

Court-I

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

**I.A. No. 347 of 2013 in
DFR 2005 of 2013**

Dated : 7th November, 2013

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

**Bangalore Electricity Supply Company Ltd. & Ors. Appellant(s)
Versus
GMR Energy Ltd. & Ors. Respondent (s)**

**Counsel for the Appellant (s): Mr. Sanjay Sen, Sr. Adv.
Mr. Anand K. Ganesan**

**Counsel for the Respondent(s): Mr. Gopal Jain
Mr. Alok Shankar for R-1**

ORDER

**I.A. No. 347 of 2013
*(Appl. for condonation of delay)***

This is an Application to condone the delay of 247 days in filing the Appeal as against the main Order dated 30.11.2012.

This Application is stoutly opposed by Mr. Gopal Jain, the learned counsel appearing for the Respondent stating that the enormous delay of 247 days has not satisfactorily been explained, especially when the grounds raised in the Review Petition were different from the grounds raised in the Appeal. It is also opposed on the ground that the Order has

been passed by the State Commission directing the Applicant to pay the amount determined within the time frame fixed by the State Commission but the same has not yet been complied with.

We have heard the learned Senior counsel for the Applicant and the learned counsel for the Respondent and we have considered their submission.

There is no dispute in the fact that the main Order had been passed on 30.11.2012 and the Review Petition was filed on 09.01.2013 and the same had been disposed of only on 08.08.2013. Thereafter, the Appeal has been prepared and filed on 18.09.2013.

Apart from the delay during the pendency of the Review, there was a delay between 30.11.2013, the date of the main Order and 09.01.2013, the date filing the Review Petition. In addition to that, there was a delay between 08.08.2013, the date of the review Order, and 18.09.2013, the date of filing the Appeal. In explaining this period of delay, the learned Senior Counsel for the Applicant submits that the said delay had been caused by the Applicant in taking legal advice from the counsel with regard to further action to be taken.

As correctly pointed out by the learned counsel for the Respondent the explanation given by the learned counsel for the Applicant for the delay caused in filing the Appeal before this Tribunal is not satisfactory to hold that there is sufficient cause to condone the same.

However, we think it fit to condone the delay of 247 days on payment of some costs. Accordingly, the Applicant is directed to pay the cost of Rs.3,00,000/- (Rupees three lakhs only) to a charitable organization, namely, "**Dr. Ruhi Foundation School, Village: Gheja, Sector - 93, NOIDA, A/C (TRUST):- Payable to : SAIDEEP DR. RUHI FOUNDATION, A/C No. 95266 3443**" on or before 18.11.2013.

After receiving the compliance report, the Registry is directed to number the Appeal and post for Admission on **21.11.2013**. The Registry is directed to send a copy of this Order to the above charitable organisation.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

ts/vt