

**COURT-II**  
**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY**  
**(Appellate Jurisdiction)**

**IA NOS. 529, 527 & 528 OF 2018 IN**  
**DFR NO. 777 OF 2017**

**Dated: 02<sup>nd</sup> July, 2018**

**Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member**  
**Hon'ble Mr. S.D. Dubey, Technical Member**

**In the matter of:**

**BEML Limited**

... **Appellant(s)**

**Vs.**

**Karnataka Electricity Regulatory Commission & Ors.**

... **Respondent(s)**

Counsel for the Appellant (s) : Mr. Yash Prakash  
Mr. K. Gangadharan  
Mr. Shakti Thakur

Counsel for the Respondent(s) : -

**ORDER**

**(IA No. 529 of 2018 – Condonation of delay in re-filing the Appeal)**

The learned counsel, Mr. Yash Prakash, appearing for the Appellant submitted that, the instant application has been filed by the Appellant for condoning the delay in re-filing the Appeal. He was quick to point out and took us through the statement made in paragraphs 3 to 6 of the Application dated 24.04.2018. Further, he submitted that, he has filed an additional affidavit dated 29.05.2018 giving dates and events explaining the delay in re-filing the appeal in paragraphs 2 to 8. Therefore, he submitted that, in the light of the submissions made in the application and the statement made in the additional affidavit, the same may kindly be accepted and delay in re-filing the appeal may kindly be condoned taking lenient view and having regard to the Appellant as a Statutory Authority.

Submissions made by the learned counsel appearing for the Appellant, as stated supra, are placed on record.

In the light of the submissions made by the learned counsel appearing for the Appellant and the reasons stated in the application as well as the additional affidavit explaining the delay in re-filing the appeal, as stated supra, we find the same satisfactory as the sufficient cause has been made out. The same is accepted and the delay in re-filing the appeal is condoned. IA 529 of 2018 is allowed.

**(IA No. 527 of 2018 – For Early Hearing)**

The learned counsel appearing for the Appellant submitted that, the instant application may kindly be dismissed as not pressed.

Submission made by the learned counsel appearing for the Appellant, as stated supra, is placed on record.

The instant application is dismissed as not pressed at the risk of the learned counsel appearing for the Appellant. Order accordingly.

**(IA No. 528 of 2018 – Delay in Filing Appeal)**

Issue notice to the Respondents returnable on 17.07.2018. Dasti, in addition, is also permitted.

List this matter on 17.07.2018, as requested.

**(S.D. Dubey)**  
**Technical Member**

**(Justice N.K. Patil)**  
**Judicial Member**

*vt/js*