

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

**Appeal No. 36 of 2010 &
IA No. 48 of 2010**

Dated: 8th March, 2010

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member**

M.P. Power Trading Co. Ltd. & Ors. ... Appellant (s)

Versus

Madhya Pradesh Electricity Regulatory Commission ... Respondent (s)

Counsel for the Appellant(s): Mr. M.G. Ramachandran, Mr. Anand K.
Ganesan & Ms. Swapna Seshadri
Mr. Praveen Jain (Rep.)

Counsel for the Respondent(s): Ms. Surbhi Sharma for Mr. Sanjay Sen
Mr. Gajendra Tiwari (Rep.)

ORDER

IA No. 48 of 2010

(Condone delay Application)

We have heard both the Applicant as well as the Respondent.

There is a delay of 290 days in filing the Appeal. The learned counsel for the Appellant submits that there is actually no delay. As correctly pointed out by the learned counsel for the Commission, it is to be stated that the Appeal has not been filed in time, because the Appeal has been filed by the Appellant not only against the Order passed on 05.01.2010 in the Review Petition, but also against the main Order which was passed on 31.01.2009, and

in that event there is a delay of 290 days, which has to be considered.

Though in the earlier Order, We have issued notice in the Appeal, we felt that it has to be considered whether there was delay or not. Now we conclude that there is a delay of 290 days.

In view of the circumstances mentioned in the affidavit to condone the delay, we deem it appropriate to condone the delay as we see sufficient cause to condone the delay. Accordingly, the delay is condoned. The Application is disposed of.

Appeal No. 36 of 2010

We have already issued notice in the Appeal. **Admit.** Post the matter on **29.03.2010**. In the meantime, the learned counsel for the Commission is directed to file their statement on or before 26.03.2010 after serving advance copy on the other side.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

Dated: 08.03.2010