

COURT-I

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

**IA No. 552 OF 2016 IN
DFR (RP) No. 3329 of 2016 in
APPEAL NO. 34 OF 2016**

Dated: 15th November, 2016

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

In the matter of:-

Jaiprakash Power Ventures Ltd.

....Appellant(s)

Vs.

Madhya Pradesh Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant (s) : Mr. Sanjay Sen, Sr. Adv.
Mr. S. Venkatesh
Mr. Pratyush Singh
Mr. Shashank Khurana
Mr. N. Bhattacharya

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

Mr. Manoj Dubey for R.2 & 4

Ms. Puja Priyadarshini

ORDER

There is 7 days delay in filing this review petition. In this application, the applicant/appellant has prayed that the delay may be condoned. The following is the explanation given by the applicant in the application for condonation of delay :

“3.1. It is humbly submitted that the Judgment was passed by the Tribunal on 22.08.2016 and subsequent to which the Petitioner/Appellant was consulting its legal counsel on the way forward. However, due to imminent business trips by the Management of the Petitioner Company a discussion with the Counsel of the Petitioner/Appellant Company could not be concluded by 15.09.2016. It is also most respectfully submitted that the Counsel for the Appellant was also not available from 6th September, 2016 to 11th September, 2016 due to some personal difficulty.

II. Subsequent to which the Representatives of the Petitioner had meeting with MPPMCL and discussed the findings of the Judgment only to realize that based on certain findings returned and not returned by the Hon’ble Tribunal the Respondents were interpreting the Judgment in a manner which was even more detrimental to the Appellant/Petitioner and issued arbitrary ‘Zero’ scheduling on 20th September, 2016. Subsequent, to which the Petitioner/Appellant company decided to file the Review Petition and instructed its Counsel for the same. The Petition was prepared by 28th September, 2016 and is now being filed with a delay of 7 days on 29th September, 2016.”

Learned counsel for Respondent Nos.2 to 4 has filed reply strenuously opposing the explanation offered by the applicant for condonation of delay.

Having heard learned counsel for the parties and on a perusal of the explanation given by the applicant in the application, we are of the opinion

that the explanation is acceptable and delay deserves to be condoned. Accordingly, delay is condoned. Application is disposed of.

Registry is directed to number the Review Petition and list it on **30.11.2016**.

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

(Justice Ranjana P. Desai)
Chairperson