



ALOK SHANKAR

Designation: Partner

Alok.Shankar@sarafpartners.com

Expertise: Dispute Resolution, Regulatory, Projects Energy & Infrastructure

Education: B.A. LL.B., National Law Institute University, Bhopal

Bar Admission: Bar Council of Delhi

Award:

Recognised as '**Recommended Lawyer**' for Projects & Energy practice by the Legal 500 Asia-Pacific Rankings 2024

Overview: Alok Shankar, is a Partner in the Projects, Energy & Infrastructure, Regulatory and Litigation practice at the Delhi Office.

With over 14 years of experience, his expertise lies in regulatory and general disputes in power sector, mining, aviation and disputes relating to contractual agreements / constitutional rights.

Alok regularly advises clients on relation to commercial disputes on diverse issues in the infrastructure sector and in relation to power projects (both renewable and conventional), including drafting and negotiating power purchase agreements, reviewing EPC contracts for the plant, structuring ownership of captive power plants, acquisition of transmission assets, advising lenders and investors in relation to proposed debt and equity investment respectively in various power projects, etc.

Alok has also advised on government policy and regulatory issues in the context of power sector, oil and gas sector and mining sector. He regularly appears before the Hon'ble Supreme Court of India, various High Court, Appellate Tribunal for Electricity, Electricity Commissions, PNGRB and arbitral tribunals.

Experience: An illustrative list of matters handled by Alok is as below:

- Representing **PGCIL** in a dispute with DNH Power Distribution Corporation Ltd in relation to liability to pay tariff for commissioned line due to MSETCL not having completed its scope.

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- Advised **GMR Warora** in relation to change in law petition filed by MSEDCL before MERC, APTEL and SC.
 - Advised **MPPMCL** on a dispute in relation to interpretation of contracted capacity and entitlement of scheduling power from generating station of Jaypee Power Ventures Limited before MPERC, APTEL and SC.
 - Advising and representing **Tata Power Delhi Distribution Limited** before the DERC, APTEL and SC in relation to Disputes between various Gencos as well as Transco in terms of the PPA and transmission agreements inter alia including Sasan, NTPC, NHPC, PGCIL, DVC, North Karanpura Transmission Company Limited
 - Advising **Deloitte Touche Tohmatsu Limited** in its capacity as CIRP on regulatory issues of: (A) Lanco Group Companies; and (B) South East UP Power Transmission Company Limited (SEUP). The scope includes drafting of pleadings, advising on strategy and representing the: (A) Lanco Group Companies before APERC; and (B) SEUP before UPERC.
 - Advised and represented **Orange Renewable** in a dispute before MPERC on issues inter alia relating to non-payment of tariff invoices;
 - Advised and represented **Siemens Gamesa** in CERC on the issue of transferability of connectivity and priority to bidders who have already been awarded projects pursuant to competitive bidding;
 - Advising **MPERC** on various appeals filed by generators on the issue of applicability of DSM Regulations;
 - Advised and represented **Essar Power Limited** before GERC, APTEL and SC on the issue of wrongful deductions of amounts due under the PPA;
 - Advised **Trading Licensees (part of Essar Group)** in relation to day to day issues and compliances before CERC and modification of category of license;
 - Advising and representing **CERC** on tariff appeals filed by generators before APTEL
 - Advised and **Essar Power MP Limited** before CERC on the liability for UI charges during the period when the plant was not operational due to unavailability of coal.
 - Advised **Essar Power MP Limited** on the issue of relinquishment charges due from the LTA not utilised by the generating company.
 - Advised **GMR Energy** on appeals filed on issue of determination of compensation in terms of Section 11 of the Electricity Act;
 - Advised and represented **GMR Vemagiri** in relation to recovery of forgone capacity charge before APERC and CERC;
 - Advising and representing **Welspun Urja Gujarat (P) Limited**, Green Infra Solar Energy Limited, Azure Power (Haryana) Private Limited and Palace Solar Energy (P) Limited before the GERC in a matter filed by distribution licensee pertaining to downward revision of tariff and reopening of PPAs consequent to the same before GERC, APTEL and Supreme Court.

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- Advised **GMR Power** in before TNERC and SC in relation to issues arising out of credit period granted by fuel supplier on the tariff charged by the generating company;
 - Advising and representing **a captive generating entity of Hindalco Industries Limited** before the Hon'ble Appellate Tribunal in a matter pertaining to determination of wheeling charges for transmission of power.
 - Advising and representing **MPERC** in relation to captive status of generating company which has contracted part capacity with Discoms before APTEL and SC.
 - Represented **GMR Energy, GVPGL** and **Tata Power Delhi** in ship or pay charge dispute before PNGRB.
 - Advising and representing Kudgi Transmission **Limited (L&T Company)** in relation to tariff revision of the ISTS project awarded through TBCB route before CERC.
 - Advising and representing **EPTCL** in relation to tariff determination and appeal for various lines being developed by them before CERC and APTEL.
 - Advising and representing **MP Discoms** against: (A) Indian Railways on the issue of levy of additional surcharge and cross subsidy surcharge on consumption in its area of supply, and (B) captive generating stations on the issue of levy of additional surcharge on captive consumption.
 - Represented **Powergrid Corporation of India** in relation to appeals by Transmission Licensee for impact of change in law on timeline and cost of construction.
 - Advising and representing **Jamshedpur Utilities and Services Company** Ltd before the Appellate Tribunal for Electricity on the scope of the Hon'ble Tribunal's Appellate powers in respect of an order rejecting a review Regulatory Commission for adjudication of certain disputes with Punjab State Power Corporation Limited.