

COURT-I

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

**IA No. 123 of 2017 IN
DFR No. 142 of 2017**

Dated: 08th March, 2017

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

In the matter of:

Essar Oil Ltd. ... Appellant(s)

Vs.

Gujarat Electricity Regulatory Commission & Ors. ...Respondent(s)

Counsel for the Appellant(s) : Mr. Amit Kapur
Mr. Abhishek Munot

ORDER

**IA No. 123 of 2017
(*Appl. for condonation of delay in filing*)**

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

Learned counsel for the appellant has drawn our attention to paragraph No.6 of the appeal memo, where it is stated that the impugned order was passed by the State Commission on 17.11.2016 and the same was communicated by the State Commission to the appellant only on 28.11.2016 vide letter dated 23.11.2016. According to the appellant, the present appeal filed by it on 11.01.2017 is well within the period of limitation.

As the appellant had not produced anything to show as to when the appellant has received the impugned order, the Registry of this Tribunal after scrutinising the papers, raised an objection stating that there is a delay in filing the appeal. Therefore, the appellant has filed the instant application. Since the Registry has raised an objection, learned counsel for the appellant

obtained copy of the relevant page of the dispatch register maintained by the State Commission and produced the same before us to show that the State Commission has despatched the impugned order only on 23.11.2016.

In view of the above peculiar facts, we accept the statement made by the appellant in the appeal memo, which is supported by an affidavit, that the impugned order was communicated to the appellant only on 28.11.2016. Therefore, there appears to be no delay in filing the appeal. The application has therefore become infructuous and is disposed of as such.

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Registry is directed to number the appeal. We have heard learned counsel for the appellant. Admit. Issue notice to the Respondents returnable on 22.03.2017. Dasti, in addition, is permitted.

List the matter on **22.03.2017.**

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

Ts/pr