IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

COURT I

IA NOS. 298 OF 2023 & 2065 OF 2022 IN
DFR NO. 533 OF 2022 & IA NOS. 2066 & 2067 OF 2022
IA NOS. 317 OF 2023 & 2069 OF 2022 IN
DFR NO. 534 OF 2022 & IA NOS. 2070 & 2071 OF 2022
IA NOS. 299 OF 2023 & 2218 OF 2022 IN
DFR NO. 556 OF 2022 & IA NO. 2219 OF 2022

Dated: 27.04.2023

Present: Hon'ble Mr. Justice Ramesh Ranganathan, Chairperson
Hon'ble Mr. Sandesh Kumar Sharma, Technical Member

IA NOS. 298 OF 2023 & 2065 OF 2022 IN
DFR NO. 533 OF 2022 & IA NOS. 2066 & 2067 OF 2022

In the matter of:

Hubli Electricity Supply Company Limited .... Appellant(s)

Versus

M/s Nadagouda Energies Private Limited & Ors. .... Respondent(s)

Counsel for the Appellant(s) : Mr. Shahbaaz Hussain
Mr. Fahad Khan
Ms. Stephania Pinto

Counsel for the Respondent(s) : Mr. Anand K. Ganesan
Ms. Swapna Seshadri
Ms. Surbhi Gupta for R-1

Mr. Samarth Kashyap for R-3

IA NOS. 317 OF 2023 & 2069 OF 2022 IN
DFR NO. 534 OF 2022 & IA NOS. 2070 & 2071 OF 2022

In the matter of:

Hubli Electricity Supply Company Limited .... Appellant(s)

Versus

Karnataka Electricity Regulatory Commission & Ors. .... Respondent(s)

Counsel for the Appellant(s) : Mr. Shahbaaz Hussain
Mr. Fahad Khan
Ms. Stephania Pinto

Counsel for the Respondent(s) : Mr. Shashwat Kumar
Mr. Rahul Chouhan
Mr. Amitanshu Saxena for R-2

IA NOS. 299 OF 2023 & 2218 OF 2022 IN
DFR NO. 556 OF 2022 & IA NO. 2219 OF 2022

In the matter of:
Hubli Electricity Supply Company Limited .... Appellant(s)
Versus
Mytrah Advaith Power Pvt. Ltd. & Ors. .... Respondent(s)

Counsel for the Appellant(s) : Mr. Shahbaaz Hussain
Mr. Fahad Khan
Ms. Stephania Pinto

Counsel for the Respondent(s) : Ms. Pratiksha Chaturvedi
Mr. Vinit Kumar for R-1

Mr. Samarth Kashyap for R-3

ORDER

IA NO. 2065/2022 IN DFR NO. 533 OF 2022
IA NO. 2069/2022 IN DFR NO. 534 OF 2022
IA NO. 2218/2022 IN DFR NO. 556 OF 2022
(Applications for condonation of delay in filing the Appeal)

These applications are filed seeking condonation of 217 days' delay in preferring the Appeal in DFR No. 533 of 2022, 206 days in preferring the Appeal in DFR No. 534 of 2022, and 390 days' in preferring the Appeal in DFR No. 556 of 2022. The only explanation furnished for the delay is that the Counsel, entrusted with the brief, had failed to file the appeal in time and, after he gave up the brief, the cases were entrusted to another Counsel. The submission, in effect, is that the erstwhile Counsel was at fault in not filing the appeal in time.

When we asked Ms. Stephania Pinto, learned Counsel for the Appellant, whether the Appellant had lodged a complaint, against the

erstwhile counsel, before the State Bar Council, learned Counsel would fairly state that they did not. We see no reason, in such circumstances, to accept this contention as constituting sufficient cause for the delay in preferring the present appeals. The other explanation furnished is that the appeal had to be approved at various levels before it could be signed by the management, which consumed a lot of time. This again is not a ground to condone the inordinate delay in filing the appeals.

While the delay is no doubt considerable, we are satisfied that the said delay can be condoned on imposition of costs of Rs.35,000/- (Rupees Thirty Five Thousand only) for the delay of 217 days' in preferring the Appeal in DFR No. 533 of 2022; on imposition of costs of Rs.25,000/- (Rupees Twenty Five Thousand only) for condoning the delay of 206 days' in preferring the Appeal in DFR No. 534 of 2022; and on imposition of costs of Rs.50,000/- (Rupees Fifty Thousand only) for condoning the delay of 390 days' in preferring the Appeal in DFR No. 556 of 2022, which all the Appellants shall pay the Respondent-Commission with four weeks from today, and file proof of payment in the Registry within one week thereafter. The delay is condoned, subject to compliance with the aforesaid directions.

Needless to state that, in case the aforesaid costs are not paid within four weeks from today, and an affidavit of proof of payment is not filed in the Registry within one week thereafter, the applications (IA Nos. 2065/2022, 2069/2022 & 2218/2022) for condonation of delay, in preferring the appeals, shall stand dismissed automatically, and the Appeals shall stand rejected.

The applications are disposed of.

IA NO. 298/2023 IN DFR NO. 533 OF 2022
IA NO. 317/2023 IN DFR NO. 534 OF 2022
IA NO. 299/2023 IN DFR NO. 556 OF 2022
(Applications for condonation of delay in re-filing the Appeal)

The delay of 59 days' each in re-filing the appeals in DFR Nos. 533 of 2022 & 534 of 2022, and the delay of 45 days' in re-filing the appeal in DFR No. 556 of 2022, are not so considerable as to deny the Appellant an opportunity of having their appeals heard on merits. Further, the applications to condone the delays are not opposed by the learned Counsel for the Respondents. The delay is condoned, and the applications are accordingly disposed of.

IA NO. 2067/2022 IN DFR NO. 533 OF 2022
IA NO. 2070 OF 2022 IN DFR NO. 534 OF 2022
(Applications for urgent listing)

Since the matters listed, having already served their purpose, these IAs have become infructuous. The applications are dismissed accordingly.

IA NO. 2070/2022 IN DFR NO. 534 OF 2022
(Applications for interim relief)

Ms. Stephania Pinto, learned Counsel for the Appellant, states that she is not pressing for adjudication of the IA for interim relief. The IA is, accordingly, dismissed as not pressed.

DFR NO. 533/2022 & IA NO. 2066/2022
DFR NO. 534/2022 &
DFR NO. 556/2022 & IA NO. 2219/2022

It is represented that these matters are not connected with one another, and have been wrongly linked. All these appeals shall stand de-linked from each another.

In DFR No. 534/2022, the Respondents may file reply, if any, within six weeks i.e. on or before 08.06.2023 with advance copy to the other side. Thereafter, the Appellant may file rejoinder, if any, within four weeks, i.e. on or before 06.07.2023 with advance copy to the other side. After pleadings are complete, and after verification by the Registry, let this Appeal (DFR No.

534/2022) be included in the **'List of Finals'** to be taken up from there, in its turn.

Post IA No. 2066/2022 in DFR No. 533/2022 and IA No. 2219/2022 in DFR No. 556/2022 for hearing on ***02.06.2023***.

(Sandesh Kumar Sharma)
Technical Member

(Justice Ramesh Ranganathan)
Chairperson

tpd/ks/mkj/sk