

# GATI - विधि

-LAW IN ACTION



## Legal Updates

**APTEL observes that power of relaxation cannot be exercised to claim benefits not contemplated by the Regulation**

In its order dated 20.03.2025, passed in Appeal No. 124 of 2021, titled Siddhayu Ayurvedic Research Foundation Pvt. Ltd. v. Maharashtra State Electricity Distribution Company Ltd. & Ors., the Appellate Tribunal for Electricity (“**APTEL**”) has observed that the provisions of ‘Banking’ under the MERC Distribution Open Access Regulations, 2019 (“**DOA Regulations**”) cannot be temporarily relaxed to allow the adjustment of the Appellant's banked units from April 2020 in the consumer bills of July 2020. The DOA Regulations explicitly limit banking to 10% of actual generation per month. Any relaxation beyond this cap would contradict the regulations' intent and legal provisions.

The Tribunal further observed that granting relaxation to the Appellant would create inequity and set a precedent undermining the uniform application of regulations. Other generators under similar circumstances could also seek relief, leading to regulatory uncertainty.

Therefore, while upholding the order of the Commission and dismissing the Appeal, the Tribunal held that the power to relax regulations has to be exercised judiciously and cannot override statutory provisions. The Appellant's request exceeds the permissible scope of relaxation under the regulatory framework. The Appellant could have utilized options like selling excess energy on MSEDCL's online portal for wind generators. This alternative was available to the Appellant, however the same was not availed.

The Ministry of Power (**MoP**), vide notification dated 21.03.2025, has issued 'Supplementary Guidelines for payment of compensation in regard to Right of Way for transmission lines' (“**Supplementary Guidelines**”). The Supplementary Guidelines are an addition to the 'Guidelines for payment of compensation in regard to Right of Way for transmission lines' (“**RoW Guidelines**”) dated 14.06.2024.

**MoP issues  
Supplementary Guidelines  
for payment of  
compensation in regard to  
Right of Way for  
transmission lines**

The Supplementary Guidelines pertain to assessment of market rate of land for the purpose of payment of right of way ("RoW") compensation for laying inter-state transmission system ("ISTS") lines.

The salient features of the Supplementary Guidelines are as follows:

1. The Supplementary Guidelines will be applicable to only those ISTS lines wherein landowners have objected to compensation for RoW because of the circle rates of land being lower than the market rates.
2. These guidelines will apply to those states wherein the state governments have yet to specify the manner of determination of market value of land. The state governments have the discretion to either adopt the Supplementary Guidelines in their entirety or notify with changes.
3. The market rate land will be determined by the Market Rate Committee ("MRC").
4. For the valuation of land, MRC will appoint two valuers empanelled with the Insolvency and Bankruptcy Board of India. These two valuers will be nominated by the transmission service provider ("TSP") and the other by the representative of landlords.
5. If the difference in the market rates of the two valuers is less than 20%, then the average of the two values will be considered. If the difference is more than 20%, MRC may negotiate the reference market rate. If the negotiations fail, MRC shall engage a third valuer and the average of two closest values will be considered as the market rate.
6. The professional fee of the valuers will be borne by the TSP and will form part of the RoW compensation cost. The compensation for tower base shall be as per RoW Guidelines.
7. The compensation for RoW corridor shall be as follows:
  - 30% of land value in rural areas.
  - 60% of land value in municipal corporations and metropolitan areas notified by the state government.
  - 45% of the land value in case of municipalities, nagar panchayat and other urban planning areas notified by the state government.
8. The market rate is payable within one month from the date of application by the TSP.
9. In case the actual RoW compensation paid by the TSP differs from the base RoW compensation for ISTS under the competitive bidding guidelines, the same shall be eligible to pass through under 'Change in Law' by the Central Electricity Regulatory Commission.

The Supplementary Guidelines can be accessed from the following [link](#).

**MERC has directed  
MSEDCL to welcome  
suggestions from the  
general public towards  
making its web portal for  
the applications for  
Virtual Net Metering  
more interactive**

MERC (Grid Interactive Rooftop Renewable Energy Generating Systems) (Second Amendment) Regulations, 2024 ("Regulations") allows residential consumers in multi storied buildings to opt for Virtual Net Metering ("VNM") facility however, MSEDCL had not provided the facility of applying for the same through the web-based portal. In Case No. 222/2024 titled "*Brookhill Co-op Housing Society Ltd. v. Maharashtra State Electricity Distribution Co. Ltd.*", the Petitioner pointed out that MSEDCL's portal was not user friendly, MSEDCL assured MERC that the required modifications will be undertaken. MSEDCL has made detailed presentation on the portal, MERC vide order dated

On 11.03.2025, MERC noted that the online portal should be compliant with all the provisions, simple and easily accessible. In view of the same, MERC directed MSEDCL to make a detailed presentation on the web portal developed. Vide Order dated 19.03.2025, it has directed MSEDCL to welcome suggestions from general people towards making its web-based portal for Virtual Net Metering ("VNM") applications more interactive.

**CSERC invites  
suggestions / objections on  
the Petition filed by the  
Chhattisgarh State Power  
Distribution Co. Ltd.  
(CSPDCL) for approval of  
the Power Sale Agreement**

The Chhattisgarh State Electricity Regulatory Commission ("CSERC"), vide Public Notice dated 18.03.2025, has invited objections and suggestions on the Petition filed by the Chhattisgarh State Power Distribution Co. Ltd. for approval of the Power Sale Agreement executed with NTPC Ltd. for procurement of 300 MW hybrid power from 1500 MW ISTS connected wind-solar hybrid power projects.

**(PSA) executed with NTPC Ltd.**

Interested parties can submit their objections and suggestions by 24.03.2025 to the Secretary, CSERC. CSERC has also notified that the public hearing with respect to the same will be held on 27.03.2025 at 11.30 A.M. in the Commission's Court Room.

**APERC has invited objections from all the stakeholders to the 4 Nos. Amended Power Purchase Agreements for aggregate capacity of 400 MW between the Southern Power Distribution Company A.P. Ltd. and M/s Axis Energy Ventures India Pvt. Ltd.**

The Southern Power Distribution Company A.P. Ltd. ("**APSPDCL**") filed a Petition bearing OP No. 91/2024 titled "*APSPDCL v. M/s Axis Energy Ventures India Pvt. Ltd.*" seeking consent for 4 Nos. of Power Purchase Agreement for aggregate capacity of 400MW ("**PPAs**").

The APSPDCL filed 4 Nos. draft Amended PPAs on 13.03.2025 to demonstrate the Bundling, Balancing and Banking (BBB) Scheme. APERC, vide Public Notice dated 17.03.2025, has extended the time to submit the objections till 25.03.2025 and the time to file replies to the objections till 30.03.2025.

The public hearing on will be conducted on 04.04.2025 at 11 A.M. in the APERC's Court Hall, Kurnool both in person and online mode, for which the link will be provided 1 day before the scheduled hearing. The Public Notice can be accessed from the following [link](#) and the draft amended PPA's can be accessed from the following [link](#).

**APERC is offering a one-time surcharge waiver of the consumption charges for FY 2024 – 25 under the 'One-Time-Settlement scheme' as a special case for all the Government Departments / Bodies subject to the arrears being paid in full on or before 17.04.2025**

The Andhra Pradesh Electricity Regulatory Commission ("**APERC**") is offering a one-time surcharge waiver of the current consumption charges for FY 2024 – 25 under the 'One-Time-Settlement scheme' as a special case for all the Government Departments / Bodies, subject to the arrears being paid in full on or before 17.04.2025 ("**OTS scheme**").

The Government of Andhra Pradesh has informed APERC that it is prioritising clearing the pending current consumption charges of all Government Departments / Bodies. In view of the same, the Government requested APERC to waive all the surcharges imposed on the Government Departments / Bodies due to delays in payment of current consumption charges. For the FY 2024 – 25, the total current consumption charges due from the Government are Rs. 4782.33 crores, consisting of principal of Rs. 3176.52 crores and delayed payment surcharge of Rs. 1605.80 crores.

APERC has agreed to waive the surcharge to improve the cash flows of DISCOMS and financial performance and to get a better rating from the Government of India, which will help in the future to get borrowings at lower interest rates from financial institutions.

DISCOMS can write letters to all the Government Departments / Bodies informing them about the APERC's decision and requesting them to avail this benefit. The amounts realised under the OTS scheme are required to be communicated to APERC within 2 weeks from 17.04.2025 i.e., the end of the OTS scheme.

The notice of APERC on surcharge waiver can be accessed from the following [link](#).

**RERC Approves ₹3.04/kWh Tariff for 5,000 MW Solar Power Under PM-KUSUM Scheme**

The Rajasthan Electricity Regulatory Commission ("**RERC**"), in Petition No. RERC/2292/2025, has approved a pre-fixed levelized tariff of ₹3.04/kWh for 5,000 MW of solar power under Component-A of the PM-KUSUM scheme. The petition was filed by Jaipur Vidyut Vitran Nigam Limited ("**JVVNL**") on behalf of Ajmer Vidyut Vitran Nigam Limited ("**AVVNL**") and Jodhpur Vidyut Vitran Nigam Limited ("**JdVVNL**").

The approved Power Purchase Agreement ("**PPA**") tenure is 25 years, with all projects required to be commissioned by December 2025. The tariff was determined based on financial and technical parameters, including a capital cost of ₹2.69 crore/MW and a 17% Capacity Utilization Factor ("**CUF**").

During the public consultation process, stakeholders raised concerns regarding capital costs, project viability, and grid stability. In response, Discoms defended the tariff as competitive with rates in other states and aligned with prevailing market trends.

RERC directed Discoms to conduct grid studies, explore energy storage solutions (**ESS**), and maximize the benefits of Performance-Based Incentives (**PBI**) to ensure system stability and cost efficiency. The approved tariff will serve as the ceiling price in cases where bidding is required. Additionally, Discoms must monitor market conditions and uphold transparency in project execution to safeguard consumer interests and optimize renewable energy integration.

The Order passed by Rajasthan Electricity Regulatory Commission (**RERC**), in Petition No. RERC/2292/2025 can be accessed from the following [link](#).

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