

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**IA NO. 762 OF 2019 IN
DFR NO. 707 OF 2019**

Dated : 20th August, 2019

**Present: Hon'ble Mrs. Justice Manjula Chellur, Chairperson
Hon'ble Mr. Ravindra Kumar Verma, Technical Member**

In the matter of:

DNH Power Distribution Company Ltd.

...Appellant(s)

Vs.

NTPC-SAIL Power Company Limited & Anr.

...Respondent(s)

Counsel for the Appellant(s) : Mr. Anand K. Ganesan
Mr. Amal Nair
Mr. Damodar Solanki

Counsel for the Respondent (s) : Ms. Poorva Saigal
Mr. Shubham Arya
Ms. Anushree Bardhan for R-1

ORDER

Heard the learned counsel for the Appellant as well as the Respondents.

We have gone through the contents of application for condonation of delay. From paragraph 4 onwards especially contents of paragraph 6 makes it clear that once the Appellant took decision to file Appeal about three months was spent in discussion with the counsel to file the Appeal. Admittedly, such reason cannot constitute sufficient cause for condonation of delay.

Learned Advocate for Appellant submits since the Appellant is State owned company some leniency must be shown. This submission is also not sustainable since every litigant irrespective of the status has to be treated as litigant before the court. Under these circumstances since

Appeal will be heard on merits and disposed of even if delay is condoned, we allow the application on payment of cost of **Rs. 5000/- (Rupees five thousand only) to a charitable organization, namely "National Defence Fund, PAN No. AAAGN0009F, A/c No. 11084239799, State Bank of India, Institutional Division, 4th Floor, Parliament Street, New Delhi** within two weeks from today.

DFR NO. 707 OF 2019

Registry is directed to number the Appeal.

Objections by the Respondents shall be filed within four weeks.

List the matter on **15.10.2019**.

(Ravindra Kumar Verma)
Technical Member

mk/pk

(Justice Manjula Chellur)
Chairperson