

COURT-I

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

IA NO. 375 OF 2016 IN
DFR NO. 1062 OF 2016

Dated : 20th September, 2016

Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. I.J. Kapoor, Technical Member

In the matter of:

Power Company of Karnataka Ltd.	...	Appellant(s)
Vs.		
Maharashtra Electricity Regulatory Commission & Ors.	...	Respondent(s)

Counsel for the Appellant(s) : Mr. D.L. Chidananda

Counsel for the Respondent(s) : Mr. Kiran Gandhi
Ms. Ramni Taneja for R-2
Mr. Hemant Singh
Ms. Ramani Taneja for R.4

ORDER

IA NO. 375 OF 2016
(Appl. for condonation of delay)

The Applicant/Appellant has challenged the Order dated 28.04.2015 passed by the Maharashtra Electricity Regulatory Commission (**State Commission**) in this appeal. There is 336 days' delay in filing this appeal. Hence, this application is filed praying that the delay may be condoned.

It appears that M/s Global Energy, who was the Petitioner before the State Commission had filed Appeal No. 112 of 2015 against the impugned order. The said appeal was withdrawn vide an Order dated 28.10.2015 on account of the fact that Maharashtra State Electricity Distribution Company Limited had entered into an agreement dated 29.08.2015 with M/s Global Energy, wherein the exposure of M/s Global Energy towards over-drawls in

schedules was reduced. The present Appellant had filed an application seeking impleadment in the said appeal. However, on account of withdrawal of the said appeal, the impleadment application was also disposed of as infructuous vide Order dated 28.10.2015 by this Tribunal.

The Appellant carried an appeal to the Supreme Court being Civil Appeal No. 911-912 of 2016 being aggrieved by the Order dated 28.10.2015. Before the Supreme Court a statement was made by counsel for the Appellant that the Appellant would like to withdraw the appeal so as to file an appeal before this Tribunal. The Supreme Court granted liberty to the Appellant to approach this Tribunal. Pursuant to the liberty, the Appellant has filed the present appeal. On 04.07.2016 this Tribunal granted the Appellant leave to file appeal.

Having gone through the explanation offered by the Appellant, we feel that delay deserves to be condoned as the explanation is acceptable. The Appellant wanted to implead itself as party respondent in the appeal filed by M/s Global Energy. Since that appeal was withdrawn by M/s Global Energy, the Appellant's impleadment applications was disposed of as infructuous by this Tribunal vide Order dated 28.10.2015. Thereafter, the Appellant was prosecuting the matter before the Supreme Court and pursuant to the liberty granted by the Supreme Court the present appeal is filed. In the circumstances, delay is condoned. Application is disposed of.

Registry is directed to number the appeal and list the matter for admission on **05.10.2016**.

(I.J. Kapoor)
Technical Member

(Justice Ranjana P. Desai)
Chairperson