

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

**I.A. No. 107 of 2013 in
DFR No. 374 of 2013**

Dated : 20th May, 2013

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

In the matter of:

Maharashtra State Electricity Distribution Company Ltd.

....Appellant(s)

Versus

Maharashtra Electricity Regulatory Commission & Ors.

...Respondent (s)

Counsel for the Appellant (s): Mr. Samir Malik

Mr. Ravi Prakash

Counsel for the Respondent(s): Mr. G. Umapathy

Ms. R. Mekhala for R.2

ORDER

I.A. No. 107 of 2013

(Appl. to condone the delay)

This is an Application to condone the delay of 204 days in filing the Appeal as against the main Order dated 15.06.2012.

According to the learned counsel for the Applicant/Appellant after the main Order was passed on 15.06.2012 that the Applicant filed the Review Application on 27.07.2012 and the same had been dismissed on 10.12.2012 on the ground that no ground has been made out to review the Order. Thereafter, he filed this Appeal on 20.02.2013.

It is submitted by the learned counsel for the Applicant/Appellant that the main reason for the delay in filing this Appeal is the pendency of the Review before the Commission.

The learned counsel for the Respondent has raised serious objection to this Application on the ground that even assuming that there was some delay due to the pendency of the Review, the Review Petition had been dismissed on 10.12.2012, but the Applicant has not taken any steps to file the Appeal immediately thereafter and on the other hand, he filed the Appeal after about 72 days delay and there is no explanation for the same.

We find force in the objection raised by the learned counsel for the Respondent.

In view of the fact that the learned counsel for the Applicant/Appellant has not given any satisfactory explanation to condone the delay with regard to the period between the dismissal of the Review and the date of filing of the Appeal, we have no other option but to dismiss this Application to condone the delay of 204 days. Accordingly, the Application is dismissed. Consequently, the Appeal is also rejected.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson