

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

**IA No. 26 of 2013 in
DFR No. 2450 OF 2012**

Dated : 5th April, 2013

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

M/s. Puri Oil Mills Ltd.

...Appellant (s)

Versus

Haryana Power Purchase Centre & Ors.

...Respondent (s)

Counsel for the Appellant(s): Mr. Sanjay Sen,
Ms. Bina Gupta and
Mr. Abhay Anand Jena

Counsel for the Respondent(s): Mr. Raghujeet Singh Madan

ORDER

This is an application to condone the delay of 196 days in filing the appeal as against the main order dated 12.4.2012. It is noticed that after the impugned order was passed on 12.4.2012, the Applicant filed a petition application for review on 28.5.2012. The same had been dismissed on 6.11.2012. This order was received by him on 10.11.2012. Thereafter, the Appeal was prepared and filed on 24.12.2012.

The learned counsel for the Respondent has vehemently objected to this application for condonation of delay on the following grounds:

1. This Appeal has been filed both as against the main order dated 12.4.2012 and the review order dated 6.11.2012. The Appeal

against review order is not maintainable in view of the various Judgments rendered by this Tribunal.

2. The date of the receipt of the review order was 10.11.2012. However, the Appeal has been filed only on 24.12.2012. The period between 10.11.2012, the date of the receipt of order and 24.12.2012, the date of filing of Appeal has not been explained.

Though we agree with the learned counsel for the Respondent that the Appeal as against Review Order is not maintainable, we find that this Appeal has been filed mainly as against the main order dated 12.4.2012 along with application to condone delay on the reason that petition for review was pending before the State Commission from 28.5.2012 to 6.11.2012. Therefore, we hold that the Appeal against the main order is maintainable though we reject the Appeal against the Review Order.

With regard to delay, as pointed out by the learned counsel for Respondent, that is no proper explanation for the period between 10.11.2012 and 24.12.2012. In view of the non explanation for the said period, we deem it appropriate to condone the delay on payment of some cost to be paid to some Charitable Organisation. Accordingly, the Applicant is directed to pay cost of Rs. 30,000/- to the Charitable

Organization, namely, National Association for the Blind, Delhi State Branch, Sector-5, R.K. Puram, New Delhi – 110022 within 2 weeks from the date of this Order.

Registry is directed to number the Appeal after verification of the compliance of the above Order.

Post the matter for admission on **2.5.2013**. The Registry is also directed to send a copy of this Order to the above Charitable Organisation.

(Rakesh Nath)
Technical Member

ak/vt

(Justice M. Karpaga Vinayagam)
Chairperson