

Court-I

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

**IA Nos. 348 & 350 of 2015
in DFR No. 1357 of 2015**

Dated : 18th November, 2015

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

In the matter of:

**Renewable Energy Developers Association of
Karnataka
Versus**

...Appellant(s)

Karnataka Electricity Regulatory Commission & Anr.

...Respondent(s)

**Counsel for the Appellant(s) : Mr. Shridhar Prabhu
Mr. Anantha Narayan M.G.**

ORDER

I.A. No. 348 & 350 of 2015

(Appl. for condonation of delay in re-filing and filing the appeal)

There is 72 days delay in filing and 61 days delay in re-filing this appeal. In these Applications, the applicant/appellant has prayed that the delay be condoned.

All the respondents have been served and affidavit of service has been filed. However, nobody is representing the respondents.

We have carefully perused the explanation offered by the applicant/appellant in these applications. The relevant portion in I.A. No. 350 of 2015 reads as under:

"2. The applicant/appellant submits that even the impugned order was passed on 02.03.2015 the same uploaded on the official websites of the Respondent No.1 on 03.04.2015.

3. As the Applicant/Appellant is an association of the renewable energy based generators in the State of Karnataka large sections

of members of the applicant/appellant is spread across the state of Karnataka it took almost a month to seek the approval of stakeholders to take further legal action in the subject matter.

4. Accordingly after the approval from the members of the appellant association the application was filed before the Respondent No. 1 to obtain the certified copy of the order on 05.05.2015. The Respondent No.1 furnished the certified copy of the same on 20.05.2015.

5. Thereafter the Appellants approached sent the case papers to their Bangalore Advocates on the same day. However, as the High court of Karnataka was closed till 31st May 2015 due to Annual Summer Vacations he was able to receive the same on 01st June, 2015 viz., on the reopening day of the High Court of Karnataka.

6. After seeing the case papers the Bangalore Advocates suggested the Appellants to approach this Appellate Tribunal and also gave a contact of the present counsel.

7. However, as the Supreme Court & this Hon'ble Tribunal were closed for summer vacations the present counsel was out of station and he was contacted at his native place at Mangaluru, Karnataka. The present counsel thereafter drafted the present appeal and got all the necessary documents from the appellant during his visit to Bangalore in the second week of June and prepared the paper books to file it before this Hon'ble Tribunal.

8. The present counsel had already booked the return ticket to Delhi and his journey was scheduled on 30.06.2015 as the Supreme Court was scheduled to reopen on 01.07.2015.

9. On 30.06.2015 immediately after reaching Delhi the present counsel rushed to this Hon'ble Tribunal and filed the present appeal.

We find the above explanation to be acceptable. Explanation offered by the applicant/appellant for delay in re-filing is also acceptable. Hence, delay in filing and re-filing the appeal is condoned. Applications are disposed of.

Registry is directed to number the Appeal and list it for admission on **19.11.2015.**

(I. J. Kapoor)
Technical Member
ts/mk

(Justice Ranjana P. Desai)
Chairperson