COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 59 of 2025 & IA No. 264 OF 2025

**Dated: 3rd April, 2025**

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

In the matter of:

| | | |
|---|---|---|
| Punjab State Power Corporation Limited, | .... | Appellant(s) |
| Versus | | |
| Punjab State Electricity Regulatory Commission | .... | Respondent(s) |

| | | |
|---|---|---|
| Counsel on record for the Appellant(s) | : | Anand K. Ganesan<br>Swapna Seshadri<br>Amal Nair<br>Shivani Verma<br>Devyani Prasad<br>for App. 1 |
| Counsel on record for the Respondent(s) | : | Gargi Kumar<br>for Res. 1 |

## ORDER

IA No. 264 of 2025
*(for condonation of delay in filing the appeal)*

The delay as pointed out by the Registry is 192 days from the date of expiry of the period of limitation prescribed ie from the date of original order; and 11 days from the date of the review order. Ms. Swapna Seshadri, learned Counsel for the Appellant, would however contend that, if the period spent in prosecuting the Review Petition and the delay in

communicating the review order is excluded, then there is actually no delay. The order under appeal was passed on 14.06.2024 against which the Appellant had preferred the Review Petition on 13.08.2024. The said Review Petition was eventually dismissed on 12.12.2024; the review order was communicated to the Appellant on 24.12.2024 and Appellant has filed the present appeal on 06.02.2025. Ordinarily, the period spent in prosecuting the Review Petition is required to be excluded in computing the delay in filing the appeal. Consequently, the delay must be computed form the date when the review order was communicated and not from the date when the review order was passed. Therefore the period of limitation, if computed from 24.12.2024 when the review order was communicated to the Appellant, the present appeal which was filed on 06.02.2025 is within 45 days.

Even otherwise, the application to condone the delay of 11 days from the date of the review order is not opposed by Ms. Gargi Kumar, learned Counsel for the 1st Respondent Commission. The delay is, accordingly, condoned and the IA is disposed of.

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Ms. Gargi Kumar, learned Counsel for the 1st Respondent, submits that the 1st Respondent does not wish to file any reply. Her submission is recorded.

Let the Appeal be included in the **'List of Finals'** to be taken up from there, in its turn.

(Seema Gupta)
Technical Member (Electricity)

(Justice Ramesh Ranganathan)
Chairperson

ts/tc