

COURT- 1

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**DFR No : 2232 of 2019 & IA No. 1846 OF 2019 & IA No. 1817 OF 2019 & IA
No. 1448 OF 2019**

Dated: 17th October, 2019

Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson

Hon'ble Mr. Ravindra Kumar Verma, Technical
Member (electricity)

In the matter of:

Haryana Power Purchase Centre

.... Appellant(s)

Versus

Haryana Electricity Regulatory Commission

.... Respondent(s)

Counsel for the Appellant(s) : Ranjitha Ramachandran
Poorva Saigal
Anushree Bardhan
Shubham Arya
Arvind Kumar Dubey

Counsel for the Respondent(s) : Anand K. Ganesan
Swapna Seshadri for R2

ORDER

(IA No. 1846 of 2019 – for urgent listing)

Heard Mr. Basava Prabhu S. Patil, learned senior counsel appearing for Respondent No.2.

For the reasons stated in this application, the IA is allowed. Application stands disposed of.

(IA No. 1448 of 2019 - for condonation of delay)

The sufficient cause shown for delay in filing the appeal, according to the Appellant, is as under:

The impugned order dated 08.03.2019 was communicated to the Appellant and the same was received by it on 12.03.2019. On going through the impugned order, the Appellant sincerely felt that certain issues could be redressed by filing the review petition, and accordingly the review petition came to be filed on 09.04.2019. However, after hearing the review petition it came to be dismissed on 01.05.2019. The said order came to be communicated only on 10.07.2019 and the letter was received by the Appellant on that day. On receipt of the said communication, the Appellant decided to file the appeal and the appeal came to be filed with a delay of 97 days. Therefore, there is no intention or negligence on the part of the Appellant to approach this Tribunal with the delay of 97 days is the stand of the Appellant.

We are satisfied with the explanation offered by the Appellant and the said explanation is substantiated by filing the application supported by the affidavit of Chief Engineer of HPPC. We are of the opinion that even if the delay is condoned, ultimately the appeal would be heard on merits by giving opportunity to both the parties. Therefore, no prejudice would be caused to the Respondents. Hence, the Application is allowed condoning the delay of 97 days in filing the appeal.

List the matter for admission on 07.11.2019.

Ravindra Kumar Verma
Technical Member(electricity)

Justice Manjula Chellur
Chairperson

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