

## **The HPPTCL Versus the HPSEBL**

**IA No. 40 of 2023**

**in**

**Filing No. 04 of 2023**

**22.03.2023**

Present: Sh. Tapan Kumar, Tariff Consultant for the Petitioner.  
Ms. Vandana Thakur, Ld. Vice Counsel for the Respondent No.1 with Sh. Anil Gautam, Chief Engineer (System Operation).

### **DAILY ORDER**

Reply of the Respondent to the application for condonation of delay is taken on record.

Heard on application for condonation of delay. It is mentioned in the application that on receipt of the order dated 28.09.2022, a significant time was consumed in processing the matter involving financial implications and seeking permission from the higher authority. In between, there was also H.P. Assembly Elections and the final approval of the competent authority could only be obtained on 14.12.2022, hence, there is delay of about 71 days in filing the Review Petition which is neither intentional nor deliberate. The application is supported by an affidavit.

The Respondent/HPSEBL in its reply has mentioned that the Petitioner has not offered any plausible explanation qua delay in filing the Petition and has simply quoted the provisions of the Electricity Act, 2003 and the Limitation Act, 1963 and no detailed explanation has been made for condoning the delay and, thus, the application be rejected.

On careful perusal of the application duly supported by an affidavit, it is evident that a significant time was consumed in processing the matter involving financial implications and obtaining permission of

the competent authority which could only be obtained on 14.12.2022 due to the H.P. Assembly Elections and as such, the filing of the Review Petition has got delayed by 71 days. The explanation offered appears to be reasonable and plausible. Thus, the delay is not intentional and deliberate which is ordered to be condoned. The application is disposed off. Be tagged to the main file.

The Review Petition be registered, if not already registered.

The Ld. Counsel for the Respondent seeks two week time for filing reply. The prayer is considered and allowed. Let reply be filed within two weeks with advance copy to the opposite party. The Petitioner shall also file rejoinder on receipt of copy of reply well before the next date.

It is also submitted that the review is being sought against the order dated 28.09.2022 passed in Ptition No. 29 of 2022, however, no notice to Himahal Pradesh Power Corporation Limited and Ms. Taranda Power Private Limited who were parties to main Petition, has been issued. Let notices be issued them to file reply within two weeks.

As ordered vide order dated 22.02.2023, the deficient court fee of Rs. 5,000/- has not been deposited. Let the deficient fee be deposited within 10 days.

List this matter on 25.04.2023 at 11.00 AM for completion of the proceedings.

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**(Shashi Kant Joshi) (Yashwant Singh Chogal) (Devendra Kumar Sharma)**  
**Member Member (Law) Chairman**