

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

IA NO. 1230 OF 2018 IN
DFR NO. 2238 OF 2018

Dated: 9th October, 2018

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

In the matter of:

M/s Tarini Infrastructure Limited

.... Appellant(s)

Versus

Gujarat Electricity Regulatory Commission & Ors.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. Tushar Srivastava
Mr. Shariq Ahmed

Counsel for the Respondent(s) : Ms. Anushree Bardhan for R-2

Mr. M.K. Choudhari, Executive Engr
for Secretary, Irrigation Deptt., Gujarat R-3

ORDER

Mr. M.K. Choudhari, Executive Engineer representing Secretary, Irrigation Department, Gujarat accepts notice on behalf of the third Respondent.

(IA NO. 1230 OF 2018)
CONDONATION OF DELAY IN FILING APPEAL

The learned counsel, Mr. Tushar Srivastava, appearing for the Appellant, submitted that, there is a delay of 11 days in filing the appeal which has been explained satisfactorily in the application and sufficient cause has been shown therein. The delay in filing the appeal is bonafide and unintentional. The delay has been caused due to the circumstances as explained above. Therefore, he submitted that, the delay may kindly be condoned and IA may kindly be allowed. The matter may kindly be heard on merit in the interest of justice and equity.

Submission made by learned counsel appearing for the Appellant, as stated supra, is placed on record.

After careful consideration of the submissions made by the learned counsel appearing for the Appellant and perusal of the reasons assigned in the application, we find that the delay has been explained satisfactorily as sufficient cause has been shown and reasoning assigned is bonafide in nature. We accept the reasoning assigned in the application and delay in filing the appeal is condoned. IA is allowed.

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Learned counsel for the Appellant prays for two weeks time to enable him to file affidavit of service with respect to Respondent Nos. 2 & 3.

Mr. M.K. Choudhari, Executive Engineer representing Secretary, Irrigation Department, Gujarat/Respondent No. 3, submitted that, he will file his reply to the Appeal during the course of the day.

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

Learned counsel for the Appellant is permitted to file affidavit of service with respect to Respondent Nos. 2 & 3 by 22.10.2018.

Representative of the third Respondent is permitted to file his reply to the Appeal during the course of the day in the Registry.

Registry is directed to number the appeal and post the matter for admission on **23.10.2018**.

(S. D. Dubey)
Technical Member

vt/js

(Justice N. K. Patil)
Judicial Member