

COURT-II

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

**IA No. 83 of 2018 in
DFR No. 4074 of 2017**

Dated : 6th March, 2018

**Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. S.D. Dubey, Technical Member**

In the matter of:

BSES Yamuna Power Limited

.... Appellant(s)

Vs.

Delhi Electricity Regulatory Commission

.... Respondent(s)

Counsel for the Appellant (s) : Mr. Buddy A. Ranganadhan
Mr. Hasan Murtaza
Mr. Varaa Masood
Mr. Malavika Prasad

Counsel for the Respondent(s) : Mr. Manok Kumar Sharma for
Mr. Pradeep Misra for R-1

ORDER

The learned counsel appearing for the appellant submitted that affidavit of service is filed in the Registry today. The submissions made by him are placed on records. Accordingly, Registry is directed to check the same.

The learned counsel, Mr. Manoj Kr. Sharma, appearing on behalf of Mr. Pradeep Misra, accepts notice as Respondent No. 1. He prays for two weeks' time to file vakalatnama. He is permitted to do so.

IA No.83 of 2018

(Application for condonation of delay in filing the appeal)

The learned counsel, Mr. Buddy A. Ranganadhan, appearing for the Appellant submitted that there is a delay of 16 days' in filing the Appeal which has been explained satisfactorily and sufficient cause has been made out on accompanying affidavit along with application. The same may kindly be accepted and the delay may kindly be condoned.

The learned counsel appearing for the Respondents submitted that, submissions made by the learned counsel for the Appellant may be placed on record. They fairly submitted that they do not have any objection to condoning the delay in filing the Appeal.

Submissions made by the learned counsel appearing for the Appellant as well as the Respondents, as stated above, are place on record.

In the light of the submissions made by the learned counsel appearing for the Appellant and going through the reasoning given in the applications explaining the delay in filing the appeal, we find it satisfactory as sufficient cause has been made out. The same is accepted and the delay in filing the appeal is condoned. IA No. 83 of 2018 for delay in filing the Appeal is allowed.

DFR NO. 4074 OF 2017

Admit. Officer is directed to issue Public Notice.

The learned counsel appearing for the first Respondent prays for 08 weeks' time to file reply to the memo of appeal. The learned counsel appearing for the Appellant prays for 04 weeks time thereafter, to file his rejoinder to the replies to be filed by the Respondents.

Submissions made by the learned counsel appearing for both the parties, as stated above, are placed on record.

The learned counsel appearing for the Respondent No. 1 may file reply on or before 02.05.2018. Thereafter, the learned counsel appearing for the Appellant may file his rejoinder submissions on or before 01.06.2018 after duly serving copy on the other side.

Registry is directed to number the appeal and list the matter on **02.07.2018**, as agreed by the learned counsel appearing for both the parties.

(S.D. Dubey)
Technical Member

(Justice N.K. Patil)
Judicial Member

kt/js