

Court-I

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

**IA-79 & 80 of 2014 in
DFR No. 1066 of 2013**

Dated : 25th March, 2014

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

Hubli Electricity Supply Co. Ltd. ... Appellant(s)

Versus

**Shree Doodhganga Kirshna Sahakari Sakkare
Karkhane Niyamith & Ors. ... Respondent(s)**

**Counsel for the Appellant (s) : Mr. H.Chandra Sekhar
Counsel for the Respondent(s) : Ms. Poonam Patil for
Mr. Prabhuling K. Navadgi for R.1**

ORDER

**IA-79 & 80 of 2014
(Appls. for condonation of delay in filing & refiling)**

The Applicant/Appellant filed two Applications, one is for condoning the delay of 110 days in filing the Appeal and the other is for condoning the delay of 248 days in refiling the Appeal.

This is stoutly opposed by the learned counsel for the Respondent by filing a counter. She also quoted the decision rendered by the Hon'ble Supreme Court in ***ANSHUL AGGARWAL VS. NEW OKHLA INDUSTRIAL***

DEVELOPMENT AUTHORITY (2011 (14) SCC 578). This decision would indicate that the Courts, while dealing with the Applications to condone the delay should keep in mind that the special period of limitation has been prescribed and when the Application for condonation of delay is considered, the delay should not be condoned unless there is sufficient cause.

The reasons given in the Application for condonation of delay of 110 days in filing the Appeal is that the Applicant was under the impression that the limitation period to prefer an Appeal before this Tribunal was 90 days and the papers were sent to the counsel immediately after getting the opinion for drafting and filing the Appeal and that was how the delay was caused.

These reasonings cannot be said to be sufficient cause to condone the huge delay of 110 days. Further it is noticed that there was delay of 110 days not only in filing the Appeal but also delay of 248 days in refiling the Appeal, which shows that there was lack of diligence on the part of the Applicant/Appellant throughout.

Since we find the objection raised in the counter filed by the Respondent is valid, we do not find any ground to condone the delay in

filing. Therefore, the Application condone the delay in filing the Appeal is dismissed. When the Application for condoning the delay in filing the Appeal is dismissed on the ground that the delay in filing the Appeal was not satisfactorily explained, we need not go into the reasonings for the delay in refiling. Consequently, both the Applications are dismissed and the Appeal is also rejected.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

ts/kt