

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

IA NO. 42 OF 2019 IN
DFR NO. 4846 OF 2018

Dated: 6th February, 2019

Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. Ravindra Kumar Verma, Technical Member

In the matter of:

TANGEDCO

... Appellant(s)

Vs.

Tamil Nadu Electricity Regulatory Commission & Anr. ... Respondent(s)

Counsel for the Appellant (s) : Mr. G. Umapathy
Mr. S. Vallinayagam

Counsel for the Respondent(s) : Mr. Arman Grover for R-2

ORDER

IA No. 42 of 2019

(For Condonation of Delay in Filing the Appeal)

We have heard the learned counsel appearing for the Appellant and the learned counsel appearing for the second Respondent. First Respondent, though served, is unrepresented.

The learned counsel appearing for the Appellant submitted that, there is a delay of 56 days in filing the Appeal. Further, he pointed out and submitted that, in the light of the submissions made and the reasoning given at paragraphs 2 to 9 of the application dated 30.11.2018 and paragraphs 3 to 7 of the additional rejoinder, the delay has been explained satisfactorily and sufficient cause has been shown in the application. The same may kindly be accepted and delay in filing the Appeal may kindly be condoned and the instant application may kindly be allowed in the interest of justice and equity.

The learned counsel appearing for the second respondent interalia contended and vehemently submitted that the application may be dismissed on the ground of delay and laches and the reasons given by the Appellant are devoid of merit and justification. In the light of above, delay explained in the application may not be considered and appropriate order may be passed to meet the ends of justice.

Submissions made by the learned counsel appearing for the Appellant and the learned counsel appearing for the second Respondent, as stated above, are placed on record.

We do not find any substance in the submissions made by the learned counsel appearing for the second Respondent for opposing the delay in filing the instant appeal.

In the light of the submissions made by the learned counsel appearing for the Appellant and after perusal of the reasoning given at paragraphs 2 to 9 of the application dated 30.11.2018 and at paragraphs 3 to 7 of the additional rejoinder, the Appellant has explained the delay satisfactorily in the application and sufficient cause has been shown. The same was accepted and the delay in filing the Appeal is condoned. IA is allowed.

DFR NO. 4846 OF 2018

Registry is directed to number the appeal and list the matter for admission on **11.02.2019**.

(Ravindra Kumar Verma)
Technical Member
mk/bn

(Justice N.K. Patil)
Judicial Member