

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

Appeal Nos.28 of 2010 & I.A. No. 37 of 2010

Dated: 8th March, 2010

**Present : Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member**

Western Electricity Regulatory Commission ... Appellant (s)

Versus

Orissa Electricity Regulatory Commission ... Respondent (s)

Counsel for the Appellant (s) : Ms. Anjali Chandurkar, Ms. Smitha Inna,
Mr. Hasan Murtaza

Counsel for the Respondent(s) : Mr. Rutwik Panda for OERC

ORDER

Admittedly, the main Order had been passed on 20.03.2009. It is stated by the learned counsel for the Appellant that after getting the Order passed on 20.03.2009, they filed the review on 20.06.2009, which was dismissed on 15.09.2009. As against both, the Review Order and the Main Order, this Appeal has been filed on 09.11.2009. According to the Appellant, there is a delay of 11 days. This is not factually correct. When it is pointed out to the learned counsel for the Appellant that the Appeal has been filed challenging the Original Order passed on 20.03.2009, and there is long number of day's delay, the learned counsel for the Applicant-Appellant seeks some time to file the better affidavit explaining the reasons for the delay for the whole period between the date of the main Order and the date of the Appeal filed before this Tribunal. Accordingly, she is permitted to file the said affidavit.

Post the matter on **26.03.2010.**

**(Rakesh Nath)
Technical Member**

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