

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

IA NO. 733 OF 2018 IN
DFR NO. 1480 OF 2018

Dated : 10th December, 2018

Present: Hon' ble Mr. Justice N.K. Patil, Judicial Member
Hon' ble Mr. Ravindra Kumar Verma, Technical Member

In the matter of:

Madhya Pradesh Power Management Co. Ltd. Appellant(s)
Versus
Central Electricity Regulatory Commission & Ors. Respondent(s)

Counsel for the Appellant(s) : Mr. Aashish Anand Bernard
Mr. Paramhans

Counsel for the Respondent(s) : Mr. Mahip Singh for R-4
Mr. Alok Shankar for R-8

ORDER

(IA No. 733 of 2018 – delay in filing)

Heard the learned counsel appearing for the Appellant and the learned counsel appearing for the Respondent No.8. Respondent Nos. 1,2,3,5,6 and 7, though served, are unrepresented.

The instant application is filed by the Appellant for condonation of delay of 633 days in filing the Appeal and 38 days delay from the review order. The learned counsel appearing for the Appellant, Mr. Aashish Anand Bernard at the outset submitted that the delay has been explained satisfactorily and sufficient cause has been shown in para 12 of the rejoinder submissions to the reply filed by Respondent No.8 contending that the Appellant filed appeal against order dated 15.06.2016 before the Central Commission. After the pronouncement of the Order dated 15.06.2016, NTPC Ltd has filed review petition before the Central Commission and the same was registered as No.RP/55/2016 wherein NTPC sought review of the order dated 15.06.2016. He was quick to point out and submitted that the Appellant was also a party in the review petition proceedings and had made submissions seeking a review of the order dated 15.06.2016 on the ground that the transmission line is a

dedicated transmission line and charges for the same cannot be burdened on to the Applicant/Appellant. Further, he submitted that the said delay has been satisfactorily explained and sufficient cause has been shown in the application. The delay is not intentional and deliberate on the part of the Applicant/Appellant. The same may kindly be accepted and delay in filing may be condoned in the interest of justice and equity and the matter may be heard on merits.

Per contra, the learned counsel for the Respondent no. 8 vehemently submitted that the application may be dismissed on the ground of delay and latches and the reasons given by the Applicant/Appellant are devoid of merit and justification. In the light of above, delay explained in the application may not be considered and appropriate order may be passed to meet the end of justice.

The submissions made by the learned counsel appearing for the Appellant and the learned counsel for the respondent No.8, as stated supra, are placed on record.

In the light of the delay explained satisfactorily and sufficient cause shown in the application, it emerged from the explanation sought that it is bonafide in nature and not intentional, the same is accepted and the delay in filing the appeal is condoned. IA No. 733 of 2018 for delay in filing the Appeal is allowed.

Registry is directed to number the Appeal and post the matter for admission on **13.12.2018**.

(Ravindra Kumar Verma)
Technical Member
mk/bn

(Justice N.K. Patil)
Judicial Member