

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

IA NO. 166 OF 2019 IN
DFR (RP) NO. 354 OF 2019
IN APPEAL NOS. 359 OF 2017 AND 336 OF 2017

Dated: 08th March, 2019

Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. S.D. Dubey, Technical Member

In the matter of:

Rama Shankar Awasthi

...Petitioner(s)

Vs.

Lanco Anpara Power Limited & Ors.

...Respondent(s)

Counsel for the Petitioner (s) :

Counsel for the Respondent(s) : Ms. Harshita Sinha for R-2

Mr. C.K. Rai

Mr. Sachin Dubey for R-3

ORDER
IA No.166 of 2019

(Appli. for Condonation of Delay in filing)

We have heard learned counsel appearing for the Appellant and learned counsel appearing for the Respondents.

2. The learned counsel, Mr. M.G. Ramachandran, appearing for the Appellant submitted that the delay of 105 days in filing the Appeal has been explained satisfactorily in Paragraph Nos. 5 to 9 of the application and sufficient cause has been shown in the application. The same may kindly be accepted and delay in filing may kindly be condoned in the interest of justice and equity.

3. ***Per contra***, learned counsel appearing for the Respondents inter alia contended and submitted that the delay in filing appeal is not explained

satisfactorily and sufficient cause has not been made in the application. Hence, the delay may not be condoned.

4. Submissions made by the learned counsel appearing for the Appellant and learned counsel appearing for the Respondents, as stated above, are placed on record.

5. In the light of the submission made by the learned counsel appearing for the Appellant and after careful perusal of the submission in Paragraph Nos. 5 to 9 of the application explaining the delay in filing the appeal, we find it satisfactory as sufficient cause has been made out. The same is accepted and the delay in filing the appeal is condoned. The IA is allowed.

DFR (RP) No. 354 OF 2019

Registry is directed to number the appeal and list the matter for admission in **Special Bench on 20.03.2019**, as requested.

(S.D. Dubey)
Technical Member
Bn/pr

(Justice N.K. Patil)
Judicial Member