

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

IA No. 135 of 2013 in
DFR No. 586 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 for R.2

ORDER

This is an Application to condone the delay of 34 days in filing the Appeal as against the main Order dated 26.12.2012.

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

“The Applicant did not participate in the public hearing, but the Applicant came to know about the impugned Order dated 26.12.2012 only on 13.02.2013 through “Industrial Sources”. Thereafter, Appeal was drafted and after observing all the formalities the Appeal has been filed before this Tribunal on 15.03.2013. That was how the delay of 34 days was caused”.

However, the learned counsel for the Respondent stoutly opposed the Application on the ground that the explanation for the delay between the period 26.12.2012 and 13.02.2013 has not been explained satisfactorily.

As pointed out by the learned counsel for the Applicant, it is noticed that immediately after the Applicant came to know about the Order dated 26.12.2012 in February 2013, it filed an Application for certified copy on 13.02.2013 and got the copy of the Order and thereafter the Appeal was filed on 15.03.2013 and therefore, it cannot be said that 34 days delay is the huge one.

In view of the above explanation given by the learned counsel for the Applicant and in the light of the affidavit filed by the parties, we feel it appropriate to condone the delay as sufficient cause is shown. Accordingly, the delay is condoned.

The Registry is directed to number the Appeal and post the matter for Admission on **18.07.2013**.

(Rakesh Nath)
Technical Member
Ts/vs

(Justice M. Karpaga Vinayagam)
Chairperson