fide legal contentions and that no case of wilful disobedience was made out under Sections 142 and 146, the Commission directed RUVITL and JdVVNL to complete verification of the Petitioner's supplementary bills and release the payable amount within 60 days. In case of any discrepancy, the same was to be communicated to the Petitioner within 30 days with the undisputed portion not to be withheld, and Late Payment Surcharge **(LPS)** under the PPA to be applicable in case of failure to release payment within the stipulated period.

HSA
Viewpoint

The order firmly closes the door on Respondents attempting to relitigate settled change in law issues through the backdoor of compliance proceedings, correctly applying res judicata to prevent the abuse of execution forums as a substitute for appeal, while the structured 60-day compliance timeline with LPS consequences strikes a practical balance between enforcement rigour and procedural fairness.

In the matter of the reduction of GST rate on the procurement of renewable energy devices and parts for their manufacture from 12% to 5%.

Rajasthan Electricity Regulatory Commission's (RERC) Order dated April 17, 2026, in Suo Moto Petition No. 20 of 2026

Background facts

- The Ministry of Finance, Government of India, vide Notification No. *9/2025-Central Tax (Rate)* dated September 17, 2025, reduced the Central Tax rate on renewable energy **(RE)** devices and parts for their manufacture from 6% to 2.5%, resulting in a cumulative GST rate of 5% (as against the earlier rate of 12%), effective September 22, 2025.

- The Madhya Pradesh Electricity Regulatory Commission **(MPERC)** had, in its various previous orders, consistently held that changes in GST rates constitute a "change in law" event under the relevant PPAs**,** thereby entitling the affected parties to seek tariff adjustments.
- The Commission, taking note of the said reduction in GST rates, exercised its suo motu powers under Section 86(1) of the Electricity Act, 2003, to determine the manner and extent to which the reduction in GST rates would impact the tariff payable to intra-state RE generating stations and the corresponding obligations of distribution licensees **(DISCOMs).**
- The Commission observed that under the GST Act, 2017, the point of taxation is determined based on whichever is earlier, the date of issuance of invoice or the date of receipt of consideration / payment and that the benefit of any reduction in GST rate must, as a mandatory anti-profiteering measure, be passed on to the recipient by way of commensurate reduction in prices.

Issues at hand

- Whether the reduced GST rate of 5% applicable from September 22, 2025 would apply to RE projects whose bid submission date preceded September 22, 2025, but whose invoicing, payment, commissioning, or commercial operation dates **(COD)** fell on or after September 22, 2025.
- What documentary and procedural obligations were required to be fulfilled by RE generating stations and DISCOMs before approaching the Commission for tariff determination on account of such a change in law.

Decision of the Court / Tribunal

- The Commission held that the reduction in GST rate from 12% to 5%, effective September 22, 2025 constitutes a change in law event, resulting in a saving in the net cost of RE projects, which must be passed on to DISCOMs and ultimately to consumers, in accordance with the anti-profiteering provisions of the GST Act, 2017.
- The Commission applied the "point of taxation" principle under GST law and held that the revised rate of 5% GST shall apply to all transactions where: the bid submission date is prior to September 22, 2025, and either the invoice relating to goods/services is raised on or after September 22, 2025, or the consideration for goods/services has been received and tax paid on or after September 22, 2025, irrespective of whether the consideration has been paid wholly or partly.
- The Commission directed that in all cases where procurement, commissioning, COD, or SCOD occurs on or after September 22, 2025 but the bid submission date precedes September 22, 2025, the concerned RE generating stations and DISCOMs are duty-bound to assess and reconcile the impact of the GST reduction inter se, prior to approaching the Commission for determination of tariff under the change in law provisions of the relevant PPAs and the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021, read with Section 63 of the Electricity Act, 2003.
- The Commission further directed that RE generating stations must furnish to the concerned DISCOMs / beneficiary entities all relevant documentation, supported by an auditor's certificate, establishing a clear one-to-one correlation between the projects, the supply of goods/services, and the invoices raised by the supplier, to enable proper reconciliation of the reduction in expenditure on account of the revised GST rates..

HSA
Viewpoint

The Commission's suo motu intervention is both timely and legally sound. By proactively addressing the tariff implications of the GST reduction rather than waiting for individual petitions from developers or DISCOMs, MPERC has ensured regulatory certainty across all ongoing RE projects in Madhya Pradesh. The adoption of the "point of taxation" principle from GST law itself to determine which transactions attract the reduced rate, is a technically precise and internally consistent approach that avoids arbitrary line-drawing. Importantly, the order strikes the right consumer-protective balance: developers cannot retain windfall savings arising from a statutory reduction in input costs, and the benefit must flow down to DISCOMs and consumers through tariff adjustment or refund.

Transmission Corporation of Andhra Pradesh Ltd. - Performance Review and True-down for FY 2024-25.

Andhra Pradesh Electricity Regulatory Commission (APERC) Order dated May 07, 2026 in O.P. No. 82 of 2025 & O.P. No. 83 of 2025

Background facts

- The Transmission Corporation of Andhra Pradesh Limited **(APTRANSCO)** filed petitions before Andhra Pradesh Electricity Regulatory Commission **(APERC)** seeking (i) Annual Performance Review for works approved under the Resource Plan for FY 2024-25, and (ii) true-down of its transmission business for the first year of the 5th Control Period (FY 2024-25 to FY 2028-29).
- APTRANSCO submitted that actual expenditure incurred during FY 2024-25 was significantly lower than the investment approved under the Resource Plan, owing to delays arising from Right-of-Way **(RoW)** constraints, delays in statutory clearances, cyclones, supply constraints for transformers, land availability issues and changes in system priorities.
- The utility further submitted that despite delays in project execution, transmission losses for FY 2024-25 stood at 2.6%, lower than the approved level of 2.75%, indicating efficient network operations.
- Under the true-down petition, APTRANSCO stated that while the approved Aggregate Revenue Requirement **(ARR)** for FY 2024-25 was Rs. 3370.26 crore, actual expenditure stood at Rs. 2942.69 crore and actual revenue earned was Rs. 3873.80 crore, resulting in a surplus of Rs. 931.11 crore proposed to be passed on to the State DISCOMs.
- Stakeholders objected to the petitions contending that the surplus primarily arose from lower capitalisation and delayed execution of approved projects rather than genuine efficiency gains. Objections were also raised regarding inflated expenditure projections, lack of detailed prudence checks, and APTRANSCO's request for a higher Return on Equity **(RoE)** of 15.5%..

Issues at hand

- Whether APTRANSCO's actual expenditure and project delays warranted revision of the approved Resource Plan for the 5th Control Period.
- Whether the claimed expenditure, depreciation, Return on Capital Employed **(ROCE)** and other ARR components were admissible under the applicable APERC Regulations and Multi-Year Tariff **(MYT)** framework.
- Whether APTRANSCO's request for RoE at 15.5% in line with Central Electricity Regulatory Commission **(CERC)** norms ought to be allowed. Whether the true-down surplus should be passed on directly to consumers or adjusted through DISCOM accounts and tariff orders.

Decision of the Court / Tribunal

- The Commission observed that transmission planning and execution are dynamic processes and that deviations from the Resource Plan may arise due to practical system requirements and external constraints. The Commission held that variations in a single year were insufficient to justify revision of the approved long-term Resource Plan and directed APTRANSCO to continue execution of approved schemes in a time-bound manner.
- The Commission accepted APTRANSCO's actual O&M expenditure of Rs. 1281.85 crore after determining that the expenditure remained within the permissible normative O&M limits computed under the MYT framework.
- The Commission approved depreciation of Rs. 785.78 crore computed in accordance with CERC norms instead of the higher depreciation claimed by APTRANSCO based on Ministry of Power rates.
- The Commission rejected APTRANSCO's request to compute RoE at 15.5% and reaffirmed the RoE rate of 14% specified in the MYT Order and APERC Regulations. Consequently, the approved ROCE was substantially lower than the amount envisaged under the MYT Order.
- After prudence review, APERC determined the actual true-down surplus at Rs. 1071.84 crore, higher than the Rs. 931.11 crore claimed by APTRANSCO. Out of this amount, Rs. 892.09 crore had already been provisionally adjusted against transmission charges payable by DISCOMs, and the balance amount of Rs. 179.75 crore was directed to be passed on to DISCOMs proportionate to their energy drawls during FY 2024-25.

- The Commission further clarified that transmission true-down adjustments were already factored into the Retail Supply Tariff Order for FY 2026-27 and therefore no separate adjustment in consumer bills was necessary.

HSA
Viewpoint

The order is significant for reaffirming the regulatory discipline underlying the MYT framework and prudence review process in transmission tariff determination. APERC's approach underscores that lower capitalisation and project delays cannot automatically justify retention of surplus revenues by transmission licensees. The decision also reinforces the Commission's continued preference for normative tariff principles, particularly in relation to O&M expenditure, depreciation and RoE determination.

Ministry of Power (MoP) states that India has successfully met the all-time highest peak power demand of ~256 GW without shortage

- The Ministry of Power, through a Press Information Bureau release dated April 28, 2026, stated that India successfully met its all-time highest peak electricity demand of 256.1 GW on April 25, 2026, without any shortage, while simultaneously maintaining electricity exports to neighbouring countries.
- The key highlights of the release are as follows:
  - The peak demand of 256.1 GW surpassed the previous all-time high demand of 250 GW recorded on May 30, 2024 and exceeded the peak demand of 245.4 GW observed on January 09, 2026.
  - Electricity consumption witnessed a growth of 8.9% during April 2026 (April 01, 2026, to April 27, 2026) compared to the corresponding period of the previous year.
  - The Ministry attributed the achievement to record capacity addition of around 65 GW during FY 2025-26, strengthening system preparedness to handle high demand conditions.
  - The demand was met through advanced resource adequacy planning, optimal scheduling and dispatch of generation resources, and close real-time coordination amongst NLDC, RLDCs, SLDCs and generating stations.
  - Renewable energy sources, particularly solar power, made a significant contribution during peak demand conditions, complemented by hydra and other flexible resources.

India records historic growth in wind energy sector; Government reiterates commitment towards policy reforms and capacity expansion

- Union Minister for New and Renewable Energy, Shri Pralhad Joshi, while addressing the Foundation Day event of the Wind Independent Power Producers Association (**WIPPA**), highlighted India's progress in the wind energy sector and reiterated the Government's commitment towards accelerating clean energy transition and strengthening the domestic wind manufacturing ecosystem.
- The key highlights of the release are as follows:
  - India recorded its highest-ever annual wind energy capacity addition of 6.1 GW during FY 2025-26 and presently has over 56.1 GW of installed wind energy capacity, with an additional 28 GW under implementation.
  - The Government reiterated its target of achieving 100 GW wind energy capacity by 2030 and 156 GW by 2036, in furtherance of India's net-zero commitments by 2070.
  - The Minister stated that the Government has introduced a dedicated wind component under Renewable Purchase Obligations (**RPOs**) and is implementing measures such as ALMM, transparent bidding guidelines and

enforcement of Late Payment Surcharge Rules to strengthen investor confidence and domestic manufacturing.

- The Government is also considering additional wind tenders and promoting hybrid and round-the-clock (**RTC**) projects to improve grid efficiency and renewable integration.
- Issues relating to DSM penalties, curtailment and transmission delays are stated to be under active consideration by the Government for implementation of balanced and practical solutions.
- The Minister further highlighted initiatives relating to Green Energy Open Access, repowering of old wind turbines, Green Energy Corridor infrastructure and innovative financing mechanisms including Contracts for Difference (**CfD**) models.

Workshop on SHANTI Act, 2025 highlights roadmap for scaling India's nuclear power capacity to 100 GW through private participation and regulatory reforms

- Central Electricity Authority (**CEA**), in association with the Ministry of Power, Department of Atomic Energy (**DAE**) and NTPC Limited, organised a high-level workshop on operationalisation of the SHANTI Act, 2025, aimed at scaling India's nuclear power capacity to 100 GW in furtherance of long-term energy security and Net Zero targets.
- The key highlights of the workshop are as follows:
  - Discussions under the SHANTI Act, 2025, focused on enabling private sector participation in the nuclear energy sector, graded liability mechanisms and harmonisation of the proposed framework with the Electricity Act, 2003.
  - The workshop emphasised the importance of ensuring long-term nuclear fuel security through diversification of fuel sources, domestic capability expansion and maintenance of strategic reserves.
  - Stakeholders highlighted the need for robust project de-risking frameworks, streamlined site selection and land acquisition processes, along with stronger coordination with States for faster capacity addition.
  - Deliberations also focused on technology access, localisation, supply-chain strengthening, skill development and streamlined approval mechanisms for scaling the nuclear programme.
  - The workshop further examined issues relating to tariff competitiveness, standardisation, innovative financing structures, insurance and liability frameworks, and development of Small Modular Reactors (**SMRs**) and Micro Modular Reactors (**MMRs**) as part of India's future nuclear energy strategy.

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