

COURT- 1

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

DFR No : 2279 of 2019 & IA No. 1658 OF 2019

Dated: 16th December, 2019

**Present: Hon'ble Mrs. Justice Manjula Chellur,Chairperson
Hon'ble Mr. S.D. Dubey,Technical Member(Electricity)**

In the matter of:

E.I.D - Parry (India) Limited

.... Appellant(s)

Versus

Tamil Nadu Electricity Regulatory Commission & Anr.

.... Respondent(s)

Counsel for the Appellant(s) : Anand K. Ganesan
Swapna Seshadri For App1

Counsel for the Respondent(s) : For Res1

ORDER

IA NO. 1658 OF 2019

(Appl. for condonation of delay in filing the appeal)

1. This is an Application seeking for the Condonation of Delay of 196 days in filing the Appeal as against the Impugned Order dated 04.01.2019 passed in MP No.10 of 2018 by the Tamil Nadu Electricity Regulatory Commission.

The prayer of Applicant/Appellant as follows:-

- a. Condone the delay of 196 days which has occurred in filing the appeal against the order dated 04.01.2019 passed by the Tamil Nadu Electricity Regulatory Commission in MP No. 10 of 2018.
- b. Pass such other order(s) or directions(s) which this Tribunal may deem fit and proper.

2. It is submitted by the Applicant/Appellant that the delay in the filing of the present appeal is due to the bona fide reasons.

3. The Impugned Order was not communicated to the Appellant, but was uploaded on the TNERC website on 08.01.2019. The Appellant is party to the impugned order and also member of an Association which is a party to the said proceedings, viz. SISMA (South India Sugar Mills Association).

4. SISMA, on behalf of its members including the Appellant herein, was corresponding with TANGEDCO and it was believed that a correct interpretation would be adopted and POC would not be levied on the Appellant and other similarly placed entities. However, the TANGEDCO has been levying POC in the current consumption bills of the Appellant.

5. Aggrieved by the exorbitant demand towards parallel operation charges in terms of the Impugned Order, the Applicant/Appellant decided to challenge the Impugned order by filing an appeal. Thereafter, the Applicant/Appellant immediately approached the counsel for seeking legal opinion in the last week of June, 2019.

6. Applicant/Appellant submitted that subsequently, the counsel of the Appellant examined the relevant documents and drafted the appeal, which was forwarded to the Applicant/Appellant in the first week of July, 2019. Thereafter, the Applicant/Appellant verified the Appeal and applications and the signed versions were sent to the counsel for the Appellant for filing in the Tribunal.

7. We have heard the learned counsel appearing for Applicant/Appellant.

8. In view of the submissions made by the learned counsel appearing for the Applicant/Appellant and after perusal of the reasoning given in the application explaining the delay in filing the Appeal, we find it satisfactory as sufficient cause has been shown in the application. The same is accepted and the delay in filing the Appeal is condoned. The IA is allowed.

9. The IA Being IA No. 1658 of 2019 stands disposed of.

DFR NO. 2279 OF 2019

Registry is directed to number the appeal.

List the matter on IA for hearing on **18.12.2019**.

S.D. Dubey
Technical Member(Electricity)

Justice Manjula Chellur
Chairperson