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-LAW IN ACTION



Legal Updates

MoC invites comments / suggestions on review of the notification procedure prescribed under Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957

The Ministry of Coal (“**MoC**”) has, vide Notice No. 43015/18/2025-LAIR dated 18.11.2025, invited comments / suggestions on review of the notification procedure prescribed under Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (“**the Act**”) within 15 days of the notice.

MoC has observed that a substantial number of cases pending before tribunals constituted under Section 14 of the Act relate to disputes concerning land titles and the key contributing factor is the current practice where the land-acquiring Public Sector Undertakings (PSUs) only indicate the broad boundary and the plot / khasra numbers falling within such boundary at the time of issuing the notification under Section 7 of the Act, without specifying the names of the title-holders. In the absence of the same, land titles are not frozen at the time of the notification, resulting in subsequent changes in land records, coupled with the traditional weaknesses in land record management. The same leads to avoidable delays and hardships for land losers in securing compensation and related entitlements.

MoC has also noted that there is now considerable scope to obtain plot-wise details and names of recorded title-holders from the revenue authorities prior to issuing notifications under Section 7 of the Act with the availability of improved digital land records, GIS-based mapping, and technology-enabled land verification systems. The same would, along with the introduction of the Coal Land Acquisition and Management Portal (CLAMP), enhance transparency, procedural consistency and efficiency across all land-acquiring entities.

The notice can be accessed [here](#).

The Appellate Tribunal for Electricity (“**APTEL**”) vide its judgment dated 17.11.2025 in *M/s Interocean Shipping Company v. Maharashtra State Electricity Distribution Company Ltd.* and Others [Review Petition No. 27 of 2025] has affirmed that the wind generator will be entitled to

APTEL reaffirms it's earlier judgement that wind generator will be entitled to compensation from MSEDCL from the date when it had submitted its case for registration with Maharashtra Energy Development Agency

compensation from MSEDCL from the date when it had submitted its case for registration with Maharashtra Energy Development Agency ("MEDA").

The review petition was filed by a wind power generator seeking reconsideration of the Tribunal's earlier judgment dated 02.05.2024, which had allowed the appeal and granted compensation for electricity injected into the grid from a 0.85 MW wind turbine located in Kolhapur, Maharashtra. The compensation had been awarded from the date on which the generator applied for registration with the MEDA.

The review petitioner had filed the appeals basis the decisions of APTEL in Greenko Maha Wind Energy Private Limited vs. Maharashtra State Electricity Regulatory Commission and Ors. [Appeal No. 103 of 2021] and Bothe Windfarm Development Private Limited versus Maharashtra Electricity Regulatory Commission & Ors. [Appeal No. 119 of 2020] wherein it was held that MSEDCL was liable to pay compensation to the generators for the power injected from the date of the commissioning of the power projects.

The Tribunal noted that as per the provisions of RE Policy, 2015 issued by the Government of Maharashtra, it was mandatory from the wind power projects established under the said policy to get registered with MEDA. In the judgment under review, the Tribunal had noted that registration granted by MEDA to petitioner's wind power project in 2019 would relate back to the date when the petitioner had submitted its application for registration of the project in 2015. Accordingly, in the light of the same, the petitioner was held entitled to tariff for the electricity generated and injected by it into the grid from the date on which it fulfilled all the eligibility requirements i.e. the date on which it had applied to MEDA for registration.

Although the Tribunal noted that Appeal No. 103 of 2021 and Appeal No. 119 of 2020 involved similar fact situation, it also observed that in these cases the Tribunal had not taken into account the fact that unless and until the wind turbine generators applied and obtained registration from MEDA as required under the RE policy, they cannot be stated to have fulfilled the eligibility criteria. It was acknowledged that the Tribunal had erred in holding the wind power producers in those judgements entitled to compensation from the date of their commissioning and not from the date of their registration with MEDA.

Accordingly, the APTEL noted that it did not want to perpetuate the error committed in the said two judgments and held that the petitioner in the instant case cannot be held entitled to compensation from the date of the commissioning of wind power project and has rightly been held entitled to compensation from the date when it had submitted its case for registration with MEDA.

CERC passes Suo Motu Order on GST reduction for Renewable Energy Devices

The Central Electricity Regulatory Commission ("CERC"), through its suo motu Order dated 04.11.2025 in Petition No. 13/SM/2025, has directed renewable energy generating companies and distribution licensees to pass on the benefit arising from the reduction in Goods and Services Tax ("GST") pursuant to Notification No. 9/2025–Central Tax (Rate), dated 17.09.2025. Under this notification, the Ministry of Finance has reduced the GST rate applicable to renewable energy devices and parts for their manufacture from 12% to 5%, effective 22.09.2025, resulting in a direct decrease in project costs for ongoing and upcoming RE projects.

CERC has held that this reduction in GST constitutes a 'Change in Law' event under power purchase agreements ("PPAs"), requiring corresponding tariff adjustments. The revised 5% GST rate will apply to all projects where the bid submission date is prior to 22.09.2025, but where either (i) the invoice for goods or services is raised on or after 22.09.2025, or (ii) payment for such goods or services is received and tax is paid on or after that date.

To ensure accurate implementation, CERC has emphasised that generators must demonstrate a clear one-to-one correlation between each project, the goods or services procured, and the invoices issued by suppliers. All claims must be supported by auditor-certified documentation, enabling proper reconciliation with the procuring DISCOM before the matter is brought to the CERC for Change in Law approval.

CERC also emphasised upon Section 171 of the GST Act, 2017, which contains anti-profiteering provisions mandating that any reduction in tax rates or benefits from input tax credit must be passed on to the recipient through commensurate price reductions.

The order requires all RE generating stations and the concerned DISCOMs to first consider and reconcile the impact of the GST reduction at their level and reflect the benefit through the necessary adjustments or refunds in the monthly tariff or charges, as applicable. They may thereafter approach the Commission for determination, in accordance with the relevant provisions of the PPAs and the Electricity (Timely Recovery of Costs due to Change in Law) Rules, 2021, read with Section 63 of the Electricity Act, 2003. CERC Order can be accessed [here](#).

The Bihar Electricity Regulatory Commission (“BERC”) on 11.11.2025 has issued the draft BERC (Consumer Grievance Redressal Forum, Electricity Ombudsman and Consumer Advocacy) (4th Amendment) Regulations, 2025, proposing significant revisions to the existing Consumer Grievance framework under the BERC (Consumer Grievance Redressal Forum, Electricity Ombudsman and Consumer Advocacy) Regulations, 2017 for electricity consumers in Bihar. The proposed amendment primarily focuses on Regulation 2.2, Regulation 2.4(a)(i), Regulation 2.4(a)(ii) and Regulation 2.15, with the objective of improving accessibility, procedural clarity, and operational efficiency by strengthening the structure and functioning of Consumer Grievance Redressal Forums (“CGRFs”).

A major reform under Regulation 2.2 is the compulsory establishment of a CGRF at the company level, in addition to existing forums at the supply circle and subordinate levels. Under the revised provision, grievances that remain unresolved for 45 days at the sub-division, division, circle-level CGRF, or if the consumer is dissatisfied with the decision, they may escalate the matter to the company-level CGRF before approaching the Ombudsman. The draft regulations further requires distribution companies to implement a digital grievance platform with automatic escalation of pending complaints once the 45-day period lapses.

Amendments to Regulation 2.4(a)(i) and 2.4(a)(ii) introduce changes to the leadership and qualification framework of CGRF members. The Chairperson company-level CGRF must now be an officer not below the rank of Chief Engineer, while other forums will continue to be headed by an officer of at least Electrical Executive Engineer (“EEE”) level. Additionally, the eligibility requirements for the second member have been strengthened, requiring an officer of Superintending Engineer rank for company-level forums. To encourage more qualified and independent participation, Regulation 2.15 revises the remuneration payable to the independent member from Rs. 45,000 to Rs. 75,000 per month.

BERC has noted that these amendments align with the Electricity (Rights of Consumers) Rules, 2020 and are intended to enhance consumer experience and ensure faster dispute resolution. The Commission has invited comments, objections, and suggestions from stakeholders until 10.12.2025, with a public hearing scheduled on 16.12.2025 at 11:30 AM. BERC Regulations can be accessed [here](#).

The Telangana Electricity Regulatory Commission (“TGERC”) has, vide public notice dated 15.11.2025, invited comments / suggestions / objections to the Draft TGERC (Framework for Resource Adequacy) Regulation, 2025, which lays down a comprehensive mechanism to ensure that the State maintains sufficient and reliable generation capacity to meet future electricity demand.

The draft framework spans long, medium, and short-term planning horizons and mandates a structured approach to demand forecasting, capacity credit calculation, procurement planning, and compliance monitoring. The key elements of the Draft Regulation include rigorous demand assessment using AI-enabled forecasting tools, a 10-year rolling Long-Term Distribution Resource Adequacy Plan (LT-DRAP), mandatory Planning Reserve Margins tied to CEA-prescribed reliability standards, and clear obligations on the Distribution Companies (“DISCOMS”) to demonstrate 100% tie-up for the immediate year and at least 90% for the subsequent year.

The Draft Regulation also outlines the optimal mix of long, medium, and short-term power procurement sources, promotes renewable energy and storage integration in line with the national Renewable Purchase Obligation (“RPO”) and storage targets, and requires real-time operational cells within the DISCOMS for intra-day power management.

The comments / suggestions / objections can be submitted by 06.12.2025.

**BERC issues Draft
(Consumer Grievance
Redressal Forum,
Electricity Ombudsman
and Consumer Advocacy)
(4th Amendment)
Regulations, 2025**

**TGERC has invited
comments / suggestions /
objections to the Draft
TGERC (Framework for
Resource Adequacy)
Regulation, 2025**

The Public Notice and the Draft Regulation can be accessed [here](#).

TGERC has invited comments / suggestions / objections to the Draft First Amendment to the TGERC (Terms and Conditions of Open Access) Regulation, 2024

TGERC has, vide public notice dated 15.11.2025, invited comments / suggestions / objections to the Draft First Amendment to the TGERC (Terms and Conditions of Open Access) Regulation, 2024. The amendment has introduced two targeted changes aimed at aligning the framework of the State with the national Renewable Energy Certificate (“REC”) procedures and operational requirements.

The amendment proposes the following:

- i. modification to Clause 14.11 to clarify that any energy injected into the licensee’s network, from the date of grant of Green Energy Open Access (“GEOA”) till the date of submission of the wheeling agreement, will be treated strictly as inadvertent power with no entitlement to energy charges, and
- ii. revision to Clause 33.5 to enable Renewable Energy Generating Stations, not only GEOA consumers, to claim RECs for unutilised banked energy, in line with NLDC’s clarification and Clause 7.2(e) of the CERC REC Procedure, 2024.

The comments / suggestions / objections can be submitted by 06.12.2025.

The Public Notice and the Draft Regulation can be accessed [here](#).

TGERC notifies the TGERC (Rooftop Solar PV Grid Interactive Systems) Regulation, 2025

TGERC has issued the TGERC (Rooftop Solar PV Grid Interactive Systems) Regulation, 2025, which is a complete overhaul of the earlier 2016 net-metering framework. The Regulation would come in effect from the date of its publication in the Telangana Gazette.

The Regulation introduces four parallel mechanisms for the consumers i.e., Net Metering, Group Net Metering (GNM), Gross Metering, and Virtual Net Metering (VNM). Each of these mechanisms have a clear eligibility criteria, capacity limits, and settlement methodologies.

The key elements of the Regulation include permitting net metering up to 500 kWp, gross metering up to 1 MWp, and GNM/VNM for capacities below 100 kWp, along with exemptions from banking charges, cross-subsidy surcharge, and additional surcharge for specified arrangements. The Regulation prescribes transformer-level and feeder-level capacity caps of 50%, mandates CEA-compliant technical standards, and defines transparent energy accounting rules tying settlement rates to the lowest solar tariff discovered by TGDISCOMS in the previous financial year.

The Regulation also streamlines application timelines, imposes strict SoP-linked compensation for delays, and provides for RPO crediting based on generation data or a normative 4 kWh/kW/day where data is unavailable.

The Regulation can be accessed [here](#).

TGERC amends the Time-of-Day tariff structure for FY 2025 – 26 for TGSPDCL and TGNPDCL to reflect cost trends and grid conditions

TGERC has passed an Order dated 15.11.2025 whereby it has approved amendments to the Time-of-Day (ToD) tariff structure for FY 2025 – 26 for the Southern Power Distribution Company of Telangana Limited (TGSPDCL) and Northern Power Distribution Company of Telangana Limited (TGNPDCL).

The revised framework removes the existing Rs. 1.50/unit night-time rebate (10 PM to 6 AM) and replaces it with a zero-differential (₹0/unit) incentive, while continuing the ₹1/unit surcharge during peak hours (6 AM to 10 AM and 6 PM to 10 PM) across key HT categories such as HT-I(A), HT-II(A), HT-II(B), HT-III, and HT-IX.

The analysis of the Commission, supported by detailed power purchase cost charts and load curves, shows that night-time power procurement has become significantly costlier due to reliance on thermal and market purchases, whereas daytime hours now experience surplus availability supported by nearly 10,800 MW of solar Power Purchase Agreements and higher contracted generation.

TGERC has noted that continuing the Rs. 1.50/unit rebate would create a projected combined revenue outflow of approximately Rs. 1,025 crores for TGDISCOMs, ultimately increasing future tariffs through true-up adjustments.

After evaluating stakeholder objections, industry-impact concerns, DSM implications, and procurement data, TGERC concluded that withdrawing the night incentive is necessary to avoid avoidable deficits and to encourage gradual load realignment toward cheaper solar-daytime hours.

The order can be accessed [here](#).

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