

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

IA No. 259 of 2014 in
D.F.R. No. 1312 of 2014

Dated : 24th July, 2014

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

GRIDCO **.... Appellant (s)**

Versus

M/s SESA Sterlite Ltd. & Anr. **...Respondent (s)**

Counsel for the Appellant(s) : **Mr. R.K.Mehta**
Ms. Kawaljit Kaur
Counsel for the Respondent(s) : **Mr. Amit Kapur**
Ms. Poonam Verma for R.1
Mr. Rutwik Panda
Ms. Anshu Malik for R.2

ORDER

IA No. 259 of 2014
(Appl. for condonation of delay)

This is an Application to condone the delay of 280 days in filing the Appeal as against the main Order dated 12.06.2013.

This Appeal has been filed on 09.05.2014. The explanation given by the Applicant for the delay is that the other party who appeared before the State Commission filed an Appeal before this Tribunal as against the impugned Order dated 12.06.2013, which

was admitted on 17.01.2014, and in that Appeal, the Applicant filed a Cross Objection on 25.04.2013 and the same is pending.

The learned counsel for the Respondents submitted in the said proceedings that the Cross Objection is not maintainable in the absence of any Appeal being filed by the Applicant as against the Order dated 12.06.2013 in which some finding has been rendered as against the Applicant.

In view of the said objection, the Applicant has now filed the present Appeal along with an Application to condone the delay of 280 days.

This Application is vehemently opposed by the learned counsel for the Respondents contending that the Applicant could not blow hot and cold by initiating two different proceedings in the same forum. We find force in the objection of the learned counsel for the Respondents, especially when the Applicant has earlier chosen to file the Cross Objection in another Appeal No. 25 of 2014, which is still pending.

However, the learned counsel for the Applicant now submits that he undertakes to withdraw the Cross Objection filed in the

connected Appeal No. 25 of 2014. In view of the same, we deem it fit to condone the delay on payment of some costs.

Therefore the delay is condoned and the Applicant is directed to pay the cost of Rs.5,000/- (Rupees five thousand only) to a charitable organization namely, "**NATIONAL ASSOCIATION FOR THE BLIND, DELHI STATE BRANCH, SECTOR -5, R.K. PURAM, NEW DELHI – 100 022**" within one week.

After receiving the compliance report, the Registry is directed to number the Appeal and post for Admission on **30.07.2014**.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

ts/kt