

COURT – I

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

I A- No. 244 of 2011 in
D.F.R. No. 1139 of 2011

Dated : 16th December, 2011

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. V.J. Talwar, Technical Member

Orissa Power Transmission Corporation Limited ... Appellant(s)

Versus

Orissa Electricity Regulatory Commission & Ors.Respondent(s)

Counsel for the Appellant(s): Mr. R.K. Mehta with
Mr. Antaryami Upadhyay &
Mr. A. David

Counsel for the Respondent(s): Mr. Ashok K. Parija, Sr. Adv. with
Mr. M.G. Ramachandran, Mr. R.M. Patnaik
Mr. P.P. Mohanty for R.9 & 10
Mr. Suresh Tripathy & Mr. Mohit Kumar Gupta
for R. 4, 6 & 7

ORDER

I A- No. 244 of 2011
(Condone delay Application)

By Order dated 03.11.2011, we have directed the Orissa State Commission to give an explanation as to why the enormous delay was caused for disposal of review petition through Order dated 26.04.2011, even though the review petition had been filed as early as on 17.10.2006 as against the Order dated 22.07.2006.

In pursuance of the said notice, the Orissa State Commission has filed an affidavit sworn to by the Secretary of the Commission giving explanation.

The agonizing feature is even though the affidavit has been filed, when the matter was taken up, nobody appeared on behalf of the Commission to make submissions with reference to the said explanation. We directed the Registry to give a copy of the report to the other counsel appearing in the matter. Accordingly, copies have been given.

Even today, the Commission has not chosen to appear before this Tribunal. Since we are not satisfied with the explanation given by the Orissa State Commission in the affidavit filed by the Secretary, we deem it appropriate to direct the Commission to appear before this Tribunal through the counsel on the next date of hearing.

Post the matter on **19.01.2011**. The Registry is directed to send a copy of this Order to the Commission.

(V.J. Talwar)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

TS/MK