

Appellate Tribunal for Electricity
Appellate Jurisdiction

IA No 26. of 2006

Present - Hon'ble Mr Justice E. Padmanabhan – Judicial Member
Hon'ble Mr H. L. Bajaj – Technical Member

Hotels & Restaurants Association of Rajasthan

Appellant

Versus

State of Rajasthan & Ors

Respondents

Counsel for the Appellant : Mr. Mahinder J.S. Rupal

Dated 14th February, 2006

Order

This is an application moved by the Hotels and Restaurants Association of Rajasthan to condone the delay in preferring the appeal.

Heard the learned counsel for the applicant.

Tariff was determined as early on 24th March, 2001 to be effective from 1st April, 2001. Thereafter an application was moved by the applicant Association under Claus 18 of The Regulations. The application was rejected on 8th October, 2004. Challenging the said rejection the Association moved High Court of adjudicature in Writ Petition No. 8396 of 2004. The Hon'ble High Court by its order dated 17th July 2005 disposed of the Writ Petition while giving liberty to the appellant Association to approach this Appellate Tribunal. Only on 3rd February,

2006 the present appeal has been preferred. The Association should have approached this Appellate Tribunal within reasonable time as the High Court has disposed of the Writ Petition with specific directions and liberty to move to this Appellate Tribunal.

The reasons set out the affidavit filed in support the application is not acceptable and same will not constitute sufficient cause even taking a lenient view. The sole reason suggested being that the Association could not meet. We do not find any bonafides in the application to condone the delay. Hence, the application is dismissed as sufficient cause has not been shown to condone the inordinate delay.

However, we make it clear with respect to the tariff fixation, on any future date, it is well open to the appellant Association to take part in the tariff fixation proceedings and agitate its point for fixation of appropriate tariff and the rejection of application will not stand in its way.

(Mr. H. L. Bajaj)
Technical Member

(Mr Justice E. Padmanabhan)
Judicial Member