

COURT-I

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

**IA NO. 659 OF 2017 IN
DFR NO. 2432 OF 2017 &
IA NO. 1115 OF 2017**

Dated: 11th January, 2018

**Present: Hon'ble Mr. I. J. Kapoor, Technical Member
Hon'ble Mr. Justice N. K. Patil, Judicial Member**

In the matter of:

Pithampur Audyogik Sangathan

.... Appellant(s)

Vs.

Madhya Pradesh Electricity Regulatory Commission & Anr.

.... Respondent(s)

Counsel for the Appellant(s) : Ms. Mazag Andrabi
Mr. Saahil Kaul

Counsel for the Respondent(s) : Ms. Ritika Singhal for R-1

Mr. Aashish Anand Bernard for R-2

ORDER

IA NO. 1115 OF 2017

(Appl. for condonation of delay in filing reply)

In this application, the applicant/respondent has prayed that delay in filing reply may be condoned.

We have heard learned counsel for the applicant and perused the explanation offered for the delay in filing reply. We find the explanation to be acceptable. Sufficient cause has been made out. Hence, delay in filing reply is condoned and reply is taken on record. Application is disposed of.

IA NO. 659 OF 2017
(Appln. for condonation of delay)

There is 140 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay in filing the appeal may be condoned.

The Respondents have been served. Ms. Ritika Singhal appears on behalf of Respondent No.1 and Mr. Aashish Anand Bernard appears on behalf of Respondent No.2.

We have heard learned counsel for the parties.

Learned counsel for the Appellant has stated that the Appellant Association after becoming aware of the impugned order dated 27.01.2017 passed by the State Commission held various meetings with its members to analyse the impugned order. Learned counsel further submitted that the decision to file an appeal against the said order before this Tribunal could only be taken by the third week of May 2017. Thereafter the Appellant contacted its counsel in New Delhi for drafting and filing of the appeal. After the draft of the appeal was finalised, the appeal came to be filed before this Tribunal on 31.07.2017. That is how the delay is caused.

Learned counsel for respondent No.2 has filed its reply strenuously opposing the condonation of delay. We have perused the said reply.

Considering the above explanation offered by the Appellant and having regard to the issues involved in this appeal, we are of the opinion that sufficient cause has been made out and delay deserves to be condoned. Accordingly, delay in filing the appeal is condoned. Application is disposed of.

Registry is directed to number the appeal and list the matter for admission on **29.01.2018.**

(Justice N. K. Patil)
Judicial Member

(I.J. Kapoor)
Technical Member

ts/mk