

COURT - I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**IA NOS. 220 & 219 of 2017 IN
DFR NO. 4097 OF 2016**

Dated: 11th May, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of :

TANGEDCO

...Appellant(s)

Vs.

Central Electricity Regulatory Commission & Ors.

...Respondent(s)

Counsel for the Appellant(s) : Mr. S. Vlinayagam

Counsel for the Respondent(s) : Ms. Anushree Bardhan for R.2

ORDER

(IA No. 220 of 2017)

(Applications for condonation of delay in re-filing)

There is 70 days' delay in re-filing this appeal. In this application, the Applicant/Appellant has prayed that delay in re-filing the appeal may be condoned.

We have heard learned counsel for the Applicant/Appellant and perused the explanation offered for the delay in re-filing the appeal. We find the explanation to be acceptable. Sufficient cause has been made out. Hence, delay in re-filing the appeal is condoned. Application is disposed of.

(IA No. 219 of 2017)
(Applications for condonation of delay in filing)

There is 101 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay in filing the appeal may be condoned.

All the Respondents have been served. Ms. Anushree Bardhan appears on behalf of Respondent No.2. Other Respondents, though served, are not represented.

We have heard learned counsel for the Appellant. Following is the explanation offered by the Appellant:

“3. The issue involved the appeal relates to determination of transmission tariff of the “LILO of both circuits of Tuticorin JV-Madurai 400 KV D/C (Quad) line at Tuticorin Pooling Station along with new 765 kV Pooling Station at Tuticorin (initially charged at 400 kV) including 1x80 MVAR, 400 KV Bus Reactor under “Transmission System associated with Common System associated with Coastal Energen Private Limited and Ind-Bharat Power (Madras) Limited LTOA Generation Projects in Tuticorin Area-Part-A” in Southern Region from COD to 31.3.2019, under Regulation 86 of Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 and Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014.

4. Subsequent to the grant of approval from Accounts Department, approval of legal wing of the appellant Corporation was sought. The issue was considered by the legal department of the appellant and it gave its approval to file the appeal on 20.10.16 and permitted the appellant to proceed.

5. After getting approval from the accounts department and the legal department the papers were sent to the counsel at Delhi for getting the draft appeal ready for approval by the appellant.

6. The draft appeal was sent to the appellant by its counsel and the same was approved for filing before this Hon'ble Appellate Tribunal on 23.11.16. The requisite court fee for filing the appeal was sanctioned.

The approved and signed appeal with vakalatnama and affidavit with court fee for filing the appeal to the counsel for appellant at Delhi on 6.12.16. The relevant documents were typed and the appeal is filed today.

7. That the above delay was due to the procedure followed required to be followed by the appellant before granting approval to the counsel to file the appeal. The decision making process involves more than one department of the appellant organisation.”

Having perused the explanation we are of the opinion that delay was not intentional. We find the explanation to be acceptable. Sufficient cause has been made out. Hence, delay in filing the appeal is condoned. Application is disposed of.

Registry is directed to number the appeal and list the matter for admission on **31.07.2017.**

(I. J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

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