IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

COURT I

IA NOS. 1608 & 1014 OF 2022 IN
DFR NO. 263 OF 2022 &
IA NO. 145 OF 2023

Dated: 16.02.2023

Present: Hon'ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member

In the matter of:

Rajasthan Urja Vikas Nigam Limited .... Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors. .... Respondent(s)

Counsel for the Appellant(s) : Ms. Neha Garg
Ms. Kritika Khanna
Ms. Shivani Verma

Counsel for the Respondent(s) : Ms. Sakshi Kapoor for R-2

Ms. Anushree Bardhan
Ms. Shrishti Khindariya
Ms. Tanya Sareen for R-3

ORDER

IA NO. 1608 OF 2022

[For condonation of delay in re-filing Appeal]

The delay of 72 days in re-filing this Appeal is attributed to the dispute regarding the power of the officer to authorize the officer who signed the vakalatnama. As the delay of 72 days is not so inordinate as to deny the Appellant a hearing on merits, the delay is condoned and the application is disposed of.

IA NO. 1014 OF 2022

[For condonation of delay in filing Appeal]

This application is filed seeking condonation of delay of 373 days in preferring the appeal. While the original order under the Appeal is dated 13.05.2021, the Appeal was filed on 15.07.2022. The Order of the

Supreme Court, extending the period of limitation on account of the Covid-19 pandemic, covers the period from 15.03.2020 till 28.02.2022. In cases where the limitation period expired during this period, a further period of 90 days has been granted by the Supreme Court to avail their legal remedies, which in the present case, is the appeal before us. Consequently, the delay must be computed from 30.05.2022 till the appeal was filed on 05.07.2022. This Tribunal is closed for summer recess in June each year which, in the present case, commenced three days after 29.05.2022. Since this Tribunal reopened on 01.07.2022, the delay, if at all, is for a negligible period of around a week. Despite the vehement opposition of Ms. Sakshi Kapoor, learned Counsel for the 2nd Respondent, we are satisfied that the delay is not so inordinate as to necessitate denial to hear the Appeal on its merits. The delay in filing the Appeal is condoned and the application is, accordingly, disposed of.

IA NO. 145 OF 2023

[For amendment to memo of parties]

This application is filed to amend the memo of parties because of a change in their address. The amendment is allowed.

The Appellant shall file an amended memo of parties in the Registry within two weeks.

The application is disposed of.

DFR NO. 263 OF 2022

It is stated that replies have already been filed. Ms. Neha Garg, learned Counsel for the Appellant, seeks two weeks' time to file rejoinder. Time, as sought for, is granted. She may file the rejoinder on or before 02.03.2023 with advance copy to the other side.

After pleadings are complete, and after verification by the Registry, let this Appeal be included in the '**List of Finals of Court-II**' to be taken up from there, in its turn.

(Sandesh Kumar Sharma)
Technical Member

(Justice Ramesh Ranganathan)
Chairperson

tpd/vt/dk