

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 72 of 2025 & IA No. 292 OF 2025

Dated: 28th April, 2025

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

In the matter of:

Damodar Valley Corporation Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors. Respondent(s)

Counsel on record for the Appellant(s) : Anand K. Ganesan
Swapna Seshadri
Ritu Apurva
Amal Nair
Karthikeyan M for App. 1

Counsel on record for the Respondent(s) : Dushyant Manocha
Anannya Ghosh
Doel Bose
Mrinalini Mishra
Kashish Chhabra
Kartik Tholia
Ashika Jain for Res. 3

Rajiv Yadav for Res. 13

ORDER

IA No. 292 OF 2025

(For condonation of delay of 342 days in filing the Appeal)

The explanation furnished for the delay of 342 days in filing the Appeal is attributed mainly to the delay caused in seeking internal approvals for filing of the present Appeal. This explanation, in our view, does not constitute “sufficient cause” for condonation of delay. Mrs. Swapna Seshadri, Learned Counsel appearing on behalf of the Applicant-Appellant, would, however, draw our attention to an order passed in DFR

No. 502 of 2024 dated 16.01.2025 wherein we had condoned the delay of 323 days in filing the appeal on imposition of costs of Rs.1,50,000/-. Learned Counsel would submit that a similar order be passed in the present appeal also. The delay in filing the appeal up to one year is being condoned albeit on payment of costs. We consider it appropriate to condone the delay in the present appeal also (as the delay is of 342 days) on condition that the Applicant-Appellant pays costs of Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) to the Central Transmission Utility of India Limited (CTUIL) within four weeks from today, and files proof of payment in the Registry within two weeks thereafter. Subject to compliance with the aforesaid directions, the delay is condoned.

The Appellant's entitlement for carrying cost/ interest for this period of delay, even in case their appeal were to be allowed later, shall be considered when the main appeal is taken up for hearing.

Needless to state that, in case the aforesaid costs are not paid within the stipulated time and an affidavit of proof of payment is not filed in the Registry within two weeks thereafter, the application for condonation of delay in preferring the appeal, shall stand dismissed automatically, and the Appeal shall stand rejected.

The application is disposed of.

The Appellant shall also intimate the CTUIL of the Appeal No. and the date of the Order, in terms of which costs are being paid.

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Since court notice has been served on all the Respondents including on the 5th Respondent, failure of the Appellant to file affidavit of proof of service of notice, is of no consequence.

Reply shall be filed within six weeks and rejoinder shall be filed within four weeks thereafter.

After pleadings are complete, Registry to verify and then include the Appeal in the List of Finals, to be taken up from there in its turn.

Seema Gupta
Technical Member (Electricity)

Justice Ramesh Ranganathan
Chairperson

tpd/sk