

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO. _____ OF 2026
(@ DIARY No. 44209 OF 2026)

in

CIVIL APPEAL Nos. 8449-8450 OF 2026

M/S TARINI INFRASTRUCTURE LTD

Applicant(s)/
Appellant(s)

VERSUS

GUJARAT URJA VIKAS NIGAM LTD & ORS.

Respondent(s)

O R D E R

1. The present Miscellaneous Application has been filed for clarification of our order dated 21.07.2026 with the following prayer :-

"Clarify the order dated 21.07.2026 passed in Civil Appeal No. 8449-8450 of 2026 in a manner that the issue of Capacity Utilization Factor is remanded back to the Ld. GERC in order to consider the same afresh, based on nominal/actual parameters, after carrying out prudence check, in terms as stated in the present application."

2. After hearing learned counsel appearing for the applicant, we clarify that the APTEL has remitted back the matter to the Gujarat Electricity Regulatory Commission [GERC] for conducting the prudence check

with respect to (a) capacity cost of the project and
(b) higher cost for construction of transmission line.

3. The issue of prudence check with respect to
Capacity Utilization Factor (CUF) is not to be
adjudicated before the GERC.

4. With this clarification, this Miscellaneous
Application stands disposed of.

5. We make it clear that we have not expressed any
opinion on the merits of the matter. It is for the
GERC to take up and dispose of the issues before it.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
JULY 31, 2026.

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

MISCELLANEOUS APPLICATION Diary No(s). 44209/2026

[Arising out of impugned final judgment and order dated 21-07-2026 in C.A. No. No. 8449/2026 21-07-2026 in C.A. No. No. 8450/2026 passed by the Supreme Court of India]

M/S TARINI INFRASTRUCTURE LTD

Petitioner(s)

VERSUS

GUJARAT URJA VIKAS NIGAM LTD & ORS.

Respondent(s)

IA No. 214030/2026 - CLARIFICATION/DIRECTION

Date : 31-07-2026 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. Sanjay Sen, Sr. Adv.
Mr. Hemant Singh, Adv.
Mr. Sourav Roy, AOR
Mr. Lakshyajit Singh Bagdwal, Adv.
Ms. Alchi Thapliyal, Adv.
Ms. Pragya Gupta, Adv.
Ms. Mahima Srivastava, Adv.
Ms. Roberta Ruth Elwin, Adv.
Ms. Neha Dabral, Adv.

For Respondent(s) :

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

1. The Miscellaneous Application is 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)

