

COURT-I
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

IA NO. 327 OF 2017 IN
DFR NO. 967 OF 2017

Dated : 20th July, 2017

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

In the matter of:

Kamachi Industries Ltd. ...Appellant(s)

Vs.

Tamil Nadu Generation & Distribution Co. Ltd.& Anr. ...Respondent(s)

Counsel for the Appellant (s) : Mr. Anand K.Ganesan
Ms. Neha Garg

Counsel for the Respondent (s) : Mr. S.Vallinayagam for R-1

ORDER

IA NO.327 OF 2017
(Appl. for condonation of delay in filing)

There is 188 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay may be condoned.

All the Respondents have been served. Mr. Vallinayagam appears on behalf of Respondent No.1. Other Respondents, though served, are not represented.

We have heard learned counsel for the Appellant. The following is the explanation offered by him:

"2. The Appellant submits that the present dispute concerns clarification on the issue as to whether normal transmission and wheeling charges as notified by the 2nd respondent Commission for conventional fuel based generators can be collected from Fossil Fuel based Co-generating plants. It is submitted that the 1st Respondent herein had filed a petition before the 2nd Respondent Commission to clarify whether

normal transmission and wheeling charge as notified by the 2nd Respondent for conventional fuel based generators can be collected from Fossil Fuel based Co-generating plants, for instance, the Appellant herein.

3. *It is respectfully submitted that delay in filing the present appeal is due to the fact that even though the impugned order was a subject matter of tariff fixation, it was not made available on the TNERC website under the category of Tariff orders. The impugned order was uploaded under daily orders and the daily order merely stated that the order was pronounced and thereafter the final order was uploaded under Case Orders. It is further submitted that the 1st Respondent herein filed the petition as a Miscellaneous Petition instead of filing it as a Tariff Petition.*

4. *The Appellant came to be aware of the Impugned order only on and from the said date there is no delay in the filing of the present appeal. However, reckoned from the date of the passing of the order, there is a delay in the present appeal.”*

Learned counsel for respondent No.1 has opposed the application. However, on a perusal of the above explanation, we are of the opinion that the explanation is acceptable. Sufficient cause has been made out. Hence, delay is condoned. Application is disposed of.

Registry is directed to number the appeal and list the matter for admission on **03.08.2017.**

(I. J. Kapoor)
Technical Member
 ts/kt

(Justice Ranjana P. Desai)
Chairperson