

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

IA NO. 26 OF 2018 IN
DFR NO. 3966 OF 2017 &
IA NO. 293 OF 2018

Dated: 17th May, 2018

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

In the matter of:

Jaiprakash Power Ventures Limited

.... Appellant(s)

Vs.

Madhya Pradesh Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Shri S. Venkatesh
Mr. Pratyush Singh
Mr. Sandeep Rajpurohit
Mr. Vikas Maini

Counsel for the Respondent(s) : Ms. Mandakini Ghosh for R-1
Mr. Aashish Anand Barnard for R-2

ORDER

IA NO. 26 OF 2018

(Application for condonation of delay in filing the Appeal)

We have heard the learned counsel, Mr. S. Venkatesh, appearing for the Appellant, learned counsel, Ms. Mandakini Ghosh, appearing for the first Respondent and the learned counsel, Mr. Aashish Anand Barnard, appearing for the second Respondent.

The learned counsel appearing for the Appellant, at the outset, submitted that, there is a delay of 487 days in filing the Appeal which has been explained satisfactorily and sufficient cause has been shown in the application. The same may kindly be accepted and the delay may kindly be condoned. To substantiate his submissions, the learned counsel for the Appellant has submitted a list of dates and relevant events and requested that, the same may kindly be taken into consideration in the interest of justice and equity.

Per-contra, the learned counsel appearing for the first Respondent has filed a detailed reply objection to the application filed by the Appellant for condonation of delay in filing the

appeal and opposing the same on the ground that the delay has not been explained satisfactorily and sufficient cause has not been shown in the application.

Submissions made by the learned counsel appearing for the Appellant as well as the Respondents, as stated above, are place on record.

After careful consideration of the submissions made by the learned counsel appearing for the Appellant and after perusal of the statement made in the application and also the stand taken by the first Respondent in her objection reply, what has emerged is that 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 and the delay in filing the appeal is condoned. IA No. 26 of 2018 for the delay in filing the appeal is allowed.

IA NO. 293 OF 2018
(for filing additional documents)

The learned counsel appearing for the Appellant submitted that the instant IA, being IA No. 293 of 2018 may be dismissed as not pressed.

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

In the light of the submission made by the learned counsel appearing for the Appellant, as stated above, the instant IA, being IA No. 293 of 2018 is dismissed as not pressed.

DFR NO. 3966 OF 2017

Registry is directed to number the appeal and list the matter for admission on 25.05.2018, as requested.

(S. D. Dubey)
Technical Member

(Justice N. K. Patil)
Judicial Member

js/vt