

Before the Karnataka Electricity Regulatory Commission, Bangalore

Dated this the 28th day of October, 2004.

Present

- | | | |
|----------------------------------|----------|-----------------|
| 1. Sri. Philipose Matthai | - | Chairman |
| 2. Sri. H.S. Subramanya | - | Member |
| 3. Sri. S.D.Ukkali | - | Member |

CaseNo.RP- 3/2004

Between

Manjunatheshwara Educational Trust,
Ujire,
D.K. District,
Represented by Sri N. Raviraj Kella,

Petitioner
(By Sri K.M.Nataraj, Adv.)

and

The Asst. Executive Engineer, (Elect)
KPTCL, Urban Sub-Division Udupi,
Udupi.

Respondent
(By Sri S. Sriranga, Adv.)

This is a Review Petition filed by the above Petitioner against the order of the Commission in Appeal No. A-14/2000 dated 30th January 2000. This petition is filed on 19.1.2004, after a lapse of 4 years.

2. The learned Counsel for the Petitioner stated that the Petitioner was not aware of the impugned order as it was lying in the Udupi office of the Petitioner, and that he has filed this petition as soon as he came to know of this order. He pleaded that he has a good case for condonation of delay and the petition should be heard on merits, otherwise a charitable institution would be put to great loss and injustice. He asserted that the Commission has inherent right to condone the delay to ensure justice and fair play.

3. The learned Counsel for the Respondent argued that there is no provision to condone the delay in filing the Review petition under the Karnataka Electricity Reforms Act, 1999 or under any Regulations framed under the said Act. He contended that the review petition is inordinately delayed and the Petitioner has to explain every day's delay before seeking its condonation. He contended that the unexplained delay could not be condoned under the law. He pleaded that the petition be dismissed as not maintainable.

4. On verification of the records of the case, it is noticed that the office of the Commission had sent the copy of the impugned order to the Petitioner at his declared address by Registered Post. He has produced the same copy along with the review petition. Therefore, it is difficult to believe the statement of the Petitioner that he was not aware of the impugned order and it was lying in his Udupi office. Therefore, we find that no sufficient cause is shown by the Petitioner in filing this petition with a delay of nearly 4 years. Thus, in the circumstances of the case, it is held that there is no case for condonation of delay.

5. In the result, the petition is not maintainable. The petition is **rejected**.
Ordered accordingly.

sd/
(Philipose Matthai)

sd/
(H.S.Subramanya)

sd/
(S.D.Ukkali)