

**COURT-II**  
**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY**  
**(Appellate Jurisdiction)**

**IA NOS. 970 & 971 OF 2018 IN**  
**DFR NO. 2454 OF 2018**

**Dated: 03<sup>rd</sup> October, 2018**

**Present: Hon'ble Mr. Justice N. K. Patil, Judicial Member**  
**Hon'ble Mr. S. D. Dubey, Technical Member**

**In the matter of:**

**Graphite India Limited** ..... **Appellant(s)**  
**Versus**  
**Karnataka Electricity Regulatory Commission & Ors.** ..... **Respondent(s)**

Counsel for the Appellant(s) : Mr. Anantha Narayana M.G. for  
Mr. Shridhar Prabhu

Counsel for the Respondent(s) : Mr. Balaji Srinivasan  
Ms. Pallavi Sengupta for R-2

**ORDER**

**IA NO. 971 OF 2018 – (Application for waiver of court fees)**

We have heard, learned counsel, Mr. Anantha Narayana M.G. for quite some time. Learned counsel appearing for the Appellant, at the outset submitted that court fee has already been paid. Therefore, relief sought in the instant application does not survive for consideration as has become infructuous.

Submission made by the learned counsel appearing for the Appellant, as stated above, is placed on record.

In the light of the submissions made by learned counsel appearing for the Appellant, the instant application filed by the Appellant stands disposed off as having become infructuous.

**(IA NO. 970 OF 2018 - FOR DELAY IN FILING)**

We have heard learned counsel appearing for the Appellant and learned counsel appearing for the Respondent No. 2. The instant application filed by the Appellant for condoning delay of 139 days in filing the Appeal. The learned counsel appearing for the Appellant submitted that delay in filing the Appeal has been explained satisfactorily and sufficient cause has been shown in the application. The same may kindly be accepted

and delay in filing may kindly be condoned in the interest of justice and equity as they have filed the present appeal arising out of the similar order wherein delay in filing has been condoned before this bench.

**Per contra**, learned counsel, Mr. Balaji Srinivasan appearing for the Respondent Nos. 2 prays for some reasonable time to file the reply in the instant IA. The time sought is denied for the reason that this case is posted before this bench five times i.e. on 28.07.2018, 08.08.2018, 14.08.2018, 07.09.2018 and 24.09.2018. In spite of giving sufficient time from 08.08.2018 to till date, no reply to the instant IA has been filed. There is no justification for seeking time at distance of time when the connected matter arising out of the similar order wherein delay in filing has been condoned

In the light of the submission made by the learned counsel appearing for the Appellant and after careful perusal of the application explaining the delay in filing the appeal, we find it satisfactory as sufficient cause has been made out. The same is accepted and the delay in filing the appeal is condoned. The IA is allowed.

**DFR NO. 2454 OF 2018**

Registry is directed to number the appeal and list the matter for admission on **05.10.2018**, as requested.

**(S. D. Dubey)**  
**Technical Member**

Pr/pk

**(Justice N. K. Patil)**  
**Judicial Member**