

Court-II
Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

IA-292 of 2015 in DFR-1364 of 2015

Dated : 8th September, 2015

In the matter of:

M/s Kalini Industries Pvt. Ltd.

..... Appellant(s)

Versus

Rajasthan Electricity Regulatory Commission & Ors.

..... Respondent(s)

Counsel for the Appellant (s) : Mr. P.N. Bhandari

Counsel for the Respondent(s): None

ORDER

IA-292/2015 in DFR-1364/2015 has been filed on behalf of the Appellant, praying for condonation of delay of 12 days in filing the present Appeal. The ground for delay of 12 days, as mentioned in the IA and in the accompanying affidavit, is that the Appeal against the impugned order, dated 1.5.2015, should have been filed within 45 days namely; 19.6.2015 before this Appellate Tribunal. Since, the Tribunal was closed in the month of June, 2015 due to summer vacations, the Appellant had planned to submit the Appeal on the first day of July, 2015 i.e. on reopening of the Tribunal after summer vacations. Consequently, the Appeal was filed on 1.7.2015 under the impression that this Tribunal would reopen on that day but, the Appellant learnt later that the Appellant's information was wrong as the Tribunal was rescheduled to reopen on 29.6.2015 itself. Under these circumstances, the period of summer vacations cannot be excluded from filing the appeal within the period of limitation prescribed under law. Hence, the said delay of 12 days was occurred due to the Appellant's bonafide and unintentional mistake.

After hearing Mr. P.N. Bhandari, the learned counsel for the Appellant and going through the grounds of delay, we deem it proper to condone the delay as the said ground is bonafide one. Accordingly, the delay is condoned and IA-292/2015 in DFR-1364/2015 is allowed. The instant appeal shall be deemed to have been filed within the period of limitation prescribed in law.

Registry is directed to allot a regular Appeal number. Issue notice to the Respondents returnable within 3 weeks. The counter affidavit by the Respondents may be filed within two weeks and rejoinder, if any, be filed within a week thereafter with a copy to the other side. Dusti service is permitted.

Post the matter for Admission hearing on 6th November, 2015.

(T. Munikrishnaiah)
Technical Member

(Justice Surendra Kumar)
Judicial Member