

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

**Appeal No. 55 of 2008 &
I.A. Nos. 164, 165 & 166 of 2007**

Dated: 18th February, 2010

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

Maharashtra Jeevan Pradhikaran

... Appellant (s)

Versus

Maharashtra State Electricity Distribution Co. Ltd. & Anr.

... Respondent(s)

Counsel for the Appellant (s) : Mr. Satyajith Desai, Ms. Anegla S. Desai &
Mr. Sotty Policarp

Counsel for the Respondent (s) : Mr. Ravi Prakash & Mr. Abshik Mitra for
MSEDCL
Mr. Buddy A. Ranganadhan for MERC

ORDER

I.A. No. 164 of 2007

This is an Application to Condone the Delay of 222 days in filing the Appeal.

As a matter of fact, when the Affidavit to condone the delay was filed along with the Appeal, it was pointed out by this Tribunal, that no details have been furnished explaining the said delay. Hence, the learned counsel for the Appellant took time for filing a better affidavit and consequently the matter was adjourned to enable the Appellant to file the better affidavit. Thereafter, better affidavit had been filed, which also did not show proper reasons for actual delay. When it was pointed out that even the second better

affidavit did not satisfy this Tribunal with reference to the reasons for the delay, the learned counsel for the Appellant again sought time to file the second better affidavit. As per his request, this Tribunal again granted time on 06.01.2010, to enable him to file the second better affidavit, and adjourned the matter to 18.02.2010.

Even today, the learned counsel for the Appellant has not chosen to file the said better affidavit stating that he has not received instructions from his client in spite of his intimation.

This conduct shows that there is continued lack of diligence on the part of the Appellant in pursuing the Appeal.

The learned Counsel for the Respondents oppose this application contending that the impugned Tariff Order in this Appeal was passed in the year 2006 itself, and after a long delay, the Appellant has filed this Appeal.

We are not satisfied with the reasons given in the affidavit to condone the delay as they are not bonafide.

Hence, the Application to Condone the Delay in filing the Appeal as well as the Appeal are dismissed.

(H.L. Bajaj)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson