Before the Appellate Tribunal for Electricity (Appellate Jurisdiction) (Chennai Circuit Bench)

IA no. 57 of 2013 in DFR no. 277 of 2013

Dated : 23rd April, 2013

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson Hon'ble Mr. V.J. Talwar, Technical Member

Tamil Nadu Power Producers Association...Appellant(s)VersusTamil Nadu Generation & Distribution Corporation...Respondent(s)Ltd. & Anr....Respondent(s)

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

<u>ORDER</u>

This is an application to condone the delay of 269 days in filing the Appeal as against the impugned order dated 20/3/2013.

We have heard the Learned Counsel for the Applicant/Appellant as well as the Learned Counsel for the Respondents.

The Learned Counsel for the Applicant/Appellant tried his level best to convince this Tribunal by offering the explanation to condone the delay. However, the Learned Counsel for the Respondent no.1 stoutly opposed this Application to condone the delay contending that Tariff Order dated 30.03.2013 was made applicable for the period from 01.04.2012 to 31.03.2013 and the said period already over. He further stated that the application for fixation of tariff for the FY 2013-14 is under consideration before the State Commission. In view of this objection, we do not find sufficient cause to condone the delay. However, as requested by the Learned Counsel for the Applicant/Appellant liberty has been granted to raise all these issues before the State Commission while considering the fixation of the tariff for the year 2013-14, if so advised.

With these observations, the IA 57 of 2013 is dismissed. Consequently, the Appeal is also rejected.

(V.J. Talwar) Technical Member mk (Justice M. Karpaga Vinayagam) Chairperson