

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

**IA NO. 625 OF 2019 IN**  
**DFR NO. 637 OF 2019**

**Dated: 14<sup>th</sup> November, 2019**

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

**In the matter of:**

**Century Rayon**

**...Appellant(s)**

**Versus**

**Maharashtra Electricity Regulatory Commission & Ors.**

**...Respondent(s)**

Counsel for the Appellant(s) : Sakya Singha Chaudhuri  
Avijeet Lala  
Anand Kumar Shrivastava  
Shreya Mukerjee  
Shikha Pandey  
Shivam Sinha For App1

Counsel for the Respondent(s) : Pratiti Rungta For Res1  
Ganesan Umapathy For Res2

**ORDER**

1. This is an Application seeking for the Condonation of Delay of 243 days in filing the Appeal against the Impugned Order dated 25.04.2018 passed in Case No. 99 of 2017 and 103 days against the Impugned Order dated 25.04.2018 passed in Case No. 246 of 2018 by Maharashtra Electricity Regulatory Commission whereby

the State Commission has held that the relief of allowing lower Wheeling Charges to the Applicant/Appellant is to be given effect to prospectively and provided the dispensation for levy of Wheeling Charges respectively.

2. The prayer of Applicant/Appellant as follows:-

- a) Allow the present Application and condone the delay of 243 days, if any, in filing the present Appeal against the First Impugned Order dated 25.04.2018 in Case No. 99 of 2017 and condone the delay 103 days, if any, in filing the present Appeal against the MTR order dated 12.09.2018 in Case No. 249 of 2018 passed by the Respondent No.1; and
- b) Pass such further or other order(s) as this Tribunal may deem fit in the facts and circumstances of the case.

3. The Applicant/Appellant submitted that the State Commission passed the Impugned Order dated 25.04.2018 requiring clarification. Since, the Applicant/Appellant waited for the receipt of bill to avoid multiplicity of legal proceedings and giving effect to the Impugned Order dated 25.04.2018, on 23.08.2018 filed

Review Petition before the State Commission being Case No. 246 of 2018 seeking review of the Impugned Order dated 25.04.2018 i.e. with a delay of 75 days.

4. On 24.12.2018, the State Commission dismissed the Review Petition filed by the Applicant/Appellant on the grounds as the case of the Applicant/Appellant does not involve retrospective application of any rule, regulation, etc. The second Impugned Order dated 27.12.2018 was received by the Applicant/Appellant and the present appeal has been filed on 07.02.2019 within the period of 45 days.
5. Further the Applicant/Appellant submitted that the Applicant/Appellant had no occasion to challenge the second Impugned Order dated 12.09.2018 passed in Case No. 195 of 2017 on the issue of supply at 22 kV and consequent liability of Wheeling Charges since the different levels of Wheeling Charges as per voltage level as the State Commission for the first time while placing reliance of the same disposed off the Review Petition filed by the Applicant/Appellant.

6. The Applicant/Appellant submitted that the time spent for prosecuting the review was without any malafide intention and pursuing the remedy under the bona fide belief with utmost good faith. The Applicant/Appellant has a strong case on merits. The balance of convenience lies in favour the Applicant and in case this Tribunal does not grant the reliefs as prayed, the Applicant shall suffer grave and irreparable loss and injury.
7. In the light of the submissions of the learned senior counsel appearing for the Applicant/Appellant and the reasoning assigned in the application explaining the delay in filing the Appeal, the delay is bonafide and unintentional. Having regard to the circumstances of the case we think it appropriate to hear the appeal on merits and decide. 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, and accordingly, stands disposed of.

List the matter for admission on **19.11.2019.**

Pronounced in the Open Court on this **14<sup>th</sup> day of November,**  
**2019.**

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

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