

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. 1395 OF 2026

IN
CIVIL APPEAL NO. 4495 OF 2025

**SOUTHERN POWER DISTRIBUTION COMPANY OF
ANDHRA PRADESH LTD & ANR. ...APPELLANT(S)**

VERSUS

**GREEN INFRA WIND SOLUTIONS LTD.
AND ORS.RESPONDENT(S)**

IN THE MATTER OF:

GREEN INFRA WIND SOLUTIONS LTD. ...APPLICANT

ORDER

1. Andhra Pradesh Electricity Regulatory Commission (APEREC), by its order dated 28.07.2018 held that incentive amounts payable towards the Generation Based Incentive (GBI) are to be taken into account for determining tariff of the generating company such as the first respondent herein. Appeal filed by first respondent was allowed by the Appellate Tribunal for Electricity (APTEL) and by its judgement dated 19.12.2024 the appellant, a distribution company was directed to “*refund the amounts representing the GBI benefit, illegally recovered from the respondent, along with simple interest at 12 per cent per annum.*”

2. While admitting appellant’s appeal, we had as an interim measure directed as under on 28.04.2025:-

“1. This appeal is against the judgment and order of the Appellate Tribunal for Electricity (APTEL) in Appeal No. 284 of 2018 dated 19.12.2024.

2. Appeal is admitted.

3. As an ad-interim measure, pending disposal of the appeal, the appellant (Southern Power Distribution Company of Andhra Pradesh Ltd) shall deposit Rs. 49.87 crores before this Court within three weeks from today. Upon such deposit, there shall be stay of the impugned order. The amount so deposited shall be invested in an interest bearing Fixed Deposit, in a nationalised bank, on auto-renewal basis....”

3. Office report dated 26.07.2025, indicates that pursuant to our order, appellant had deposited an amount of Rs. 49.87 crores and it is invested in an interest bearing Fixed Deposit in UCO Bank.

4. Pending disposal of the appeal, large number of generating companies intervened/impleaded themselves before this Court as they were interested in the principle of law that had fallen for consideration.

5. We heard all parties and by our final judgment and order dated 25.03.2026 we dismissed the appeal. As a consequence, the amount deposited were to be disbursed to the generating company such as the first respondent. However, as number of generating companies had impleaded themselves, we directed that the amount be transferred to APTEL for disbursement after due verification and calculation .

6. Learned counsel have expressed some procedural difficulties about transferring the amount into the account of APTEL. The present application is moved by the first respondent with a request, either to

permit them to withdraw the amount deposited by furnishing bank guarantee, or in the alternative to direct the amount deposited in this Registry of this Court to continue till APTEL finally determines the quantum and the party in whom the amount deposited is to be released.

7. Having considered the matter and in view of the difficulties expressed by the learned counsels, we direct that the amount of Rs. 49.87 crores deposited in the Registry of this Court, invested in an interest bearing Fixed Deposit in UCO Bank be continued till such time APTEL decides upon the amount and party in whose favour the amount is to be released. The amount deposited shall be released after APTEL issues necessary directions.

8. With this clarification and direction, the Miscellaneous Application stands disposed of.

.....J.

[PAMIDIGHANTAM SRI NARASIMHA]

.....J.

[ALOK ARADHE]

**NEW DELHI;
MAY 8, 2026.**

ITEM NO.22

COURT NO.6

SECTION XVII

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

RECORD OF PROCEEDINGS

Miscellaneous Application No. 1395/2026 in C.A. No. 4495/2025

[Arising out of impugned final judgment and order dated 25-03-2026 in C.A. No. No. 4495/2025 passed by the Supreme Court of India]

SOUTHERN POWER DISTRIBUTION COMPANY OF
ANDHRA PRADESH LIMITED & ANR.

Petitioner(s)

VERSUS

GREEN INFRA WIND SOLUTIONS LIMITED & ORS.

Respondent(s)

FOR ADMISSION

IA No. 124312/2026 - APPROPRIATE ORDERS/DIRECTIONS

Date : 08-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) :Mr. Yelamanchili Shiva Santosh Kumar, Adv.
Mr. Rudrajit Ghosh, Adv.
Mr. Tarun Gupta, AOR

For Respondent(s) :Mr. Maninder Singh, Sr. Adv.
Mr. Vishrov Mukerjee, Adv.
Mr. Pratyush Singh, Adv.
Mr. Damodar Solanki, Adv.
Mr. Deepak Thakur, Adv.
Ms. Nishtha Kumar, AOR

Mr. Mohit Sharma, Adv.
M/s Dua Associates, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. The Miscellaneous Application stands disposed of in terms of the Signed Order.
2. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
ASSTT. REGISTRAR(NSH)

(Signed Order is placed on the file)