

**COURT-I**  
**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY**  
**(Appellate Jurisdiction)**

**IA NO. 488 OF 2019**  
**IN**  
**DFR NO. 1139 OF 2019**

**Dated: 29<sup>th</sup> March, 2019**

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson**  
**Hon'ble Mr. S.D. Dubey, Technical Member**

**In the matter of:**

**M/s Topworth Urja and Metals Ltd.**

**....**

**Appellant(s)**

**Vs.**

**Maharashtra Electricity Regulatory Commission & Anr.....**

**Respondent(s)**

Counsel for the Appellant(s) : Mr. Sanjay Sen, Sr. Adv.  
Ms. Shikha Ohri

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

Mr. Sankalp Singh  
Mr. Anup Jain for R-2

**ORDER**

**IA NO. 488 OF 2019**  
***(Application for condonation of delay in filing appeal)***

This application is for condonation of 263 days' delay in filing the appeal. The Review filed against the Impugned Order consumes about 222 days. If that period is excluded, the delay seems to be about 41 days.

Learned counsel appearing for Respondent No.2, though has not filed Vakalatnama till date, seeks time to file objections/reply to delay application. Since delay is only for 41 days, and ultimately the appeal has

to be decided on merits, after hearing both the parties, we condone the delay. The Application is disposed of.

**DFR NO. 1139 OF 2019**

Heard Mr. Sanjay Sen, learned senior counsel appearing for the Appellant. He submits that there is disconnection notice which is renewed on 18.03.2019. According to him, the controversy in the matter arises on account of changing the month (instead of July to June in 2012-2013, it is now changed as April to March in 2013-2014) for the purpose of calculating self consumption of electricity as captive generator. Therefore, the annual consumption required under Rule (3) of 2005 Rules gets calculated only for 9 months. Therefore, there is shortfall of self consumption. Hence, he seeks stay of the notice of disconnection dated 18.03.2019.

Respondent No. 2 is directed not to disconnect power supply till the next date of hearing.

**Admit.** Issue notice to the respondents returnable on 22.04.2019. Mr. Buddy A. Ranganadhan takes notice on behalf of Respondent No.1 and Mr. Anup Jain takes notice on behalf of Respondent No. 2.

Registry is directed to number the appeal and list the matter on **22.04.2019**. Meanwhile, Vakalatnama and objections/reply, if any, may be filed by Respondents with advance copy to the other side.

**(S. D. Dubey)**  
**Technical Member**

**(Justice Manjula Chellur)**  
**Chairperson**

*tpd/kt*