

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

**IA No.140 of 2012 in**  
**DFR No.467 of 2012**

**Dated : 30<sup>th</sup> April, 2012**

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

**Tata Tele Services Ltd.**  
**Versus**

**...Applicant/Appellant(s)**

**Rajasthan Electricity Regulatory**  
**Commission & Ors.**

**...Respondent (s)**

**Counsel for the Appellant(s):**

Mr. Amit Kapur,  
Mr. Vishal Anand &  
Ms. Sughandha Somani

**Counsel for Respondent (s):**

Mr. R.K. Mehta, Mr. David A. &  
Mr. Antaryami Upadhyay for R-1

**ORDER**  
**IA No.140 of 2012**  
**(Condonation of delay)**

This is an application to condone the delay of 126 days challenging the impugned order dated 08.09.2011. According to the Applicant/Appellant as soon as it came to know about the order dated 08.09.2011, the company sent a Representation to the various Authorities including the Commission for reconsidering the decision and that since there was no response from the parties, it consulted the legal team and thereafter, they filed the Appeal on 01.03.2012 and that was how the delay was caused.

This Application for condonation of delay is stoutly opposed by the learned counsel for the Respondent-Commission contending that the Applicant/Appellant was not in fact the party before the proceedings and they have not chosen to appear before the Commission in spite of the public notice to make any objection with regard to categorization and the delay of 126 days i.e., the period between the date of the communication of the order and date of the Appeal has not been satisfactorily explained.

It is true that the details of the particulars, which have been given in the Application to condone the delay do not show the sufficient cause to condone the delay. It is not proper on the part of the Applicant/Appellant to make representation to the Commission and to the Government instead of filing Review or Appeal immediately after coming to know about the order. Therefore, we find force in the objections raised by the learned counsel for the Respondent.

However, we deem it fit to condone the delay on payment of heavy cost of Rs.50,000/- (Rupees fifty thousand only) to be paid to the **“National Association for the Blind, Delhi State Branch, Sector -5, R.K. Puram, New Delhi – 110 022”** within one week i.e. on or before 7<sup>th</sup> May, 2012. Accordingly, ordered.

The Registry is directed to number the Appeal after getting the intimation about the compliance of this Order and post for Admission on **09.05. 2012.**

Since the learned counsel for the Respondent has also raised a point with regard to the maintainability, it is open to him to make the objections about the maintainability of the Appeal on the date of Admission.

**(Rakesh Nath)**  
**Technical Member**

**(Justice M. Karpaga Vinayagam )**  
**Chairperson**

vs/mk