

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

**IA No. 300 of 2012 in**  
**D.F.R. No. 904 of 2012**

**Dated : 1<sup>st</sup> October , 2012**

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

**DPSC** **.... Appellant (s)**

**Versus**

**West Bengal Electricity Regulatory Commission** **...Respondent (s)**

**Counsel for the Appellant(s):** **Mr. Buddy A. Ranganadhan**  
**Mr. Atul Shanker Mathur**  
**Ms. Shruti Verma**  
**Mr. Shoanak Mitra**  
**Mr. Abhisar Bairagi**  
**Mr. Sandeep Mitra**

**ORDER**

**IA No. 300 of 2012**  
**(Appl. to condone delay in re-filing)**

This is an Application to condone the delay of 105 days in re-filing the Appeal. Initially the Applicant/Appellant filed an application for condoning the delay in re-filing the Appeal. Since we found that there were no relevant details for explaining the delay and they have not mentioned even the number of days delay, we directed the Applicant/Appellant to file a better affidavit giving the details.

Now better and detailed affidavit giving the explanation has been filed covering 5 pages containing 19 paragraphs. Even in this affidavit, we don't find satisfactory explanation.

However, Mr. Buddy Ranganadhan, the learned counsel for the Applicant/Appellant requests that the delay may be condoned because there are prima facie merits in the main Appeal. He also prays that this Application for condonation of delay can be allowed by imposing some cost.

In view of the above, the Applicant/Appellant is directed to pay the cost of Rs.1,05,000/- (Rupees one lakh five thousand only) to a charitable organization, namely, **“SEVAC, Mental Health & Human Rights Resource Centre (Sane and Enthusiast Volunteers Association of Calcutta), 135/A, Vivekanand Sarani, Thakurpukur, Kolkata – 700 063”** on or before 18.10.2012. On this condition, the delay of 105 days in re-filing the Appeal is condoned.

The Registry is directed to number the application to condone the delay in filing the Appeal after getting the intimation about the compliance of this Order and post the said Application to

condone the delay in filing the Appeal on **19.10.2012**. The Registry is further directed to send a copy of this Order to the above charitable organization.

**(Rakesh Nath)**  
**Technical Member**

**(Justice M. Karpaga Vinayagam )**  
**Chairperson**

**ts/vs**