

COURT-I

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

**IA NO. 776 OF 2017 IN
DFR NO. 2593 OF 2017**

Dated: 3rd April, 2018

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

In the matter of:

Vijayanagar Sugar Private Limited

.... Appellant(s)

Vs.

Karnataka Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. Anantha Narayana MG

Counsel for the Respondent(s) : Ms. Pratiksha Mishra for R-2

ORDER

IA NO. 776 OF 2017

(Appl. for condonation of delay)

There is 76 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay in filing the appeal may be condoned.

All the Respondents have been served. Ms. Pratiksha Mishra appears on behalf of Respondent No.2. Other respondents, though served, are not represented.

We have heard learned counsel for the parties. Learned counsel for the appellant has reiterated the submissions made in the application. Ms. Pratiksha Mishra, learned counsel appearing for Respondent No.2 has strenuously opposed the application.

We have perused the application particularly the explanation offered for the delay in filing the appeal. The relevant paragraphs of the explanation read as under:

“2. After the Judgment was passed initially the appellant waited to get the copy of the order. But when it did not get the copy of the order in time the same was downloaded from the website.

3. Thereafter the management of the appellant company sent the matter for the legal opinion to their advocates at Hyderabad. The Hyderabad advocates suggested to file the appeal only in the second week of May 2017. Thereafter the management entrusted the responsibility to file the appeal to the undersigned K.Anand who is the incharge of Bellary unit.

4. However Mr. Anand could not have consulted the present advocates due to the depression caused to him after the bereavement of his father and other close family members. Mr. K. Anand took almost more than one month to come out of the shock and join the office again.

5. Immediately thereafter the present advocates were contacted by him and the present advocates took one week to draft the appeal and on 29.07.2017 the appeal was ready in Bangalore.

6. Hence, there is 76 days delay in filing the present appeal, which is neither deliberate nor intentional but due to the aforesaid bonafide reason.”

We find the explanation offered by the Appellant to be acceptable. Considering the above explanation offered by the Appellant and having

regard to the issues involved in this appeal, we are of the opinion that in the interest of justice delay needs to be condoned. Accordingly, delay in filing the appeal is condoned. Application is disposed of.

Registry is directed to number the appeal and list the matter for admission on **19.04.2018.**

(Justice N. K. Patil)
Judicial Member

ts/mk

(I.J. Kapoor)
Technical Member