

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 316 of 2025 & IA No. 1287 OF 2025

Dated: 15th January, 2026

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

In the matter of:

Tamil Nadu Green Energy Corporation Limited (erstwhile
Tamil Nadu Generation and Distribution Corporation Appellant(s)
Limited)

Versus

Tamil Nadu Electricity Regulatory Commission & Ors. Respondent(s)

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

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

Mahesh Agarwal
Rishi Agarwala
Rohan Talwar
Shashwat Singh
Naman Agarwal
for Res. 2

S. Vallinayagam
for Res. 3

ORDER

IA No. 1287 OF 2025

(condonation of delay of 333 days in filing the appeal)

The delay in filing the appeal, as computed by the Registry is of 333 days. This delay of 333 days has been computed after excluding the 45

day period of limitation stipulated under Section 111(2) of the Electricity Act.

In support of his submission that this 45 day period should also be added to the 333 days computed by the Registry, in arriving at the actual period of delay, Mr. Sajan Poovayya, Learned Senior Counsel appearing on behalf of the 2nd Respondent, would rely on “**State of Madhya Pradesh vs Ramkumar Choudhary 2024 SCC OnLine SC 3612**” more particularly to the following observations in the said judgment:

“There is one another aspect of the matter which we must not ignore or overlook. Over a period of time, we have noticed that whenever there is a plea for condonation of delay be it at the instance of a private litigant or State the delay is sought to be explained right from the time, the limitation starts and if there is a delay of say 2 years or 3 years or 4 years till the end of the same. For example if the period of limitation is 90 days then the party seeking condonation has to explain why it was unable to institute the proceedings within that period of limitation. What events occurred after the 91st day till the last is of no consequence. The court is required to consider what came in the way of the party that it was unable to file it between the 1st day and the 90th day. It is true that a party is entitled to wait until the last day of limitation for filing an appeal. But when it allows the limitation to expire and pleads sufficient cause for not filing the appeal earlier, the sufficient cause must establish that because of some event or circumstance arising before the limitation expired it was not possible to file the appeal within time. No event or circumstance arising after the expiry of limitation can constitute such sufficient cause. There may be events or circumstances subsequent to the expiry of limitation which may

further delay the filing of the appeal. But that the limitation has been allowed to expire without the appeal being filed must be traced to a cause arising within the period of limitation. (See : Ajit Singh Thakur Singh v. State of Gujarat, (1981) 1 SCC 495 : AIR 1981 SC 733)."

According to Shri Sajan Poovayya, Learned Senior Counsel, since there is no explanation for the Appellant's failure to file the appeal within the period of limitation, this period of 45 days should also be added to the delay of 333 days as computed by the Registry; and as this Tribunal has been consistently refusing to entertain appeals filed with a delay beyond one year in case no justifiable explanation or sufficient cause has been shown for the said delay, the application for condonation of delay, in the present case, must also be rejected since the delay in its entirety is of 378 days.

While fairly stating that this Tribunal has been consistently refusing to entertain appeals beyond one year in the absence of sufficient cause being shown, Ms. Anusha Nagarajan, Learned Counsel for the Appellant, would however contend that the judgment of the Supreme Court in **Ramkumar Choudhary** is inapplicable to the facts of the present case; the only explanation furnished by the Appellant for the entire period of delay is of administrative reasons; the judgment of the Supreme Court in **Ramkumar Choudhary** only requires an explanation to be furnished even for the period of limitation, in case the appeal is filed beyond the period of limitation; it does not require the said period also be added to the period of delay in reckoning the total period for which the delay had occasioned; and this Tribunal in several previous cases, while condoning the delay, had only reckoned the period of delay after excluding the period of limitation of 45 days.

While it is true that this Tribunal has been condoning delay in filing the appeal, even in the absence of sufficient cause being shown, for up to one year (excluding the period of limitation under Section 111(2) of the Electricity Act) imposing costs ranging from Rs 20,000/- to Rs. 2,00,000/- depending on the length of the delay, the orders passed by us earlier were in ignorance of the judgment of the Supreme Court in **State of Madhya Pradesh vs. Ramkumar Choudhary**. Now that the said judgment has been brought to our notice, we must necessarily abide by the law declared by the Supreme Court in the said judgment.

This Tribunal has been extremely liberal in condoning delays up to a period of one year though Section 111(5) administers a caution requiring this Tribunal to endeavour to dispose of the appeal itself within 180 days of its institution. Accepting the submission of Ms. Anusha Nagarajan, Learned Counsel, would mean that, while the Appellant can approach this Tribunal at its convenience even after say more than two or three years, Section 111(5) only requires this Tribunal to endeavour to decide the appeal, after the delay is condoned, within 180 days. Such a construction would defeat the spirit of Section 111(5) of the Electricity Act of appeals being required to be disposed of with utmost expedition.

We have been condoning delays for up to one year with a view not to deny parties an adjudication of their appeals on merits. That does not, however, mean that a party can invoke the appellate jurisdiction of this Tribunal at their convenience and for the mere asking. In the light of the law declared by the Supreme Court, in the **State of Madhya Pradesh Vs Ramkumar Choudhary**, we are of the view that, in computing the period of delay in filing appeals, we must also include this period of 45 days limitation period while determining whether or not the appeal has been filed with a delay of less than one year. We are satisfied that the present

is one such, and we must therefore express our inability to condone the inordinate and unexplained delay in filing the present appeal. The application for condonation of delay is dismissed and the appeal is rejected.

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

Sk/mg