

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

IA NO. 163 OF 2019 IN DFR NO. 4148 OF 2018

Dated : 11th April, 2019

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

In the matter of:

Adani Power Maharashtra Limited

... Appellant (s)

Versus

Maharashtra Electricity Regulatory Commission & Anr.

... Respondent (s)

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

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

ORDER

IA No. 163 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 Nos. 2.

The learned counsel appearing for the Appellant submitted that, there is a delay of 144 days in filing the Appeal. Further, he pointed out and submitted that, in the light of the submissions made and the reasoning given at para a) to g) in the application, the delay has been explained satisfactorily and sufficient cause has been shown in the application. The delay in filing the said delay giving dates and events has further been explained in paragraphs 2 to 10 in additional affidavit dated 13.03.2019. 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 Mr. G. Umapathy appearing for the second respondent inter alia contended and vehemently submitted that the application may be dismissed on the ground of delay and laches and the reasons given by the Appellant are devoid of merits and without any justification. The Appellant has filed the present appeal by suppressing material facts before this Tribunal against the Impugned Order dated 19.04.2018 so as to gain undue advantages. The Appellant has not reflected sufficient cause in the Application for condonation of delay. The present application seeking condonation of delay is completely misconceived and erroneous and is thus liable to be dismissed with exemplary costs.

Submissions of the learned counsel appearing for the Appellant and the learned counsel appearing for the Respondent Nos. 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 at paras a) to g) in the application and additional affidavit dated 13.03.2019 giving dates and events in paragraphs 2 to 10, the delay has been explained satisfactorily and sufficient cause has been shown in the application. The same was accepted and the delay in filing the Appeal is condoned. IA is allowed

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

(Ravindra Kumar Verma)
Technical Member
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(Justice N.K. Patil)
Judicial Member