Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

I.A. No. 26 of 2011 In
DFR 23 of 2011 & IA No. 47 of 2011

Dated :31<u>st</u> May, 2011

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. V.J. Talwar, Technical Member

National Textile Corporation Limited   … Appellant(s)

Versus

Tamil Nadu Electricity Regulatory Commission   ….Respondent(s)

Counsel for the Appellant(s):   Mr. Sanjoy Ghose
Counsel for the Respondent(s):   Mr. S. Vallinayagam for R.2

ORDER

I.A. No. 26 of 2011
(Condone delay Application)

In spite of having given an opportunity to file a better affidavit, it is noticed from the fresh affidavit filed by the Applicant/Appellant that the number of days delay has not been correctly calculated and the explanation up to February 2011, on which day the memorandum of Appeal has been signed, has not been given with proper details.

The learned counsel for the Appellant realizing this difficulty seeks some time to file one more "better affidavit".

This application is stoutly opposed by Mr. Vallinayagam, the learned counsel for the Respondent No.2.

However, it is noticed that the High Court of Madras has given liberty to the parties including the Appellant to file an Appeal as against the Order dated 07.09.2010 passed by the Tamil Nadu Commission.

Therefore, even though no satisfactory explanation has been given, we deem it appropriate to condone the delay on payment of costs. Accordingly, the Appellant/Applicant is directed to pay Rs.10,000/- (Rupees ten thousand only) as donation to a charitable organization namely "***Vishranthi Home for aged, No.4/227, Mgr Salai, Palavakkam, Thiruvanmiyur, Chennai – 600041***" within two weeks from today.

Post the matter for reporting compliance and for Admission on ___**06.07.2011**___. In the meantime, the Registry is directed to number the Appeal. A copy of the Order shall be sent to the charitable organization.

(V.J. Talwar)   **(Justice M. KarpagaVinayagam)**
Technical Member   **Chairperson**

TS/KS