

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

IA NO. 111 OF 2018 IN
DFR NO. 4128 OF 2017 &
IA NO. 651 OF 2018

Dated: 28th May, 2018

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

In the matter of:

M/s. Inland Power Ltd.	Appellant(s)
Vs.		
Jharkhand State Electricity Regulatory Commission & Ors.	Respondent(s)

Counsel for the Appellant(s) : Ms.Swapna Seshadari
Ms. Neha Garg

Counsel for the Respondent(s) : Mr. C.K.Rai for R-1

ORDER

IA NO. 651 OF 2018

(Application for condonation of delay in filing Reply)

We have heard the learned counsel, Ms. Swapna Seshadri, appearing for the Appellant/Applicant and the learned counsel, Mr. C.K. Rai, appearing for the first Respondent/Commission on IA No. 651 of 2018 for condonation of delay in filing the reply filed by the first Respondent.

The learned counsel, Shri C.K. Rai, appearing for the first Respondent submitted that, there is a delay of 14 days in filing reply objection to the IA No. 111 of 2018 (for condonation of delay in filing the Appeal), which has been explained satisfactorily and sufficient cause has been shown in the application being IA No. 651 of 2018. The same may kindly be accepted and delay may kindly be condoned.

Submission made by the learned counsel appearing for the first Respondent, as stated above, is placed on record.

In the light of the submission made by the learned counsel appearing for the first Respondent and after perusal of the reasoning given in the application for condonation of delay in reply, we find it satisfactory as sufficient cause has been shown. The same is accepted and delay in filing the reply is condoned. IA, being IA No. 651 of 2018, for delay in filing the reply is allowed. The application is disposed of.

IA NO. 111 OF 2018

(Application for condonation of delay in filing the Appeal)

We have heard the learned counsel, Ms. Swapna Seshadri, appearing for the Appellant; the learned counsel, Mr. C.K. Rai, appearing for the first Respondent. Other respondents, though served, unrepresented.

The learned counsel appearing for the Appellant, at the outset, submitted that, there is a delay of 152 days in filing the Appeal which has been explained satisfactorily and sufficient cause has been shown in paragraphs 5 to 10 of the application. The same may kindly be accepted and delay may kindly be condoned.

The learned counsel, Mr. C.K. Rai appearing for the first Respondent, *inter-alia*, contended and vehemently opposed the Application filed by the Appellant for condonation of delay in filing the Appeal and submitted that, the delay has not been explained satisfactorily and sufficient cause has not been shown in the application. To substantiate his submission, he placed reliance on the judgment of the Apex Court in the case of SASI (Dead) through Legal Representatives v Aravindakshan Nair and Others reported in (2017) 4 Supreme Court Cases 692 and taken through the paragraph no. 12 of the judgment of the Apex Court. Therefore, he submitted that the instant application filed by the Appellant may kindly be dismissed.

Submissions made by the learned counsel appearing for the Appellant and the first Respondent, as stated above, are placed on record.

After careful consideration of the submissions made by the learned counsel appearing for the Appellant and the first Respondent, it is manifest on the face of the reasoning given in the paragraphs 5 to 10 of the Application filed by the Appellant for condonation of delay in filing the Appeal. The Appellant has explained the reasons for the delay in filing the appeal satisfactorily and sufficient cause has been shown in the application. The same is accepted.

In the light of the facts and circumstances of the case, we do not find any justification to accept the submission of the learned counsel for the first Respondent, because the Appellant has given satisfactory reason and sufficient cause has been shown in Paragraph 5 to 10 of the application. Further, the reliance placed by the learned counsel for the first Respondent to substantiate his submission, the said judgment is not applicable to the facts and circumstances of the case in hand.

In the light of the submission made by the learned counsel appearing for the Appellant and the first Respondent, we find the Appellant has explained the reasons for the delay in filing the appeal satisfactorily and sufficient cause has been shown in Paragraph 5 to 10 of the application. The same is accepted and the delay in filing the

appeal is condoned. IA No. 111 of 2018 for the delay in filing the appeal is allowed. The application is disposed of.

DFR NO. 4128 OF 2017

Registry is directed to number the appeal and list the matter for admission on 30.05.2018, as agreed by the learned counsel appearing for the Appellant and the first Respondent.

(S.D. Dubey)
Technical Member
pds/vt

(Justice N.K. Patil)
Judicial Member