

COURT - I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**IA NOS. 698 AND 700 OF 2016 IN
DFR NO. 2639 OF 2016**

Dated: 16th February, 2017

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

In the matter of :

Alaknanda Hydro Power Co. Ltd. ...Appellant(s)

Vs.

Uttar Pradesh Electricity Regulatory Commission & Ors. ...Respondent(s)

Counsel for the Appellant(s) : Mr. Vishrov Mukherjee
Mr. Rohit Venkat

Counsel for the Respondent(s) : Mr. C. K. Rai
Mr. Umesh Prasad for R.1

Mr. Rajiv Srivastava for R.2

ORDER

IA NOs. 700 of 2016 & 698 of 2016

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

There is 106 days' delay in re-filing and 79 days' delay in filing this appeal. In these applications, the applicant/appellant has prayed that delay in re-filing and filing may be condoned.

All the Respondents have been served. Mr. C.K. Rai appears on behalf of Respondent No.1 and Mr. Rajiv Srivastava appears on behalf of Respondent No.2. Though having been served, nobody is representing Respondent No.3.

We have heard learned counsel for the parties. As far as delay in re-filing the appeal is concerned, we are satisfied with the explanation offered by the appellant. Therefore, for the reasons stated in the application, delay in re-filing is condoned.

In respect of delay in filing the appeal is concerned, it is stated that after the impugned order was passed on 29.03.2016, the appellant had filed the review petition before the State Commission on 22.04.2016, which was partly-disallowed on 17.06.2016. Thereafter, the appellant filed the instant appeal on 01.08.2016. It appears that delay is caused because the appellant was prosecuting the review petition. Hence, we feel that delay deserves to be condoned. Accordingly, delay in filing the appeal is condoned. Applications are disposed of.

List the matter for admission on **16.03.2017**

(I. J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

ts/sh