

COURT - I

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

**IA NO. 583 OF 2016 IN
DFR NO. 3034 OF 2016**

Dated: 30th January, 2017

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

In the matter of :

**Tamil Nadu Generation & Distribution Corp. Ltd. ...Appellant(s)
Vs.
M/s Ambika Cotton Mills Ltd. & Anr. ...Respondent(s)**

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

Counsel for the Respondent(s) : Mr. Avinash Menon
Mr. Kumar Mihir for R.1

ORDER

**IA NO. 583 OF 2016
*(Appl. for condonation of delay)***

There is 102 days delay in filing this appeal. In this application, the applicant/appellant has prayed that delay may be condoned.

Delay seems to have been caused because the appellant sought opinion from the legal department of the appellant. It is stated in the application that the approval to file the instant appeal was received by the appellant on 31.05.2016. The further course of action has been stated in paragraph No.6 of the application, which reads as under:

“The draft appeal was sent to the appellant by its counsel and the same was approved for filing before this Hon’ble Tribunal on 18.06.2016. The requisite court fee for filing the appeal was sanctioned on 05.08.2016. The approved and signed appeal with vakalatnama and affidavit with court fee for filing the appeal to the counsel for appellant at Delhi on 12.08.2016. The relevant documents were typed and the appeal is filed today.”

We have heard learned counsel for the appellant. He submitted that the appellant took time to get legal opinion. There is no inaction on the part of the Appellant. No *malafidies* can be attributed to the appellant. He submitted that in the interest of justice, delay may be condoned.

Counsel for Respondent No.1, on the other hand, strenuously opposed the grant of condonation of delay. He submitted that the delay is bureaucratic and hence the application be denied.

Having heard learned counsel for the parties and considering the explanation offered in the application, we are of the opinion that the delay deserves to be condoned. It is not possible to hold that the appellant is guilty of any remissness. We do not find any lack of diligence. Hence, delay in filing the appeal is condoned. Application is disposed of.

List the matter for admission on **13.02.2017.**

(I. J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

ts/sh