

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

IA No.66 of 2014 in
DFR No.73 of 2014

Dated 25th March, 2014

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

Kerala State Electricity Board Ltd. Appellant(s)
Versus

Kerala State Electricity Regulatory Commission Respondent(s)

Counsel for the Appellant (s) : Mr. M.T.George
Counsel for the Respondent(s) : Mr. Ramesh Babu for R.1

ORDER

IA No.66 of 2014
(Appl. for condonation of delay)

This is an Application to condone the delay of 268 days in filing the Appeal. From the explanation offered through the condonation of delay, it is noticed that the main Order had been passed by the State Commission on 30.04.2013, against which the review has been filed on 12.07.2013, which has been disposed of on 25.11.2013 and thereafter, after preparation of the Appeal, they filed the Appeal before this Tribunal on 18.01.2014 and that was how the delay was caused.

We have asked for clarification from the State Commission as to why there occurred huge delay in disposing of the Review Petition and

whether there is any Regulation with reference to the time frame within which the Review has to be disposed of.

It is submitted by the learned counsel for the State Commission that the Regulation 67 provides that the Review has to be filed before the State Commission within 90 days, but there is no time frame fixed for disposal of the Review.

In these circumstances, it is appropriate to direct the State Commission to frame suitable Regulations fixing the time frame for disposal of the Review, so that the parties, who are aggrieved by the Order of the State Commission could file an Appeal before this Tribunal as early as possible. The Registry is directed to send a copy of this Order to the State Commission.

Since the delay is mainly because of the pendency of the Review before the State Commission, we deem it fit to condone the delay. Accordingly, the delay is condoned. The Registry is directed to number the Appeal and post for Admission on **27.03.2014.**

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

Ts/kt