

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 421/MP/2026

Subject : Petition under Section 79(1)(b) and Section 79(1)(f) of the Electricity Act, 2003 read with Chapter III of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 (Notification No. L 1/2064/2022-CERC dated 19.10.2023), and Article 36.4 of the respective Power Supply Agreements, for adjudication of the dispute regarding the entitlement, if any, of Respondent Nos. 1 to 4 to reimbursement of Electricity Duty levied on auxiliary/own consumption of power at their respective generating stations, and for consequential and interim reliefs (on admission).

Petitioner : Assam Power Distribution Company Limited

Respondent : Adani Power Limited and 3 others.

Date of Hearing : **18.9.2026**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member
Shri Ravinder Singh Dhillon, Member

Parties Present : Shri Parangam Narayan Goswami, Senior Advocate, APDCL
Shri Apoorva Misra, Advocate, APDCL
Shri Nishant Kumar, Advocate, APDCL
Shri Gaurav Prakash Pathak, Advocate, APDCL

Record of Proceedings

The matter was called out for a virtual hearing.

2. During the hearing, the learned counsel for the Petitioner submitted that the Petitioner is seeking adjudication of the dispute regarding reimbursement of Electricity Duty levied on auxiliary/own consumption of electricity at the generating stations of the Respondents under Article 21.9.2 and Clause 5.8 of the respective Power Supply Agreements (PSAs). Learned counsel submitted that the Electricity Duty on auxiliary/own consumption is not covered under the aforesaid provisions and, therefore, is not reimbursable by the Petitioner. Learned counsel further submitted that the Petitioner had already paid the disputed amounts under protest, which had aggregated to approximately ₹12.45 crore, and accordingly, sought refund/adjustment of the amounts paid, along with applicable interest. Learned counsel also sought interim protection against invocation of the Late Payment Surcharge Rules, 2022 and any coercive action, including debarment from Power Exchanges, in respect of the disputed amounts.



3. The Commission, after hearing the learned counsel for the Petitioner, directed as under:

(a) Admit and issue notice to the Respondents.

(b) The Respondents are permitted to file their respective replies on or before **16.11.2026**, after serving a copy on the Petitioner, who may file its rejoinder, if any, by **3.12.2026**.

4. The Petition will be listed for hearing on **10.12.2026**.

By order of the Commission

**Sd/-
(T. D. Pant)
Joint Chief (Law)**

