

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 177 of 2025 & IA No. 830 OF 2025 & IA No. 829 OF 2025

Dated: 10th July, 2025

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

In the matter of:

Chamundeshwari Electricity Supply Corporation Ltd Petitioner(s)
Versus

Adani Green Energy (UP) Limited & Ors. Respondent(s)

Counsel on record for the Petitioner(s) : Sumana Naganand
Garima Jain
Nidhi Gupta
Tushar Kanti Mohindroo
Arnav Khanna
Vismaya Simha
for App. 1

Counsel on record for the Respondent(s) : Poonam Verma Sengupta
Sakshi Kapoor
Gayatri Aryan
Saunak Kumar Rajguru
Rajesh Jha
Shubham Bhut
Pradyumn Sharma
for Res. 1

Shubhranshu Padhi
Ekansh Sisodia
for Res. 2

ORDER

IA-830/2025

(For condonation of delay in filing the review petition)(334 days)

Heard Mr. S. Sriranga, Learned Counsel appearing on behalf of the
Applicant-Appellant.

While the delay as computed by the Registry is 321 days, it does appear that the Appellant had approached the Supreme Court against the earlier order passed by this Tribunal in Appeal No. 181 of 2022 dated 14.05.2024; and the Supreme Court by its order dated 17.02.2025, after recording the submissions of the Learned Senior Counsel that there were certain factual errors in the impugned judgment, granted the Petitioner herein limited liberty to approach this Tribunal and seek review on the factual errors, if any, that had occurred within the limited parameters of review for an error apparent on the face of the record.

As long as the review petition is confined to factual aspects which constitute an error apparent, the delay in invoking the review jurisdiction must necessarily be computed from the date of the order of the Supreme Court, and not from the date of the original order passed by this Tribunal. Consequently, if the delay is computed from 17.02.2025 till 13.05.2025, ie the actual date of filing the present review petition, the delay would be around 55 days.

The explanation furnished for the delay of 55 days is of administrative reasons which, in our view, does not constitute “sufficient cause” for condonation of delay. As the delay, in filing the appeal in the present case, is of 55 days, we deem it appropriate to condone the delay on condition that the Applicant-Appellant pays costs of Rs.20,000/- (Rupees Twenty thousand only) to the Central Transmission Utility of India Limited (CTUIL) within three weeks from today, and files proof of payment in the Registry within one week thereafter. Subject to compliance with the aforesaid directions, the delay is condoned.

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 IA 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-829/2025

(For exemption from filing certified copy of impugned order)

Since certified copy have been filed in Review Petition DFR No. 159 of 2025, the Review Petitioner is exempted from filing a certified copy in the present review petition. The IA is allowed and is, accordingly, disposed of.

DFR-177/2025

Ms. Poonam Verma Sengupta, Learned Counsel for the first Respondent, seeks three weeks' time to file reply. Time, as sought for, is granted. Rejoinder, if any, shall be filed within two weeks' thereafter.

After the pleadings are complete, Registry to verify and then post the matter before Court-2, whose order is now sought to be reviewed.

(Seema Gupta)
Technical Member (Electricity)
mk/dk

(Justice Ramesh Ranganathan)
Chairperson