

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 36 of 2025 & IA No. 612 OF 2025 & IA No. 190 OF 2025 & IA No.
192 OF 2025

Dated: 4th April, 2025

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

In the matter of:

Maharashtra State Electricity Distribution Company Ltd. Appellant(s)
(MSEDCL)

Versus

Maharashtra Electricity Regulatory Commission & Anr. Respondent(s)

Counsel on record for the Appellant(s) : Udit Gupta
for App. 1

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

ORDER

IA-190/2025

(For condonation of delay in filing the Appeal) (342 days)

The submissions urged by Mr. Harinder Toor, Learned Counsel appearing on behalf of the Appellant, is that the delay, as recorded by the Registry, is of 342 days in filing the appeal from the date of the original order which is under challenge in the Appeal; and if the period spent by the Appellant in prosecuting the review petition is excluded, then there is no delay. Ms. Pratiti Rungta, Learned Counsel appearing on behalf of the

Respondent-Commission would fairly state that, if the period spent by the Appellant in prosecuting the review petition is excluded, then in fact there is no delay.

Ordinarily, the period spent in prosecuting the review petition is required to be excluded in computing the delay. If so excluded, there is in fact no delay. The delay pointed out by the Registry is condoned, and the application is disposed of.

IA-612/2025
(For amendment to the memo of Appeal)

This application is necessitating because the challenge in the appeal was both to the original order passed by the Commission and the review order passed thereafter. The review petition filed by the Appellant was dismissed and, in the light of Order 47 Rule 7 CPC, no appeal lies against an order dismissing a review petition. The Appellant has, therefore, rightly sought deletion to the challenge to the review order by way of this application for amendment. The IA is allowed and the Appellant's challenge to the review order is permitted to be deleted. A copy of the amended appeal along with relevant annexures shall be filed within four weeks in the Registry.

IA-192/2025
(For interim relief)

Mr. Harinder Toor, Learned Counsel appearing on behalf of the Appellant, would fairly states that, in compliance with the order impugned in this appeal, the Appellant has already paid the penalty amount of Rs.43.36 Lakhs albeit under protest. Since the amount has already been paid, suffice

it, while disposing of the application for interim relief as infructuous, to make it clear that the payment so made by the Appellant shall be subject to the result of the main appeal.

The application stands disposed of accordingly.

DFR-36/2025

Reply shall be filed within six weeks after receipt of the amended copy of the Appeal 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

mk/mg