

COURT-I

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

**IA NO. 772 OF 2017 &
DFR NO. 597 OF 2017**

Dated: 1st November, 2017

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

In the matter of:

Ajmer Vidyut Vitran Nigam Ltd. & Anr.

... Appellant(s)

Vs.

M/s Srinivas Sangmarmar Pvt. Ltd. & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. Gautam Gupta

Counsel for the Respondent(s) : Mr. R. K. Mehta
Ms. Himanshi Andley for R-3

Mr. Brij Mohan B (Rep.) for R-1

ORDER

With the consent of the parties, I.A. No.926 of 2017 (Appln. for condonation of delay in re-filing the appeal) is taken on board. For the reasons stated in the application, the application is allowed.

IA NO. 771 OF 2017

(Appln. for condonation of delay in filing the appeal)

It is pointed out that there is 4037 days' delay in filing this appeal. Reasons for the delay are set out in Paragraph Nos.2 to 9 of the application. We have gone through the said application. It appears that the appellants have challenged the impugned order before the Rajasthan Electricity Regulatory

Commission. However, the said petition was dismissed by the State Commission for want of jurisdiction. Thereafter the appellants preferred a writ petition before the Rajasthan High Court. The Rajasthan High Court vide order dated 20.07.2006 observed that the appellants have an alternate remedy before this Tribunal. In view thereof, the appellants were given liberty to withdraw the writ petition and file an appeal before this Tribunal. The appellants, however, carried the said order in review. By order dated 10.01.2017, the Rajasthan High Court dismissed the said review petition. The appellants were given liberty to file an appeal before this Tribunal on or before 17.02.2017. Accordingly, on 17.02.2017, the appeal has been filed.

In the circumstances and in view of the liberty granted by the Rajasthan High Court, the application is granted.

Registry is directed to number the appeal and list the matter for admission on **15.11.2017**.

(I. J. Kapoor)
Technical Member

ts/tpd

(Justice Ranjana P. Desai)
Chairperson