

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

IA NOS. 451 & 452 OF 2015 IN
DFR NO. 1512 OF 2015

Dated: 12th December, 2017

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

In the matter of:

Guttaseema Wind Energy Co. Pvt. Ltd.

... **Appellant(s)**

Vs.

Karnataka Electricity Regulatory Commission & Ors.

... **Respondent(s)**

Counsel for the Appellant (s)

:

Mr. Basava Prabhu S. Patil, Sr. Adv.
Mr. M. Srinivas R. Rao
Mr. Abid Ali Beeran P.

Counsel for the Respondent(s)

:

Mr. Anand K. Ganesan
Ms. Neha Garg for R-1

Ms. Pankhuri Bhardwaj for R-2 & R-5

ORDER

[IA No. 451 OF 2015 – For Delay in Re-filing of Appeal &
IA No. 452 OF 2015 – For Delay in filing of Appeal]

Heard the learned senior counsel Sh. Basava Prabhu S. Patil, appearing for the Appellant, the learned counsel, Ms. Neha Garg, appearing for the first Respondent and learned counsel, Ms. Pankhuri Bhardwaj, appearing for the Respondent No. 2 & 5.

The learned senior counsel Sh. Basava Prabhu S. Patil, appearing for the Appellant submitted that the delay has been explained satisfactorily and sufficient cause has been made on accompanying affidavit along with application. The same may kindly be accepted and delay may kindly be condoned.

The learned counsel, Ms. Neha Garg, appearing for the first Respondent fairly submitted that submission made by the learned senior counsel appearing for the Appellant may please be taken on record and delay may be condoned.

The learned counsel, Ms. Pankhuri Bhardwaj, appearing for the Respondent No. 2 & 5 has filed her objection opposing for condonation of delay in refiling and filing the appeal. The same has not been explained satisfactorily except making bald statement. The same cannot be acceptable and IA No. 451 of 2015 for delay in refiling and IA No. 452 of 2015 for delay in filing, both may be dismissed.

Submissions made by the learned senior counsel appearing for the Appellant and learned counsel appearing for the Respondent No. 1 and Respondent No.2 & 5, as stated above, place on record.

After hearing the learned counsel appearing for both the parties and going through the reasoning given in the accompanying affidavit along with application explaining the delay in refiling and filing of the appeal, we find it satisfactory as the sufficient cause has been made out. The same is accepted and the delay in refiling and filing the appeal is condoned. IA No. 451 of 2015 for delay in refiling and IA No. 452 of 2015 for delay in filing are allowed.

Registry is directed to number the appeal and list the matter for admission on 11.01.2018.

(S.D. Dubey)
Technical Member

js/vt

(Justice N.K. Patil)
Judicial Member