

THE TAMIL NADU ELECTRICITY REGULATORY COMMISSION
(Constituted under Section 82(1) of the Electricity Act, 2003)
(Central Act 36 of 2003)

PRESENT :

Thiru S. Kabilan		- Chairman
Thiru B. Jeyaraman		- Member
	and	
Thiru R. Rajupandi		- Member

M.P. No. 28 / 2008 in M.P.No. 7 of 2008

Tanfac Industries Ltd.,
No. 14, Sipcot Industrial Complex
Cuddalore - 600 005.
Tamil Nadu.

..... Petitioner

Vs

The Chairman
Tamil Nadu Electricity Board
800 Anna Salai
Chennai - 600 002.

..... Respondent

The above petition namely M.P.No.28 of 2008 was filed to set aside the order passed in M.P.No.07 of 2008. The above petition came up for hearing before the Commission on 15.07.2008 in the presence of counsels on record of the both sides and after hearing the arguments passes the following

ORDER DATED 13th AUGUST 2008

1. Prayer of the petitioner

The prayer of the petitioner is to condone the delay of 3 days in filing the petition and to restore the case by setting aside the dismissal order passed on 14.05.2008.

2. Submissions of the Learned Counsel for the petitioner

The Learned Counsel for the petitioner stated that she was affected with Sun Stroke due to hot summer and hence she was not able to attend the court works and that the person who received the summons had not informed her

about the same and as such she was not aware of the hearing on 14.05.2008. She further stated that she came to know on 13.06.2008 afternoon about the order passed on 14.05.2008 and by the time she could prepare the application, the time for filing the same was over and there was a delay of three days in filing the petition to restore the case. The delay is neither willful nor wanton.

3. Findings of the Commission

The case was posted for arguments on 14.05.2008. The Commission was ready for arguments. The cause list was received by the counsel for the petitioner on 06.05.2008. There was adequate time of 8 days between the receipt of the intimation and the date of arguments. The counsel for the petitioner has stated that she was affected with sun stroke. This is an adequate ground for seeking an adjournment but not for abstention. The fact that nobody appeared on behalf of the petitioner on 14.05.2008 clearly proves that the absence was avoidable. When the Commission was ready for arguments, the Commission deems the absence of the petitioner / counsel as wasting the time of the Commission. Although in the normal course, the Commission would be inclined to dismiss the restoration petition, as being devoid of merit, the Commission hopes that such practice will not be repeated. Accordingly, the petition is restored.

4. Conclusion

The ex-parte dismissal order dated 14.05.2008 issued in M.P.No.7 of 2008 is set aside. The above M.P.No.28 of 2008 is restored and it will be listed in the cause list for next hearing. There is no order as to costs.

Pronounced in the open court by this Commission on 13th August 2008.

(R. RAJUPANDI)

Member

(B.JEYARAMAN)

Member

(S.KABILAN)

Chairman