

Court-II

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

RP No. 21 of 2015 in Appeal No. 174 of 2013

Dated : 25 August, 2015

**Present : Hon'ble Mr. Justice Surendra Kumar, Judicial member
Hon'ble Mr. T. Munikrishnaiah, Technical Member**

In the matter of:

**Punjab State Power Corporation Ltd. Review Petitioner
Versus
Punjab State Electricity Regulatory
Commission Respondent(s)**

Counsel for the Appellant (s) : Mr. Anand K. Ganesan
Ms. Akshi Seenu

Counsel for the Respondent (s) :

ORDER

Heard Mr. Anand K. Ganesan, learned counsel appearing for the Review Petitioner.

In this Review Petition, the main grievance of the Review Petitioner/Appellant is that this Appellate Tribunal has relied on its earlier judgment regarding merger without considering the subsequent judgment in which it has been observed that the doctrine of merger is allowed/applied in case Review Petition is partly allowed. According to the learned counsel for the Review Petitioner, the second judgment could not be placed or considered by this Appellate Tribunal while passing the judgment dated 22nd April, 2015 in Appeal No. 174 of 2013. Subsequently, the Review Petitioner/Appellant is being non-suited just on the ground that he has not filed any Appeal against the main Tariff Order

dated 07.01.2013 passed by the State Commission. Learned counsel further submits that he has filed a separate Appeal against the main Tariff Order dated 07.01.2013 before this Appellate Tribunal after passing the judgment dated 22.04.2015 by this Tribunal. His main apprehension is that since the Appeal filed against the main Tariff Order has been time barred though he was prosecuting the proceedings in this Tribunal in the Appeal under bona fide belief.

We may at this moment simply observe that in case the Appeal against the main Tariff Order dated 07.01.2013 is filed and the Appeal is time barred then delay condonation application filed on behalf of the Review Petitioner/Appellant may be considered sympathetically giving due consideration to the fact that the Appeal No. 174 of 2013 was prosecuted by the appellant under bona fide and legitimate belief. With this remark, we dispose of the Review Petition at the stage of admission itself.

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member

ss/rkt