

COURT-II

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)**

**APPEAL NO. 219 OF 2018 &
IA NO. 1083 OF 2018 & IA NOS. 173, 174 & 175 OF 2019**

Dated: 21st February, 2019

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

In the matter of:

Sunmark Energy Project Limited ... **Appellant(s)**
Vs.
Bihar Electricity Regulatory Commission & Ors. ... **Respondent(s)**

Counsel for the Appellant (s) : Mr. Hemant Sahai
Ms. Amrita Narayan
Mr. Ashwin Rakesh

Counsel for the Respondent (s) : Mr. Hitesh Chauhan
Ms. Harshita Sinha for R-2 to R-4

ORDER

(IA Nos. 173, 174 & 175 of 2019- Delay in filing reply)

We have heard the learned counsel appearing for both the parties.

Learned counsel appearing for the Respondent nos. 2 to 4 submitted that, there is a delay of 108 days in filing the replies which has been explained satisfactorily in paragraph nos. 4 to 7 in the applications. The same may kindly be accepted and delay may kindly be condoned in the interest of justice and equity.

Submissions of the learned counsel appearing for the Respondent nos. 2 to 4, as stated above, are placed on record.

Per contra, the learned counsel appearing for the Appellant inter alia contended and fairly submitted that in the light of the statement made, the reply may kindly be taken on record and for the reasoning assigned in the application, an appropriate order may kindly be passed.

In the light of the submissions made by the learned counsel appearing for the Respondent nos. 2 to 4 and after perusal of the applications explaining the delay in filing the replies, we find it satisfactory as sufficient cause has been made out. The

same is accepted and the delay in filing the replies is condoned. IA Nos.173, 174 & 175 of 2019, for delay in filing the replies are allowed.

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Learned counsel appearing for the appellant prays for two days time to file rejoinder.

Submissions of the learned counsel appearing for the Appellant, as stated above, are placed on record.

The learned counsel appearing for the Appellant is granted two days time to file rejoinder i.e. on or before 25.02.2018 after duly serving copy on the other side.

List the IA for stay for hearing on **13.03.2019.**

(Ravindra Kumar Verma)
Technical Member

mk/bn

(Justice N. K. Patil)
Judicial Member