

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

I.A. No. 22 of 2014 in
DFR No. 2897 of 2013

Dated : 13th May, 2014

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

Kerala State Electricity Board **...Appellant(s)**

Versus

Kerala State Electricity Regulatory Commission **...Respondent(s)**

Counsel for the Appellant (s) : Mr. M.T. George
Ms. Kavitha

Counsel for the Respondent (s): Mr. Ramesh Babu M.R. for R-1

ORDER

I.A. No. 22 of 2014
(Appl. for condonation of delay)

This is an Application to condone the delay of 357 days in filing the Appeal as against the main Order dated 25.10.2012.

According to the learned counsel for the Applicant/Appellant after the main Order was passed, they filed the Review before the State Commission on 01.02.2013 and the same had been dismissed by the State Commission on 28.10.2013, thereafter, an Appeal has

been prepared and filed before this Tribunal on 13.12.2013 and that was how the delay was caused.

As there was long delay caused due to the pendency of the Review before the State Commission, we have asked for an explanation for the said delay from the State Commission. Accordingly, the State Commission has filed the affidavit explaining the delay between the period 01.02.2013 and 28.10.2013. According to the State Commission as soon as the Review Petition was entertained, they issued a press notice inviting objections, comments and suggestions from the public since the issue warrants such a notice to the public and after hearing the public, a detailed Order had been passed by the State Commission only on 28.10.2013 dismissing the Review Petition.

From this explanation, it is clear that there is no Regulation fixing the time limit for the disposal of the Review Petition.

It is submitted by the learned counsel for the State Commission that there is a Regulation fixing the time frame within which the Review to be filed before the State Commission, but insofar as the disposal of the Review Petition by the State Commission is concerned, no Regulation has been framed.

Therefore, it would be appropriate to direct the State Commission to frame the suitable Regulation by fixing the time frame for disposal of the Review Petition by the State Commission. Accordingly, directed.

It is now represented by the learned counsel for the State Commission that in view of the earlier Order passed by this Tribunal, the process of framing the Regulation for fixing the time frame for disposal of the Review Petition by the State Commission has already been started.

In view of the explanation given by the State Commission, we feel it appropriate to condone the delay. Accordingly, the delay is condoned.

The Registry is directed to number the Appeal and post for Admission on 28.05.2014.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

TS/js