

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

IA NO. 141 OF 2018 IN
DFR NO. 4457 OF 2017

Dated: 6th July, 2018

Present: Hon'ble Mr. Justice N. K. Patil, Judicial Member
Hon'ble Mr. S. D. Dubey, Technical Member

In the matter of:

Ms. Shruti Iyer Suryakant Gupta, Proprietor M/s Rajaram Maize Products Solar Power Division Appellant(s)

Versus

Chhattisgarh State Electricity Regulatory Commission & Ors. Respondent(s)

Counsel for the Appellant(s) : Mr. Pradeep Aggarwal
Mr. Aniket Bhattacharyya

Counsel for the Respondent(s) : Mr. Ravi Sharma for R-1

Mr. Apoorv Kurup
Mr. A. C. Boxipatro for R-2 & 3

ORDER

(IA No. 141 of 2018)

(Application for condonation of delay in filing appeal)

Heard Mr. Pradeep Aggarwal, learned counsel appearing for the Appellant, Mr. Ravi Sharma, learned counsel appearing for the first respondent, and Mr. A. C. Boxipatro, learned counsel appearing for the second and third respondents.

The learned counsel appearing for the Appellant at the outset submitted that there is a delay of 254 days in filing the appeal from the impugned order dated 3.3.2017. To substantiate his submission he has taken us through his submission made in the paragraph No. 3 to 6 of the application and specifically pointed out that in the paragraph 5 of the application, he explained the delay for filing the appeal and was quick to find out that if the order on clarification dated 14.11.2017 is taken into consideration there will be no delay in filing the appeal.

Further, having regard to the facts of the case he vehemently submitted that the delay in filing the appeal has been explained satisfactory and sufficient cause has been shown in the application. The same may kindly be accepted, the delay may kindly be condoned and the matter may kindly be heard on merit in the interest of justice and equity.

The learned counsel appearing for the first Respondent fairly submitted that in the light of the explanation and reasons stated in the paragraph 3 to 6 of the application, the same may kindly be taken into consideration and appropriate order may kindly be passed in the interest of justice and equity.

Per contra, the learned counsel appearing for the second and third respondents contended and submitted that the Appellant had filed an application for clarifying the order dated 03.03.2017 passed by the Chhattisgarh State Commission which was disposed of on 14.11.2017 clarifying that the order dated 03.03.2017 still holds good. This aspect has not been properly explained. Therefore, he submitted that an appropriate order may kindly be passed in the light of the statement made in the application filed by the Appellant for condoning the delay.

After careful consideration of the submissions made by the learned counsel appearing for the Appellant and the first, second and third Respondents, also after perusal of the statement made in the paragraph 3 to 6 of the application, what emerged is that it has been satisfactory explained and sufficient cause has been made out. Hence, delay in filing the appeal is condoned and the IA being IA No. 141 of 2018 is allowed. Accordingly, the application is disposed of.

DFR No. 4457 of 2017

Registry is directed to number the appeal and list this matter for admission on **2-8-2018**.

(S. D. Dubey)
Technical Member

tpd/js

(Justice N. K. Patil)
Judicial Member