

SKV Law Offices Successfully Defends Samalkot Power Limited before the Hon'ble Supreme Court



SKV Law Offices successfully represented Samalkot Power Limited before the Hon'ble Supreme Court of India in Civil Appeal No. 11011 of 2025, filed by REC Power Development and Consultancy Limited ("**RECPDCL**") against judgment dated 27.05.2025 passed by the Appellate Tribunal for Electricity ("**APTEL**"). The appeal arose from a long-standing dispute relating to allocation of acquisition costs in the Vemagiri Transmission Project under the Tariff-Based Competitive Bidding ("**TBCB**") guidelines.

The matter involved intricate issues concerning the regulatory jurisdiction of the Central Electricity Regulatory Commission ("**CERC**") to adjudicate upon dispute involving Bid Process Coordinator ("**BPC**"), the scope of responsibility of the BPC under Section 63 of the Electricity Act, 2003, and the extent to which project costs could be recovered from participating generating companies. The case was factually complex, spanning over a decade of proceedings before the CERC, APTEL, and now the Hon'ble Supreme Court, with overlapping contractual, regulatory, and statutory dimensions.

The disputes and regulatory team at SKV Law Offices, appearing for Samalkot Power Limited, prepared a comprehensive defense addressing the multifaceted factual and legal issues involved. The firm effectively demonstrated that Samalkot could not be held liable for the acquisition costs/professional fee for transfer of Vemagiri Transmission System Limited ("**VTSL**"), since the failure of the project stemmed from factors beyond its control, including non-availability of gas and subsequent

cancellation of transmission connectivity. SKV Law Offices also emphasized that RECPDCL's challenge was unsustainable as the APTEL's findings were grounded in the principle of unjust enrichment and restitution. The Hon'ble Supreme Court, after hearing extensive arguments, dismissed the appeal, affirming APTEL's reasoning.

The dismissal of RECPDCL's appeal marks a significant victory for Samalkot Power Limited and reinforces regulatory accountability in the TBCB framework. The decision upholds the principle that project developers cannot be burdened with costs arising from imprudent or unilateral actions of implementing agencies. It further strengthens the jurisprudence on jurisdiction of CERC and APTEL in regulatory matters. The outcome also brings finality to a protracted litigation spanning multiple forums and vindicates the client's consistent stand since 2012.

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The matter was led by Mr. Shri Venkatesh (Founding Partner), Mr. Suhael Buttan (Partner), Ms. Surbhi Kapoor (Senior Associate) and Ms. Drishti Rathi (Associate) from SKV Law Offices.