

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 366 of 2025 & IA No. 1494 OF 2025

Dated: 28th November, 2025

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

In the matter of:

JSW Energy Limited Appellant(s)

Versus

Maharashtra Electricity Regulatory Commission & Anr. Respondent(s)

Counsel on record for the Appellant(s) : Aman Anand
Aman Dixit
Natasha Debroy
Srishti Gupta
for App. 1

Counsel on record for the Respondent(s) : Vishal Binod
Aditya Dubey
Sagnik Maitra
Swadha Sharma
for Res. 2

ORDER

(IA NO. 1494 OF 2025)

(For condonation of delay of 396 days in filing the Appeal)

While the delay in filing this Appeal, as computed by the Registry is of 396 days, Mr. Aman Anand, Learned Counsel for the Appellant, would submit that, if the period spent by the Appellant in prosecuting the review petition is excluded, then there is, in fact, no delay.

While the limitation stipulates for a review petition to be filed is said to be of 45 days, the review petition was filed on 18.10.2024 along with an application to condone the delay. Mr. Aman Anand, Learned Counsel for the Appellant, states that the Commission had condoned the delay in

filing the review petition, and had entertained the review petition. The review petition was eventually dismissed by order dated 21.08.2025, and the present appeal has been filed on 06.10.2025.

Mr. Aman Anand, Learned Counsel for the Appellant, states that the period of 45 days under Section 111(2), computed from the date on which the review petition was dismissed, expired on 05.10.2025 which was a Sunday; and, therefore, the Appeal filed on Monday i.e. 06.10.2025 is within limitation.

Ordinarily, the period spent by the Appellant in prosecuting the review petition is required to be excluded in computing the delay in filing the appeal, and since the delay in filing the review petition is condoned by the Commission which order has attained finality, we must compute the delay only from the date on which the review petition was eventually dismissed. It does appear that, from the date on which the review petition was dismissed till the date of filing the present appeal, there is no delay in filing the said appeal. The delay, as computed by the Registry, is condoned and the application is disposed of.

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Reply shall be filed by the Respondents within six weeks and rejoinder, if any, shall be filed within four weeks' thereafter. 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 for hearing, in its turn.

Ajay Talegaonkar
Technical Member (Electricity)

tpd/mkj

Justice Ramesh Ranganathan
Chairperson