



## Abhishek Munot

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### Practice Areas

Disputes

### Sectors

Energy – Power & Hydrocarbon

Transport & Logistics

Construction and Engineering

Financial Services & Insolvency

### About

Abhishek is a part of Disputes group of JSA and anchors the Regulatory Practice of JSA in Western India. Abhishek handles sector specific commercial litigation, arbitration constitutional & administrative law litigation and regulatory proceedings before statutory authorities, tribunals and courts. He regularly appears before these fora. He regularly advises clients on grappling with legal and constitutional issues involving public policy, market economics, technology, finance et al [Major Clients:- Tata Power Group, Adani Power, Essar Power, Torrent Power, Shapoorji Pallonji Group, Nayara, Ultratech Cements, Infosys, ReNew, Continumm Energy, Resurgent Power Ventures Pte etc].

### Experience

Abhishek has anchored various path-breaking and unprecedented matters in the energy sector encompassing the entire gamut of generation, distribution, transmission, trading, consumer related issues, EPC contracting, insolvency, arbitrations etc. having wide sectoral implications.

Some of these matters include: -

**Generation (Conventional/ Non-conventional): -**

- Advising and appearing on behalf of various generating companies before various fora, in matters pertaining to grant of Compensatory Tariff to the generating companies (having PPAs under Section 63 of the Electricity Act) to offset the losses incurred by them on account of increased price of imported (Indonesian) coal and non-availability of domestic coal etc. The outcome of the litigation resulted in the Supreme Court [Energy Watchdog v. CERC & Ors. reported as (2017) 14 SCC 80] upholding the “regulatory powers” of the Regulatory Commission to intervene and grant relief to affected parties, otherwise not available to them under the Power Purchase Agreement and the Competitive Bidding Guidelines notified by the Central Government.
- Advising and appearing on behalf of a Wind Generator before the Hyderabad High Court, challenging APERC’s Order dated 28.07.2018, permitting deductions (retrospectively) by State Discoms to the extent of GBI benefits made available under the Central Govt’s Policy, 2009.
- Advising and appearing on behalf of a Solar Power Plant, situated in Maharashtra seeking extension of control period on account of occurrence of force majeure events preventing timely commission of the plant.
- Advising Wind Power Generators in Maharashtra against the wind zone reclassification sought by MSEDCL to reopen tariff retrospectively.
- Advising and appearing on behalf of Wind Generators, seeking compensation on account of additional capital expenditure incurred by it on account of installing Low Voltage Ride Through (LVRT) in wind turbines.
- Advising and appearing in a dispute relating to payment of Parallel Operation Charges to the Distribution/ Transmission Licensee by a Captive Generating Plants in the State of Gujarat.
- Appearing on behalf of various generating companies in their change in law claims before Central Electricity Regulatory Commission (“CERC”)/ State Electricity Regulatory Commissions (“SERC”) and the Appellate Tribunal, amongst others pertaining to introduction of GST and other duties, taxes and levies, compensation on account of retrofit of equipment by thermal power plants to meet the revised MoEFCC emission norms et al.
- Advising and appearing on behalf of a generating company before the Supreme Court of India on complex issues relating to evacuation of power and transmission charges to be paid by a generating company, connected to the intra-regional grid, as a beneficiary of the same.
- Advising generating companies on various issues pertaining to commercial operation, competitive bidding for supply of electricity, evacuation of power and role of RLDC’s, termination of PPA, establishment of Payment Security Mechanism, Amendment of PPA, et al.
- Advising and representing the Resolution Professional of Sai Wardha Power Generation Limited – first resolution of a stressed thermal asset in the country.
- Advising and representing the Committee of Creditors of Lanco Teesta Hydro Power Limited

**Distribution: -**

- Grant of parallel distribution licence in Mumbai City and Suburban Area and successfully defending various challenges to such grant before various fora.

- Advising and appearing on behalf of a parallel distribution licensee qua establishing of principles of laying parallel distribution network and migration of consumers in Mumbai.
- Advising and appearing on behalf of distribution licensee in relation to the group CPP model adopted by stakeholders.
- Advising and appearing on behalf of a distribution licensee qua challenge to sub-ordinate legislations framed by the SERCs.
- Advising and appearing on behalf of a distribution licensee qua tariff determination.

**Transmission and Trading: -**

- Advising various clients on issues pertaining to Long Term Open Access, payment/ sharing of Transmission Charges, relinquishment of Open Access et al.
- Advising clients on various issues relating to cross-border trade of electricity.

**Consumer related Issues: -**

- Advising on various aspects re. Open Access, Cross-Subsidy Surcharge, Additional Surcharge, Regulatory Asset Charges, Wheeling charges, segregation of distribution system and transmission system, rebate on tariff payable by the consumers, payment of electricity duty, renewable purchase obligations, etc.
- Structuring of Group Captive Models.
- Setting up of platforms for providing energy solutions to different consumers.

**Memberships**

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Bar Council of Maharashtra & Goa

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Bombay Bar Association

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**Education**

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BSL, LLB-ILS Law College, Pune

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**Languages Spoken**

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English

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Hindi

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Marathi

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Marwari

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