

**COURT-I**

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

**I.A. NO. 508 OF 2016 IN  
DFR NO. 2848 OF 2016**

**Dated: 8<sup>th</sup> November, 2016**

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

**In the matter of:**

**Punjab State Transmission Corporation Ltd. .... Appellant(s)**

**Vs.**

**Central Electricity Regulatory Commission & Ors. .... Respondent(s)**

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

Counsel for the Respondent(s) : Mr. K.S.Dhingra for R-1

**ORDER**

**IA NO. 508 OF 2016**

***(Appls. for condonation of delay in filing the appeal)***

This appeal is filed against the Order dated 09.10.2015 passed by the Central Electricity Regulatory Commission. There is 256 days delay in filing this appeal. Hence, in this application, the applicant/appellant has prayed that the delay be condoned. All the respondents have been served. Mr. Dhingra, learned counsel is appearing for Respondent No.1. Though served, nobody is representing the other respondents.

We have heard learned counsel for the parties and also perused the explanation offered by the Appellant in the application. In the application following explanation is given:

***“The appellant-Punjab Transmission Corporation Limited (hereinafter referred to as ‘PSTCL’) submits that there has been a delay of 256 days in filing of the appeal. The delay is only on account of the pendency of the Review Petition filed by the appellant before the Central Commission. The Order dated 09.10.2015 was communicated to PSTCL vide letter dated 12.10.2015 which was delivered on 20.10.2015. The appellant filed the Review Petition No. 23 of 2015 on 16.11.2015. The review order was passed on 29.06.2016. The review order was communicated to PSTCL, the appellant vide letter dated 01.07.2016 delivered on 18.07.2016.***

***4. PSTCL submits that this Hon’ble Tribunal in the Order dated 11.09.2014 in the matter of Steel Authority of India Limited Vs. Central Electricity Regulatory Commission & Ors in Appeal No. 41 of 2014 has held that an appeal against the order of the Central Commission is not maintainable during the pendency of the Review Petition on the same issues before the Central Commission. On account of the above, PSTCL could not file the appeal prior to the disposal of the review petition.***

***5. Immediately on receipt of the Order dated 29.06.2016 in Review Petition No. 223 of 2015, on 18.07.2016, the appellant had proceeded to finalise the appeal and filed the same before this Hon’ble tribunal i.e., within a period of 45 days allowed for filing the Appeal.””***

It appears that the appellant was prosecuting a Review Petition and after it was disposed of the instant appeal is filed after taking necessary steps. The explanation is acceptable. In the circumstances, delay deserves to be condoned. Accordingly, delay is condoned. Application is disposed of.

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Registry is directed to number the appeal.

Admit. Issue notice on the appeal as well as on the stay application. Mr. Dhingra takes notice on behalf of Respondent No.1 and seeks four weeks time to file reply. Notice be issued to the other respondents returnable on 08.12.2016. Dasti, in addition, is permitted.

Learned counsel for the respondents may file reply on or before 07.12.2016 after serving copy on the other side. Thereafter, rejoinder may be filed on or before 22.12.2016 after serving copy on the other side.

List the I.A for hearing on **08.12.2016**.

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

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

ts/vt