

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

IA NO. 1788 OF 2018 & IA NO. 1789 OF 2018
IN DFR NO. 3520 OF 2018

Dated : 25th January, 2019

Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. Ravindra Kumar Verma, Technical Member

In the matter of:

Hindustan Petroleum Corporation Limited **Appellant(s)**
Versus
Karnataka Electricity Regulatory Commission & Anr **Respondent(s)**

Counsel for the Appellant(s) : Ms. Parichita Chawdhury
Mr. Ashwin Ramanathan h/f
Mr. Anand K. Ganesan

Counsel for the Respondent(s) : None

ORDER
IA No. 1788 of 2018
(For Condonation of Delay in Filing the Appeal)

The instant Application has been filed for condoning the delay of 82 days in filing the Appeal. We have heard the learned counsel appearing for the Appellant. Respondent Nos. 1 and 2, though served, are unrepresented.

While going through the orders available on the file, this matter has come up for consideration on 17.12.2018 whereby notice to the Respondents returnable on 09.01.2019 with dasti, in addition, was permitted. Again the matter came up on 09.01.2019, the matter was again adjourned granting one more opportunity to the respondents to engage the services of the counsel. The matter once again came up on 17.01.2019, the matter was again adjourned granting one more opportunity to the respondents to engage the services of counsel. The matter is listed today. The respondents have not chosen to engage the services of the counsel to defend their case.

In the above circumstances we have heard the learned counsel appearing for the Appellant.

The learned counsel appearing for the Appellant submitted that, there is a delay of 82 days in filing the Appeal. Further, she pointed out and submitted that, in the light

of the submissions made and the reasoning given at paras 1 to 13 of the application, the delay has been explained satisfactorily and sufficient cause has been shown in the application. The same may kindly be accepted and delay in filing the Appeal may kindly be condoned and the instant application may kindly be allowed in the interest of justice and equity.

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

In the light of the submissions made by the learned counsel appearing for the Appellant and after perusal of the reasoning given in paragraphs 1 to 13 in the application explaining the delay in filing the Appeal, the Appellant has explained the delay satisfactorily in the application and sufficient cause has been shown. The same was accepted and the delay in filing the Appeal is condoned. IA is allowed.

(IA NO. 1789 OF 2018)

(Application for exemption from filing certified copy of impugned order)

The learned counsel, Ms. Parichita Chawdhury appearing for the Appellant submitted that, the instant application has been filed by the Appellant, praying for exemption from filing certified copy of the impugned order. The reasoning stated in the application may kindly be accepted and prayer sought in the application may kindly be granted in the interest of justice and equity.

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

In the light of the statement made in the application and the reasons stated therein, IA No. 1789 of 2018 is allowed as sufficient cause has been made out. At present, production of certified copy of the impugned order is exempted. The application is disposed of.

The learned counsel for the Appellant is directed to file certified copy of the impugned order within a period of eight weeks, i.e. on or before 26.03.2019.

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Registry is directed to number the appeal and list the matter for admission on **30.01.2019.**

(Ravindra Kumar Verma)
Technical Member

mk/bn

(Justice N.K. Patil)
Judicial Member