

COURT - I
Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

IA No.129 of 2012 in
DFR No.306 of 2012

Dated : 13th April, 2012

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

Raj West Power Ltd. & Anr. ... Appellant(s)

Versus

Rajasthan Electricity Regulatory Commission
& Ors ...Respondent(s)

Counsel for the Appellant(s): Mr. M.G. Ramachandran
Mr. Anand K. Ganesan &
Ms. Swapna Seshadri

Counsel for the Respondent (s): Mr. R.K. Mehta for R-1 with
Mr. Antaryami Upadhyay
Mr. David A.
Mr. R.C. Sharma for R-2

ORDER

IA No. 129 of 2012
(Appl. for condonation of delay)

This is an application to condone the delay of 135 days in filing the Appeal against the main order dated 17.08.2011. We have heard the Learned Counsel for the Respondent who opposed this application strongly.

It is noticed that main order had been passed as early as on 17.08.2011. But, the Appellant/Applicant filed a clarification petition before the Commission only on 25.11.2011. The same was disposed of on

05.01.2012 with the observation that no clarification is necessary. Thereafter, this Appeal has been filed on 16.02.2012 against both the orders dated 17.08.2011 and 05.01.2012.

We find some force in the objections raised by the Learned Counsel for the Respondents with regard to absence of the proper explanation by the Appellant/Applicant for the period of the 1st phase between 17.08.2011 and 25.11.2011 and the period of the 2nd phase between 05.01.2012 and 16.02.2012. As pointed out by the Learned Counsel for Respondents, acceptable explanation has not been offered by the Applicant in the Application to condone the delay.

However, we deem it appropriate to condone the delay on payment of cost. Therefore the Appellants/Applicants are directed to pay the cost of Rs.50,000/- (Rupees fifty thousand only) to a charitable organization, namely, "***Child Relief and You (CRY) DDA Slumb Wing, (Barat Ghar), Bapu Park, Kotla, Mubarakpur, New Delhi – 110003***" within one week. The Registry is directed to send a copy of this Order to the charitable organization. On receipt of report of compliance from the Appellant/Applicant the Registry is directed to number this Appeal and post the matter for Admission on **01.05.2012**.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

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