

Central Electricity Regulatory Commission in Petition No. 01/TT/2018.

- b) Pass such other order(s) or directions(s) which this Tribunal may deem fit and proper.
2. The Applicant/Appellant filed a Review Petition being Petition No. 37/RP/2018 against the Impugned Order dated 23.07.2018 which was communicated to the Applicant/Appellant on 09.08.018, on the grounds that the Central Commission has condoned the entire time-over run of 54 months in implementation of the instant transmission assets and correspondingly, under provisions of the Tariff Regulations, 2014, the incurred IEDC should be accepted and must not be restricted to the projected IEDC of 5% of hard cost in the investment approval.
3. The Review Petition was disposed of by the Central Commission vide Order dated 19.03.2019. Since the order was a detailed one and approval to file an appeal was taken on 30.03.2019. The advocate was engaged and an opinion was given on 15.04.2019. Thereafter fresh approval to file appeal was taken on 30.04.2019.

The Advocate prepared the final draft and sent to the Applicant/Appellant on 30.04.2019. The Applicant/Appellant verified the draft on 30.05.2019 and after signing and making of copies the appeal was filed on 06.06.2019.

4. It is stated that the delay is for the reasons mentioned in the Application and not deliberate, and as a matter of principle the Hon'ble Supreme court in its various decisions has held that at the time of condoning the delay in filing applications, the merit of the case is taken to be of paramount consideration. The reason for filing of review petition was on account of error apparent on the face of record in not considering the express provisions of the Tariff Regulations, 2014.
5. It is further stated that grave prejudice and irreparable harm would be caused to the Applicant/Appellant if the present Application is not allowed. The Application is bonafide and in the interest of justice
6. We have heard the learned counsel appearing for Applicant/Appellant.

7. In view of the submissions made by the learned counsel appearing for the Applicant/Appellant and after perusal of the reasoning given in the application explaining the delay in filing the Appeal, we find it satisfactory as sufficient cause has been shown in the application. The same is accepted and the delay in filing the Appeal is condoned. The IA is allowed.
8. The IA Being IA No. 1129 of 2019 stands disposed of.

List the main matter on **28.11.2019.**

Pronounced in the Open Court on this **22nd day of October, 2019.**

(Ravindra Kumar Verma)
Technical Member

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(Justice Manjula Chellur)
Chairperson