IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

COURT I

IA NOS. 77 & 76 OF 2023 IN
DFR NO. 333 OF 2022

Dated: 16.02.2023

Present: Hon'ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member

In the matter of:

Peena Cement Industries Limited .... Appellant(s)

Versus

Telangana State Electricity Regulatory Commission & Ors. .... Respondent(s)

Counsel for the Appellant(s) : Mr. Hitendra Nath Rath

Counsel for the Respondent(s) : Mr. D. Abhinav Rao
Mr. Rahul Jajoo
Mr. Harsh Khirwal for R-2 & R-3

Ms. Somandri Goud Katam
Mr. Rushda Khan for R-1

ORDER

IA No. 76 of 2023

(Application for condonation of delay in filing the appeal – 11 days)

This application is filed to condone the delay of 110 days in preferring the appeal. While the order under appeal was passed on 14.03.2022, a copy thereof was uploaded on the website on 10.05.2022. The Appellant filed an application on 11.05.2022 seeking a certified copy of the said order, which was furnished to them on 30.06.2022. The appeal was preferred on 16.08.2022. If the extended limitation period on account of the Covid-19 pandemic is excluded in computing the delay, then the delay in filing the appeal, from the date of receipt of a copy of the order is, at best, a day or two. We see no reason, therefore, not to entertain the appeal. The delay is condoned and the application is, accordingly, disposed of.

IA NO. 77 OF 2023

(Application for condonation of delay in re-filing the appeal – 122 days)

This application is filed to condone the delay of 122 days in re-filing the appeal. While we were initially inclined to impose costs of Rs.50,000/-, Mr. Hitendra Nath Rath, learned Counsel for the Appellant, would submit, that the error is on the part of the counsel, and any cost imposed by this Tribunal would have to be paid by the Counsel concerned, and not by the Appellant. Learned Counsel requests that the costs be reduced from 50,000/- to 25,000/-. Acceding to his request, and as it is stated that the liability would be that of the Counsel, the delay is condoned on condition that costs of Rs. 25,000/- (Rupees Twenty Five Thousand only) is paid to the first Respondent-Commission within three weeks from today, and proof of such payment is filed in the Registry within one week thereafter.

Needless to state that, in case the aforesaid costs are not paid within three weeks from today and an affidavit of proof of payment is not filed in the Registry within one week thereafter, the application for condonation of delay, in re-filing the appeal, shall stand dismissed automatically, and the Appeal shall stand rejected.

The application is disposed of.

DFR NO. 333 OF 2022

Learned Counsel for the Respondents may file their reply, if any, on or before 16.03.2023, with advance copy to the other side. Thereafter the Appellant may file rejoinder, if any, on or before 30.03.2023 with advance copy to the other side.

After pleadings are complete, and after verification by the Registry, let this Appeal be included in the '**List of Finals**' to be taken up from there, in its turn.

(Sandesh Kumar Sharma)
Technical Member

(Justice Ramesh Ranganathan)
Chairperson

tpd/vt/dk