

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 349 of 2025 & IA No. 1423 OF 2025

Dated: 24th November, 2025

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

In the matter of:

NTPC Renewable Energy Limited Appellant(s)

Versus

Gujarat Urja Vikas Nigam Limited & Anr. Respondent(s)

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

Devishi Gupta
for App. 1

Counsel on record for the Respondent(s) : Ranjitha Ramachandran
Srishti Khindaria
Aneesh Bajaj
for Res. 1

Vinay Kumar Gupta
C.K. Rai
Anuradha Roy
for Res. 2

ORDER

IA-1423/2025

(For condonation of delay in filing the Appeal) (1548 days)

While the delay, as recorded by the Registry, is of 1548 days in filing the appeal, it does appear that, in case the period spent by the Appellant in prosecuting the review petition is excluded, then there is no delay.

The order, impugned in this appeal, was passed on 13.05.2021 and the Appellant filed Review Petition No. 2059-2060 of 2021 against the said order along with an application to condone the delay in filing the review petition. Following the order of the Supreme Court in MA No. 21 of 2022 in MA No. 665 of 2021 in *Sou Motu* Petition (L) No. 3 of 2020 dated 10.01.2022, the CERC condoned the delay in filing the review petition. The said review petition was, eventually, dismissed on 08.08.2025, and the Appeal came to be filed on 22.09.2025 well within the prescribed period of limitation of 45 days computed from the date the review petition was dismissed.

In the light of law declared by the Supreme Court, ordinarily, the period spent in prosecuting the review petition is required to be excluded in computing the delay. If so excluded, then the delay must be computed only from 08.08.2025. The appeal was filed on 22.09.2025 well within the

45 days period of limitation stipulated in Section 111(2) of the Electricity Act, from the date the review was dismissed on 08.08.2025. We see no reason, in such circumstances, to non-suit the Appellant on the ground of delay. The delay as computed by the Registry is condoned, and the application is disposed of.

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Mr. Shri Venkatesh, Learned Counsel for the Appellant seeks four weeks' time to file certified copy of the impugned order. Time, as sought for, is granted.

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)

mk/sk

Justice Ramesh Ranganathan
Chairperson