

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 80 of 2025 & IA No. 319 OF 2025 & IA No. 316 OF 2025 & IA
No. 318 OF 2025 & IA No. 317 OF 2025

Dated: 22nd April, 2025

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

In the matter of:

Penna Cement Industries Limited Appellant(s)

Versus

Andhra Pradesh Electricity Regulatory Commission &Anr. Respondent(s)

Counsel on record for the Appellant(s) : Sourav Roy
Pranav Bafna
Anshu Deshpande
for App. 1

Counsel on record for the Respondent(s) : GaichangpouGangmei
Arjun D Singh
MaitreyaMahaley
YimyangLongkumer
Ankit Sharma
for Res. 1

Yelamanchili Shiva Santosh
Kumar
Rudrajit Ghosh
Khyati Chhabra
Maria Jerome J
for Res. 2

ORDER

IA No. 319 OF 2025

(for leave to appeal)

The Appellant is a consumer and is aggrieved by the order passed by the Commission. As the applicant is a person aggrieved, we see no

reason to deny them the leave to file appeal. The leave, as sought for, is granted. The application is, accordingly, disposed of.

IA No. 316 OF 2025

(for Condonation of delay in filing the appeal)

The explanation furnished for the delay of 66 days in filing the appeal would not constitute sufficient cause for condonation of the delay in filing the appeal. We are, however, of the view that the delay is not so inordinate as to deny the Appellant the opportunity of having their appeal heard on merits, and consider it appropriate to condone the delay on payment of costs of Rs. 35,000/- (Rupees thirty five 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. The delay is condoned subject to compliance with the aforesaid directions.

Needless to state that, in case the aforesaid costs are not paid within four weeks from today and an affidavit of proof of payment is not filed in the Registry within two weeks 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.

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

IA No. 317 OF 2025

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

Since the certified copy of the impugned order has already been filed, this application is dismissed as infructuous.

IA No. 318 OF 2025

(for interim relief)

We have passed an elaborate interlocutory order in a batch of appeals ie Appeal No. 12 of 2025 and batch dated 19.03.2025 dismissing the IAs. Mr. Sourav Ry, learned Counsel for the Appellant, would submit that two other grounds which the present applicant seeks to raise were not brought to the notice of this Tribunal when the earlier interim order was passed. According to the learned Counsel for the Appellant, these two issues are 'Sale of Surplus Power of AP Discoms and Sale of RECs by AP Discoms'. These two issues would also necessitate detailed examination which can only be undertaken when the main appeal is finally heard. We see no reason, therefore, to take a view different from the one taken earlier in IA 1976 of 2024 in Appeal No. 12 of 2025 dated 19.03.2025. Following the said interim order, and in terms thereof, this IA is also dismissed.

DFR No.80 of 2025

Six weeks' time is granted to file reply. Rejoinder, if any, may be filed within four weeks thereafter.

After pleadings are complete, Registry to verify the same, and then include the Appeal in the '**List of Finals**' to be taken up from there, along with Appeal No. 12 of 2025 and batch, in its turn.

(Seema Gupta)
Technical Member (Electricity)

(Justice Ramesh Ranganathan)
Chairperson

ts/mg