

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

IA NO. 509 OF 2018 IN
DFR NO. 1443 OF 2018

Dated: 08th May, 2018

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

In the matter of:

Lalpur Wind Energy Private Limited

.... Appellant(s)

Versus

Karnataka Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant (s) : Mr. Parinay Deep Shaw
Ms. Mandakini Ghosh
Ms. Ritika Singhal
Ms. Aradhna Tandon
Ms. Stuti Pandey

Counsel for the Respondent (s) : Mr. Anand K. Ganesan
Ms. Neha Garg for R-1

Mr. Sriranga S.
Mr. Sumana Naganand
Mr. Balaji Srinivasan
Ms. Pratiksha Mishra for R.2 to R.4 & R.6

ORDER

IA No.509 of 2018

(Appli. for Condonation of Delay in filing)

We have heard learned counsel appearing for the Appellant and learned counsel appearing for the Respondent No.1 and Respondent Nos.2 to 4 & 6. Other respondents served unrepresented.

2. The learned senior counsel, Mr. Sanjay Sen, appearing for the Appellant submitted that the delay of 45 days in filing the Appeal has been explained satisfactorily and sufficient cause has been shown in the application. The same may kindly be accepted and delay in filing may kindly be condoned in the interest of justice and equity.

3. ***Per contra***, learned counsel, Mr. Sriranga S., appearing for the Respondent Nos. 2 to 4 & 6 inter alia contended and submitted that the delay in filing appeal is not explained satisfactorily and sufficient cause has not been made in the application. Hence, the delay may not be condoned.

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

5. In the light of the submission made by the learned counsel appearing for the Appellant and after careful perusal of the application explaining the delay in filing the appeal, we find it satisfactory as sufficient cause has been made out. The same is accepted and the delay in filing the appeal is condoned. The IA is allowed.

DFR NO. 1443 OF 2018 &
IA No.510 of 2018 & IA No.512 of 2018
(IA for stay) & (IA for Waiver of Court Fee)

Issue notice to the Respondents returnable on 12.07.2018. Dasti, in addition is permitted.

Learned counsel, Mr. Anand K. Ganesan accepts notice on behalf of Respondent No.1 and Mr. S. Sriranga accepts notice on behalf of Respondent Nos. 2 to 4 & 6.

The learned counsel, appearing for the Respondents pray for another four weeks' time to file the reply in the main appeal and also in the IAs.

The learned counsel appearing for the Respondents are permitted to file their reply on or before 06.06.2018, after duly serving copy on the other side. Thereafter, rejoinder, if any, may be filed by 20.06.2018, after duly serving copy on the other side.

The Respondents are herein directed not to precipitate in the matter till 15.07.2018.

Registry is directed to number the appeal and list the matter for admission on **12.07.2018**, as agreed.

(S.D. Dubey)
Technical Member

bn/pr

(Justice N.K. Patil)
Judicial Member