

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)**

**IA NO. 596 OF 2016 IN
DFR NO. 3391 OF 2016**

Dated: 19th December, 2016

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

In the matter of:

NLC India Ltd.	Vs	Appellant(s)
Central Electricity Regulatory Commission & Anr.		Respondent(s)

Counsel for the Appellant(s) : Mr. M.G. Ramachandran
Ms. Ranjitha Ramachandran
Ms. Anushree Bardhan
Ms. Poorva Saigal
Ms. Anushree Bardhan

Counsel for the Respondent(s) : Mr. S. Vallinayagam for R-2

ORDER

IA NO. 596 OF 2016
(Appl. for condonation of delay in filing)

There is 63 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay may be condoned.

The Respondents have been served. However, nobody is representing Respondent No.1. Counsel for Respondent No.2 is present.

We have heard learned counsel for the parties. In the Application, the following explanation is offered:

"6. By order dated 26.05.2016 the Central Commission decided the truing up Petition No. 472/GT/2014 for the period 2009-14 for the TPS-I Generating Station. In the said order the Central

Commission however did not deal with the claim of the Appellant for substitution of the actual Secondary Fuel Oil Consumption in lieu of normative Secondary Fuel Oil Consumption in the Energy Charge Rates.

7. On 17.06.2016 the Appellant herein wrote a letter to the Central Commission requesting them to issue a corrigendum to the above order dated 26.05.2016 on certain aspects amongst which one was pertaining to the secondary fuel oil consumption. The Central Commission has not replied to the above letter till date.

8. In the meantime the Central Commission was considering another Petition being No. 474/GT/2014 which also raised the above issue of adjustment of secondary fuel oil consumption. On 27.07.2016, the Central Commission passed an order deciding the tariff for Appellant's TPS-I Expansion Station for the year 2009-14 (upon truing up) in Petition No. 474/GT/2014 wherein it had specifically rejected a similar prayer made for substitution of the actual Secondary Fuel Oil Consumption in lieu of normative Secondary Fuel Oil Consumption in the Energy Charge Rate. The order dated 27.07.2016 was communicated on 17.08.2016.

9. The appellant then consulted its legal counsel and after discussion it was decided that, since no corrigendum has been issued by the Central Commission as requested for by the Appellant in the letter dated 17.06.2016 and in the event that a similar claim has been rejected by the Central Commission in the matter of TPS-I Expansion vide its order dated 27.07.2016, an appeal should be filed in the case of TPS-I station against the aspect of non consideration of actual secondary fuel oil consumption by the Central Commission."

We find the explanation to be acceptable. 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 **16.01.2017.**

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

ts/vt