COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 326 of 2025 & IA No. 1335 OF 2025 & IA No. 1333 OF 2025 & IA No. 1334 OF 2025

Dated: 25th November, 2025

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

In the matter of:

Madhya Pradesh Power Transmission Company Ltd	....	Appellant(s)
Versus		
Central Electricity Regulatory Commission & Ors.	....	Respondent(s)

Counsel on record for the Appellant(s) : Shri Venkatesh
Shryeshth Ramesh Sharma
Kanika Chugh
Ashutosh Kumar Srivastava
Suhael Buttan
Priya Dhankar
Vineet Kumar
Surbhi Kapoor
Tanishka Khatana
Punyam Bhutani
Nikunj Bhatnagar
Kunal Veer Chopra
Vedant Choudhary
Manav Bhatia
Drishti Rathi
Nihal Bhardwaj
Adarsh Singh
Siddharth Nigotia
Manu Tiwari
Abhishek Nangia
Mohit Mansharamani
Akash Lamba
Aashwyn Singh
Harsh Vardhan
Aniket Kanhaua
Indu Uttara
Ananya Dutta
Devishi Gupta
for App. 1

Counsel on record for the Respondent(s) : Poorva Saigal
Poorva Saigal

Shubham Arya
Pallavi Saigal
Reeha Singh
Rishabh Saxena
Shirin Gupta
Kaavya
Shree Dwivedi
for Res. 2

Anup Jain
Nishtha Goel
Ashwary Kathed
for Res. 5

Akhil Hasija
for Res. 14

ORDER

IA NO. 1335 OF 2025
For condonation of delay of 2001 days in filing the appeal)

While the delay in filing the Appeal as computed by the Registry is of 2001 days, the Appellant herein had invoked the jurisdiction of the Madhya Pradesh High Court seeking to have the impugned order quashed on the ground that the CERC lacked jurisdiction to grant the relief, and as the impugned order suffered from violation of the rules of natural justice. This submission, urged on behalf of the Appellant, found acceptance with the division bench of the Madhya Pradesh High Court which, by its order in WP No. 9136 of 2020 dated 25.02.2021, overruled the objection raised on behalf of the Respondents that the Appellant had an alternative remedy; and then admitted the petition for hearing.

Aggrieved thereby the Respondent-PGCIL approached the Supreme Court by way of Civil Appeal No. 6847 of 2025 [arising from SLP (C) No. 7605 of 2021].

By its elaborate judgement dated 15.05.2025, the Supreme Court held that the CERC was empowered to order imposition of transmission charges on the party on whom the delay was attributable; and hence the Madhya Pradesh High Court had erred in holding that the existence of

an alternative remedy did not disable exercise of jurisdiction by the High Court under Article 226 of the Constitution of India.

While holding that the CERC was empowered to order imposition of transmission charges on the party on whom the delay was attributable, the Supreme Court made it clear that it had not considered the question whether such liability of payment of transmission charges, could be imposed on the 1st Respondent, in the specific facts of the case on hand; and they were of the opinion that APTEL was the appropriate authority to examine the merits of the matter should the 1st Respondent (the Appellant herein) choose to prefer an appeal before APTEL under Section 111 of the Electricity Act, 2003.

We are satisfied that the Appellant herein was bona-fide litigating the issue before the Madhya Pradesh High Court, and it is only after the Order of the Supreme Court dated 15.05.2025 that the delay in filing the delay must be computed, and the period spent both before the High Court and the Supreme Court should, in the facts of the present case, be excluded in computing the delay. Ms. Priya Dhankar, Learned Counsel for the Appellant, would state that, if the delay is computed from 15.05.2025, then the delay in filing the appeal is of 111 days.

While the delay is not so inordinate as to non-suit the Appellant on this score, we are of the view that the explanation furnished for the delay from 15.05.2025 may not by itself constitute sufficient cause since the justification put-forth for the delay is of administrative reasons. We therefore, deem it appropriate to condone the delay on condition that the Appellant pays cost of Rs.50,000/- (Rupees Fifty Thousand only) to the Central Transmission Utility of India Limited (CTUIL) within four weeks from today, and files proof of payment in the Registry within two weeks thereafter. Subject to compliance with the aforesaid directions, the delay is condoned.

Needless to state that, in case the aforesaid costs are not paid within the stipulated time and an affidavit of proof of payment is not filed in the Registry within two weeks thereafter, the application for condonation of delay in preferring the appeal, shall stand dismissed automatically, and the Appeal shall stand rejected. The application is disposed of.

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

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Ms. Priya Dhankar, Learned Counsel for the Appellant, would also seek waiver of court fee contending that the Appellant is the same both in the Appeals in DFR No. 325 of 2025 and DFR No. 326 of 2025; instead of paying court fee separately in the Appeal in DFR No. 326 of 2025, the Appellant paid twice the court fee required in the Appeal in DFR No.325 of 2025; and hence insistence on their paying court fee again in Appeal in DFR No. 326 of 2025 would amount to double payment.

Registry to examine the matter and submit a report, which shall be placed before us before the next date of hearing.

Reply shall be filed by the Respondents within six weeks and rejoinder, if any, shall be filed within four weeks' thereafter.

Post the IA (for waiver of court fee) on ***05.02.2026***.

Ajay Talegaonkar
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

tpd/kns