

COURT-I

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

IA NO. 586 OF 2016

IN

DFR NO. 3229 OF 2016

Dated: 20th January, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. B.N. Talukdar, Technical Member (P&NG)**

In the matter of :

**Indian Oil Corporation Ltd. ...Appellant(s)
Versus
Petroleum & Natural Gas Regulatory Board & Ors. ...Respondent(s)**

Counsel for the Appellant(s) : Ms. Bani Dikshit

Counsel for the Respondent(s) : Mr. Ramji Srinivasan, Sr. Adv.
Mr. R. Sudhinder
Mr. Siladitya Chaterjee
Mr. Prerana Amitabh
Mr. Vivek Paul Oriel for R-2

Mr. Prashant Bezbourah
Mr. Sumit Kishore for PNGRB

ORDER

IA NO. 586 OF 2016

(Appl. for condonation of delay)

This application is filed for condonation of delay in filing the instant appeal. According to the Appellant, there is 36 days delay in filing the appeal. It is the case of the Respondents that the delay is not 36 days but it is 69 days.

We have heard learned counsel for the Appellant. She submitted that the Order dated 15.07.2016, which is impugned in this appeal, was received by the Appellant on 15.07.2016. On 09.08.2016, the Appellant

had filed a review petition before the Board seeking partial review of the Order dated 15.07.2016. The said review petition was dismissed on 06.09.2016 and thereafter the instant appeal was filed on 22.09.2016 raising challenge to the Order dated 15.07.2016 as well as Order dated 06.09.2016. Counsel submitted that the period of 30 days within which the appeal was to be filed got over by 15.08.2016 and therefore the delay is only 36 days. Counsel for Respondent No.1 submitted that the delay ought to be counted from 15.07.2016 i.e., from the date of the first impugned order.

In the circumstances of the case, we are not inclined to take a very strict view of the matter inasmuch as we do not find any indolence on the part of the Appellant. The Appellant was in fact prosecuting the review petition. No malafides can be imputed to the Appellant. The Appellant has made out sufficient cause. Assuming that delay is 69 days as contended by counsel for the Respondents, we feel that it deserves to be condoned after saddling the Appellant with costs quantified at Rs.30,000/- (Rupees thirty thousand only) to be paid to a charitable organisation, namely "National Association for the Blind, Delhi State Branch, Sector-5, R.K. Puram, New Delhi – 110 022" within three weeks from today. Application is disposed of.

On receipt of compliance report, Registry is directed to number the appeal and list the matter on **03.03.2017.**

(B.N. Talukdar)
Technical Member (P&NG)
Ts/vg

(Justice Ranjana P. Desai)
Chairperson