

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

IA NOS. 1135 & 1136 OF 2018
IN DFR NO. 2742 OF 2018

Dated: 24th October, 2018

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

In the matter of :

Clean Max Power Projects Private Limited & Ors. Appellant(s)
Versus
Bangalore Electricity Supply Company Limited & Ors. Respondent(s)

Counsel for the Appellant(s) : Mr. Hemant Manjani

Counsel for the Respondent(s) : Ms. Pallavi Sengupta
Ms. Shrishti Govil for
Mr. Balaji Srinivasan for R-1

ORDER

IA NO. 1136 OF 2018 - (Application for Condonation of Delay)

We have heard learned counsel appearing for the Appellant and learned counsel appearing for the Respondent No.1. Other respondents served unrepresented.

2. The learned counsel, Mr. Hemant Manjani, appearing for the Appellant submitted that the delay of 154 days' in filing the Appeal has been explained satisfactorily and sufficient cause has been shown in paragraph no. 2 & 3 of the application. The same may kindly be accepted and delay in filing may kindly be condoned and the matter be heard on merits in the interest of justice and equity.

3. ***Per contra***, learned counsel, Ms. Pallavi Sen Gupta , appearing for the Respondent No.1, inter alia contended and submitted that the delay in filing appeal is not explained satisfactorily and sufficient cause has not been made in the application. Hence, the delay may not be condoned and the instant IA may be dismissed.

4. Submissions made by the learned counsel appearing for the Appellant and learned counsel appearing for the Respondent No.1, as stated above, are placed on record.

5. In the light of the submission made by the learned counsel appearing for the Appellant explaining the delay in filing the appeal and after careful perusal of the submissions made by the Respondent No.1, we find that it is manifest in reasoning in paragraph no. 2 & 3 of the application. The Appellant has explained the delay in filing the Appeal is satisfactory as sufficient cause has been made out. The same is accepted and the delay in filing the appeal is condoned. The IA is allowed.

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Registry is directed to number the appeal and list the matter for admission on **26.10.2018**, *as requested*.

(S.D. Dubey)
Technical Member
PR/PK

(Justice N.K. Patil)
Judicial Member