COURT-I

BEFORE THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISIDICTION)

IA Nos. 427 & 428 of 2016 in DFR No. 807 of 2016

Dated : 8th August, 2016

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

In the matter of:

Maharashtra State Electricity Distribution Co. Ltd., ….Appellant(s)
Vs.
Maharashtra Electricity Regulatory Commission & Anr. .....Respondent (s)

Counsel for the Appellant(s)	:	Mr. G. Saikumar Ms. Kaynat Shikh Ms. Sowmya Saikumar
Counsel for the Respondent(s)	:	Ms. Poonam Verma Mr. Gaurav Dudeja for R.2

ORDER

IA Nos. 427 & 428 of 2016

(Appls. for condonation of delay in re-filing & filing the appeal)

There is 120 days delay in re-filing and 67 days delay in filing this appeal. In these applications, the applicant prays that the delay in filing and re-filing the appeal may be condoned.

We have heard learned counsel for the parties.

The following explanation is given by learned counsel for the applicant in the application for condonation of delay in filing the appeal:

> ***"3. That the Maharshtra Commission has passed the impugned order on 09.11.2015 and the same has been received by the Applicant herein on 20.11.2015 in its office. Thereafter, the officials of the Appellant herein had perused the order passed by the Maharashtra Commission.***
>
> ***4. That the officials of the Appellant had forwarded the impugned judgments to their consultants for their opinion. In the meanwhile winter session of the Maharashtra Legislative assembly started from 07.12.2015 and the officials of the Appellant got occupied with the said session. The said winter session got over only on 23.12.2015. Thereafter, the officials of the Applicant had started preparing for the filing of the appeals. Accordingly, the relevant documents were traced and the appeal was drafted and approved.***
>
> ***5. That in this process a delay of 67 days has been occurred in filing the present appeal.***
>
> ***6. That the delay in filing of the appeal is neither intentional nor deliberate. It is most respectfully submitted that the Maharashtra Commission has over exercised its jurisdiction while deciding the clarificatory petition and has passed the order which it could not pass legally. Accordingly, it is prayed that this Hon'ble Tribunal may be pleased to condone the delay in filing the appeal."***

Having heard learned counsel for the parties and on a perusal of the explanation offered by the applicant in the applications for condonation of

delay in re-filing and filing the appeal, we are of the opinion that the said explanation is acceptable and sufficient cause is shown by the applicant. Hence, the delay in re-filing and filing the appeal is condoned. Applications are disposed of.

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

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

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