

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
Civil Appeal Nos 252-256 of 2024

Gujarat Urja Vikas Nigam Limited

.... Appellant(s)

Versus

Gujarat Electricity Regulatory Commission & Anr etc

....Respondent(s)

ORDER

1 We find no error in the judgment of the Appellate Tribunal for Electricity¹ rejecting the plea of the appellant for a set off under Order VIII Rule 6 of the Code of Civil Procedure 1908.

2 It is not in dispute that:

(i) The debentures were not issued by the second respondent, but were issued by an ILFS Group Company. In other words, the second respondent has no privity with the issuance of the debentures; and

(ii) The entities which issued the debentures were distinct juristic personalities and in respect of whom there would be no jurisdiction under the provisions of the Electricity Act 2003.

3 In this view of the matter, we are not inclined to interfere with the impugned order of APTEL. The appeals are dismissed. While dismissing the appeals, we clarify that this will not preclude the appellant from pursuing its remedies in accordance with law in respect of the debentures which are stated to be outstanding.

1 “APTEL”

4 Pending application, if any, stands disposed of.

.....CJI.
[Dr Dhananjaya Y Chandrachud]

.....J.
[J B Pardiwala]

.....J.
[Satish Chandra Sharma]

New Delhi;
January 25, 2024
-S-

ITEM NO.25

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).252-256/2024

GUJARAT URJA VIKAS NIGAM LIMITED

Appellant(s)

VERSUS

GUJARAT ELECTRICITY REGULATORY COMMISSION & ANR. ETC Respondent(s)

(FOR ADMISSION and IA No.6426/2024-STAY APPLICATION)

Date : 25-01-2024 These appeals were called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE SATISH CHANDRA SHARMA

For Appellant(s) Mr. CA Sundaram, Sr. Adv.
Mr. MG Ramachandran, Sr. Adv.
Ms. Hemantika Wahi, AOR
Mr. Anand Ganesan, Adv.
Ms. Ranjitha Ramachandran, Adv.
Ms. Jesal Wahi, Adv.
Ms. Srishti Khindaria, Adv.

For Respondent(s) Mr. Shyam Divan, Sr. Adv.
Mr. Sanjay Sen, Sr. Adv.
Mr. Parinay Deep Shah, Adv.
Mr. Shikha Ohri, Adv.
Mr. Sudipto Sircar, Adv.
Ms. Neha Dabral, Adv.
Ms. Ruth Elwin, Adv.
Mr. Kartik Sharma, Adv.
Mr. Annam Venkatesh, AOR
Mr. Rahul Mishra, Adv.
Mr. Dhuli Shiva Shankar, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 The appeals are dismissed in terms of the signed order.
- 2 Pending application, if any, stands disposed of.

**(SANJAY KUMAR-I)
DEPUTY REGISTRAR**

**(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR**

(Signed order is placed on the file)