

**COURT-I**

**Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)**

**IA NO. 154 OF 2016 IN  
DFR NO. 767 OF 2016**

**Dated: 26<sup>th</sup> May, 2016**

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

**In the matter of :**

**Viyyat Power Pvt. Ltd. .... Appellant (s)  
Versus  
Kerala State Electricity Board Ltd. & Ors. ....Respondent(s)**

Counsel for the Appellant(s) : Mr. Buddy A. Ranganadhan  
Mr. Anirudh Wadhwa  
Ms. Rimali Batra  
Mr. Vipul Kumar

Counsel for the Respondent(s) : Ms. Prerana Chaturvedi for R.1

**ORDER**

**IA NO. 154 OF 2016  
(*Appl. for condonation of delay*)**

There is 138 days delay in filing this appeal. Therefore, this application is filed praying that the delay be condoned. The respondents have been served. Learned Counsel for Respondent No. 1 is present. However, nobody has entered appearance for other respondents.

Respondent No. 1 has filed affidavit in reply.

We have heard the learned counsel for the appellant. Learned counsel for the appellant has taken us to the explanation offered in the instant application for condonation of delay. It appears that the

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Managing Director of the appellant was seriously unwell. A certificate to that effect is enclosed to the application. Delay is stated to have been primarily caused on that count. Learned counsel for the Respondent No.1 has strenuously opposed the condonation of delay.

The appellant is the developer and owner of Iruttukanam Stage I (2.x1.5) MW Small Hydro-electric Project. In the peculiar circumstances, appellant's Managing Director being unwell, appears to be a sufficient cause for condonation of delay. In any case in our opinion, the delay cannot be condoned unless the appellant is settled with cost. Hence the delay is condoned subject to the appellant's paying cost of Rs. 25,000/- (Rupees twenty five thousand only) to a charitable organisation, namely, **"SAI DEEP DR. RUHI FOUNDATION, A/c No. 952663443, A-508, SECTOR 19, NOIDA -201301"** within two weeks from today. Accordingly, the application is disposed of.

On receipt of compliance report, registry is directed to number the appeal and list it for admission on **05.07.2016**.

**(I.J. Kapoor)**  
**Technical Member**  
mk/jp

**(Justice Ranjana P. Desai)**  
**Chairperson**