COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 221 of 2025 & IA No. 962 OF 2025

Dated: 4th August, 2025

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

In the matter of:

Power Transmission Corporation of Uttarakhand Limited	....	Appellant(s)
Versus		
Uttarakhand Electricity Regulatory Commission	....	Respondent(s)

Counsel on record for the Appellant(s)	:	Shankh Sengupta Abhishek Kumar Nived Veerapaneni Karan Arora Shubham Mudgil for App. 1
Counsel on record for the Respondent(s)	:	C.K. Rai Anuradha Roy Vinay Kumar Gupta for Res. 1

ORDER

IA-962/2025
(For condonation of delay in filing the Appeal) (395 days)

While the delay, as recorded by the Registry, is of 395 days in filing the appeal, Mr. Abhishek Kumar, Learned Counsel appearing on behalf of the Applicant-Appellant, would submit that a portion of this period was spent by the Appellant in prosecuting the review petition. The

impugned order in this appeal was passed on 28.03.2024, a copy of which the Appellant claims to have received only on 27.04.2024. The Applicant filed the review petition on 20.06.2024 within the stipulated period of 60 days for filing the review petition. The said review petition was dismissed on 21.08.2024, and the present appeal came to be filed on 11.06.2025. The delay, computed from 21.08.2024 till the appeal was filed, is of around 209 days. The explanation furnished for this delay is that the Appellant apprehended, based on the earlier orders of the Commission, that their subsequent tariff orders would also not be decided the moment they filed an appeal; it in such circumstances that they refrained from filing an appeal against the impugned order dated 28.03.2024; and it is only after the subsequent orders were passed on 11.04.2025 that they filed the present appeal.

This explanation, in our view, does not does not constitute “sufficient cause” for condonation of delay since it is based on mere apprehension and nothing more. We are, however, of the view that as the delay, in filing the appeal in the present case, is of 209 days, the delay should be condoned on condition that the Applicant-Appellant pays costs of Rs.1,00,000/- (Rupees One Lakh 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. 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.

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Mr. Abhishek Kumar, Learned Counsel for the Appellant undertakes to have publication of the filing of this appeal caused in two leading newspapers one in English and other in Hindi informing the public at large that they have preferred an appeal against the tariff order passed by the Uttarakhand Electricity Regulatory Commission dated 28.03.2024

Reply shall be filed within six weeks and rejoinder shall be filed within four weeks thereafter.

After pleadings are complete, Registry to verify 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

mk/dk