

COURT-I

**BEFORE THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)**

**IA NO. 435 OF 2016 IN
DFR NO. 2354 OF 2016**

Dated: 17th August, 2016

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member**

In the matter of:-

M/s. HEG Ltd.

...Appellant(s)

Vs.

Madhya Pradesh Electricity Regulatory Commission & Anr.

...Respondent(s)

Counsel for the Appellant(s)

:

Mr. Sanjay Sen, Sr. Adv.
Mr. Deepak Biswas
Mrs. Nishith Mishra
Mr. Arjun Minocha

Counsel for the Respondent(s)

:

Mr. S. Venkatesh
Mr. Varun Singh
Mr. Shashank Khurana a/w
Ms. G. Maheshwari
Mr. S.R. Sharma (Reps.) for R-1

Mr. M.G. Ramachandran
Ms. Ranjitha Ramachandran for R-2

ORDER

**IA NO. 435 OF 2016
*(Appl. for condonation of delay)***

There is 1240 days' delay in filing this appeal. Hence, in this application, the applicant/appellant has prayed that the delay may be condoned.

We have heard learned counsel for the parties. In the application, the following explanation is given for the delay:

“3. The Applicant submits that a Writ petition being Writ Petition No. 12545 of 2013 (“Writ Petition”) was filed before the Hon’ble High Court of Madhya Pradesh. The subject matter involved in this appeal was also the subject matter of the Writ Petition.

4. The Applicant most humbly submits that the Hon’ble High Court of Madhya Pradesh, while dismissing the Writ Petition on grounds of maintainability, granted liberty to the Appellant, amongst others, to approach this Hon’ble Tribunal vide order dated May 23, 2016. The relevant extract of the order dated May 23, 2016 is being reproduced herein as below:

“31. Consequently, the appeals and petitions are disposed of finally with liberty to avail efficacious statutory remedy of Appeal under Section 111 of 2003 Act”.

5. It is most respectfully submitted that it was pursuant to the order dated May 23, 2016, that the Appellant has filed the appeal before this Hon’ble Tribunal on July 08, 2016 challenging the order dated December 31, 2012 passed by the State Commission. Therefore, there is a delay of 1240 days in filing the accompanying Appeal. However, the said delay is inadvertent, unintentional and bonafide and deserves to be condoned by this Hon’ble Tribunal, keeping in view the order dated May 23, 2016 passed by the Hon’ble High Court of Madhya Pradesh.”

Thus, it appears that the applicant had filed a Writ Petition in the Madhya Pradesh High Court and the said Writ Petition was disposed of on 23.05.2016. Thereafter, the applicant has filed the present appeal pursuant to the liberty granted by the Madhya Pradesh High Court. We find this explanation to be acceptable and the delay deserves to be condoned. The delay is therefore condoned. Application is disposed of.

Registry is directed to number the appeal and list it for admission on **31.08.2016.**

(I.J. Kapoor)
Technical Member
ts/dk

(Justice Ranjana P. Desai)
Chairperson