COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 261 of 2025 & IA No. 1867 OF 2025 & IA No. 1890 OF 2025 & IA No. 1121 OF 2025 & IA No. 1885 OF 2025

Dated: 3rd February, 2026

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

In the matter of:

Andhra Pradesh Power Development Company Limited (APPDCL)	....	Appellant(s)
Versus		
Andhra Pradesh Electricity Regulatory Commission & Ors.	....	Respondent(s)

Counsel on record for the Appellant(s) : S. Vallinayagam for App. 1

Counsel on record for the Respondent(s) : for Res. 1

ORDER

IA No. 1121 of 2025
(for condonation of delay of 2285 days in filing the appeal)

The order impugned in this Appeal was passed on 02.03.2019 and the present appeal was filed only on 18.07.2025. The justification furnished for the delay, is firstly that the review proceedings were pending. The Review Petition is said to have been filed on 29.07.2019, and is said to have been disposed of on 08.04.2021.

Mr. S. Vallinayagam, Learned Counsel for the Appellant, would then submit that, in terms of the suo motu order passed by the Supreme Court, the covid period is required to be excluded in computing the delay. If so

excluded, then the delay is required to be computed not from 08.04.2021 when the Review Petition was dismissed, but from 01.03.2022, since the order of the Supreme Court extended the period of limitation up to 28.02.2022.

Even if the delay were to be computed from 01.03.2022, the delay in filing the present appeal would be of more than 3 years, 4 months and 15 days. The justification furnished for this delay is that the State Govt had insisted on the Appellant entering into concessionaire agreement to convert its non-performing assets, and this process took time. This justification has no connection whatsoever with the filing of the appeal against the impugned order.

While we have been extremely liberal in condoning the delay in filing appeals, with a view to enable parities to have their appeal adjudicated on its merits, we have, consistently, confined condonation of delay in filing appeals, without valid justification or sufficient cause, for a period of upto one year by imposing costs ranging from Rs. 20,000/- to Rs. 2,00,000/. We have, consistently, been refusing to condone the delay in filing the appeal beyond one year, bearing in mind that Section 111(5) of the Electricity Act requires us to dispose of the appeal within 180 days of its institution.

From the date the Review Petition was dismissed, the delay in filing the appeal in the present case exceeds 3 years 4 months and 15 days. While we may not be understood to have held that, even in cases where sufficient cause is shown for the delay, the delay shall not be condoned, we are not satisfied with the justification furnished for the inordinate delay in filing the present appeal in the present case of nearly three and a half years, and are

of the view that it does not constitute sufficient cause for condonation of delay.

The application, seeking condonation of delay, is dismissed and the appeal stands rejected. All other IAs stands dismissed.

Ajay Talegaonkar Technical Member (Electricity)	Justice Ramesh Ranganathan Chairperson

sk/kns