

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 307 of 2025 & IA No. 1250 OF 2025

Dated: 27th October, 2025

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

In the matter of:

GIFT Power Company Limited Appellant(s)

Versus

Gujarat Electricity Regulatory Commission Respondent(s)

Counsel on record for the Appellant(s) : Poorva Saigal
Shubham Arya
Pallavi Saigal
Reeha Singh
Rishabh Saxena
Shirin Gupta
Harshvardhan Singh
Shree Dwivedi
for App. 1

Counsel on record for the Respondent(s) : C.K. Rai
Anuradha Roy
Vinay Kumar Gupta
for Res. 1

ORDER

IA-1250/2025

(For condonation of delay in filing the Appeal) (1725 days)

While we were initially inclined not to entertain the appeal on the ground of inordinate delay of 1725 days in filing the appeal. Ms. Shirin Gupta, Learned Counsel appearing on behalf of the Appellant, would submit that the entire period of delay is covered by the review proceedings

initiated by the Appellant; and, if the period spent by them in prosecuting the review petition is excluded, there is, in fact, no delay.

The order impugned in this appeal was passed on 09.10.2020, aggrieved by which the Appellant filed a review petition on 07.12.2020 within the statutorily prescribed period of limitation of 60 days. The review petition was eventually dismissed on 04.07.2025, and the present appeal was filed on 14.08.2025.

Ordinarily the period spent by the Appellant in prosecuting the review petition is required to be excluded in computing the delay. If so excluded, and if the period of limitation for filing the appeal is computed from 04.07.2025 when the review petition was dismissed then there is, in fact, no delay since the appeal was filed on 14.08.2025 well within the 45 days period of limitation prescribed for filing the appeal under Section 111(2) of the Electricity Act. The delay as computed by the Registry is condoned and the IA is, accordingly, disposed of.

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Reply shall be filed within six weeks and rejoinder shall be filed within four weeks thereafter.

After pleadings are complete, Registry to verify and then include the appeal in the List of Finals, to be taken up from there in its turn.

(Ajay Talegaonkar)
Technical Member (Electricity)

(Justice Ramesh Ranganathan)
Chairperson

mk/kns