

SKV Law Offices Secures Relief for DVC in Supreme Court: WBERC Remand Order Put on Hold



The Hon'ble Supreme Court has granted significant interim relief to Damodar Valley Corporation (**DVC**) in CA Nos. 13634-13636 of 2025, from any immediate consequences arising out of the proceedings before the West Bengal Electricity Regulatory Commission (**WBERC**). The Court has directed that the final tariff order shall not be given effect to until the next date of hearing.

SKV Law Offices represented DVC in challenging the APTEL Judgment dated 15.09.2025, passed in a batch of Appeals filed by the Damodar Valley Power Consumers Association (**DVPCA**) concerning the FY 2009-14 tariff period. DVC highlighted multiple errors in the Impugned Order, including:

- Non-consideration of the fundamental issue of locus standi of DVPCA (a Section 8 Company) to invoke APTEL's appellate jurisdiction
- Incorrect treatment of under-recovery from WBSEDCL and IPCL, when the connected matters are pending
- Erroneous approach toward Non-Tariff Income (**NTI**)
- Impermissible and retrospective changes in Transmission & Distribution cost allocation

APTEL had directed WBERC to issue a consequential order by 13.12.2025 based on these incorrect findings. However, allowing such an order at this stage would seriously prejudice DVC, particularly when multiple connected issues remain sub-judice before APTEL.

Accordingly, the Supreme Court has permitted WBERC to continue with the determination proceedings, but the final order, if issued cannot be implemented.

The Supreme Court's order has significant financial implications for DVC. By preventing the effect of the consequential implementation of the WBERC tariff order, the Apex Court has prevented any premature adjustments or adverse financial impact on DVC, ensuring that such a substantial sum is not unsettled or reworked until the legal questions are conclusively resolved.

Click [here](#) to read the order.

The matter was led by Mr. Vikas Singh, Senior Advocate, assisted by Mr. Shri Venkatesh (Founding Partner), Mr. Nihal Bhardwaj (Counsel), Ms. Surbhi Kapoor (Senior Associate), and Ms. Ananya Dutta (Associate) of SKV Law Offices.