

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

**APPEAL NO. 23 OF 2009**

Dated: 16<sup>th</sup> April, 2009

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

**National Thermal Power Corporation ... Appellant (s)**

**Versus**

**Central Electricity Regulatory Commission ... Respondent (s)**

Counsel for the Appellant/ (s) : Mr. M. G. Ramachandran with  
Ms. Swapna Seshadri

Counsel for the Respondent (s) : Mr. Pradeep Misra for UPPCL  
Ms. Ruchen O. Bhutia for Resp. 7

**ORDER**

The only issue raised in this Appeal is with reference to the meaning of the actual expenditure incurred. As pointed out by Ms. Swapna Seshadri, the learned Counsel for the Appellant, this point has already been decided by this Tribunal on 16<sup>th</sup> March, 2009 in Appeal Nos. 151 of 2008, 133 of 2008 and other connected matters. So this point cannot be disputed in this Appeal. In terms of the reasons given in those Orders, this Appeal is allowed.

**(A.A. Khan)  
Technical Member**

**(Justice M. Karpaga Vinayagam)  
Chairperson**