

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.3256 OF 2000@@
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U.P. State Electricity Board Appellant(s)

VERSUS

C.C.E. Allahabad Respondent(s)

DATE : 05-03-2003: This matter was called on for hearing today.@@
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CORAM:
HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Appellant(s): Mr. Debasis Misra, Adv.
For Respondent(s): Mr. Rajiv Nanda, Adv.
Mr. B. Krishna Prasad, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J.
.SP2

Heard learned counsel for the ten minutes.
The appeal is disposed of in terms of the signed
order.

.SP1
(R.K. Dhawan) (Jasbir Singh)
Court Master Court Master

(Signed order is placed on the file) ~

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.3256 OF 2000@@
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U.P. State Electricity Board Appellant(s)
versus

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T..J.
.SP2

It appears that the Commissioner (Appeals) decided the appeal ex-parte. The appellants preferred an appeal to the Tribunal with a delay of nine months. The Tribunal has by the impugned judgment dismissed the appeal on the ground of delay. In our view, this is a fit case which should be heard by the Commissioner (Appeals) on merits. We, thus, set aside the order of the Tribunal as well as of the Commissioner (Appeals) and remit the matter back to the Commissioner (Appeals) to decide on merits. The appeal is disposed of accordingly. There will be no order as to costs.

.SP1

.....J
(S.N. VARIAVA)

.....J
(B.N. AGRAWAL)

New Delhi,
March 5, 2003