

COURT – I

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

**I.A.No. 11 of 2012 in
DFR No. 1705 of 2011**

Dated: 11th January, 2012

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

Tamil Nadu Electricity Board

... Appellant(s)

Versus

M/s Sai Regency Power Corp. India Ltd.& Anr.

.....Respondent(s)

Counsel for the Appellant(s): Mr. S. Vallinayagam

ORDER

**I.A.No. 11 of 2012
(Application for condonation of delay)**

This is an Application to condone the delay of 384 days in filing the Appeal as against the impugned Order dated 07.09.2010.

We have gone through the affidavit filed in support of the condonation of delay Application. It is noticed that the impugned Order had been passed on 07.09.2010 and the legal opinion was obtained on 15.09.2010. After getting the legal opinion, the note had been sent to Chairman for implementation of the Order. On 16.09.2010, they obtained some other opinion from legal cell and consequently they did not take steps to implement the Order. But the other party approached the Commission and filed a Petition

under Section 142 of the Act. TNEB filed a counter to the said petition. They also filed a clarification petition. In fact, on 15.07.2011, the Applicant/Appellant assured for payment as ordered by the commission within three months.

Even though the assurance of payment had been made on 15.07.2011, without prejudice to their rights to file an Appeal, there is no reason as to why they have not filed the Appeal immediately thereafter. Now, this Appeal has been filed on 11.11.2011 only.

As indicated above, the details which have been given in the affidavit would show that there were negotiations and the Applicant/Appellant made an undertaking before the Commission that they would make a payment as ordered by the Commission. However, the payment has not been made till date.

Under those circumstances, we are not satisfied with the explanation given in the affidavit for the long delay of more than one year.

Hence, the Application to condone the delay is dismissed.
Consequently, the Appeal also is dismissed.

(Rakesh Nath)
Technical Member
TS/KS

(Justice M. Karpaga Vinayagam)
Chairperson