

COURT-I

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

**IA NO. 685 OF 2017 IN
DFR NO. 2418 OF 2017**

Dated: 9th 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) : Ms. Ranjitha Ramachandhran
Ms. Anushree Bardhan

Counsel for the Respondent(s) : Mr. S. K. Agarwal
Mr. Anubhuti Chaturvedi
Mr. Zahid Haneef
Mr. A.P. Sinha

ORDER

IA NO. 685 OF 2017

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

There is 41 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.

We have heard learned counsel for the Appellant. The following explanation is offered for condonation of delay:

“4. As soon as the impugned order was communicated, the Appellant began the process of analyzing the impact of the impugned order. This process took some time as there were a number of tariff elements and other financial aspects which were considered by the Appellant. The Appellant subsequently consulted with its advocates and proceeded to finalise the appeal and file the same before this Hon’ble Tribunal.

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

Learned counsel for respondent Nos. 2 to 5 has strongly opposed condonation of delay on the ground that explanation given by the Appellant is not acceptable.

Considering the issues involved in the appeal, we are of the opinion that delay deserves to be condoned after saddling the Appellant with costs quantified at Rs.10,000/-. Accordingly, the Appellant is directed to pay cost of Rs.10,000/- (Rupees ten thousand only) to a charitable organisation, namely, **“SAI DEEP DR. RUHI FOUNDATION, A/C NO. 952663443, A-508, SECTOR -19, NOIDA - 201301”** on or before 23.11.2017. Application is disposed of.

After receiving compliance report, Registry is directed to number the appeal and list it for admission on **28.11.2017.**

(S. D. Dubey)
Technical Member

ts/tpd

(Justice Ranjana P. Desai)
Chairperson