

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

I.A. No. 65 of 2013 in DFR No. 303 of 2013

Dated : 30th April, 2013

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

M/s K.S. Oils Ltd. Appellant (s)

Versus

**M.P. Power Transmission Company Ltd. Jabalpur & Ors.
... Respondent (s)**

Counsel for the Appellant(s):	Mr. Prashant Sharma Mr. Prashant Shukla Mr. Sandeep Sharma
Counsel for the Respondent(s):	Mr. C.K. Rai for R.6 Mr. Manoj Dubey for R.1

ORDER

I.A. No. 65 of 2013
(Application to condone the delay)

This is an Application to condone the delay of 100 days in filing the Appeal as against the main Order.

This Application is stoutly opposed by both the State Commission as well as the contesting Respondent.

On going through the affidavit filed along with the Application as well as the counter filed by the parties, it is seen that the explanation offered by the Applicant in this Application is not only unsatisfactory but also the same is factually wrong. As a matter of

fact, the representative of the Company appeared on the date of the public hearing and made his submissions. To that effect, he signed in the attendance register also. On the contrary, it is now contended that the Applicant was not aware of the date of the proceedings and without affording an opportunity to him the Order had been passed by the State Commission. This contention is as pointed out by the learned counsel for the Respondent through the relevant documents, is totally wrong. Therefore, the Application to condone the delay is dismissed. Consequently, the Appeal is also rejected.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

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