

**COURT - I**

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

**IA NO. 79 of 2017 IN  
DFR NO. 4345 OF 2016**

**Dated: 25<sup>th</sup> May, 2017**

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson  
Hon'ble Mr. I.J. Kapoor, Technical Member**

**In the matter of :**

**M/s. Bhushan Power & Steel Ltd.**

**...Appellant(s)**

**Vs.**

**Central Electricity Regulatory Commission & Ors.**

**...Respondent(s)**

Counsel for the Appellant(s) : Mr. Rajiv Yadav

Counsel for the Respondent(s) : Mr. Raj Kumar Mehta  
Ms. Himanshi Andley  
Mr. E.Premjit Singh for R-2  
Mr.R.B.Sharma for R-3

**ORDER**

**IA No.79 of 2017**

*(Appl. for condonation of delay in filing)*

There is 118 days' delay in filing this appeal. In this application, the Applicant/Appellant has prayed that delay may be condoned.

All the Respondents have been served. Mr. R.K. Mehta appears on behalf of Respondent No.2 and Mr. R.B. Sharma appears on behalf of Respondent No.3. Though served, nobody is representing the other Respondents.

We have heard learned counsel for the Appellant. It is stated that delay occurred primarily on account of the Appellant's *bonafide* belief that Respondent No.2 would comply with the Central Commission's order dated 10.06.2016. It was only after the Appellant learnt that Respondent No. 2 has filed an appeal against that order of the Central Commission dated 10.06.2016 before this Tribunal and it was listed before this Tribunal on 02.11.2016, that the Appellant realised that the previous assurance given by officers of Respondent No.2 was not going to be acted upon by Respondent No.2. In view of this, in the first week of November 2016 direction to prepare instant the appeal was given. After extensive deliberation and after supplying the information to the advocate, the appeal memo was prepared, finalised and filed before this Tribunal on 28.12.2016.

In its reply Respondent No.2 has denied that any assurance was given to the Appellant by Respondent No.2 that it will not file an appeal against the impugned order.

Having considered the explanation offered by the appellant and the affidavit of Respondent No.2, we are of the opinion that in the interest of justice, delay deserves to be condoned after saddling the Appellant with costs. Hence, the delay in filing the appeal is condoned subject to payment of cost of Rs.10,000/- (Rupees ten thousand only) to a charitable organisation, namely, "**Sai Deep Dr. Ruhi Foundation, A/c No. 952663443, A-508, Sector – 19, Noida 201301**" on or before 09.06.2017. The Application is disposed of.

After receiving the compliance report, Registry is directed to number the appeal and list the matter for admission on 10.07.2017.

**( I. J. Kapoor )**  
**Technical Member**

*ts/kt*

**( Justice Ranjana P. Desai )**  
**Chairperson**