COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 256 of 2025 & IA No. 1108 OF 2025

Dated: 11th November, 2025

Present: Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Mr. Ajay Talegaonkar, Technical Member (Electricity)

In the matter of:

Mayfair Renewable Energy (I) Private Limited	....	Appellant(s)
Versus		
Hubli Electricity Supply Company Ltd. & Anr.	....	Respondent(s)

Counsel on record for the Appellant(s)	:	Prerna Priyadarshini for App. 1
Counsel on record for the Respondent(s)	:	Shahbaaz Husain V.M. Kannan Stephania Pinto K Sumanth Gowda Fahad Khan Donik Anna Sindhu G Koushik Diksha Pherwani Insha Fatima for Res. 1

ORDER

IA NO. 1108 OF 2025
(For condonation of delay of 354 & 40 days in filing the Appeal)

While the delay in filing this Appeal, as computed by the Registry is of 354 days, Ms. Prerna Priyadarshini, Learned Counsel for the Appellant, would submit that, if the period spent in prosecuting the review petition is excluded, then the delay is only of 40 days.

The order, under appeal, was passed on 12.06.2024, aggrieved by which the Appellant filed a review petition before the Commission on 24.08.2024. The said review petition was dismissed by order dated 22.04.2025; and the present appeal was filed on 16.07.2025.

Ordinarily, the period spent by the Appellant 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 which the review petition is dismissed on 22.04.2025 and, since the appeal was filed on 16.07.2025, the delay in filing the appeal is of 40 days.

Two objections are raised, to the application for condonation of delay, by Mr. Fahad Khan, Learned Counsel for the 1st Respondent. Firstly, the order passed in the review petition is a summery order and is not an order on merits. Secondly, in the light of Order 47 Rule 7 CPC, no appeal lies against an order rejecting the review petition.

In so far as the first contention that a summary dismissal order was passed in the review petition is concerned, a bare reading of the review order would show that the Commission had, in Paragraph 6 thereof, examined the rival contentions and has assigned elaborate reasons for holding against the review petitioner. The review petition was dismissed on the ground that the order passed by the Commission earlier did not suffer from an error apparent on the face of the record.

In so far as the other contention with respect to Order 47 Rule 7 CPC is concerned, Mr. Fahad Khan, Learned Counsel for the 1st Respondent is justified in contending that no appeal can be filed against an order dismissing the review petition. It is precisely for this reason that the Supreme Court, in *DSR Steel Pvt. Ltd. v. State of Rajasthan [(2012 6 SCC 782]*, has held that, on the review petition being dismissed, it is open to the review petitioner to file an appeal against the original order and, ordinarily, the period spent in prosecuting the review petition is required to be excluded. The afore-said judgment of the Supreme Court was subsequently followed in *Rahimal Bathu v. Ashiyal Beevi [(2023 SCC OnLine SC 1226]*.

Both the objections, to the appeal being entertained on the period spent by the Appellant in prosecuting the review petition being excluded, necessitate rejection. The delay of 40 days from the date on which the review petition is dismissed is not so inordinate as to non-suit the Appellant on this score. The delay is condoned and the application is disposed of.

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Reply shall be filed by the Respondents within six weeks and rejoinder, if any, shall be filed within four weeks' thereafter. After pleadings are complete, and after verification by the Registry, let this Appeal be included in the '**List of Finals**', to be taken up from there, in its turn.

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

tpd/mks