

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

I.A. No. 03/2007

Dated: 19th January, 2007

Present:

**Hon'ble Mr. Justice Anil Dev Singh, Chairperson
Hon'ble Mr. A.A. Khan, Technical Member
Hon'ble Mr. H.L. Bajaj, Technical Member**

U.P. Power Corporation Ltd.,

-Appellant(s)

V/s.

PGCIL & Ors.,

-Respondent(s)

Counsel for the Appellant(s) : Mr. T. Mahipal for Mr. Pradeep Misra

ORDER

I.A.No. 3 of 2007

This appeal has been filed after a delay of 55 days. The main reason for delay as per the application is that the matter was examined at various levels and it was decided to file an appeal in the second week of November 2006. The appellant has not given any sufficient cause for condonation of delay in filing the appeal. In I.A.No.191 of 2006 in A.F.R. No. 1374 of 2006, decided on January 12, 2007, while rejecting the plea for condonation of delay, we had held as follows:

“In the application it is stated that the impugned order was passed on June 2, 2006 and a copy thereof was received from the Central Electricity Regulatory Commission on June 23, 2006. It is further averred that after the receipt of the certified copy of the order, the matter was considered at various levels and it was decided to file an appeal only in the month of October 2006.

These are the only grounds pleaded for condonation of delay in filing the appeal. The party seeking condonation of delay in filling the appeal must show that the delay resulted from a cause which was beyond his control. A cause for delay, which could have been avoided, cannot be treated as a sufficient cause.”

In the circumstances, we do not find any sufficient cause to condone the delay. Accordingly, the application is dismissed. Consequently, the appeal also fails and is hereby dismissed.

(A.A.Khan)
Technical Member

(H.L. Bajaj)
Technical Member

(Anil Dev Singh)
Chairperson

Date: January 19, 2007