

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

APPEAL No. 39 of 2008

Dated: November 27, 2008

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

**NTPC Ltd., -Appellant(s)
V/s.
Central Electricity Regulatory Commission & Ors., -Respondent(s)**

Counsel for the Appellant (s) : Mr. M.G. Ramachandran,
Mr. Anand K. Ganesan &
Ms. Swapna Seshadri

ORDER

Heard.

As pointed out by the learned counsel for appellant, the letter dated 30.01.2008, sent by the NTPC to the Central Electricity Regulatory Commission (for short 'CERC') points out that by mistake a cumulative loan amount of Rs. 96,741 lakhs has been mentioned instead of Rs.90,417 lakhs in the order passed by CERC on 02.01.2008 in Petition No. 96 of 2002. The letter further points out that the mistake was occurred on account of the CERC taking the loan repayment up to the previous year determined on actual basis and not on normative basis. According to the learned counsel for appellant, there is no response to this letter from the CERC.

Therefore, instead of keeping the matter pending by issuing notice, we feel that it would be appropriate to direct the CERC to consider the letter, dated 30.01.2008 sent by the NTPC, and pass appropriate orders, in the light of the contents of the said letter, after hearing the appellant. It will be open to the appellant to approach the CERC requesting to pass necessary orders on the letter sent by it on 30.01.2008, on the strength of this order.

In case, the appellant is aggrieved by the orders passed by the CERC disposing of the letter dated 30.01.2008, it will be open to the appellant to approach this Tribunal praying for the necessary relief.

With these observations, this appeal is disposed of.

(A.A. Khan)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

Dated: 27th November, 2008