

COURT-I
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)
IA NOs. 1423 & 1424 OF 2018 IN
DFR NO. 3635 OF 2018

Dated: 24th October, 2018

Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. S.D. Dubey, Technical Member

In the matter of:

Mukesh N Acharya

.... Appellant(s)

Versus

Reliance Infrastructure Limited & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. Anand Verma
Ms. Vibhooti Malhotra

Counsel for the Respondent(s) : Mr. Sanjay Sen, Sr. Adv.
Mr. Salim Inamdar
Mr. Hasan Murtaza for R-1

ORDER

IA No. 1423 OF 2018 (Application for leave to file Appeal)

After hearing the Applicant/Appellant for some time and after going through provisions of Section 17 (3) and (4) learned counsel for Applicant/Appellant seeks interim order pertaining to properties referred to in the Appeal situated at Santacruz should not change hands meantime.

Learned senior counsel Mr. Sanjay Sen submits that after hearing consumers State Commission passed the Impugned Order and this Tribunal cannot entertain the present Appeal which is in the nature of a public interest litigation. According to Applicant/Appellant the transaction between Respondent No. 2, 3, envisages transfer/assignment of assets situated at Santacruz wherein only the license of public utility is transferred and not the assets (the referred assets at Santacruz) would directly have bearing on tariff in future which burdens the consumers and therefore there

has to be some interim direction so far as the disputed/alleged assets at Santacruz. It is made clear that if any such assignment/transfer takes place it is subject to outcome of this Appeal.

IA No. 1424 of 2018
(Appln. for condonation of delay in filing Appeal)

There is 44 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay may be condoned.

We have heard learned counsel for the Applicant/Appellant and perused the explanation offered for the delay in filing the appeal. We find the explanation to be acceptable. Sufficient cause has been made out. Hence, delay is condoned. Application is disposed of.

To hear Application to leave to file Appeal and main Appeal, list the matter on **14.11.2018**.

(S. D. Dubey)
Technical Member

mk/kt

(Justice Manjula Chellur)
Chairperson