

COURT-I

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

**IA 239 of 2013 & IA 240 of 2013
In DFR 1290 of 2013**

Dated : 3rd September, 2013

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

Moser Baer Clean Energy Ltd. ... Appellant(s)

Versus

Central Electricity Regulatory Commission Respondent(s)

**Counsel for the Appellant(s) : Mr. Shanti Bhushan, Sr. Adv.
Mr. Vishal Gupta
Mr. Karthik Seth**

Counsel for the Respondent(s) : Mr. Nikhil Nayyar for R.1

ORDER

This is an Application to condone the delay of 385 days in filing the Appeal as against the main Order dated 27.03.2012. The main reason given for the delay in filing the Appeal is the pendency of the Review Petition before the Central Commission.

It is noticed that the Review Petition was filed before the Central Commission on 11.05.2012 itself i.e., within the time, but the Central Commission had passed the Order in the Review only on 09.05.2013. Therefore, it is clear that the Central Commission took at least one year for disposal of the Review.

We have heard the learned counsel for the Commission also. The learned counsel seeks some time to get instructions with regard to the explanation for the delay.

Therefore, the learned counsel for the Commission is directed to file the reply giving explanation for the delay on or before 11.09.2013.

Post the matter on **17.09.2013.**

(V.J. Talwar)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

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