

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

**IA NO. 185 OF 2018 IN**  
**DFR NO. 186 OF 2018**

**Dated: 28<sup>th</sup> May, 2018**

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

**In the matter of:**

**Damodar Valley Power Consumers' Association** ... **Appellant(s)**  
**Vs.**  
**Central Electricity Regulatory Commission & Ors.** ... **Respondent(s)**

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

Counsel for the Respondent(s) : Mr. M.G. Ramachandran  
Ms. Anushree Bardhan for R-2

**ORDER**

**IA NO. 185 OF 2018**

**(Application for condonation of delay in filing the Appeal)**

We have heard the learned counsel, Mr. Rajiv Yadav, appearing for the Appellant, the learned counsel, Mr. M.G. Ramachandran, appearing for the second Respondent. Other respondents, though served, unrepresented.

The learned counsel appearing for the Appellant submitted that, there is a delay of 259 days in filing the Appeal which has been explained satisfactorily and sufficient cause has been shown in the application and the additional affidavit. The same may kindly be accepted. Further he submitted that the second Respondent herein has also filed an Appeal, being Appeal No. 183 of 2017 before the Court-I of this Tribunal arising out of the same Order. It is pending adjudication at the state of pleadings incomplete. Taking this aspect of the matter and the reason for delay in filing the appeal into consideration, the delay in filing the appeal may kindly be condoned and the matter may kindly be heard on merit in the interest of justice and equity.

*Per contra*, the learned counsel appearing for the second Respondent, inter-alia, fairly submitted that the submissions made by the learned counsel appearing for the

Appellant and the reasoning given in the application as well the additional affidavit may kindly be accepted and the delay may kindly be condoned.

Submissions made by the learned counsel appearing for the Appellant and the second Respondent, as stated above, are placed on record.

In the light of the submissions of the learned counsel appearing for the Appellant and the second Respondent and after careful perusal of the reasoning given in the application as well as the additional affidavit filed by the Appellant, we find it satisfactory as sufficient cause has been shown. The same is accepted and delay in filing the appeal is condoned. IA No. 185 of 2018 for the delay in filing the appeal is allowed. With these observations, the IA stands disposed of.

**DFR NO. 186 OF 2018**

Registry is directed to number the appeal and list the matter for admission on 30.05.2018, as agreed by the learned counsel appearing for the Appellant and the second Respondent.

**(S.D. Dubey)**  
**Technical Member**

**(Justice N.K. Patil)**  
**Judicial Member**

*tpd/vt*