

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

Interlocutory Application No. 187 of 06  
In Appeal No. 17 of 2006

**Present** : **Hon'ble Mr. Justice E. Padmanabhan, Judicial Member**  
**Hon'ble Mr. H.L. Bajaj, Technical Member**

NEEPCO Ltd. ... Appellant  
Versus  
Tripura State Electricity Corpn. Ltd. & Ors. ... Respondents

For the Appellant : Mr. M. G. Ramachandran, Advocate  
with Mr. Anand K. Ganesan, Advocate

For the Respondents : Mr. Rajnish Ranjan for Tripura  
State Electricity Corpn. Ltd.  
Mr. H.M. Sharma, Mr.R.Kapoor,  
Assam State Electricity Board,  
Mr. M.Debbarma, DGM, Tripura  
State Electricity Corpn. Ltd.  
Mr. Anup Mananta, SE,  
Meghalaya State Electy. Bd.

Dated : 14<sup>th</sup> Dec. '06

**ORDER**

1. At the instance of Mr.M.G.Ramachandran, learned counsel appearing for the appellant the present application, IA No. 187/06 has been moved seeking for a clarification with respect to the ultimate direction issued in our judgment dated 13<sup>th</sup> October 2006.
2. On behalf of the respondents, time is sought for to submit their objections. It is also represented on behalf of the

respondents that time is too short for them to study the application and respond before this Appellate Tribunal. Further it was represented that some of the respondents are unable to be present due to dislocation of air service.

3. The Division Bench consisting of Judicial Member and Hon'ble Technical Member, Mr. H.L.Bajaj delivered its Judgment of 13<sup>th</sup> Oct.'06. The Judicial Member is to demit his office on 14<sup>th</sup> December, 2006 (today).
4. The grievance of the appellant being that the direction proceeded as if the charges are to be recovered from respondent No.1. This construction placed by appellant may not be correct. Further the clarification sought for deserves to be ordered as there could be no objection as it is just consequential. To make it clear we order modification of the last two sentences in our judgments. The last two sentences in our judgment dated 13<sup>th</sup> Oct. '06 reads thus : “*We further hold that the appellant is entitled to collect charges in terms of the bill prepared by it and served on Respondent No.1 for the period in dispute. The parties are directed to bear their respective cost in this appeal.*”
5. We order deletion of the following words in the above portion “*and served on Respondent No.1*”
6. The ultimate portion of our order shall read as under and it is deemed to have been modified with effect from 13<sup>th</sup> October, 2006.

“We further hold that the appellant is entitled to collect charges in terms of the bill prepared by it for the period in dispute. The parties are directed to bear their cost in this appeal.”

7. Some of the respondents sought to raise grievance with respect to certain other portions of the judgment. At this stage we are not called upon to examine the same and it is always open to them to take out appropriate application or challenge the judgment by preferring the appeal.
8. Application is ordered in the above terms.

**( Mr. H.L. Bajaj )**  
**Technical Member**

**( Mr. Justice E. Padmanabhan )**  
**Judicial Member**