

COURT-1

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

DFR No : 2301 of 2019

Dated: 8th February, 2021

**Present: Hon`ble Mrs. Justice Manjula Chellur,Chairperson
Hon`ble Mr. Ravindra Kumar Verma,Technical Member(Electricity)**

In the matter of:

NTPC Limited

.... Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel on record for the Appellant(s) : Anand K. Ganesan
Swapna Seshadri
Ritu Apurva

Mr. Geet Rajan (Vakalatnama not filed)
Mr. Aditya Hridaya Dubey (Vakalatnama not filed) For
App1

Counsel on record for the Respondent(s) : For Res1

Amit Kapur
Poonam Verma
Aparajita Upadhyay
Sidhant Kaushik
Saunak Kumar Rajguru
Adishree Chakraborty For Res2

Sitesh Mukherjee
Aryaman Saxena
Harneet Kaur
Arjun Agarwal
Abhishek Kuma For Res20

ORDER

Proceedings of this matter are conducted through video conferencing.

IA NO. 1751/2019

(Application for condonation of 959 days' delay in filing the Appeal)

Heard Mr. Basava Prabhu S. Patil, learned senior counsel arguing for the Appellant and Mr. Amit Kapur, learned counsel appearing for Respondent No. 2 - transmission licensee. The main reason for delay in filing the Appeal seems to be that both the parties had filed Review Petitions before the Respondent-Commission hoping that the Order of the Commission would be modified to the extent they had sought for in the Review Petitions. Apparently, the Review Petition filed by the transmission licensee was allowed while the Review Petition filed by the Appellant was dismissed by a common order.

The fact remains that the original impugned order is modified to an extent sought by the transmission licensee in the Review Petition. However, the original impugned order pertaining to the disadvantage of the Appellant remains the same.

Mr. Amit Kapur, learned counsel appearing for transmission licensee submits that in the light of the original impugned order being intact so far as the stand of the Appellant, the amounts which are due from the Appellant at least has to be paid. At this stage we need not go into the said issue, since this is only a condonation of delay application in filing the Appeal. If any such amounts are due, the Respondent - transmission licensee is at liberty to file an application seeking necessary direction, if any.

In that view of the matter, we condone the delay of 959 days in filing the Appeal. The IA is allowed.

IA NO. 1953/2019

(Application for exemption from filing certified copy of the impugned order)

The application is rejected. The Appellant shall file certified copy of the impugned order within three weeks.

DFR NO. 2301/2019

The Respondents shall file reply, if any within two weeks i.e., on or before 22.02.2021 with advance copy to the other side. Thereafter, the Appellant shall file rejoinder, if any within one week i.e., on or before 01.03.2021 with advance copy to the other side.

Registry is directed to number the Appeal and list the matter for admission on **12.03.2021 (through video conferencing)**.

Ravindra Kumar Verma
Technical Member(Electricity)

Justice Manjula Chellur
Chairperson