

COURT-I

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

**I.A. Nos. 482 & 483 OF 2016 IN
DFR NO. 2130 OF 2016**

Dated: 24th November, 2016

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

In the matter of:

Singhbhum Chamber of Commerce & Industries	Appellant(s)
Vs.		
Jharkhand State Electricity Regulatory Commission & Anr.	Respondent(s)

Counsel for the Appellant(s) : Mr. Dhananjay Kr. Pathak
Mr. Mohit Kumar Shah

Counsel for the Respondent(s) : Mr. Farrukh Rasheed for R-1

Mr. Himanshu Shekhar
Mr. Aabhas Parimal
Mr. Jamnesh Kumar for R-2

ORDER

IA NOS. 482 & 483 OF 2016

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

There is 57 days delay in re-filing and 101 days delay in filing this appeal. In these applications, the applicant/appellant has prayed that the delay may be condoned.

We have heard learned counsel for the Appellant and learned counsel for the Respondents. Learned counsel for Respondent No. 2 has filed a counter affidavit opposing the application for condonation of delay. We have perused the explanation offered by the Appellant and counter affidavit filed by

Respondent No.2. The Appellant is stated to be an association of industries. The following is the explanation offered by the Appellant for condonation of delay in filing the appeal:

“4. That upon receipt of the impugned order dated 14.12.2015, the same was examined by the members of the appellant’s Association, one of them being a Chartered Accountant but the same consumed sometime since the tariff order is voluminous and required indepth study as well as analysis. The members of the appellant association could prepare an analysis sheet of the impugned tariff order, after several deliberations and meetings, only in the first week of March, 2016 whereafter it was decided to consult their advocate at Delhi.

5. That some of the members had thereafter, travelled to Delhi and met their advocate at Delhi in the last week of March, 2016 whereafter detailed discussions were held over a period of couple of days and the said advocate at Delhi had advised them for preparing certain charts, compilation of data and supporting documents in order to buttress the grounds of challenge of the impugned tariff. The said members of the appellant had then returned back to Jharkhand whereafter they started compiling and collecting the requisite documents, as advised by their advocate at Delhi.

6. That it had taken sometime for the members of the appellant to compile and obtain the requisite documents whereafter some of the members of the appellant had again approached the said counsel at Delhi and handed over the compilations and requisite documents in the 1st week of May, 2016. The said advocate at Delhi had then gone through the requisite documents and compilations and advised the said members of the appellant to come after two weeks since he would

take some time to draft the appeal, the documents being voluminous in nature. The said advocate had then gone through the entire documents as well as the impugned tariff and had carried out indepth study of the matter and prepared the appeal in the 3rd week of May, 2016 whereupon the said members of the appellant had come to Delhi, approved and finalised the appeal, the affidavit was sworn and then the instant appeal is being filed at the earliest without any further delay.”

Having heard learned counsel and having considered the explanation offered by the Appellant and keeping in view the fact that the Appellant is an association of industries, we are of the opinion that the delay in filing the appeal deserves to be condoned. Similarly we find that there is proper explanation offered by the Appellant for condonation of delay in re-filing the appeal. Hence, we are of the opinion that the delay in re-filing the appeal deserves to be condoned. Therefore, the delay in re-filing and filing the appeal is condoned. Applications are disposed of.

It is represented that connected matter being Appeal No. 48 of 2016, which is already admitted, is coming up on 10.01.2017.

List this matter for admission on **10.01.2017**. Tag to Appeal No. 48 of 2016.

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

(Justice Ranjana P. Desai)
Chairperson