

Court-I

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

**I.A. No. 281 of 2014 in
DFR No. 1354 of 2014**

Dated : 28th August, 2014

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

**PTC India Ltd.Appellant(s)
Versus
Punjab Electricity Regulatory Commission & Ors.
.....Respondent(s)**

**Counsel for the Appellant(s) : Mr. Amit Kapur
Mr. Vishrov Mukherjee
Mr. Apoorva Misra
Counsel for the Respondent(s) : Ms. Swapna Seshadri
for R.2
Mr. Buddy A. Ranganadhan**

ORDER

**I.A. No. 281 of 2014
*(Appl. for condonation of delay)***

This is an Application to condone the delay of 254 days in filing the Appeal as against the main Order dated 02.09.2013 passed by the Punjab State Commission.

This Application is stoutly opposed by the learned counsel for the Respondent No.2 though it is supported by the learned counsel for the Respondent No.3.

On going through the explanation, it is seen that on the basis of the Order dated 02.09.2013 passed by the Punjab State Commission permitting the Appellant/Applicant to approach the Uttarakhand State Commission seeking for the appropriate relief, the Applicant/Appellant had approached the Uttarakhand State Commission by filing a Petition seeking for the similar prayer and the same was dismissed on 26.03.2014.

Thereafter a joint Appeal has been filed before this Tribunal as against the Order dated 02.09.2013 passed by the Punjab State Commission and the Order dated 26.03.2014 passed by the Uttarakhand State Commission. But since the Registry had raised an objection, the Applicant/Appellant has filed the separate Appeal as against the Order dated 26.03.2014 passed by Uttarakhand state commission and the said Appeal has been numbered as Appeal No. 168 of 2014 and the same has been admitted. As directed by the Registry this separate Appeal has been filed on 27.06.2014 challenging the 1st Order dated 02.09.2013 passed by the Punjab State Commission.

It is to be noted that even though an observation has been made by the Punjab State Commission giving liberty to the

Appellant/Applicant to approach the Uttarakhand State Commission, the party did not decide about the particular State Commission having jurisdiction to deal with the question. The Applicant must have approached this tribunal as against the Punjab commission order after getting legal advise. This was not done.

However, we are of the view that the Application to condone the delay can be allowed on payment of some cost to a Charitable Organisation. Accordingly, the Appellant/Applicant is directed to pay the cost of Rs.1,00,000/- (Rupees One lakh only) to a Charitable Organisation, namely **“ALZHEIMER’S & RELATED DISORDERS SOCIETY OF INDIA (ARDSI), DELHI CHAPTER, RZ-62/9, TUGHLAKABAD EXTENSION, NEW DELHI 110019”** on or before **04.09.2014**.

After receiving the compliance report, the Registry is directed to number the Appeal and post for Admission on **05.09.2014**.

(Rakesh Nath)
Technical Member
ts/js

(Justice M. Karpaga Vinayagam)
Chairperson