

**Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)**

**Appeal No. 125 of 2009 &  
IA No. 234 & 235 of 2009**

**Dated: 18<sup>th</sup> August, 2009**

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson  
Hon'ble Mr. H.L. Bajaj, Technical Member**

**Aryan Coal Benefications Pvt. Ltd.**

**.... Appellant (s)**

**Versus**

**Chhattisgarh State Electricity Regulatory Commission & Anr ... Respondent (s)**

Counsel for the Appellant/ (s): Mr. Gopal Jain  
Mr. Milanka Choudhury  
Mr. Ajay Sawhney  
Mr. Rajat Arora

Counsel for the Respondent (s): Mr. K.Gopal Choudhary, for R-2  
Mr. A.Bhatnagar, S.E., RAC  
Ms. Swapna Seshadri, for CSERC

**ORDER in IA No. 234 of 2009 to Condone the delay**

We have heard the counsel for the parties.

There is a delay of 120 days in filing this Appeal. The reasons for delay, as pointed out by learned counsel for the Appellant is that the main Order had been passed on 23/1/09 and thereafter, the Appellant filed a Review Application and the same had been dismissed on 25.5.2009 and there upon the Appeal was prepared and filed on 8.7.2009 and hence there was delay.

In view of this statement, which is not disputed by the other side, we feel that there is sufficient cause to condone the delay. Accordingly, the delay is condoned.

Post the matter for admission on **3/09/09**.

**(H.L. Bajaj)**  
**Technical Member**

**(Justice M. Karpaga Vinayagam)**  
**Chairperson**