

COURT-1

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

DFR No : 87 of 2025 & IA No. 1112 OF 2025 & IA No. 369 OF 2025

Dated: 21st July, 2025

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

In the matter of:

India Power Corporation Limited Appellant(s)

Versus

West Bengal Electricity Regulatory Commission Respondent(s)

Counsel on record for the Appellant(s) : Anushree Bardhan
Srishti Khindaria
Aneesh Bajaj
Ritika Singh
for App. 1

Counsel on record for the Respondent(s) : C.K. Rai
Anuradha Roy
Vinay Kumar Gupta
for Res. 1

ORDER

IA-369/2025

(For condonation of delay in filing the Appeal) (898 and 66 days)

While the delay as computed from the date of institution of the Appeal is 898 days, Ms. Anushree Bardhan, Learned Counsel for the Appellant, submits that, if the period spent in prosecuting the Review Petition is excluded, then there is a delay of 66 days. 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 in seeking amendment is of 66 days. The explanation furnished for this delay

is only that finalisation of the appeal, preferred against a tariff order, took time. We are of the view that this explanation does not constitute “sufficient cause” for condonation of the delay. We, however, see no reason to deny the Appellant an opportunity to have their appeal amended on condition that the Applicant-Appellant pays cost 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. Subject to compliance with the aforesaid directions, the delay is condoned.

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 IA is, accordingly, 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.

IA-1112/2025
(For amendment to the memo of Appeal)

Consequent on the review petition being dismissed in part, the Appellant herein has filed the present IA seeking amendment of the appeal to include a challenge therein to the issues which were rejected by the Commission in the review proceedings. The said application is not opposed by Mr. C.K. Rai, Learned Counsel for the first Respondent. The IA is allowed and the Appellant is permitted to amend the appeal in terms of the IA now filed. The amended copy of the memo of appeal shall be filed in the Registry within two weeks. The IA is, accordingly, disposed of.

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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)
mk/dk

(Justice Ramesh Ranganathan)
Chairperson