

**M/s Baada Deo Small Hydel Projects Pvt. Ltd. Versus
HPSEBL**

**IA No. 316 of 2026
in
Petition No. 137 of 2026**

29.09.2026

Present: Sh. L.S Mehta, Ld. Counsel for the Petitioner.
Sh. Rajesh Kashyap, Ld. Counsel for the Respondent.

DAILY ORDER

Reply to the application of condonation of delay filed.

Copy supplied.

Heard. This Petition has been filed under Section 94 (1) (f) of the Electricity Act, 2003 for review of Order dated 10.06.2026 passed in Petition No. 90 of 2026.

An application for condonation of delay of 14 days has been filed that the Commission vide Order dated 10.06.2026 had approved the Supplementary Power Purchase Agreement to be executed by the HPSEBL with M/s Bada Deo Small Hydro Project Ltd. in respect of Bada Deo Hydro Electric Project (1.50 MW).

The certified copy of the said order is stated to have been received by the Petitioner on 19.06.2026. It is averred that on receipt and examination of the certified copy of the order, the Petitioner found that the Commission had erroneously treated the industrial subsidy having been deemed to have been availed by the Petitioner and on that basis adjusted the same while

determining the tariff. It is further averred that the Review Petitioner approached the Counsel for legal advice regarding filing of Review Petition against the aforesaid Order. Upon examining the matter, the Counsel advised the Review Petitioner that the original Petition had been jointly filed by the parties, therefore, it will be in the interest of the parties to approach the Respondent requesting it to join in filing a joint Review Petition. The Review Petitioner vide representation dated 10.07.2026 approached the Respondent and awaited the response for about one week hoping that the issue could be resolved by filing a joint Review Petition.

It is further averred that no response was received and the Review Petitioner was left with no option but to institute the Review Petition independently. Therefore, the time consumed in obtaining the certified copy of the Impugned Order and the bonafide period spent waiting for the response of the Respondent pursuant to the representation dated 10.07.2026, a small delay has occurred which is neither intentional nor willful but has occurred due to the aforementioned events which were beyond the control of the Review Petitioner. It is further averred that no harm and prejudice would be caused to either of the parties, if the delay in filing the Review Petition is condoned and the Review Petitioner would suffer irreparable loss and injury in the event of refusal of

condonation of delay. The application is also supported by an affidavit.

The application has been resisted by the Respondent. In reply, the contents of the application have been denied that the Petitioner has failed to offer any satisfactory explanation for condoning the delay and has not been able to establish any genuine or unavoidable circumstances, as such, explanation is not satisfactory and application be dismissed. The reply too is supported by an affidavit.

Heard Sh. L.S Mehta, Ld. Counsel for the Petitioner and Sh. Rajesh Kashyap, Ld. Counsel for the Respondent and perused the record. It is apparent from the application that soon after receiving the copy of the Order, the Petitioner took all the necessary steps to avoid delay but since the Commission had passed the order in exercise of the power under Section 86 of the Electricity Act, 2003 only a Petition under the provisions of the Act was tenable. In the circumstances, the explanation given for condonation of delay appears to be bonafide. The application is, therefore, considered and allowed and the small delay of 14 days is order to be condoned. The application is accordingly disposed off, be tagged to the file for record.

The Review Petition be registered.

Let reply to the Review Petition be filed within two weeks with advance copy to the opposite party. Rejoinder, if any, be filed within a week on receipt of copy of reply.

List on 23.10.2026 at 11:00 AM for completion of proceedings.

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(Shashi Kant Joshi)
Member-cum-Chairman