

**COURT-I**

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

**IA NO. 509 OF 2017 IN  
DFR 1935 OF 2017**

**Dated: 16<sup>th</sup> October, 2017**

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

**In the matter of:**

**Assam Power Distribution Company Ltd.**

**... Appellant(s)**

**Vs.**

**ONGC Tripura Power Company Limited & Ors.**

**.... Respondent(s)**

Counsel for the Appellant(s) : Mr. Avijit Roy

Counsel for the Respondent(s) : Mr. Parinay Deep Shah for R-1

**ORDER**

There is 33 days' delay in filing this appeal. Hence, this application has been filed praying that the said delay be condoned.

We have heard learned counsel for the Appellant. He has drawn our attention to the explanation offered in the application for condonation of delay. It appears that on 30/03/2017 the CERC passed the impugned order.. Thereafter on 03/05/2017 corrigendum was issued by the Central Commission. The Appellant has challenged in this appeal order dated

30/03/2017 as well as corrigendum dated 03/05/2017. It appears that the appeal is filed on 16/06/2017 that is within the period of limitation if the corrigendum is taken into account. Counsel for Respondent No.1 has strenuously opposed the condonation of delay on the ground that there is no challenge to the corrigendum dated 03/05/2017 and the entire appeal is directed against the impugned order dated 30/03/2017. The appeal is therefore beyond limitation and the delay should not be condoned.

We are not inclined to accept the argument of learned counsel for Respondent No.1. Whether the Appellant has challenged corrigendum dated 03/05/2017 or whether it has any relevance to the appeal or not, will be examined at appropriate stage. On that ground the application for delay cannot be rejected. We find explanation for delay in filing the appeal to be acceptable. Sufficient cause is made out. Hence, delay is condoned and the application is disposed of.

Registry to number the appeal and list the matter on **02/11/2017.**

**(I. J. Kapoor)**  
**Technical Member**  
*ts/tpd*

**(Justice Ranjana P. Desai)**  
**Chairperson**