

COURT - I

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

**I.A. No.193 of 2012 and IA No.194 of 2012
in DFR No.1863 of 2011**

Dated : 25th May, 2012

**Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member**

**Tamil Nadu Electricity Board ... Appellant(s)
Versus**

M/s. Ind Bharath Powergencom Ltd. & Anr. ..Respondent(s)

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

ORDER

**I.A. No.193 & 194 of 2012
*(Applications for condonation of delay)***

There are two Applications to condone the delay. The first Application is to condone the delay of 367 days in filing the Appeal as against the impugned Order dated 19.10.2010. The only reason given for the delay is that, they filed the Review on 08.06.2011 and the same has been dismissed on 17.06.2011. Before the Commission also, there was a delay of 213 days in filing the Review . The State Commission dismissed the Review petition on the ground that the delay was not properly explained.

This Appeal has been filed before this Tribunal on 07.12.2011, even though the Review had been dismissed as early as on 17.06.2011.

On noticing the defects, the Registry issued the defects notice dated 16.12.2011 to the learned counsel, who in turn received on 21.12.2011 and after curing the defects, the learned counsel refiled the Appeal only on 02.05.2012 after a delay of 122 days although Registry has given only 7 days time.

We have gone through both the Applications. At the outset, we shall state that there is no reason as to why the Review had been filed as against the main Order before the Commission with huge delay, which was not explained. In the same way, there is also a delay of 122 days in refiling the Appeal after curing the defects. It is stated that the file was missing in the Advocate's office. This is not a valid reason.

Thus, in both the Applications, we do not find any reasonable explanation for the said delay, which in our view is enormous. Therefore, both the Applications are dismissed. Consequently, the Appeal is also rejected.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

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