

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

IA NO. 1647 OF 2018 IN
DFR NO. 3326 OF 2018

Dated : 25th January, 2019

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

In the matter of:

Maharashtra State Electricity Distribution Company Ltd. & Anr. Appellant(s)

Vs.

Maharashtra Electricity Regulatory Commission & Anr. Respondent(s)

Counsel for the Appellant (s) : Ms. Rimali Batra
Ms. Ritu Aparna

Counsel for the Respondent (s) : Mr. Santosh Kumar Pandey for R-2

ORDER

IA No. 1647 of 2018

(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 is unrepresented.

The learned counsel appearing for the Appellant submitted that, there is a delay of 118 days in filing the Appeal. Further, she pointed out and submitted that, in the light of the submissions made and the reasoning given at para 3 to 7 of the application, 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.

Per contra, the learned counsel Mr. Santosh Kumar Pandey 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 no justification. In the light of above, delay explained in the application may not be considered and appropriate order may be passed to meet the end 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.

Regarding the submissions made by the learned counsel appearing for the second respondent we do not find any substance in the submissions for opposing the delay in filing the said delay giving dates and events in paragraphs 3 to 7, we do not see any substance in the submissions of the learned counsel appearing for the second respondent.

In the light of the submissions made by the learned counsel appearing for the Appellant and after perusal of the reasoning given at paragraphs 3 to 7 in the application explaining the delay in filing the Appeal, 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

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Registry is directed to number the appeal and list the matter for admission on **05.02.2019**.

(Ravindra Kumar Verma)
Technical Member

mk/bn

(Justice N.K. Patil)
Judicial Member