

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

IA No. 198 of 2013 in IA No. 145 of 2013
in DFR No. 771 of 2013,

Dated : 12th June, 2013

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

M/s. Vianney Enterprises **Appellant(s)**
Versus
Kerala State Electricity Regulatory
Commission & Anr. ... **Respondent(s)**

Counsel for the Appellant(s) : **Mr. Ramji Srinivasan, Sr. Adv.**
Mr. Ujjal Banerjee
Mr. Shwetabh Sinha
Mr. Ujjal Banerjee

Counsel for Respondent (s) : **Mr. M.T. George with**
Mr. G. Sreenivasan (Rep.) for R.2

ORDER

(IA No. 198 of 2013 - (For early hearing)
in IA No. 145 of 2013 (For condonation of delay)

In view of the urgency, IA no. 145 of 2013, the Condonation of Delay Application which has been posted on 04.07.2013 for hearing to condone the delay, has been taken up today.

We have heard the Learned Senior Counsel for the Appellant as well as the Learned Counsel for the Respondent no.2.

This is an application to condone the delay of 26 days in filing the Appeal against the impugned order dated 28.01.2013. Since we find sufficient cause to condone the delay, we deem it appropriate to condone the delay. Accordingly, the delay is condoned. Registry is directed to number the Appeal and post the Appeal today i.e. on

12.06.2013 at 12.00 Noon.

ORDER

Appeal No. 131 of 2013

We have heard Mr. Ramji Srinivasan, the learned Senior counsel for the Appellant.

Admit. Mr. M.T. George, Learned Counsel takes notice on behalf of Respondent no.2. He is directed to file the reply on or before 15.07.2013 after serving copy on the other side. Thereafter rejoinder be filed, if any, on or before 25.07.2013 after serving copy on the other side. Issue notice to the Respondent no.1 - 'State 'Commission'. Registry is also directed to issue notice. Dasti service is permitted.

It is noticed that during the pendency of the Application to condone delay, demand notice has been issued by the Respondent no.2 to the Appellant to pay Rs. 25 lakhs and odd towards the arrears relating to the period 2008 to 2010. It is submitted on behalf of the Appellant that without prejudice to their rights and contentions, the Appellant sent the cheque for Rs. 5 lakhs as part payment to show their bonafide and the same has been encashed.

Therefore, we direct the Respondent no. 2 not to take coercive action in relation to the recovery of balance of arrears for the period 2008 to 2010, pending disposal of this Appeal.

Post the matter for final hearing on **01.08.2013**

(Rakesh Nath)
Technical Member
rkt/mk

(Justice M. Karpaga Vinayagam)
Chairperson