

COURT-I

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

**IA NO. 683 OF 2017 IN
DFR NO. 2419 OF 2017**

Dated: 16th November, 2017

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member**

In the matter of:

NLC India Limited

... Appellant(s)

Vs.

Central Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. M.G. Ramachandran
Ms. Anushree Bardhan
Mr. Shubham Arya

Counsel for the Respondent(s) : Mr. S.K. Agarwal
Mr. A.P. Sinha
Mr. Anubhuti Chaturvedi
Mr. Zahid Hanief for R-2 to R-5

ORDER

**IA NO. 683 OF 2017
(*Appln. for condonation of delay*)**

There is 87 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay may be condoned.

The Respondents have been served. Mr. S.K. Agarwal appears on behalf of Respondent Nos.2 to 5. Other Respondents though served are not represented.

The impugned order is dated 14.03.2017. It was received by the Appellant on 21.03.2017. The following explanation is offered for condonation of delay:

“3. As soon as the impugned order was communicated, the Appellant began the process of analyzing the impact of the impugned order.

4. On 4.4.2017, the Appellant wrote to the Central Commission requesting the Central Commission to rectify the issue raised in the present appeal and the copy of the same is attached hereto and marked as Annexure ‘A’. After a lapse of sometime and since the Central Commission did not issue any corrigendum, the Appellant consulted with its advocates on 4.7.2017 and proceeded to finalise the appeal and file the same before this Tribunal.

5. The Appeal was prepared and finalised on 10.07.2017 and is being duly filed before this Hon’ble Tribunal on 31.07.2017”.

We have heard Mr. M.G. Ramachandran, learned counsel for the Appellant who has reiterated the above submissions. Learned counsel for Respondent Nos. 2 to 5 has opposed the condonation of delay. He has also drawn out attention to reply filed by Respondent Nos. 2 to 5. Having considered the explanation offered by the Appellant and having heard learned counsel for the Appellant, we are of the opinion that sufficient cause is made out and delay deserves to be condoned. Delay also deserves to be condoned keeping in view the issues involved in the appeal. Hence, delay is condoned. Application is disposed of.

Registry is directed to number the appeal and list the matter for admission on **28.11.2017.**

(S.D. Dubey)
Technical Member

ts/ss

(Justice Ranjana P. Desai)
Chairperson