

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 482 of 2023 & IA No. 2271 OF 2023 & IA No. 1837 OF 2023

Dated: 20th October, 2023

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

In the matter of:

Essar Power Gujarat Limited (EPGL) Appellant(s)

Versus

Gujarat Electricity Regulatory Commission & Anr. Respondent(s)

Counsel on record for the Appellant(s) : Mahesh Agarwal
Rishi Agarwala
Rohan Talwar
Shashwat Singh For App1

Counsel on record for the Respondent(s) : For Res1
Anand K. Ganesan
Swapna Seshadri
Kriti Soni
Ashabari Basu Thakur
Srishti Khindaria For Res2

ORDER

IA No. 1837 of 2023

(for condonation of delay in filing the appeal)

The order under appeal was passed on 23.12.2019 against which, the Appellant filed a Review Petition in July, 2020. The said Review Petition was entertained by the GERC, and was allowed in part by order dated 18.03.2023. Ordinarily, the period spent in prosecuting the Review Petition is required to be excluded in computing the delay in filing the appeal. If so excluded, the delay from the date on which the Review Petition was dismissed i.e., 18.03.2023 onwards can

only be treated as the period constituting the delay in filing the present appeal, in which event the delay would be of around 92 days. The delay is not so inordinate as to justify refusal to hear the Appeal on its merits. The delay is condoned, however, on condition that the Appellant pays costs of Rs. 30,000/- to the Central Transmission Utility (CTU) within two weeks, and files proof of payment of costs in the registry within one week thereafter.

Needless to state that, in case the aforesaid costs are not paid within two weeks from today and an affidavit of proof of payment is not filed in the Registry within one week thereafter, the application, for condonation of delay in filing the appeal, shall stand dismissed automatically, and the Appeal shall stand rejected. The I.A. is, accordingly, disposed of.

IA No. 2271 of 2023

(for condonation of delay in filing certified copy of the impugned order)

The delay of eight days in filing the certified copy of the impugned order is condoned, and the certified copy is taken on record.

DFR NO. 482 of 2023

Subject to compliance with the aforesaid directions, reply shall be filed by the Respondents within six weeks and rejoinder, if any, shall be filed within two weeks' thereafter.

Learned counsel on both sides state that the issue involved in the appeal is short, and it be included in the 'List of Short Matters'. After pleadings are complete, and after verification by the Registry, let this Appeal be included in the '**List of Short Matters**' to be taken up from there, in its turn.

(Seema Gupta)
Technical Member

(Justice Ramesh Ranganathan)
Chairperson

ts/sk/mkj