IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

COURT I

IA NO. 1541 OF 2022 IN
DFR NO. 395 OF 2022 &
IA NO. 1542 OF 2022

Dated : 17.04.2023

Present: Hon'ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member

In the matter of:

TGV SRAAC LIMITED .... Appellant(s)
(Formerly known as Sree Rayalaseema Alkalies and Allied Chemicals Limited)

Versus

Andhra Pradesh Electricity Regulatory Commission & Anr. .... Respondent(s)

Counsel for the Appellant(s) : Hitendra Nath Rath

Counsel for the Respondent(s) : Sridhar Potaraju
Aayush
Rajat Srivastava for R-1

Sidhant Kumar
Shivankar Rao
Gurpreet Singh for R-2

ORDER

IA No. 1541 OF 2022

[For condonation of delay in filing the Appeal]

The explanation furnished by the learned Counsel for the Appellant to condone the delay of 128 days in filing the Appeal, is wholly unsatisfactory. We however see no reason to deny the Appellant an opportunity of having the Appeal heard on merits. The delay in refiling the Appeal is condoned on the condition that the Appellant pay costs of Rs. 25,000/- to the Respondent Commission within four weeks, and file an affidavit of proof of payment of costs in the Registry within one week thereafter. Needless to state that failure to pay the costs, or to file proof of payment of costs in the Registry, within the stipulated time, would result in automatic dismissal of the IA and in rejection of the Appeal. The Appellant shall also intimate the Commission of the Appeal No. and the date of the Order, in terms of which costs are being paid.

This Tribunal had, by its earlier order, directed that no precipitative action shall be taken by the respondent for enforcement of the demand for payment of grid support charges till the matter is placed again before the court after completion of service/pleadings.

While Mr. Sidhant Kumar, learned Counsel for Respondent No. 2, would submit that the IA be taken up for hearing since the earlier interim order was to operate only till the matter is placed before the court after the pleadings are complete, he would fairly state that no petition has been filed to vacate the said interim order. It would be inappropriate on our part to vacate an interim order, which has been in force for the past nearly one year, even without an application being filed by the Respondents for vacation of the above said order. Mr. Sidhant Kumar, learned Counsel for the Respondents, seeks four weeks' time to file a petition to vacate the interim order. Time, as sought for, is granted.

Post the matter on ***15.05.2023.***

(Sandesh Kumar Sharma)
Technical Member

(Justice Ramesh Ranganathan)
Chairperson

mk/vt/dk