

APEX COURT REFUSES TO ENTERTAIN APPEAL AGAINST APTEL'S STAY ORDER ON THE TARIFF SCHEDULE DETERMINED FOR TATA POWER COMPANY LIMITED-DISTRIBUTION FOR FY 2023-24, PERMITS TO MOVE APTEL INSTEAD



SKV Law Offices successfully represented the Tata Power Company Limited-Distribution (“TPC-D”) in Civil Appeal No. 5145 of 2023 (“Civil Appeal”) filed by Adani Electricity Mumbai Limited Distribution (“AEML-D”) before the Supreme Court. The Civil Appeal was filed to assail the Interim Order dated 13.07.2023 (“Interim Order”) of the Appellate Tribunal for Electricity’s (“APTEL”) which stayed the tariff schedule determined for TPC-D for FY 2023-24 by the Maharashtra Electricity Regulatory Commission (“MERC”).

The Supreme Court observed that the challenge is primarily based on the ground that the Interim Order has been passed without hearing AEML-D, who has been adversely affected by such Interim Order, being a parallel competing licensee of TPC-D. Furthermore, it was observed that AEML-D has not challenged the findings of the Interim Order and has accepted the flaws and defects crept in the MERC’s Order dated 31.03.2023 for determination of TPC-D’s tariff schedule for FY 2023-24. Thus, the Supreme Court disposed off the Civil Appeal while permitted AEML-D to move an appropriate application before the APTEL.

Notably, AEML-D also filed an application for modification of Supreme Court’s Order dated 14.08.2023, praying for modification of the said order to the extent that AEML-D had not accepted the findings of the Interim Order. However, the Supreme Court finding no merits in the same, was pleased to dismiss the said application.

TPC-D was represented SKV Law Offices’ team led by Mr. Shri Venkatesh (Managing Partner), Mr. Ashutosh Srivastava (Counsel), Mr. Bharath Gangadharan (Senior Associate), Mr. Shivam Kumar (Associate), Mr. Aashwyn Singh (Associate).

Please click on the respective order dates to access the order dated [14.08.2023](#) and [11.09.2023](#)