

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

**IA NOs. 87 & 88 OF 2019 IN**  
**DFR NO. 3886 OF 2018**

**Dated: 12<sup>th</sup> April, 2019**

**Present: Hon'ble Mr. Justice N. K. Patil, Judicial Member**  
**Hon'ble Mr. Ravindra Kumar Verma, Technical Member**

**In the matter of:**

**Gimatex Industries Pvt. Ltd. .... Appellant(s)**

**Vs.**

**Maharashtra Electricity Regulatory Commission & Ors. .... Respondent(s)**

Counsel for the Appellant (s) : Mr. Hemant Singh  
Mr. Nishant Kumar  
Mr. Ambuj Dixit

Counsel for the Respondent (s) : Mr. Anup Jain  
Ms. S. Rama for R-2

**ORDER**  
**(IA No. 87 of 2019 – for leave to file appeal)**

Heard learned counsel, Mr. Hemant Singh, appearing for the Appellant.

The counsel for the Appellant, at the outset submitted that the instant application is filed for leave to file the appeal. Further, he submitted that in the light of the statement made in the application, the same may kindly be accepted and leave to file the appeal may be granted in the interest of justice and equity.

The submission of the counsel for the Appellant, as stated above, is placed on record.

In the light of the submissions of the learned counsel appearing for the Appellant and the statement made in the application, the same are accepted. Accordingly, the IA is allowed.

**IA No. 88 of 2019**  
**(For Condonation of Delay in Filing the Appeal)**

We have heard the learned counsel appearing for the Appellant and the learned counsel appearing for the Respondent No. 2. Respondent Nos. 3 & 4, though served, are unrepresented.

The learned counsel appearing for the Appellant submitted that, there is a delay of 32 days in filing the Appeal. Further, he pointed out and submitted that, in the light of the submissions made and the reasoning in the application, the delay has been explained satisfactorily and sufficient cause has been shown in the application. The same may kindly be accepted and delay in filing the Appeal may kindly be condoned and the instant application may kindly be allowed in the interest of justice and equity.

**Per contra**, the learned counsel appearing for the Respondent Nos. 2 inter alia contended and submitted that in the light of above, delay explained in the application may kindly be considered and appropriate order may be passed to meet the ends of justice.

Submissions of the learned counsel appearing for the Appellant and the learned counsel appearing for the Respondent No. 2, as stated above, are placed on record.

In the light of the submissions of the learned counsel appearing for the Appellant and after perusal of the reasoning given in the application explaining the delay in filing the Appeal, the delay has been explained satisfactorily in the application and sufficient cause has been shown. The same was accepted and the delay in filing the Appeal is condoned. IA is allowed

**DFR NO. 3886 OF 2018**

Registry is directed to number the appeal and list the matter for admission on **16.04.2019**.

**(Ravindra Kumar Verma)**  
**Technical Member**

*mk/bn*

**(Justice N. K. Patil)**  
**Judicial Member**