

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

I.A. No. 121 of 2014 in
D.F.R. No. 462 of 2014

Dated : 28th April, 2014

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

Powergrid Corporation of India Ltd. Appellant (s)

Versus

Central Electricity Regulatory Commission & Ors.Respondent (s)

Counsel for the Appellant(s) : Ms. Suparna Srivastava
Counsel for the Respondent(s): Mr. Bipin Gupta
Mr. S.K. Bansal for R.3 to 5

ORDER

I.A. No. 121 of 2014
(Appl. for condonation of delay)

This is an Application to condone the delay of 222 days in filing the Appeal as against the main Order dated 09.05.2013. According to the learned counsel for the Applicant, challenging the said Order dated 9.05.2013, the Applicant filed the Review Petition before the Central Commission, which in turn dismissed the same on 14.11.2013, thereafter, the Appeal has been prepared and filed on 13.02.2014, that was how the delay was caused.

The only objection raised by the learned counsel for the Respondent is that the Appellant is not entitled to file an Appeal as against the main Order dated 09.05.2013, in the absence of the Appeal being filed against the Review Order dated 14.11.2013.

This objection cannot be upheld because of the reason that it is settled law that the Appeal as against the Order dismissing the Review is not maintainable.

Therefore, we accept the explanation for the delay caused between 09.05.2013 and 14.11.2013, during which period the Review was pending before the Central Commission. But subsequent to the disposal of the Review Petition by the Central Commission, 60 days delay had been caused. Though some reasons have been given to explain the said delay of 60 days, the same are not satisfactory.

However, we deem it fit to condone the delay on payment of some costs. Accordingly, the Applicant is directed to pay the cost of Rs. 25,000/- (Rupees twenty five thousand only) to a charitable organization, namely, ***“Alzheimer’s & Related Disorders Society of India (ARDSI), Delhi Chapter, RZ-62/9, Tughlakabad Extension, New Delhi – 110019”*** within one week.

After receiving the compliance report, the Registry is directed to number the Appeal and post for Admission on **05.05.2014**.

(Rakesh Nath)
Technical Member
ts/js

(Justice M. Karpaga Vinayagam)
Chairperson