

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APL No. 249 OF 2025 & IA No. 1594 OF 2025 & IA No. 1157 OF 2025

Dated: 27th November, 2025

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

In the matter of:

Tamil Nadu Power Distribution Corporation Limited Appellant(s)

Versus

Tamil Nadu Electricity Regulatory Commission Respondent(s)

Counsel on record for the Appellant(s) : Anusha Nagarajan
for App. 1

Counsel on record for the Respondent(s) : Sethu Ramalingam
S. Shivshankari
for Res. 1

ORDER

IA NO. 1594 OF 2025

(For condonation of delay of 35 days in filing reply by R-1)

Despite repeated reminders of the need to file pleadings within the time sought for by the Counsel themselves, applications are still being filed 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 Appeal within 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 1st Respondent an opportunity to file their reply. We consider it appropriate to permit them to file reply on condition that the 1st Respondent pays costs of Rs.25,000/- (Rupees Twenty Five Thousand only) to the Central Transmission Utility of India

Limited (CTUIL) within four weeks, and file proof of payment in the Registry within two weeks thereafter. Subject to compliance with the aforesaid directions, the delay in filing reply is condoned, and the reply filed by the 1st Respondent shall be taken on record. The application is disposed of.

The 1st Respondent shall also intimate the CTUIL of the Appeal No. and the date of Order, in terms of which costs are being paid.

APPEAL NO. 249 OF 2025 & IA NO. 1157 OF 2025

While Ms. Anusha Nagarajan, Learned Counsel for the Appellant, would draw our attention to the earlier order passed by us in Appeal No. 396 of 2024 dated 08.10.2024 to contend that, like in the said Appeal which related to the year 2024-25, even in the present case, which relates to the period 2025-26, the impugned order was passed without putting the Appellant on notice and without giving them an opportunity of being heard.

When we asked Mr. Sethuramalingam, Learned Counsel for TNERC, whether or not the allegations now levelled on behalf of the Appellant were true, Learned Counsel would submit that, while it is true that the Appellant was not put on notice and was not given an opportunity of being heard, the stand of the Commission is that it is unnecessary for them to do so, since they have merely followed the order passed earlier by the Commission on 29.12.2023.

It is relevant to note that the order dated 29.12.2023 on which reliance is placed on behalf of the Commission, was stayed by this Tribunal by its order dated 30.09.2024 to the extent it related to the period subsequent to the year 2017. Since the present dispute relates to FY 2025-26, the Commission ought to have, followed the order passed by this Tribunal in Appeal No. 396 of 2024 dated 08.10.2024, and should

have put the Appellant on notice and given them an opportunity of being heard before passing the impugned order.

Suffice it in such circumstances, to follow the order passed by this Tribunal earlier in Appeal No. 396 of 2024 dated 08.10.2024, and to set aside the impugned order to the extent the Respondent-Commission had decided the issue of start-up power without putting the Appellant on notice, and without giving them an opportunity of being heard.

We make it clear that we have not interfered with the remaining part of the impugned tariff order. The Commission shall put the Appellant on notice, given them an opportunity of being heard, and thereafter pass an order afresh, on the issue of start-up power, in accordance with law. The impugned order is set aside to the limited extent indicated hereinabove. The Appeal and the IA therein stand disposed of accordingly.

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

tpd/mkj