

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

I.A. No. 172 of 2013 in
DFR 1025 of 2013

Dated : 8th July, 2013

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

M/s. Lanco Kondapalli Power Ltd. ... Appellant(s)

Versus

Andhra Pradesh Electricity Regulatory Commission & Ors. ... Respondent(s)

Counsel for the Appellant(s) : Mr. C.S. Vaidyanathan, Sr. Advocate
Mr. Sakya Singha Chaudhuri,
Mr. Anand Srivastava &
Mr. Pariney Deep Shah

Counsel for the Respondent(s): Ms.Swapna Seshadri for R-2 to R-7

ORDER

I.A. No. 172 of 2013
(Application for condonation of delay)

This is an Application to condone the delay of 687 days in filing the Appeal as against the main Order dated 13.06.2011. The explanation for the delay is given as follows:

“Originally, as against the Order dated 13.06.2011, the Appellant filed an Appeal in Appeal No.119 of 2011 before this Tribunal. Then it was brought to the notice of this Tribunal that Review Petition has also been filed before the Commission and the same was pending. This Tribunal did not incline to entertain that Appeal and therefore, dismissed the same giving liberty to the Appellant to approach this Tribunal subject to the result of the Review Petition. Accordingly, the review has been proceeded with. In the meantime, Writ Petition was

filed by the opponent before the High Court and the stay of the proceedings in review was granted by the High Court on 25.07.2011. Ultimately, the writ petition was disposed of on 24.11.2011 directing the parties to adjudicate the matter before the Commission in the Review. Accordingly, the arguments were heard by the Commission from 21.01.2012 to 27.06.2012. Thereafter, the final Order was passed in Review dismissing the review on 23.04.2013. Thereupon, they filed the Appeal before this Tribunal on 10.05.2013. That was how the delay was caused.”

We have heard the learned Senior Counsel appearing for the Appellant as well as the learned counsel for the Respondent Nos.2 to 7 and gone through the counter filed by Respondent Nos.2 to 7.

The details given as referred to above would indicate that the parties were adjudicating the rights before the High Court as well as before the Commission in the form of Writ Petition and the Review Petition respectively. Therefore, though the delay is huge, we deem it appropriate to condone the delay since the delay has been properly explained. Accordingly, the Application to condone the delay is allowed.

The Registry is directed to number the Appeal and post for Admission on **10.07.2013**.

(Rakesh Nath)
Technical Member
ts/pg

(Justice M. Karpaga Vinayagam)
Chairperson