

COURT-1
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 359 of 2024 & IA No. 1223 OF 2024

Dated: 30th September, 2024

Present : Hon`ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon`ble Ms. Seema Gupta, Technical Member(Electricity)

In the matter of:

Uttar Pradesh Power Corporation Limited Appellant(s)

Versus

Uttar Pradesh Electricity Regulatory
Commission & Ors. Respondent(s)

Counsel on record for the Appellant(s) : Hemant Sahai
Nitish Gupta
Molshree Bhatnagar
Shubhi Sharma
Nimesh Jha
Nipun Sharma
Parichita Chowdhury
Rishabh Sehgal
Deepak Thakur
Punyam Bhutani
Shaيدا Das
Paritosh Bisen
Adarsh Kumar Bhardwaj
Shubham Singh
Varnika Tyagi
Kamya Sharma
Divyansh Kasana
Samprati Singh for App.
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Counsel on record for the
Respondent(s) : for Res. 1
Amit Kapur
Akshat Jain
Avdesh Mandloi
Abhimanyu Maheshwari
Shikhar Verma
Rishabh Bhardwaj

ORDER

IA-1223/2024

(For condonation of delay in filing the Appeal) (668 days)

While the delay as recorded by the Registry is of 668 days in the 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 petition filed by the Appellant was dismissed by order dated 05.08.2022. Aggrieved thereby, the appellant preferred a review petition on 06.12.2022 with a delay of 25 days which is said to have been condoned by the UPERC. The said review petition was eventually dismissed by the UPERC by order dated 03.06.2024, and the Appeal came to be filed on 18.07.2024 well within the prescribed period of limitation of 45 days computed from the date the review petition was dismissed.

Ordinarily, the period spent in prosecuting the review petition is required to be excluded in computing the delay. If so excluded then there is no delay. The delay in filing the present appeal is condoned, and the application is 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.

(Seema Gupta)
Technical Member (Electricity)

(Justice Ramesh Ranganathan)
Chairperson