

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

IA NOS. 1061 OF 2018, 1062 OF 2018 IN
DFR NO. 2602 OF 2018

Dated: 24th September, 2018

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

In the matter of:

Central Arecanut and Cocoa Marketing & Processing Co-operative Limited	Appellant(s)
Vs.		
Karnataka Electricity Commission & Ors.	Regulatory	Respondent(s)

Counsel for the Appellant(s) : Mr. Anantha Narayana M.G.

Counsel for the Respondent(s) : Mr. Balaji Srinivasan
Ms. Pallavi Sengupta for R-4

ORDER

(IA NO. 1061 OF 2018 - FOR LEAVE TO FILE)

The learned counsel, Ms. Pallavi Sengupta, appearing for the Respondent No. 4 has filed a reply on IA No. 1061 of 2018. The same is taken on record.

We have heard learned counsel appearing for the Appellant and learned counsel appearing for the Respondent No. 4. Other respondents though served, unrepresented.

In the light of the submissions made and for the reasons stated in the application, the learned counsel appearing for the Appellant, at the outset submitted that the prayer sought in the instant application may kindly be accepted on the ground that in the similar matter Hon'ble Tribunal has accepted the reasoning and granted permission to leave to the file the appeal.

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

In the light of the statement made and for the reasons stated in the application, the same is accepted. The instant IA is allowed and leave to file the appeal is granted.

(IA NO. 1062 OF 2018 - FOR DELAY IN FILING)

We have heard learned counsel appearing for the Appellant and learned counsel appearing for the Respondent No. 4.

The learned counsel appearing for the Appellant at the outset submitted there is a delay of 147 days in filing the Appeal. Further, he pointed out and submitted that they have filed the present appeal arising out of the similar order wherein delay in filing has been condoned. In the light of the statement made and for the reasons stated in the application, the same may kindly be accepted and delay in filing the instant Appeal may kindly be condoned and the instant application may kindly be allowed in the interest of justice and equity.

Per contra, learned counsel appearing for Respondent No. 4, inter alia opposing the application for condonation of delay in filing the appeal explaining in their reply to the instant IA that sufficient cause has not been shown and that they have approached the High Court of Karnataka instead of filing the instant appeal before this Tribunal.

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

After careful consideration of the submissions made by both the parties and perusal of the submissions made in the application for condonation of delay in filing the appeal and in the reply, we find sufficient cause has been shown. The same is accepted and the IA is allowed in the interest of justice and equity.

DFR NO. 2602 OF 2018

Registry is directed to number the appeal and post this matter for admission on 27.09.2018.

(S. D. Dubey)
Technical Member

Pr/kt

(Justice N. K. Patil)
Judicial Member