

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

IA No. 211 of 2012 in
DFR No. 1001 of 2012

Dated : 8th August, 2012

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

Western Electricity Supply Company of Orissa Ltd. ...Appellant (s)

Versus

Odisha Electricity Regulatory CommissionRespondent(s)

Counsel for the Appellant (s) : Mr. Hasan Murtaza

Counsel for the Respondent(s): Mr. B.N. Nayak &
Mr. Rutwik Panda for R.1

O R D E R

IA No. 211 of 2012
(Condone delay Appl.)

Mr. Nayak, the learned counsel for the Respondent-Commission has strenuously opposed the Application to condone the delay, on the ground that the affidavit sworn to by the Advocate cannot be entertained.

It is noticed that the affidavit to condone the delay of 19 days in filing the Appeal, has been sworn to by the Advocate, who is appearing for the party. It is not fair on the part of the Advocate to file an affidavit on behalf of Applicant/Appellant.

Therefore, the Application is dismissed. However, it is open to the Applicant/Appellant to file the fresh affidavit explaining the delay.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

ts/mk