

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 811/MP/2025 along with IA No. 87/2025

Subject : Petition under Section 142 of the Electricity Act, 2003 and Regulation 70(2) of CERC (Conduct of Business) Regulations, 2023 read with Order XXI Rule 10 of Code of Civil Procedure Code, 1908 and read with Regulation 65 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 2023 and Section 151 of Code of Civil Procedure Code, 1908 seeking execution/ enforcement/ compliance of this Commission's Order dated 17.4.2023 passed in I.A. No. 12 of 2023 in Petition No. 246/MP/2022.

Petitioner : Maharashtra State Electricity Distribution Company Limited

Respondent : Coastal Gujarat Power Limited & Ors.

Date of Hearing : **15.9.2026**

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

Parties Present : Shri Basava Prabhu Patil, Sr. Advocate, MSEDCL
Shri Vishal Binod, Advocate, MSEDCL
Shri Aditya Dubey, Advocate, MSEDCL
Ms. Swadha Sharma, Advocate, MSEDCL
Shri Sanjay Sen, Sr. Advocate, TPCL
Shri Shreyshth Ramesh Sharma, Advocate, TPCL
Ms. Shubhi Sharma, Advocate, TPCL
Shri Aashwyn Singh, Advocate, TPCL
Ms. Vandana, Advocate, TPCL
Ms. Shambhavi Jha, Advocate, TPCL
Shri Vedant Choudhary, Advocate, TPCL
Ms. Ranjita Ramachandran, Advocate, GUVNL
Shri Aneesh Bajaj, Advocate, GUVNL
Shri Abhigy Goswami, Advocate, GUVNL
Ms. Poorva Saigal, Advocate, PSPCL
Ms. Pallavi Saigal, Advocate, PSPCL
Shri Rishabh Saxena, Advocate, PSPCL
Ms. Shree Dwivedi, Advocate, PSPCL

Record of Proceedings

Learned senior counsel for the Petitioner, MSEDCL, submitted that the present Petition seeks execution/ enforcement/ compliance of this Commission's Order dated 17.4.2023, passed in IA No. 12 of 2023 in Petition No. 246/MP/2022. The learned



senior counsel mainly submitted that vide the said order dated 17.4.2023, this Commission had directed CGPL and TPCL to discharge their contractual obligations towards the Petitioner and supply power to it, in accordance with the provisions of the PPA, pending final adjudication of Petition No. 246/MP/2022 by the Commission. Learned senior counsel submitted that the said order was passed during the pendency of the Section 11 direction. He further submitted that upon expiry of the Section 11 direction, TPCL, on 2.7.2025, withdrew all five generating units from the grid, citing forced shutdown as the reason and remained in a shutdown state until 31.3.2026, i.e., till the commencement of the next Section 11 directions. The learned senior counsel further submitted that TPCL has challenged the interim order dated 17.4.2023 before the APTEL in Appeal No. 455/2023 and, vide its order dated 27.7.2026, the APTEL, while declining to grant any stay against the said order of the Commission dated 17.4.2023, directed the Commission to continue with the proceedings under Section 142. The learned senior counsel further submitted that, vide its subsequent order dated 10.8.2026, the APTEL, while noting its earlier direction permitting the Commission to continue with the Section 142 proceedings, directed that the Commission shall not pass any final order in the matter until the next date of hearing. The learned senior counsel further referred to two orders passed by the APTEL, namely, (i) CLP Wind Farms (India) Pvt. Ltd. v. MPPMCL, dated 4.2.2022, and (ii) MSEDCL v. CERC, dated 29.7.2026 setting aside the Commission's Order dated 19.11.2025 (in line with APTEL's judgment dated 25.2.2026) referring the matter to arbitration, and submitted that, in view of the principles laid down therein, the direction contained in the interim order dated 17.4.2023 remains operative for the purpose of compliance under Section 142, and any non-compliance with the said interim order may accordingly be considered in the present proceedings. The learned senior counsel also referred to the judgment of the Hon'ble Delhi High Court dated 3.11.2025 in Renew Wind Energy (AP2) Pvt. Ltd. v. SECI and submitted that, even assuming that the Commission has the power to refer the matter to arbitration, the existence of such power does not preclude the Commission from passing interim orders in the matter.

2. Learned counsel for the Respondents, PSPCL & GUVNL, adopted the submissions made by learned senior counsel for MSEDCL.

3. In response, the learned senior counsel for the Respondent, TPCL, submitted that the APTEL, vide Order dated 10.8.2026 in Appeal No. 455/2023, while taking note of its earlier direction dated 27.7.2026, permitted this Commission to continue with the Section 142 proceedings; however, it was also directed that the Commission shall not pass any final order in the matter until the next date of hearing. The learned senior counsel further submitted that Appeal No. 455/2023 is next listed for hearing on 30.9.2026 and, since no order may be passed in the present proceedings, pressing this matter at this stage serves no purpose. The learned senior counsel further referred to the judgment dated 25.2.2026 passed by the APTEL in Appeal Nos. 348, 371, and 400 of 2025 (GUVNL v. TPCL & Ors., Haryana Discoms v. CERC & Ors. and PSPCL v. CERC & Ors.), and submitted that the APTEL, in the said judgment, has observed that this Commission is required to examine whether the subject matter of the disputes raised in the Petitions falls within the ambit of Section 79(1)(b) of the Electricity Act. If the disputes are found to fall within the scope of Section 79(1)(b), the CERC shall adjudicate the same in exercise of its jurisdiction under Section 79(1)(f) of the Electricity Act. However, if the disputes do not fall within the ambit of Section 79(1)(b),

the CERC, after recording appropriate reasons, shall non-suit the parties on the ground that it lacks inherent jurisdiction to adjudicate the disputes raised in the said Petitions. Thus, when the question of inherent jurisdiction is under examination, continuing these execution/ enforcement proceedings may not be proper. Learned senior counsel also added that the facts of the present case are quite distinguishable from those in APTEL's CPL Wind Farms judgment as referred to by the Petitioner.

4. After hearing the learned senior counsel and learned counsel for the parties for some time, the Commission directed that the matter be listed for further hearing.

5. The matter remained part-heard and will be listed for the hearing on **19.11.2026**.

By order of the Commission

Sd/-

(T.D. Pant)

Joint Chief (Law)