

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

**I.A. No. 211 of 2013 in
DFR 1229 of 2013**

Dated : 9th July, 2013

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

In the matter of:

Goyal M.G. Gases Pvt. Ltd.

....Appellant(s)

Versus

**Uttar Pradesh Electricity Regulatory
Commission & Ors.**

...Respondent(s)

Counsel for the Appellant (s):

Ms. Swapna Seshadri
Mr. Anupam Sharma

Counsel for the Respondent(s):

Mr. Amit Kapur

ORDER

**I.A. No. 211 of 2013
(Appl. for condonation of delay)**

This is an application for condonation of delay of 192 days in filing the Appeal as against the order dated 19th October, 2012. This application is stoutly opposed by the learned counsel for the respondent. It is noticed that as against the order dated 19th October, 2012, the Applicant/Appellant filed an Appeal but subsequently the Applicant/Appellant withdrew the said Appeal on the ground of technical defects pointed out as against the impugned order dated 19th October, 2012. Thereafter, they filed Intervention Application in some other Appeal as against the same impugned order but this was also withdrawn

on 27th May, 2013 and at that stage we have observed while dismissing the application that it is open to the parties to file an Appeal. Thereafter, this Appeal has been filed on 14th June, 2013. It is true that enormous delay of six months and four days has occurred. Infact, against the impugned order dated 19th October, 2012, a batch of Appeals is pending and is being heard. We are reluctant to entertain this application at this stage as correctly pointed out by the learned counsel for the respondent.

However, in view of the fact we have already observed in the order dated 27th May, 2013 that it is open to the parties to file an Appeal, we have to consider the said aspect for condonation of delay, though it is huge. Since the learned counsel for the respondent has been stoutly opposing the matter, we deem it fit to condone the delay after imposing the costs. Accordingly, delay of six months and four days in filing the Appeal is condoned and I.A. No. 211 of 2013 is disposed of. The applicant/appellant is directed to pay Rs. 50,000/- in favour of charitable organization, namely, Dr. Ruhi Foundation School, Village, Gheja, Sector -93 Noida within one week.

After compliance the Registry is directed to number the Appeal and post the matter for admission on **16th July, 2013**.

(V.J. Talwar)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

vt/rkt