# Court-II Before the Appellate Tribunal for Electricity (Appellate Jurisdiction)

#### DFR No. 2299 of 2015

## Dated :12th January, 2016

Present : Hon'ble Mr. Justice Surendra Kumar, Judicial member

Hon'ble Mr. T. Munikrishnaiah, Technical Member

#### In the matter of:

Power Grid Corporation of India Ltd.,

.... Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors

.... Respondent(s)

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

Ms. Swapna Seshadri

Counsel for the Respondent (s) :

### <u>O R D E R</u>

Heard and perused the objections raised by the Registry. The appellant has filed an affidavit to the effect that covering letter along with the impugned order in this case was never communicated to it and as per the copy of the impugned order, the date of communication of impugned order is 29<sup>th</sup> September, 2015 where seal of the appellant's office is affixed thereon. It has been argued in this case that no covering letter was ever sent to the appellant and the date of communication of the order should be treated as 29<sup>th</sup> September, 2015. The present Appeal has been filed on 10<sup>th</sup> November, 2015 which in our view is within the period of limitation of 45 days from the date of communication of the impugned order. We hereby ignore the objection of the Registry and admit the Appeal.

Admit.

Issue notice of the appeal to all the respondents returnable within two weeks from today.

Reply/counter affidavit may be filed by the respondents within four weeks from today and rejoinder, if

any, may be filed by the appellant within two weeks thereafter. Registry is directed to number the Appeal.

Dasti service is permitted.

List this Appeal for hearing on 14<sup>th</sup> March, 2016.

( T. Munikrishnaiah ) Technical Member hc/rkt (Justice Surendra Kumar) Judicial Member