

**Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)**

**Appeal No. 102 of 2009**

**Dated: 31<sup>st</sup> August, 2009**

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson  
Hon'ble Mr. H.L. Bajaj, Technical Member**

**Mula Parvara Elec. Co-op. Society ... Appellant (s)**

**Versus**

**Maharashtra Electricity Regulatory Commission ... Respondent (s)**

Counsel for the Appellant/ (s) : Ms Sikha Ohri.

Counsel for the Respondent (s) : Mrs. Deepa Chawan,  
Mr. Kiran Gandhi for Resp. No. 3.

**ORDER**

We have heard the counsel for the parties. This is an application to condone the delay of 189 days in filing the Appeal. As indicated in our Order passed earlier the first affidavit seeking to condone the delay, does not contain the details of the explanation for the said delay. Therefore, we thought it fit to give another opportunity to the applicant to file a better affidavit explaining the delay. Even this affidavit, in our view, does not contain cogent reasons giving explanation for the delay.

As a matter of fact, the final Order had been passed by the Commission on 20.6.2008. The applicant had not then chosen to file either a Review before the Commission or file an Appeal before this Tribunal. On the other hand the Respondent filed a Review Petition before the Commission on 21.7.2008 and the Commission passed final order on 10.12.2008.

Even thereafter, the Applicant had not chosen to file any Appeal before this Tribunal. On the other hand, the earlier tariff order passed by the Commission which was confirmed by the Tribunal had been challenged by the Applicant in the Supreme Court. When the Applicant asked for an interim relief in the Supreme Court, the Supreme Court declined to grant interim order. Admittedly, the order-dated 26.6.2008, passed by the Commission had been placed before the Supreme Court while praying for interim relief and even then Hon'ble Supreme Court has not granted the interim relief. Only thereupon, the Applicant has thought it fit to file an Appeal before this Tribunal as against the Order dated

20.6.2008 passed by the Commission. Thus, it is clear that the Appellant having decided earlier not to file the Appeal as against this order, has now decided to approach this Tribunal to file an Appeal alongwith an Application to condone the delay, mainly because the Applicant did not succeed in his attempt to get the interim relief from the Hon'ble Supreme Court.

Under these circumstances, we do not find any reason to show that there is sufficient cause to condone the delay. Consequently, the Application to condone the delay as well as the Appeal is dismissed.

**(H.L. Bajaj)**  
**Technical Member**

**(Justice M. Karpaga Vinayagam)**  
**Chairperson**