COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 571 of 2022 & IA No. 2266 OF 2022 & IA No. 2265 OF 2022

Dated: 6th July, 2023

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

In the matter of:

Bharat Aluminium Company Limited	**....**	**Appellant(s)**
Versus		
Chhattisgarh State Electricity Regulatory Commission & Ors.	**....**	**Respondent(s)**

Counsel on record for the Appellant(s)	:	Nishant Kumar Animesh Kuma For App1
Counsel on record for the Respondent(s)	:	Ritesh Khare For Res1 Kamil Khan Abhinav Kardekar Meha Kumar Ayush Singh Solanki For Res3

ORDER

IA NO.2265 OF 2022
[For condonation of delay in filing the Appeal]

The delay, as shown by the Registry, in filing the Appeal is of 328 and 60 days. The order under appeal was passed on 20.12.2021, against which the Appellant filed a review petition on 06.06.2022. While there appears to be a substantial delay in filing the review petition, Mr. Buddy Ranganadhan, learned Counsel appearing on behalf of the Appellant, would submit that the entire period falls within the ambit of the order of the Supreme Court extending the period of limitation on account of the Covid-

19 Pandemic. While the review petition was filed on 06.06.2022, the said review petition came be dismissed on 14.09.2022, and the appeal against the original order was filed on 08.12.2022. The period spent in prosecuting the review petition is, ordinarily, required to be excluded in computing the delay in filing the Appeal. However, even after excluding this period, the delay in filing the appeal is of around 60 days. The explanation furnished by the Appellant thereto is extremely vague and unsatisfactory. We, however, see no reason to non-suit the Appellant on this score. Since the delay is not so inordinate, the delay is condoned on condition that the Appellant pays costs of Rs.20,000/- to the Respondent-Commission within four weeks from today, and files proof of payment in the Registry within one week thereafter.

Needless to state that, failure to comply with the aforesaid order, would result in automatic dismissal of the IA seeking condonation of delay in filing the Appeal, and in rejection of the Appeal.

The Appellant shall also intimate the Commission of the Appeal number and the date of the order, in terms of which costs are being paid.

The IA is disposed of.

IA NO.2266 OF 2022

[For exemption from filing certified copy of impugned order]

Mr. Buddy Ranganadhan, learned Counsel appearing on behalf of the Appellant, undertakes to file a certified copy of the impugned order within two weeks. Recording his submission, the IA is closed.

Mr. Ritesh Khare, learned Counsel for the 1st Respondent, requests four weeks' time to file reply, which is granted. Rejoinder, if any, may be filed within four weeks thereafter. Registry to verify whether pleadings are complete, and thereafter let this Appeal be included in the **List of Finals** to be taken up from there, in its turn.

(Sandesh Kumar Sharma)
Technical Member

(Justice Ramesh Ranganathan)
Chairperson

pr/tp/ks