

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

**IA No. 284 of 2014 & IA No. 252 of 2014**  
**In DFR No. 1364 of 2014**

**&**

**IA No. 285 of 2014 & IA No. 253 of 2014**  
**In DFR No. 1364(A) of 2014**

**Dated : 11<sup>th</sup> September, 2014**

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

**Bamunara Industries Welfare Association**

**..... Appellant/(s)**  
**Applicant**

**Versus**

**Durgapur Projects Ltd. & Anr**

**..... Respondent(s)**

Counsel for the Appellant(s) : Mr. Hemant Singh

Counsel for the Respondent(s) : Ms. Priya Puri  
Mr. Dhruv Mehta  
Mr. Ranjay Kr. Dubey for R-1  
Mr. C.K.Rai for R-2

**ORDER**

**IA Nos. 284 , 285 of 2014**  
**(Applications for Leave to file the Appeal)**

**&**

**IA Nos. 252 , 253 of 2014**  
**(Applications for Condonation of delay)**

I.A. No. 252 of 2014 has been filed by the Applicant to condone the delay of 204 days in filing the Appeal as against the Order dated 09.09.2013. They also filed another Application in I.A. No. 253 of 2014 for condonation of delay of 96 days in filing the Appeal as against the second Order of implementation dated 26.12.2013. In addition to that, they also filed the Application Nos. 284

& 285 of 2014 seeking for leave to file these Appeals since they did not appear before the State Commission during the course of proceedings.

The only explanation given by the Applicant in these Applications is that they came to know about the Orders passed on 09.09.2013 and 26.12.2013 only when they had received the Bills in February 2014 for the month of January; in March 2014 for the month of February, in April 2014 for the month of March, then they decided to convene a meeting and the meeting was convened on 17.04.2014 and in that meeting all the Members of the Association have unanimously passed a Resolution taking a decision to file an Appeal by engaging a Counsel. Accordingly, the parties approached the Counsel, who in turn prepared the Appeal and filed the same before this Tribunal on 16.05.2014.

As correctly pointed out by the learned counsel for the Respondent opposing this Application that there is no proper explanation given as to why they have not chosen to appear before the State Commission in the APR Proceedings despite the fact that the Publication was made in four News Papers. Apart from that, even though the Orders had been passed both on 09.09.2013 and 26.12.2013, the Applicant is said to have come to know about the said Orders only in February after the receipt of the Bill. At least, on receipt of the Bills in the month of February, 2014, they must have made arrangements to know about the nature of the impugned Orders to take further course of action, but this has not been done by them. Subsequently, they received the Bills in the months of March and April and thereafter they

convened a meeting in April, 2014, and decided to file the Appeal. This conduct would show that the Applicant being an Association consisting of several Members, was not vigilant about their rights to appear and object to APR but they kept quiet from the beginning. At last, they decided to file Appeal in the meeting held on 17.04.2014 and ultimately they filed these Appeals before this Tribunal in the month of May, 2014.

As pointed out by the learned counsel for the Respondent, both in reply as well as in oral submissions opposing this Application as there is no satisfactory explanation depicting the sufficient cause to condone the inordinate delay.

As such, we do not find any ground to condone the delay. Accordingly, I.A. Nos. 252 & 253 of 2014 to condone the delay as well as I.A. Nos. 284 & 285 of 2014 seeking for leave to appeal are dismissed. Consequently, both the Appeals are rejected.

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

Ts/kt

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