

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 115 of 2025 & IA No. 435 OF 2025 & IA No. 436 OF 2025 & IA
No. 437 OF 2025

Dated: 14th July, 2025

Present : Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Ms. Seema Gupta, Technical Member (Electricity)

In the matter of:

Tamil Nadu Generation and Distribution Corporation Limited Appellant(s)

Versus

Tamil Nadu Electricity Regulatory Commission & Anr. Respondent(s)

Counsel on record for the Appellant(s) : Anusha Nagarajan
for App. 1

Counsel on record for the Respondent(s) :
for Res. 1

Hemant Singh
Mridul Chakravarty
Biju Mattam
Sourav Roy
Supriya Rastogi Agarwal
Ankita Bafna
Lakshyajit Singh Bagdwal
Chetan Kumar Garg
Nehul Sharma
Harshit Singh
Lavanya Panwar
Alchi Thapliyal
Sanjeev Singh Thakur
Indrayudh Chowdhury
Devansh Pundir
for Res. 2

ORDER

IA No. 435 OF 2025

(for condonation of delay in filing the appeal)

This application is filed to condone the delay of 400 days in filing the appeal challenging the common order dated 29.12.2023 passed in TA No. 29 of 2022 and batch. In the said IA, the Appellant herein stated that, subsequent to passing of the impugned order on 29.12.2023, the Petitioners before the TNERC were divided into several categories; 29 generators, against whom appeals were to be filed, were identified; since the Petitions filed by these 29 generators was decided by way of a common judgment, decision was initially taken to file a single appeal, accordingly Appeal No. 181 of 2024 was filed on 02.04.2024 and, subsequently, another Appeal No. 205 of 2024 was filed on 15.04.2024; on being advised that separate appeals have to be preferred for each generator, a batch of 27 appeals were filed in June 2024; it was only during the last week of February 2025, it came to light that the Appellant had inadvertently failed to file an appeal with respect to the 2nd Respondent herein, who is one of the generators, and consequently the delay had occasioned.

While we would have, ordinarily, rejected the application to condone this inordinate delay of 400 days in filing the appeal, bearing in mind that the statutorily prescribed time limit for an appeal to be preferred under Section 111 (2) is 45 days, and that Section 111 (5) obligates this Tribunal to endeavor to dispose of the appeals within 180 days of its institution, Ms. Anusha Nagarajan, learned Counsel for the Appellant, would draw our attention to the Judgment of the Supreme Court in “Southern Power

Distribution Company of Telangana Limited vs CERC (Judgment in CA No. 6714 of 2022 dated 20.10.2023) wherein the Supreme Court had observed that in cases where, against the very same impugned order, other appeals were pending before the appellate Tribunal and the question of law involved in the appeals was required to be considered uniformly in all the appeals, the appeal filed belatedly should also receive consideration on merits.

As the delay in filing the appeal in the said case was condoned by the Supreme Court on this ground, we are bound by the said judgment and must necessarily condone the delay on this ground.

That does not mean that the Appellant should be let scot free since, even for condonation of delay of one year, we have been uniformly imposing costs of up to Rs. 2 lakhs. In these circumstances, we consider it appropriate to condone the inordinate delay of 400 days in filing the appeal *albeit* on condition that the Appellant pays cost of Rs. 2 lakhs (Rupees two lakhs only) to the Central Transmission Utility of India Limited (CTUIL) within four weeks from today, and files proof of payment in the Registry within two weeks thereafter. The delay is condoned subject to compliance with the aforesaid directions.

Needless to state that, in case the aforesaid costs are not paid within four weeks from today and an affidavit of proof of payment is not filed in the Registry within two weeks thereafter, the application, for condonation of delay in filing the appeal, shall stand dismissed automatically, and the Appeal shall stand rejected. The I.A. is, accordingly, disposed of.

The Appellant shall also intimate the CTUIL of the Appeal No. and the date of the Order, in terms of which costs are being paid.

IA No. 437 of 2025
(for exemption from impleading parties)

This IA is filed seeking exemption from impleading the officers' of the Appellant who were arrayed as respondents in the Petition filed before the Commission. The Appellant is exempted from impleading its own officers as party respondents in this appeal.

The IA is, accordingly, disposed of.

IA No. 436 of 2025
(for interim relief)

Post this application for hearing on **25.09.2025.**

(Seema Gupta)
Technical Member (Electricity)

(Justice Ramesh Ranganathan)
Chairperson

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