

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

IA No. 137 of 2013 in
DFR No. 642 of 2013

Dated : 4th July, 2013

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

The Indian Hotels Co. Ltd. & Anr. Appellant(s)
Versus
Maharashtra Electricity Regulatory
Commission & Anr. Respondent(s)

Counsel for the Appellant(s): Mr. Sitesh Mukherjee
Ms. Anusha Nagarajan

Counsel for the Respondent(s): Mr. Ravi Gupta, Sr. Adv.
Ms. Pallavi Mohan
Ms. Rupali Sharma
Mr. S.N. Bhosle for R.2

ORDER

This is an Application to condone the delay of 269 days in filing the Appeal as against the main Order dated 16.05.2012.

The learned counsel for the Applicant/Appellant has made his submissions giving the following explanation.

“The Applicant came to know about the impugned Order dated 16.05.2012 only on 12.07.2012 and immediately paid the bill amount on 23.07.2012 under protest and thereafter the Applicant made so many representations to the Respondent for resolving the dispute, but there was no response. Therefore, the Applicant/Appellant filed for certified

copy of the Order on 13.02.2013 and ultimately after getting the Order copy, he filed the Appeal on 26.03.2013”.

As correctly pointed out by the learned counsel for the Respondent even though the Applicant came to know about the impugned Order on 12.07.2012 itself on receipt of the Bills, it has not taken steps to file the Appeal immediately thereafter. On the other hand, the amount of the bill had been paid as early as on 23.07.2012 under protest. Even thereafter, no steps have been taken to file the Appeal immediately. Further the period between 12.07.2012, the date of the bill and 26.03.2013, the date of filing the Appeal has not been explained even though the period of delay was enormous. This shows that there was negligence and lack of diligence on the part of the Applicant.

Therefore, we do not find any reason to condone the delay as there is no sufficient cause is shown. Accordingly, the Application is dismissed. Consequently, the Appeal is also rejected.

(Rakesh Nath)
Technical Member

Ts/vs

(Justice M. Karpaga Vinayagam)
Chairperson