

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

I.A. No. 123 of 2013 in DFR No. 620 of 2013

Dated : 30th April, 2013

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

VRL Logistics Ltd. Appellant (s)

Versus

Hubli Electricity Supply Co. Ltd & Anr. ... Respondent (s)

Counsel for the Appellant(s): Mr. Ranvir Singh
Ms. Shruti Singh
Mr. Kaynat Seikh
Mr. Tileshwar Prasad

ORDER

**I.A. No. 123 of 2013
*(Appl. for condonation of delay)***

This is an Application to condone the delay in filing the Appeal as against the main Order dated 29.04.2010. The Applicant has filed this Application along with the Appeal.

It is surprising to see that the Applicant/Appellant instead of filing an Appeal as against the impugned Order of the State Commission before this Tribunal, they have chosen to file an Appeal before the High Court, which was dismissed on 07.07.2010. Thereafter, the Applicant filed the Review Petition before the High Court and the same had been dismissed directing the Applicant/Appellant to approach this Tribunal. That was how the

delay was caused. Hence this Appeal along with an Application to condone the delay has been filed.

The Applicant has mentioned that the delay was only ten days. This is not correct. If the number of days delay has to be calculated from the date of impugned Order, there will be long number of days delay. However, we do not propose to consider the question as to the exact number of days delay in filing this Appeal.

From a perusal of the papers, it is found that the Applicant/Appellant approached the High Court and the matter was pending for some time in the High Court and ultimately the same was dismissed by the High Court giving liberty to approach this Tribunal. In this process, the delay had occurred.

We issued notice to the Respondents. But nobody has entered appearance on behalf of the Respondents, despite the service. In view of the pendency of the matter before the High Court, we deem it fit to condone the delay. Accordingly, the delay is condoned.

The Registry is directed to number the Appeal and post the matter for Admission on **06.05.2013**.

(Rakesh Nath)
Technical Member
ts/ak

(Justice M. Karpaga Vinayagam)
Chairperson