COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 446 of 2025 & IA No. 1740 OF 2025 & IA No. 1738 OF 2025 & IA No. 1739 OF 2025

Dated: 30th January, 2026

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

In the matter of:

Maharashtra State Electricity Distribution Company Ltd.	....	Appellant(s)
Versus		
Maharashtra Electricity Regulatory Commission & Anr.	....	Respondent(s)

Counsel on record for the Appellant(s)	:	Rimali Batra Abhishek Lalwani for App. 1
Counsel on record for the Respondent(s)	:	for Res. 1 Shri Venkatesh Ashutosh Kumar Srivastava Kanika Chugh Nihal Bhardwaj Abhishek Nangia Manu Tiwari Vineet Kumar Tanishka Khatana Kunal Veer Chopra Vedant Choudhary Harsh Vardhan Drishti Rathi Devishi Gupta Shryeshth Ramesh Sharma Suhael Buttan Priya Dhankar Siddharth Nigotia

Mohit Mansharamani
Aashwyn Singh
Surbhi Kapoor
Punyam Bhutani
Nikunj Bhatnagar
Aniket Kanhaua
Adarsh Singh
Ananya Dutta
Amol Rana for Res. 2

ORDER

IA-1740/2025
(For condonation of delay in filing the Appeal) (411 days)

This appeal is filed with an application to condone the delay of 411 days in filing the appeal. The delay was computed by the Registry to be of 411 days, after excluding the 45 days limitation period stipulated under Section 111(2) of the Electricity Act.

Ms. Rimali Batra, Learned Counsel appearing on behalf of the Applicant-Appellant, would, however, draw our attention to the impugned order dated 20.08.2024, more particularly to para 10 thereof wherein the Commission has recorded that the additional cost, which the 2nd Respondent was entitled to claim as a change in law, was required to be determined on their filing a separate petition at an appropriate stage; the said petition was filed by TPSL on 08.07.2025; and, if the delay were to be computed from that date, then the delay would be only of around of 134 days which this Tribunal is condoning as a matter of course, albeit on payment of costs.

Mr. Shri Venkatesh, Learned Counsel for the 2nd Respondent, would however contend that what is under challenge in this appeal is the impugned order passed by the MERC in Case No. 75 of 2023 dated 20.08.2024, and not any order passed in the subsequent petition filed by the 2nd Respondent

on 08.07.2025; in fact the petition filed by the 2nd Respondent on 08.07.2025 is still pending consideration before the MERC; no order has yet been passed therein; there is no whisper in the application, seeking condonation of delay, regarding either the observations of the Commission in para 10 of the impugned order or to the 2nd Respondent having filed the petition on 08.07.2025; and the justification given for the inordinate delay of 411 days is of administrative reasons, and nothing else.

Conscious as we are that Section 111(5) obligates us to endeavour to adjudicate and dispose of appeals within 180 days of its institution, we have nonetheless been liberal in condoning delay of upto one year (365 days) in filing the appeal, albeit on payment of costs ranging from Rs. 20,000/- to Rs. 2,00,000/-, with a view not to deny parties an opportunity of having their appeal adjudicated on merits. We have, however, consistently been refusing to entertain appeals filed with a delay beyond 365 days, unless of course sufficient cause is shown for such inordinate delay.

The only cause shown, in the application for condonation of delay, is that the delay was caused because of administrative reasons which, in our view, does not constitute sufficient cause for condonation of delay. We see no reason, in such circumstances, to condone the inordinate delay of 411 days in filing the appeal. The application, seeking condonation of delay, is dismissed and the Appeal stands rejected. All other IAs in the Appeal also stand rejected.

Ajay Talegaonkar Technical Member (Electricity)	Justice Ramesh Ranganathan Chairperson

mk/mg