

**COURT-I**

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

**IA NOS. 131 & 829 OF 2017 IN  
DFR NO. 254 OF 2017**

**Dated: 5<sup>th</sup> July, 2018**

**Present: Hon'ble Mr. I. J. Kapoor, Technical Member  
Hon'ble Mr. Justice N. K. Patil, Judicial Member**

**In the matter of:**

**Maharashtra Aquaculture Farmers Association & Ors. ... Appellant(s)  
Vs.  
Maharashtra Electricity Regulatory Commission & Ors. .... Respondent(s)**

Counsel for the Appellant(s) : Mr. Prashant S. Kenjale  
Mr. Nishant

Counsel for the Respondent(s) : Mr. Buddy A. Ranganadhan for R-1  
Ms. Rimali Batra for R-2

**ORDER**

**IA NO. 131 OF 2017  
(Appl. for condonation of delay)**

There is 1618 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay in filing the appeal may be condoned.

The Respondents have been served. Mr. Buddy A. Ranganadhan appears on behalf of Respondent No.1 and Ms. Rimali Batra appears on behalf of Respondent No.2. Though served, nobody is appearing on behalf of other Respondents.

We have heard learned counsel for the Appellant and perused the explanation offered for the delay in filing the appeal. Learned counsel for the Appellant states that the impugned order was passed on 16.08.2012 *ex parte* against the appellant. Learned counsel further states that the Appellant came to know about the impugned order in February 2013, when Respondent No.2 had billed the Appellant in excess in the month of January 2013. After obtaining the certified copy of the impugned order, the Appellant had invoked the jurisdiction of Hon'ble High Court of Bombay vide W.P. No. 3556 of 2016. It is stated that the Hon'ble High Court of Bombay has given liberty to the appellant to approach the appropriate forum vide orders dated 21.12.2016 and 06.12.2016. Thereafter, the appeal has been prepared and filed before this Tribunal on 20.01.2017.

It appears that delay is caused because the Appellant was prosecuting the writ petition before the High Court of Bombay, which was disposed of on 06.12.2016 with the liberty to the appellant to approach the appropriate forum. Thereafter, the appeal has been prepared and filed before this Tribunal on 20.01.2017. We find the explanation to be acceptable. Sufficient cause has been made out. Hence, delay in filing the appeal is condoned. Application is disposed of.

**IA. No. 829 of 2017**

***(Appln. for filing additional documents.)***

We have heard learned counsel for the parties. With the consent of the parties and for the reasons stated in the application, the application is allowed.

**DFR No. 254 of 2017**

Registry is directed to number the appeal. With the consent of the parties, the matter is taken up for admission.

We have heard learned counsel for the parties. **Admit.** Issue notice to the Respondents returnable on 06.09.2018. Mr. Buddy A. Ranganadhan takes notice on behalf of Respondent No.1 and Ms. Rimali Batra takes notice on behalf of Respondent No.2 and they seek four weeks time to file reply.

List the matter on **06.09.2018**. In the meantime, learned counsel for the respondents may file reply on or before 03.08.2018 after serving copy on the other side. Rejoinder may be filed within two weeks thereafter.

**(Justice N. K. Patil)**  
**Judicial Member**

**(I.J. Kapoor)**  
**Technical Member**

*ts/tpd*