

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

**IA No. 818 of 2019  
IN  
DFR No. 689 of 2019**

**Dated: 22<sup>nd</sup> October, 2019**

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson  
Hon'ble Mr. Ravindra Kumar Verma, Technical Member**

**In the matter of:**

<b>Bihar State Power Transmission Company Ltd.</b>	<b>...Appellant(s)</b>
<b>Versus</b>	
<b>Bihar Electricity Regulatory Commission</b>	<b>...Respondent (s)</b>

Counsel for the Appellant(s) : Mr. S.B. Upadhyay, Sr. Adv.  
Mr. Sunil Kumar Jha  
Mr. Nishant Kumar  
Ms. Anisha Upadhyay  
Mr. Mukesh Kumar  
Ms. Rinki Rani (Rep.)

Counsel for the Respondent(s): Mr. Arijit Maitra for R-1

**ORDER**

1. This is an Application seeking for the Condonation of Delay of 296 days in filing the Appeal as against the Impugned Order dated 07.03.2018 passed in Case No. 37 of 2017 and 32 days against the Impugned Order dated 20.11.2018 passed in the Review Petition No. 15 of 2018.

2. The Applicant/Appellant being aggrieved by the Impugned Order dated 07.03.2018 passed by the Bihar State Electricity Regulatory Commission in Case No. 37 of 2017 filed a Review Petition No. 15 of 2018 before Bihar State Electricity Regulatory Commission for reviewing the Impugned Order. The Review Petition was disposed of by the State Commission vide order dated 20.11.2018 and a copy of the order dated 20.11.2018 was received by the Applicant/Appellant. Accordingly, a delay of 296 days against the Impugned Order dated 07.03.2018 and 32 days against the Review Order dated 20.11.2018 had occurred.
  
3. Further, the learned senior counsel appearing for the Applicant/Appellant submitted that the Applicant/Appellant has a very good prima facie case in its favour and there is every likelihood of the Applicant being succeeded in its appeal on merits. And also the balance of convenience lies in favour of the Applicant and against the Respondent and in case the delay is not condoned the Applicant would suffer irreparable loss and injury. The delay of 296 days in filing the appeal against the Impugned order dated 07.03.2018 and 32 days delay in filing the Review order dated 20.11.2018 is bonafide and unintentional and also beyond the control of the Applicant in the aforesaid circumstances of pendency of the Review Petition and thereafter on account of official exigencies in preparing the appeal.

4. We have heard the learned senior counsel appearing for Applicant/Appellant.
5. In the light of the submissions of the learned senior counsel appearing for the Applicant/Appellant and the reasoning assigned in the application for explaining the delay in filing the Appeal, the Appellant has given valid and cogent reasons for explaining the delay in filing the Appeal. Further, the delay has not been significantly opposed by the Respondent State Commission. The delay in filing the Appeal has been explained satisfactorily and sufficient cause has been shown. Hence, we accept the same. Delay in filing the appeal is condoned. IA is allowed.
6. The IA being IA No. 818 of 2019 stands disposed of.

List the main matter on **21.11.2019.**

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

**(Ravindra Kumar Verma)**  
**Technical Member**

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