

**COURT-I**

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

**IA No. 175 of 2014 in  
DFR No. 824 of 2014**

**Dated : 24<sup>th</sup> July, 2014**

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson  
Hon'ble Mr. Rakesh Nath, Technical Member**

**Powergrid Corporation of India Ltd. ... Appellant(s)  
Versus  
Central Electricity Regulatory Commission & Ors. ...Respondent(s)**

**Counsel for the Appellant (s) : Mr. M.G.Ramachandran  
Ms. Swagatika Sahoo  
Ms. Poorva Sahegal  
Counsel for the Respondent (s) : Mr. Pradeep Misra  
Mr. Manoj Kr. Sharma  
for R.3 to 5**

**ORDER**

This Application has been filed to condone the delay of 910 days in filing the Appeal as against the main Order dated 15.09.2011 passed by the Central Commission.

As pointed out by the learned counsel for the Applicant, it is now noticed that challenging the relevant Regulation, they filed the Writ Petition before the Hon'ble High Court of Delhi on 18.04.2012 and the same was admitted on 23.04.2012. When the High Court felt that the issue involved the question of interpretation of Regulations and the same has to be dealt with by the Tribunal, the

Applicant sought permission to withdraw the Writ Petition with the liberty to file an Appeal before this Tribunal. Accordingly, permission was granted and the Writ Petition was disposed of on 03.03.2014 giving the liberty to the Applicant to approach this Tribunal along with an Application to condone the delay. Immediately thereafter, this Appeal has been filed on 14.03.2014 along with an Application to condone the delay of 910 days, which is reckoned from the main Order dated 15.09.2011.

This Application is vehemently opposed by Mr. Pradeep Misra, the learned counsel for the Respondent, on the ground that apart from the delay for the period in which the Writ Petition before the High Court was pending, there was an inordinate delay of 212 days in filing the Writ Petition before the High Court and the same has not been explained properly.

In view of this Objection, we have directed the learned counsel for the Applicant to give an explanation by filing an affidavit with regard to the delay between the date of the main Order and the date of filing the Writ Petition before the High Court.

Accordingly, the affidavit has been filed by the learned counsel for the Applicant giving explanation. Though it is still opposed by

the learned counsel for the Respondent stating that the explanation given in the affidavit by the Applicant on 18.07.2014 is not satisfactory, we deem it appropriate to condone the delay on payment of some costs.

Therefore, the Applicant is directed to pay the cost of Rs. 10,000/- (Rupees ten thousand only) to a charitable organisation, namely, "**SAIDEEP DR. RUHI FOUNDATION, A/c No. 95266 3443, A-508, Sector 19, NOIDA- 201301**" within two weeks.

After receiving the compliance report, the Registry is directed to number the Appeal and post for Admission on **08.08.2014**.

**(Rakesh Nath)**  
**Technical Member**

**(Justice M. Karpaga Vinayagam)**  
**Chairperson**

Ts/kt