

**COURT-I**

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

**IA NO. 792 OF 2017 IN  
DFR NO. 2863 OF 2017**

**Dated: 8<sup>th</sup> January, 2018**

**Present: Hon'ble Mr. I. J. Kapoor, Technical Member  
Hon'ble Mr. Justice N. K. Patil, Judicial Member**

**In the matter of:**

**The Tata Power Company Limited**

**.... Appellant(s)**

**Vs.**

**Maharashtra Electricity Regulatory Commission**

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

Counsel for the Appellant(s) : Mr. Amit Kapur  
Mr. Vinam Gupta  
Ms. Abiha Zaidi

Counsel for the Respondent(s) : Mr. Buddy A. Ranganadhan  
Ms. Aditi Sharma for R-1

**ORDER**

**IA NO. 792 OF 2017  
(*Appl. for condonation of delay*)**

There is 383 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay in filing the appeal may be condoned.

The Respondent has been served. Mr. Buddy A. Ranganadhan appears on behalf of the Respondent.

We have heard learned counsel for the Appellant and perused the explanation offered for the delay in filing the appeal. The relevant paragraphs of the explanation read as under:

*“6. It is submitted that the delay in filing the present appeal as against the impugned order be condoned as the Applicant/Appellant was prosecuting the review petition with due diligence and in good faith before Ld. Maharashtra Commission.*

*7. It is evident from the foregoing that the Appellant/Applicant had been bonafidely prosecuting proceedings in the nature of a review before Ld. Maharashtra Commission in respect of the Order dated 30.06.2016. The order in the review proceedings was reserved on 27.12.2016 and was passed on 19.07.2017. Pursuant thereto, the Applicant/Appellant has preferred the accompanying appeal, which is within 45 days of the order in Review as hence within time from the said order.”*

It appears that delay is caused because the Appellant was prosecuting the review petition before the State Commission, which was disposed of on 19.07.2017. Thereafter, the appeal has been prepared and filed before this Tribunal on 01.09.2017. We find the explanation to be acceptable. Sufficient cause has been made out. 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 **12.02.2018**.

**(Justice N. K. Patil)**  
**Judicial Member**

ts/mk

**(I.J. Kapoor)**  
**Technical Member**