

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

**IA-180 of 2013 in
DFR-1099 of 2013**

Dated : 6th August, 2013

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

NTPC Ltd. ... Appellant(s)

Versus

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

Counsel for the Appellant(s) : Mr. M.G. Ramachandran
Ms. Swagatika Sahoo
Counsel for the Respondent(s): Mr. Pradeep Misra
Mr. Shashank Pandit for R.2
Mr. Nikhil Nayyar for R.1

ORDER

**IA-180 of 2013
*(Appl. for condonation of delay)***

This is an Application to condone the delay of 305 days in filing the Appeal as against the main Order dated 25.05.2012. It is submitted by the learned counsel for the Applicant/Appellant that as against the main Order, the Appellant filed a Review on 05.07.2012 before the Central Commission and the same had been disposed of only on 02.04.2013 and thereafter the Appeal has been filed before this Tribunal on 21.05.2013 and that was how the delay was caused.

We have asked for explanation from the Central Commission for the delay caused in disposing of the Review Petition. Accordingly, the Central Commission has also filed the reply giving the explanation.

It is noticed that the matter was adjourned periodically for some reason or the other and no immediate steps have been taken to dispose of the Review Petition.

However, it is seen that the delay was not on the part of the Appellant. Therefore, we deem it fit to condone the delay especially when the issue raised in this Appeal is pending in other Appeals. Accordingly, the delay is condoned.

The Central Commission is directed to frame the Regulations to fix the time frame within which the Review Petitions could be disposed of to enable the parties to file an Appeal before this Tribunal without any delay. With these observations this Application is disposed of.

The Registry is directed to number the Appeal and post the matter for Admission on **12.08.2013**.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson