COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 193 of 2025 & IA No. 860 OF 2025

Dated: 11th July, 2025

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

In the matter of:

Damodar Valley Corporation .... Appellant(s)

Versus

West Bengal Electricity Regulatory Commission .... Respondent(s)

Counsel on record for the Appellant(s) : Shri Venkatesh
Siddharth Nigotia
Indu Uttara
Akash Lamba
Mohit Gupta
Harsh Vardhan
Ashutosh Kumar Srivastava
Mohit Mansharamani
Shivam Kumar
Aniket Kanhaua
Ananya Dutta
Kanika Chugh
Kartikay Trivedi
Shryeshth Ramesh Sharma
Abhishek Nangia
Kunal Veer Chopra
Vedant Choudhary
Nihal Bhardwaj
Manu Tiwari
Aashwyn Singh
Adarsh Singh
Suhael Buttan
Priya Dhankar
Vineet Kumar
Surbhi Kapoor
Tanishka Khatana

Nikunj Bhatnagar
Tarang Saraogi
Manav Bhatia
Drishti Rathi
for App. 1

Counsel on record for the Respondent(s) : C.K. Rai
Anuradha Roy
Vinay Kumar Gupta
for Res. 1

ORDER

IA No. 860 OF 2025

(for condonation of delay in filing the appeal)

While the delay in filing the appeal as pointed out by the Registry is 446 days, Mr. Shri Venkatesh, learned Counsel for the Appellant, would submit that, if the period spent in prosecuting the Review Petition is excluded, then the delay is of around 8 days. The order impugned in this appeal was passed on 11.01.2024, against which, the Appellant had preferred the Review Petition before the WBERC within the statutorily prescribed period of 60 days. The said Review Petition was eventually dismissed on 24.03.2025 and the present appeal has been filed on 16.05.2025. Ordinarily, the period spent in prosecuting the Review Petition is required to be excluded in computing the delay in filing the appeal. If so excluded, the delay must be computed from the date of the review order ie from 24.03.2025. Excluding the 45 days period prescribed for filing the appeal, the delay if computed from 24.03.2025 would be of around 8 days. The delay of 8 days in filing the appeal is condoned and the IA is disposed of.

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Mr. Shri Venkatesh, learned Counsel for the Appellant, states that since certain objectors had filed their objections before the Commission, the Appellant would take out a public notice making the general public aware that an appeal has been preferred against the impugned order. Proof of publication shall be filed in the Registry within four weeks.

Six weeks' time is granted to file reply. Rejoinder, if any, may be filed within four weeks thereafter.

After pleadings are complete, Registry to verify the same, and then include the Appeal in the **'List of Finals'** to be taken up from there, in its turn.

(Seema Gupta)
Technical Member (Electricity)

(Justice Ramesh Ranganathan)
Chairperson

ts/tc