

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

DFR No. 742 of 2013

Dated : 9th July, 2013

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

In the matter of:

Arun Kumar Datta

....Appellant(s)

Versus

Delhi Electricity Regulatory Commission & Anr.

...Respondent (s)

Counsel for the Appellant (s):

Ms. Swapna Seshadri
Mr. Arun Kumar Datta (Rep.)

Counsel for the Respondent(s):

Mr. Pradeep Misra &
Mr. Daleep Kr. Dhayani for R-1

ORDER

We have heard the learned counsel for the parties.

This Appeal has been filed by the learned counsel for the Applicant/Appellant seeking for the waiver of the Court fee. Registry noticed that there was a long delay in filing the Appeal.

According to the learned counsel for the Applicant/Appellant there is no delay on his part because the delay was on the part of the State Commission and that it had dispatched the certified copy of the Order belatedly and therefore after receipt of the certified

copy, the Appeal has been filed within the prescribed time and as such there was no delay.

We have sought for explanation from the State Commission. The State Commission also has given its explanation. But it is noticed that there was no response from the State Commission to the first two letters dated 03.12.2012 and 07.01.2013 sent by the Applicant/Appellant requesting for issuance of the certified copy of the Order. The State Commission had responded only to the last letter dated 21.01.2013 sent by the Applicant/Appellant and had issued the certified copy of the Order on 18.02.2013, which was received by the Applicant/Appellant on 20.02.2013 and thereafter the Appeal has been filed on 08.04.2013.

We hereby advise the State Commission that in future they have to be prompt in sending the certified copy of the Orders especially to the parties, who have appeared before the Commission as Objectors without any delay as soon as they receive the letters seeking for the certified copies.

The learned counsel for the Commission submits that no details as to the date of the Order etc., were given in the first two letters dated 03.12.2012 and 07.01.2013 sent by the learned counsel for the Applicant/Appellant. In that event, the State

Commission ought to have asked the said particulars from the party, which has not been done by the State Commission in this case.

However, the State Commission on receipt of third letter, which contains the reference about the date of Order, issued the certified copy of the Order on 18.02.2013.

Under the circumstances, even assuming that there was some delay in filing the Appeal, we deem it appropriate to condone the delay. Accordingly, the delay is condoned.

The Amicus Curiae counsel is directed to file a detailed affidavit with regard to the prayer for waiver of court fee on or before 18.07.2013, since in the present petition no details have been given.

Post the matter on **30.07.2013.**

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

ts/pg