

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 38 of 2025 & IA No. 198 OF 2025 & IA No. 199 OF 2025

Dated: 28th April, 2025

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

In the matter of:

Jharkhand Bijli Vitran Nigam Limited Appellant(s)

Versus

Jharkhand State Electricity Regulatory Commission Respondent(s)

Counsel on record for the Appellant(s) : Shri Venkatesh
Shryeshth Ramesh Sharma
Kanika Chugh
Ashutosh Kumar Srivastava
Abhishek Nangia
Akash Lamba
Nihal Bhardwaj
Siddharth Nigotia
Shivam Kumar
Kartikay Trivedi
Aashwyn Singh
Mohit Gupta
Manu Tiwari
Harsh Vardhan
Aniket Kanhaua
Suhael Buttan
Priya Dhankar
Anant Singh
Vineet Kumar
Nikunj Bhatnagar
Kunal Veer Chopra
Vedant Choudhary
Tarang Saraogi
for App. 1

Counsel on record for the Respondent(s) : Rohini Prasad for Res. 1

ORDER

IA NO. 198 OF 2025

(For condonation of delay of 565 days in filing the Appeal)

Mr. Siddharth Nigotia, Learned Counsel for the Appellant, would submit that, while the order of the Commission dismissing the review petition has not been subjected to challenge, in view of Rule 7 Order 47 CPC, by oversight, the synopsis gives an impression that the review petition is under challenge, though it is not.

We had by order dated 02.01.2025, while setting aside the impugned order (Appeal No. 367 of 2024) and remanding the matter to JSERC to pass an order afresh, observed that, since several other contentions were raised in the Appeals, the Appellant was being granted liberty to file appeals afresh with respect to the other contentions which they had raised in the present appeal. It is pursuant to the liberty so granted, that three Appeals (Appeal in DFR Nos. 38 of 2025, 39 of 2025 & 40 of 2025) are now instituted.

The Registry has computed the delay from the date of the original order passed by the Commission till date. However, in view of the liberty granted to the Appellant on 02.01.2025, it is only for the period subsequent thereto, should the delay be computed. Mr. Siddharth Nigotia, Learned Counsel for the Appellant, would submit that, if computed from 02.01.2025, the delay in filing the appeal is only of 28 days.

This period of delay of 28 days is not so inordinate as to non-suit the Appellant on the ground of delay. Learned Counsel for the 1st Respondent, expresses no objection for the delay to be condoned. The delay is condoned and the application is, accordingly, disposed of.

IA NO. 199 OF 2025

(For exemption from filing certified copy of the impugned order)

Mr. Siddharth Nigotia, Learned Counsel for the Appellant, undertakes to file a certified copy of the order under appeal within four weeks. Recording his submission, the IA is closed.

DFR NO. 38 OF 2025

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, in its turn.

Seema Gupta
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

tpd/sk