

COURT-I

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

**IA NO. 1147 OF 2018 IN
DFR NO. 2330 OF 2018**

Dated : 1st November, 2018

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member**

In the matter of:

Municipal Corporation of Greater Mumbai

...Appellant(s)

Vs.

**Maharashtra Electricity Regulatory
Commission & Ors.**

...Respondent(s)

Counsel for the Appellant(s) : Mr. Harinder Toor
Ms. Krithika K.
Mr. S.P.Bhinge (Rep.)

Counsel for the Respondent(s) : Mr. Abhishek Munot for R.2

ORDER

IA NO. 1147 OF 2018

(Appl. for condonation of delay in filing appeal)

We have heard learned counsel for the Appellant and perused the explanation offered for the delay in filing the appeal. The relevant paragraphs (Para Nos. 4 to 7) of the explanation read as under:

- 4. That after having the deliberate discussions on the issue at various levels, the Appellant Undertaking came to a considered conclusion that impugned judgment, if not challenged will have wide implications. In the circumstances, the Appellant decided to challenge the same and consequently, necessary instructions to draft and file the present Appellant challenging the Impugned Order dated 22.01.2018 passed by the Respondent No. 1, MERC were issued to its Counsel along with relevant documents pertaining to the subject matter.*

5. *That upon getting the aforesaid instructions, the Counsel for the Appellant drafted the present Appeal and sent to the concerned officer of Appellant Undertaking for approval.*
6. *It is respectfully submitted that the Legal Department of the Appellant Undertaking after vetting the said draft appeal sent the same to the concerned Department for final confirmation. It is respectfully submitted that the impugned order along with the draft Appeal was presented before the competent Authority of the Appellant for his final approval, upon detailed discussion in consultation with the legal department and obtaining legal opinions from the Counsel the Competent Authority in view of the fact that the Appellant will face similar issue if the said question of law is not finally decided on merits. Thereafter upon receiving the approval from the Competent authority, the Appeal was signed and affirmed through concerned at the Head Quarter on 15.06.2018 and forwarded the signed Appeal, Application, support Affidavits and the Vakalatnama to the Counsel for the Appellant. After obtaining the requisite signatures, the Counsel for the Appellant filed the present appeal, without any further delay.*
7. *Moreover, since a substantial question of law is involved in the present Appeal, it is respectfully prayed that a delay of 123 days has been caused in filing the present Appeal and the Appellant herein humbly request this Hon'ble Tribunal to condone the same.*

For the reasons stated in the application, delay of 123 days in filing the appeal is condoned. Application is disposed of.

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Registry is directed to number the appeal.

Admit. Issue notice to the Respondents returnable on 03.12.2018.

Objections/reply if any, be filed within 3 weeks time.

Learned counsel for the Respondents may file reply on or before 26.11.2018 with advance copy to the other side. Thereafter, rejoinder may be filed on or before 03.12.2018 with advance copy to the other side.

List the matter on **03.12.2018**

(S. D. Dubey)
Technical Member

(Justice Manjula Chellur)
Chairperson

Js/kt