IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

COURT-1

IA NO. 1780 OF 2022 IN
DFR NO. 461 OF 2022 & IA NOs. 1782,1781 & 1783 OF 2022

Dated : **19.05.2023**

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

In the matter of:

Andhra Pradesh Solar Power Corporation Private Limited	....	Appellant(s)
Versus		
Central Electricity Regulatory Commission & Ors.	....	Respondent(s)

Counsel for the Appellant(s)	:	Mr. Sidhant Kumar, Ms. Manyaa Chandok.
Counsel for the Respondent(s)	:	Mr. Pallav Mongia Mr. Tushar for R-2 Mr. S. Vallinayagam for R-3

ORDER

IA NO. 1780 OF 2022
(Application for condonation of delay in filing the appeal)

Mr. Sidhant Kumar, learned Counsel for the Appellant, submits that this application is filed seeking condonation of 578 days' delay in preferring this Appeal; as the order, impugned in this appeal, was passed on 05.02.2021, the 45 days' period of limitation would have expired on 12.03.2021; both these dates fall within the ambit of the order of the Supreme Court excluding the period of limitation, on account of the Covid-19 pandemic, from 15-03-2020 to 28-02-2022; a further period of 90 days was granted by the Supreme Court for an appeal to be preferred, in case the period of limitation expired during the period from 15.03.2020 to 28.02.2022; this 90 days' period expired on 29.05.2022; and computing the delay from 30.05.2022, the delay is of around 143 days.

Learned Counsel for the Appellant, would fairly state that the explanation for the 143 days delay may not be to the satisfaction of this Tribunal.

While the explanation for the delay is not satisfactory, the delay is not so considerable as to deny the Appellant a hearing on merits. We consider it appropriate, therefore, to condone the delay in preferring the Appeal on condition that the Appellant pays costs of Rs.25,000/-(Rupees Twenty Five Thousand only). Only Respondent Nos. 2 & 3 are represented and none of the other Respondents have entered appearance. Even in terms of the Order of Commission, Respondent No. 2 is entitled for payment for the mismatched period. Since they have been ordered to be paid amount for the mismatch period, we see no reason to direct payment of costs to them. We, therefore direct the appellant to pay costs of Rs. 25,000/- to Respondent No. 3 TANGEDCO within four weeks, and file proof of payment of costs in the Registry within one week thereafter. The delay is condoned subject to compliance with the aforesaid directions. The application is disposed of.

IA NO. 1781 OF 2022

(Application for exemption from filing certified copy of the impugned order)

Report of the Registry shows that the Appellant has filed certified copy of the Impugned Order. The application is disposed of accordingly as it has become infructuous.

IA NO. 1783 OF 2022

(Application for impleadment/intervention)

Let notice be issued to the impleaded Respondent, returnable on 17.07.2023. Dasti, in addition, is permitted.

DFR NO. 461 OF 2022 & IA NOs. 1782 & 1783 OF 2022

Since the affidavit of service has been filed, failure to effect notice through Court is of no consequence

In the meanwhile, learned Counsel for the Appellant to file rejoinder to the reply filed by the Respondents after serving advance copy on the other side.

List the matter on ***IA for Hearing on 17.07.2023.***

(Sandesh Kumar Sharma)
Technical Member

(Justice Ramesh Ranganathan)
Chairperson

pr/ks/sk