

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

IA NO. 576 OF 2018 IN DFR NO. 1475 OF 2018 &
IA NO. 807 OF 2018

Dated: 11th July, 2018

Present: Hon'ble Mr. I. J. Kapoor, Technical Member
Hon'ble Mr. Justice N. K. Patil, Judicial Member

In the matter of:

BLA Power Pvt. Ltd.		Appellant(s)
	Versus		
Madhya Pradesh Power Management Co. Ltd. & Ors.		Respondent(s)
Counsel for the Appellant(s)	:	Mr. Sanjay Sen, Sr. Adv. Mr. Buddy A. Ranganadhan Ms. Shikha Ohri Mr. Matrugupta Mishra Ms. Ankita Bafna	
Counsel for the Respondent(s)	:	Mr. Aashish Anand Bernard Mr. Paramhans for R-1 & 4 Mr. S. Venkatesh Mr. Vikas Maini Mr. Sandeep Rajpurohit for R-3 Mr. C. K. Rai for R-5 Mr. Vikas Upadhyay for R-2	

ORDER

IA NO. 576 OF 2018
(Appln. for condonation of delay)

There is 60 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay in filing the appeal may be condoned.

The Respondents have been served. Mr. Aashish Anand Bernard appears on behalf of Respondent Nos. 1 & 4; Mr. Shri Venkatesh appears on behalf of Respondent No.3 and Mr. C.K. Rai appears on behalf of Respondent No. 5. Though served, other respondents are not represented.

We have heard learned counsel for the Appellant and learned counsel for the Respondents. Mr. Aashish Anand Bernard, learned counsel for Respondent Nos. 1 & 4 has vehemently opposed the application for condonation of delay.

Having heard learned counsel for the parties, we have also perused the explanation offered for the delay in filing the appeal and also the replies filed by Respondent Nos. 1, 4 & 5. We find the explanation to be acceptable. Sufficient cause has been made out. Hence, delay in filing the appeal is condoned. Application is disposed of.

IA NO. 807 OF 2018
(Appln. for substitution of Respondent No.3)

We have heard learned counsel for the parties. With the consent of the parties and for the reasons stated in the application, the application is allowed in terms of prayer clause (a), which reads as under:

“Allow the present application for substituting the name of Respondent No.3 as “M/s Prism Johnson Limited” and take on record the amended memo of parties being Annexure A2”.

The Appellant is permitted to substitute the name of Respondent No.3 as “M/s Prism Johnson Limited” in the place of “M/s Prism Cement Limited.” The application is disposed of. Learned counsel for the appellant is directed to file amended memo of parties and also carry out consequential amendments in the main appeal within two weeks from today.

DFR NO. 1475 of 2018

Registry is directed to number the appeal. With the consent of the parties the matter is taken up on board today.

We have heard learned counsel for the parties. **Admit.** Issue notice to the Respondents returnable on 16.08.2018. Mr. Aashish Anand Bernard takes notice on behalf of Respondent Nos.1 &4; Mr. Shri Venkatesh takes notice on behalf of Respondent No.3 and Mr. C.K. Rai takes notice on behalf of Respondent No.5 and they seek four weeks time to file reply.

List the matter on **16.08.2018**. In the meantime, learned counsel for the respondent may file reply on or before 09.08.2018 after serving copy on the other side. Rejoinder may be filed within two weeks thereafter.

(Justice N. K. Patil)
Judicial Member

ts/mk

(I.J. Kapoor)
Technical Member