

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 266 of 2025 & IA No. 301 OF 2026 & IA No. 302 OF 2026 & IA
No. 1317 OF 2025 & IA No. 1316 OF 2025

AND

DFR No : 267 of 2025 & IA No. 300 OF 2026 & IA No. 303 OF 2026 & IA
No. 1313 OF 2025 & IA No. 1312 OF 2025

Dated: 19th February, 2026

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

DFR No : 266 of 2025 & IA No. 301 OF 2026 & IA No. 302 OF 2026 & IA
No. 1317 OF 2025 & IA No. 1316 OF 2025

In the matter of:

BSES Yamuna Power Ltd

.... Appellant(s)

Versus

Delhi Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel on record for the Appellant(s) : Amit Kapur
Anupam Varma
Rahul Kinra
Aditya Gupta
Aditya Ajay
Girdhar Gopal Khattar
Isnain Muzamil
Adamya Ojha
Yash Srivastava
for App. 1

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

Anand K. Ganesan
Swapna Seshadri
Amal Nair
Shivani Verma
Devyani Prasad
for Res. 2

Anand K. Ganesan
Swapna Seshadri
Amal Nair

Shivani Verma
Devyani Prasad
for Res. 3

V.M. Kannan
Harimohana. N
Mayank Singh
for Res. 4

DFR No : 267 of 2025 & IA No. 300 OF 2026 & IA No. 303 OF 2026 & IA
No. 1313 OF 2025 & IA No. 1312 OF 2025

In the matter of:

BSES Rajdhani Power Ltd.

.... Appellant(s)

Versus

Delhi Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel on record for the Appellant(s) : Amit Kapur
Anupam Varma
Rahul Kinra
Aditya Gupta
Girdhar Gopal Khattar
Aditya Ajay
Adamyia Ojha
Yash Srivastava
Isnain Muzamil
for App. 1

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

Anand K. Ganesan
Swapna Seshadri
Amal Nair
Shivani Verma
Devyani Prasad
for Res. 2

Anand K. Ganesan
Swapna Seshadri
Amal Nair
Shivani Verma
Devyani Prasad
for Res. 3

V.M. Kannan
Harimohana. N
Mayank Singh
for Res. 4

ORDER

IA NOS. 1316 & 1312 OF 2025

(For condonation of delay of 2216 days each in filing the appeals)

While the delay in filing the appeal, as recorded by the Registry, is of 2216 days each, Mr. Amit Kapur, Learned Counsel for the Appellant, would submit that, if the period spent by the Appellant in prosecuting the review petition is excluded, then there is no delay.

Both the Appellants herein filed Petition Nos. 8 and 26 of 2018 before the Delhi Electricity Regulatory Commission ("DERC" for short) on 23.03.2017 and 01.03.2018 respectively. The said petitions were dismissed by the DERC by order dated 13.05.2019. On 08.07.2019, the Appellants herein filed Review Petition Nos. 59 and 60 of 2019, seeking review of the order of the DERC dated 13.05.2019. The said review petitions, though filed a little after the period of limitation of 30 days, were entertained. The DERC admitted both the review petitions by order dated 06.03.2020. The review petitions were pending before the DERC till they were eventually dismissed by order dated 05.06.2025, and the present appeals were filed before this Tribunal on 21.07.2025.

Relying on the judgments of the Supreme Court in **DSR Steel (Private) Limited vs. State of Rajasthan and Other [(2012) 6 SCC 782]** and **Rahimal Bathu vs. Ashiyal Beevi [2023 SCC OnLine SC 1226]**, as also the order of this Tribunal in **Mayfair Renewable Energy (I) Private Limited vs. Hubli Electricity Supply Company Ltd. (Judgment in DFR No. 256 of 2025 dated 11.11.2025)**, Mr. Amit Kapur, Learned Counsel for the Appellant/ Applicant, would submit that the period spent by the Appellant in prosecuting the review petition is required to be excluded in computing the delay in filing the appeal.

While Ms. Saloni Paliwal, Learned Counsel appearing for the DERC, would contend that the Appellant herein needlessly dragged on proceedings before the DERC which resulted in the inordinate delay in an order being passed by the DERC in the review petitions, Mr. V. M.

Kannan, Learned Counsel for the 4th Respondent, would submit that the review petitions themselves were filed with a delay of around 25 days each, without even filing applications to condone the delay.

Since the review petitions were admitted by the DERC on 06.03.2020, without demur or protest from the 4th Respondent, it may not be open to the 4th Respondent to now contend that the review petitions ought not to have been entertained by the DERC. In so far as the objection of the DERC is concerned, the review petitions were dismissed not on the ground that the review proceedings were unduly delayed. It is indeed disconcerting that such objection should be raised before us on behalf of the DERC when the DERC itself has chosen to pass orders in the review petition, despite the pendency of review proceedings before it for a considerable period. We find no justification in the objection taken on behalf of either the DERC or the 4th Respondent

Ms. Swapna Seshadri, Learned Counsel for the 3rd Respondent, while not objecting to the delay being condoned, would however submit that the appeals, as filed, are not maintainable. We shall examine the issue of maintainability of the present appeals later, in as much as we are now considering only the applications to condone the delay in filing the appeals.

In the light of the aforementioned judgments cited on behalf of the Appellants, ordinarily, the period spent in prosecuting the review petition is required to be excluded in computing the delay in filing the appeal. If so excluded, then the period from when the review petitions were instituted on 08.07.2019, till 21.07.2025 when the review petitions were dismissed, is required to be excluded in computing the delay in filing the appeals. If so excluded, and on excluding the 45 days limitation period under Section 111(2), then there appears to be no delay in filing the

present appeals. The applications to condone the delay are allowed and the delay, as computed by the Registry is condoned.

It is made clear that we have not examined the issue of maintainability of the appeals in the present proceedings, and the order now passed by us shall not disable Respondent Nos. 2 to 4, if they so choose, from moving an interlocutory application in challenge to the maintainability of the present appeals.

The applications are, accordingly, disposed of.

IA NOS. 1317 & 1313 OF 2025

(For condonation of delay of 37 & 33 days in refiling the appeal)

The delay of 37 and 33 days respectively in refiling the appeals are condoned. The applications are, accordingly, disposed of.

IA NOS. 301, 302, 300 & 303 OF 2026

(For condonation of delay of 8 days each in filing rejoinders)

Despite repeated reminders of the need to file pleadings within the time sought for by the Counsel themselves, requests such as these are still being made seeking further extension of time for completing pleadings. Such requests not only disable us from striving to achieve the objective of the Act to dispose of the main Appeals within the statutorily prescribed period of 180 days, but also results in needless wastage of precious court time, which can be more usefully spent in hearing Appeals on merits.

The present case is yet another instance of procrastination. We, however, see no reason to deny the Appellant an opportunity to file their rejoinders. We consider it appropriate to condone the delay on condition that the Appellant pays costs of Rs.25,000/- (Rupees Twenty-Five Thousand only) each (total Rs.1,00,000/-) to the Central Transmission Utility of India Limited (CTUIL) within four weeks, and file proof payment in the Registry within two weeks thereafter. Subject to compliance with

the aforesaid directions, the delay in filing rejoinders is condoned, and the rejoinders filed by the Appellant shall be taken on record. The applications are disposed of.

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Reply shall be filed by the Respondent 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 these Appeals be included in the '**List of Finals**', to be taken up from there for hearing, in their turn.

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

tpd/mkj