

COURT - I

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

**IA No. 214 of 2017 IN
DFR No.732 of 2017**

Dated: 8th May, 2017

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

In the matter of :

Jindal Power Ltd.

...Appellant(s)

Vs.

Central Electricity Regulatory Commission & Ors.

...Respondent(s)

Counsel for the Appellant(s) : Ms. Divya Chaturvedi
Ms. Arunima Kedia
Mr. Shresth Sharma for JPL

Counsel for the Respondent(s) : Mr. Sethu Ramalingam for R-1
Mr. Sarthak L. For MPPMCL

ORDER

There is 438 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. Sethu Ramalingam appears on behalf of Respondent No.1. Other Respondents, though served, are not represented.

We have heard learned counsel for the Appellant and perused the explanation offered for the delay in filing the appeal. It appears that the delay was caused because the appellant was prosecuting the review petition. Following are the steps taken by the appellant:

| Dates | Events |
|---|--|
| 18.12.2015 | <i>Date of the impugned order passed by the Central Commission.</i> |
| 19.12.2015 | <i>Date when the Appellant/Applicant received notice of the impugned order.</i> |
| 29.01.2016 | <i>Review Petition No. 6/RP/2016 in Petition No. 135/TT/2012 ("Review Petition") was filed by the Appellant/Applicant.</i> |
| 28.04.2016 02.06.2016 28.06.2016 26.07.2016 and 04.10.2016 | <i>The Central Commission heard the matter on 5 (five) occasions.</i> |
| 08.02.2017 | <i>Order in Review Petition No. 6/RP/2016 in Petition No. 135/TT/2012 i.e. the impugned Review Order was passed.</i> |
| 09.02.2017 | <i>Date when the Appellant/Applicant received notice of the impugned Review Order.</i> |

It is stated that after the review petition was dismissed, the appeal came to be filed within the prescribed time.

In the circumstances of the case, without expressing any opinion on the merits of the case, we condone the delay in filing the appeal. Application is disposed of.

Registry is directed to number the appeal and list the matter on **29.05.2017.**

(I. J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson