

COURT – I

Before the Appellate Tribunal for Electricity

(Appellate Jurisdiction)

I A- No. 217 of 2012 in
D.F.R. No. 1079 of 2012

Dated :6th August, 2012

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

Southern Electricity Supply Co. of Orissa Ltd.Appellant(s)

Versus

Odisha Electricity Regulatory Commission & Ors. ...Respondent(s)

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

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

ORDER

I A- No. 217 of 2012
(Appl. for condonation of delay)

The learned counsel appearing for the Commission has vehemently opposed the Application to condone the delay, mainly on the ground that the affidavit has not been sworn to by the Applicant/Appellant and on the other hand the Advocate appearing for the Applicant/Appellant has filed the affidavit.

This objection, in our view, is valid and formidable. An Advocate is not expected to file an affidavit on behalf of the party.

The Advocate's profession is a noble profession, who has to argue the matter on behalf of the client in his interest but he cannot identify himself with his client by filing affidavit on his behalf.

Upholding the objection of the learned counsel for the Commission, we are not inclined to entertain the Application for condonation of delay. Hence, the Application is liable to be dismissed.

However, it is open to the Applicant/Appellant to file his own affidavit for condoning the delay for the days till the date of his filing the said affidavit.

With these observations, the Application is dismissed.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

Ts/vs