COURT-I

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY (Appellate Jurisdiction)

IA NO. 637 OF 2017 IN DFR NO. 1213 OF 2017

Dated: 26th October, 2017

Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson

Hon'ble Mr. I.J. Kapoor, Technical Member

In the matter of:

M/s Subramaniya Siva Co-operative Sugar Mills Ltd. ... Appellant(s)

Vs.

Tamil Nadu Electricity Regulatory Commission & Anr. Respondent(s)

Counsel for the Appellant(s) : Mr. Rajeev M. Roy

Counsel for the Respondent(s) : Mr. S. Vallinayagam

Mr. Aditya Singh for R-2

<u>ORDER</u>

IA NO. 637 OF 2017

(Appln. for condonation of delay)

There is 338 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay may be condoned.

The Respondents have been served. Mr. Vallinayagam appears on behalf of Respondent No.2. Other respondent, though served, is not represented.

We have heard learned counsel for the parties and perused the explanation offered for the delay in filing the appeal. It is stated in the application that the impugned order was not communicated to the Appellant and it is only in the month of April 2017 the Appellant became aware of the

impugned order and thereafter a direction was given to the local counsel to obtain copy of the judgment and after obtaining copy of the said judgment legal advice was sought and appeal is filed.

We are informed that the appeals involving the similar issues being Appeals Nos. 139 of 2016; 200 of 2016 and 148 of 2016 have already been admitted by this Tribunal. Considering this fact and also considering the fact that the Appellant is a co-operative society, we are of the opinion that delay deserves to be condoned after saddling the appellant with costs. Accordingly, the Appellant is directed to pay the cost of Rs.20,000/-(Rupees twenty thousand only) to "National Defence Fund, PAN No: AAAGN0009F, Collection A/c No: 11084239799 with State Bank of India, Institutional Division, 4th Floor, Parliament Street New Delhi" on or before 24.11.2017. Application is disposed of.

After receiving the compliance report, Registry is directed to number the appeal and list it for admission on *13.12.2017*.

(I. J. Kapoor) Technical Member

(Justice Ranjana P. Desai) Chairperson

ts/vq