

COURT - I

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

**IA NOS. 61 & 63 OF 2017 IN
DFR NO. 202 OF 2017**

Dated: 24th January, 2017

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

In the matter of :

Vodafone Mobile Services Ltd. ...Appellant(s)

Vs.

Maharashtra Electricity Regulatory Commission & Anr. ...Respondent(s)

Counsel for the Appellant(s) : Mr. Navin Chawala
Mr. Shamik Bhatt
Mr. Rajeev Kumar

Counsel for the Respondent(s) : Mr. Buddy A. Ranganadhan
Mr. Raunak Jain for R.1

Mr. Samir Malik
Mr. Varun Agarwal for R.2

ORDER

**IA NO. 61 of 2017
(Appl. for leave to appeal)**

Issue notice. Mr. Buddy A. Ranganadhan takes notice on behalf of Respondent No.1 and Mr. Varun Agarwal takes notice on behalf of Respondent No.2.

In this application, the Applicant/Appellant has prayed that it may be granted leave to appeal. According to the Appellant, it was not a party before the State Commission when the impugned order was passed. It is submitted that they are affected by the impugned order.

Counsel for the Respondents state that a public notice was issued by the State Commission, therefore, the Appellant ought to have appeared before the State Commission.

We are not inclined to take strict view of the matter considering the nature of the issue involved in this appeal. Hence, leave to appeal is granted. Application is disposed of.

IA NO. 63 of 2017
(Appl. for condonation of delay)

Issue notice. Mr. Buddy A. Ranganadhan takes notice on behalf of Respondent No.1 and Mr. Varun Agarwal takes notice on behalf of Respondent No.2.

There is 30 days delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay may be condoned.

We have heard learned counsel for the parties.

The main contention of learned counsel for the Appellant is that the Appellant is not a party before the State Commission when the impugned order passed and therefore it took some time in filing the appeal before this Tribunal.

Learned counsel for the Respondents have strenuously opposed the application.

However, considering the important issues involved and the explanation offered by the Appellant, which appears to be acceptable, we feel that delay deserves to be condoned. Accordingly, delay in filing the appeal is condoned. Application is disposed of.

DFR NO. 202 OF 2017

Registry is directed to number the appeal and other applications.

With the consent of the parties, the matter is taken up for admission.

Issue notice. Mr. Buddy A. Ranganadhan takes notice on behalf of Respondent No.1 and Mr. Varun Agarwal takes notice on behalf of Respondent No.2. **Admit.**

IA NO. 62 OF 2017
(Appl. for stay)

We have heard learned counsel for the parties. Looking into the controversy involved, we list this application for hearing on 21.02.2017.

Mr. Varun Agarwal, learned counsel appearing for Respondent No.2 makes a statement that without prejudice to the rights and contentions of Respondent No.2, Respondent No.2 shall raise bills, however, no coercive steps will be taken till 21.02.2017. We accept this statement.

List this application for hearing on **21.02.2017**. Tag to Appeal No. 342 of 2016.

(I. J. Kapoor)
Technical Member

ts/sh

(Justice Ranjana P. Desai)
Chairperson