Before the Appellate Tribunal for Electricity (Appellate Jurisdiction)

<u>I. A. 59 of 2011 in</u> DFR No 103 of 2011

Dated: 6th May, 2011

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson

Hon'ble Mr. V.J. Talwar, Technical Member

In the matter of:

Union of India through Southern RailwayAppellant (s) Versus

Tamil Nadu Electricity Regulatory Commission & Anr. ... Respondent (s)

Counsel for the Appellant (s): Mr. V.S.R. Krishna, Sr. Adv. with

Mr. Abhishek Yadav

Counsel for the Respondent(s): Mr. S. Vallinayagam

ORDER

I. A. 59 of 2011

(Condone delay Application)

This is an application to condone the delay of 82 days in filing the Appeal. The impugned Order had been passed by the State Commission on 31.07.2010. According to the learned counsel for the Appellant, the application for certified copy was filed on 30.08.2010 and the same was obtained on 13.09.2010. Thereafter they sought legal opinion from the Counsel and consequently it took some time for preparation of the Appeal and ultimately they filed the Appeal on 18.01.2011.

This Application has been stoutly opposed by the learned counsel for the Respondent on the ground that there is no explanation as to why the application for certified copy has not

been filed immediately after the order was passed on 31.07.2010. Further, according to the learned counsel for the Respondents, the explanation which has been given for subsequent period up to the date of filing of the Appeal on 18.01.2011, is not satisfactory.

As held by the Hon'ble Supreme Court, we have to adopt liberal approach while considering the application to condone the delay irrespective of the number of days delay caused. Though we are not satisfied with the explanation, we deem it appropriate to condone the delay on payment of some costs.

Accordingly, the delay is condoned on payment of cost of Rs. 10,000/- (Rupees ten thousand only) to be paid as donation to a charitable organization i.e., "Vishranti Home for Aged, No. 4/227, MGR Salai, Palavakkam, Thiruvanmiyur, Chennai - 600041" within four weeks.

Post the matter for reporting compliance and for Admission on <u>12.07.2011.</u> The Registry is directed to send the copy of the Order to the said Charitable organization.

(V. J. Talwar) Technical Member (Justice M. Karpaga Vinayagam)
Chairperson

Ts/KS