

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

**IA NO.1127 OF 2019 IN**  
**DFR NO. 1123 OF 2019**

**Dated: 16<sup>th</sup> September, 2019**

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

**In the matter of:**

**Tanot Wind Power Ventures Private Ltd. .... Appellant(s)**  
**Versus**  
**Rajasthan Electricity Regulatory Commission & Ors. .... Respondent(s)**

Counsel for the Appellant(s) : Mr. Anand K. Ganesan  
Ms. Swapna Seshadri  
Mr. Ashwin Ramanathan  
Mr. Damodar Solanki

Counsel for the Respondent(s) : Mr. R.K. Mehta  
Ms. Himanshi Andley for R-1

**ORDER**

**IA No. 1127 of 2019**  
**( Appln. for condonation of delay in filing Appeal)**

Respondent-Discoms, in spite of service of notice, have not entered appeared till date.

This application is filed seeking condonation of delay of 1334 days in filing the appeal.

According to the Applicant/Appellant, the present appeal is filed against generic tariff order dated 29.05.2015 in respect of wind power

plants commissioned in the FY 2015-16 so also order dated 20.12.2018 passed in Petition No. 1377 of 2008 by the Respondent-Commission.

Initially the Applicant/Appellant had filed an Appeal No. 236 of 2015 before this Tribunal on 28.05.2018. While disposing of the said appeal, this Tribunal directed the Appellant to file a representation before the Respondent-Commission to reconsider the matter since issues were in the nature of computational errors. Accordingly, a representation came to be filed in Petition No.1377 of 2018 before the Respondent Commission, which was disposed of on 20.12.2018. The orders were communicated and the same was received by the Appellant on 24.12.2018. According to the Applicant/Appellant, in this order also, the Respondent-Commission re-iterated the previous findings made by it in the order dated 29.05.2015. In other words, no fresh consideration of the issues was done by the Respondent-Commission in pursuance of directions of this Tribunal.

The Applicant/Appellant's officials sought opinion of the Advocate only on 15.01.2019. Opinion was sent to the Applicant/Appellant on 25.01.2019 suggesting the Applicant/Appellant to file the Appeal. After necessary approvals and finalisation of the Appeal, the Appeal came to be filed before this Tribunal on 08.03.2019. Though there is a delay of

33 days in filing the appeal against the orders dated 20.12.2018, by abundant caution, the appeal is also filed seeking for setting aside the order dated 29.05.2015, therefore, the delay is 1334 days.

We are satisfied with the explanation given by the Appellant as to why such delay has occurred i.e., on account of the directions issued by this Tribunal in Appeal No. 236 of 2015 dated 28.05.2018.

For the reasons mentioned above, we condone the delay of 1334 days in filing the appeal. Accordingly, the application is disposed of.

Registry is directed to number the appeal and list the matter for admission on **30.09.2019.**

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

*vt/ts*

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