

COURT-I

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

**IA No. 529 OF 2016 IN
DFR No. 720 OF 2007**

Dated: 27th September, 2016

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

In the matter of:-

Purvanchal Vidyut Vitran Nigam Ltd.

...Appellant(s)

Vs.

M/s Jalan Concast Ltd. & Anr.

...Respondent(s)

Counsel for the Appellant(s)

:

**Ms. Aarti.Upadhyay for
Mr. Rakesh Upadhyay**

ORDER

**IA No. 529 OF 2016
*(Application for restoration)***

On 11.07.2016 this appeal was dismissed for want of prosecution. The order passed by us on 11.07.2016 reads as follows:

“This appeal is pending before this Tribunal from the year 2007. The appellant has not taken any steps to cure the defects. It was listed before us on 01.06.2016. Nobody was present on behalf of the appellant on that day. Today again nobody is present on behalf of the appellant. It appears, therefore, that the appellant is not interested in prosecuting the matter. The appeal is, therefore, dismissed for want of prosecution.”

Now an application is moved by the appellant for restoration of this appeal. It is stated by learned counsel for the appellant that there is change in the counsel and that the present counsel had filed his vakalatnama in the year 2014. If that is the case, learned counsel for the appellant should have remained present in the court on 01.06.2016 and 11.07.2016 when the matter was listed for “directions”. As far back as on 11.07.2016 the appeal was dismissed for want of prosecution. Belatedly this application for restoration is filed.

Issue Notice to the respondents in this application returnable on 26.10.2016. Dasti, in addition, is permitted.

List the matter on **26.10.2016**.

(I.J.Kapoor)
Technical Member
ts/kt

(Justice Ranjana P. Desai)
Chairperson