

We have heard and considered the submissions made by the learned Counsel for the Appellant.

The perusal of the records as well as the Affidavit filed by the Appellant/Applicant seeking for the condonation of delay would reveal that the Appellant/Applicant have made several attempts to seek for Review in the form of seeking clarification, by filing the petition after petition before the Commission and failed in all their attempts.

Only when the last Review Petition was dismissed on 01.06.2010, they have decided to file the present Appeal before this Tribunal.

The particulars given in the Affidavit would indicate that instead of filing the Appeal as against the main order dated 18.01.2007 directly before this Tribunal they have approached the Commission by filing the Review Petition on two subsequent dates seeking modification of the earlier order. There is no explanation as to why they filed 2nd Review Petition before the State Commission.

In our view the Appellant should have approached this Tribunal either as against the impugned Order dated 18.01.2007 or at least against the first Review Order dated 05.04.2009 without any delay. Instead, they had chosen to file a petition for second review before the State Commission, even though, it is settled law that the second review is not maintainable.

So, we feel that the Appellant/ Applicant from the beginning has not been vigilant in prosecuting the matter before proper forum in time.

In view of the fact that there is a continuous lack of vigilance on the part of the Applicant and as there is no sufficient cause shown in the affidavit filed before this Tribunal for the inordinate delay of 1262 days, we deem it fit to reject the application to condone the delay.

Accordingly, the Application is dismissed.

**(V.J. Talwar)
Technical Member**

**(Justice M. Karpaga Vinayagam)
Chairperson**

ZA/KSM