

**COURT-I**

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

**IA NO. 578 OF 2016 IN  
DFR NO.3197 OF 2016**

**Dated: 13<sup>th</sup> December, 2016**

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

**In the matter of:**

<b>M/s. Sundew Properties Ltd..</b>	....	<b>Appellant(s)</b>
<b>Vs.</b>		
<b>Telangana Electricity Regulatory Commission &amp; Anr.</b>	....	<b>Respondent(s)</b>

Counsel for the Appellant(s) : Mr. Abhishek Munot

Counsel for the Respondent(s) : Mr. D.B. Reddy  
Mr. Vidyottma for R-1

Mr. Rakesh Kr. Sharma for R-2

**ORDER**

**IA NO.578 OF 2016  
*(Appln. for condonation of delay)***

The Appellant has challenged the Order dated 15.02.2016 passed by the Telangana State Electricity Regulatory Commission ("**State Commission**"). There is 172 days' delay in filing the appeal. Hence, in this application, the Applicant/Appellant has prayed that delay may be condoned.

In the application it is stated that after the impugned order was passed on 16.03.2016, the Appellant had moved the State Commission for

modification of the impugned order. According to the Appellant, on 04.08.2016, the State Commission disposed of the said application after recording wrong concession of the Appellant. Therefore, the Appellant filed review petition on 26.08.2016 in the State Commission seeking review of Order dated 04.08.2016. We are informed that the said review petition is still pending. Meanwhile, on 24.08.2016, the Appellant has received disconnection notice. Thereafter, on 21.09.2016, the present appeal is filed.

Learned counsel for the Appellant submitted that delay in filing the appeal is not intentional. Counsel submitted that the delay is caused because the Appellant was pursuing the above mentioned application. Counsel submitted that in the interest of justice, the delay may be condoned.

Learned counsel for Respondent No.2 has strenuously opposed the application for condonation of delay. He submitted that even the modification application was filed by the Appellant in the State Commission after 30 days of the impugned order. Therefore, the Appellant is guilty of negligence and, hence, delay should not be condoned.

Admittedly, the Appellant was prosecuting the modification application before the State Commission. It was disposed of on 04.08.2016 by recording concession, which according to the Appellant was wrong. Thereafter, he spent some time in filing the review petition, which is still pending. In the circumstances, it is not possible for us to hold that application for condonation of delay is not *bonafide*. In these circumstances, we feel that in the interest of justice, delay deserves to be condoned on saddling the Appellant with costs. Therefore, delay in filing the appeal is condoned subject to the condition of payment of costs of Rs.15,000/- (Rupees fifteen thousand only) by the

Appellant to a charitable organisation namely, “**SAI DEEP DR. RUHI FOUNDATION, A/C. NO.952663443, A-508, SECTOR 19, NOIDA – 201301**”, within a week from today. Application is disposed of.

On receipt of compliance report, Registry is directed to number the appeal and list the matter for admission on 12.01.2017. Registry is also directed to send a copy of this order to the said charitable organization.

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

**(Justice Ranjana P. Desai)**  
**Chairperson**

ts/vt