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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 1208/2024, CM APPL. 73377/2024 & CM APPL. 11114/2025

GLOBAL ENERGY PRIVATE LIMITEDAppellant
Through: Mr. Pratibhanu Singh Kharola, Mr.
Usman Ali Khan and Mr. Sriharikiran
Gottipati, Advocates

versus

CENTRAL ELECTRICITY REGULATORY COMMISSION
.....Respondent
Through: Ms. Pritha Srikumar Iyer and Ms.
Mansa Shukla, Advocates for R-1.
Mr. Vineet Kumar, Advocate for R-2.

+ LPA 18/2025 & CM APPL. 1424/2025

GLOBAL ENERGY PRIVATE LIMITEDAppellant
Through: Mr. Pratibhanu Singh Kharola, Mr.
Usman Ali Khan and Mr. Sriharikiran
Gottipati, Advocates

versus

CENTRAL ELECTRICITY REGULATORY COMMISSION
.....Respondent
Through: Ms. Pritha Srikumar Iyer and Ms.
Mansa Shukla, Advocates for R-1.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
09.12.2025

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1. Present Letters Patent Appeals have been filed assailing the order dated 09.09.2024 passed by the learned Single Judge in writ petitions bearing W.P.(C) 9243/2019 and W.P.(C) 9259/2019 whereby the appellant has been relegated to the alternate and efficacious remedy available to it under Section



111 of the Electricity Act, 2003 before the Appellate Tribunal for Electricity (APTEL).

2. After some arguments, learned counsel for the parties are *ad idem* on the proposition that the matters be remitted to the learned Single Judge to be decided on merits, in view of the ratio laid down by the Hon'ble Supreme Court in ***Ghanashyam Mishra & Sons Private Limited vs. Edelweiss Asset Reconstruction Co. Ltd. & Ors.***, (2021) 9 SCC 657 and reiterated by this Court in ***Union of India vs. OCL Iron and Steel Limited***, LPA 964/2024 decided on 22.10.2024. Learned counsel for CERC states that the infraction of Regulations by the Corporate Debtor which is now taken over as “ongoing concern”, may not be covered by the ratio laid down in ***Ghanashyam Mishra (supra)*** and may be considered by the learned Single Judge. It is directed accordingly.

3. The learned Single Judge is requested to hear and decide the matters on merits. The issue as to whether certain aspects of the matter are covered under the provisions of Section 31 of the Insolvency and Bankruptcy Code, 2016 are kept open for the parties to raise and the learned Single Judge is requested to consider those on their own merits.

4. Since the appellant has been granted interim order dated 27.08.2019 in the underlying writ petitions bearing W.P.(C) 9243/2019 and W.P.(C) 9259/2019 which has continued till date, keeping in view the fact that the core issue of applicability of the ratio of ***Ghanashyam Mishra (supra)*** is one of the aspects to be considered by the learned Single Judge, we deem it appropriate to direct the continuance of interim order till the learned Single Judge hears the matter afresh.

5. Needless to observe that we have not made any observations on the merits of the matter. Rights and contentions of all the parties are kept open to be considered by the learned Single Judge.



6. Accordingly, the appeals stand disposed of alongwith pending applications.

DEVENDRA KUMAR UPADHYAYA, CJ

TUSHAR RAO GEDELA, J

DECEMBER 9, 2025