

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

Appeal No. 27 of 2008

Dated: 13th January, 2009

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

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

Counsel for the Appellant (s) : Mr. M.G. Ramachandran with
Mr. Anand K. Ganesan & Ms. Swapna
Seshadri
Counsel for the Respondent (s) : Mr. Pradeep Misra with Mr. suraj Singh
for UPPCL- Resp. 2

ORDER

Heard the learned counsel for the appellant as well as respondents.

The only grievance of the learned counsel for the appellant is that even though they sent a letter dated 13.02.2008, to the Central Electricity Regulatory Commission, pointing out a clerical mistake occurred in the order dated 31.12.2007, in petition No. 128 of 2002, with regard to the cumulative repayment of loan amount for rectification, no response has been received so far. The learned counsel for the appellant requests that a similar direction which was given in Appeal No. 39 of 2008 to consider the letter sent by NTPC to Central Electricity Regulatory

Commission, and pass appropriate orders in the light of the contentions of the said letter, may be given.

It is contended by the learned counsel for the respondent that the appellant instead of filing review application or any other application to correct such a mistake before the Central Electricity Regulatory Commission, simply sent a letter requesting to correct the mistake and this cannot be entertained.

Having regard to the contention of the learned counsel for the appellant, we feel it appropriate to give a similar direction, which was given in Appeal No. 39 of 2008. Accordingly, the Central Electricity Regulatory Commission is directed to consider the letter sent by NTPC dated 13.02.2008, and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to both the learned counsel for the appellant as well as respondents.

With these observations, the appeal is disposed of.

(A.A. Khan)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

