

COURT – I

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

**I.A. No. 16 of 2010 in
Appeal No. 85 of 2008**

Dated: 25th May, 2010

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

Polyplex Corporation Ltd.

... Appellant (s)

Versus

Uttarakhand Electricity Regulatory Commission & Ors. ... Respondent (s)

Counsel for the Appellant (s) : Mr.M.L. Lahoty with Ms. Gangi B. Bharali
(Applicant in I.A. No. 16/10)

Counsel for the Respondent(s) : Mr. Suresh Tripathy for UERC

ORDER

I.A. No. 16 of 2010

The learned counsel for the Applicant seeks modification of the Order passed by this Tribunal dated 06.10.2009 contending that the finding which has been given by this Tribunal was made applicable only to the continuous industries, whereas it has been argued before this Tribunal by Respondent No.3 seeking the relief in respect of non-continuous industries also and no finding with respect to that aspect had been given by this Tribunal in the Order dated 06.10.2009, and hence, he needs modification of the Order.

It is noticed that the Order, dated 06.10.2009, giving relief to the continuous industries has been implemented by the Commission by the Order dated 10.04.2010.

As correctly pointed out by the learned counsel for the Commission, the main Order which has been passed on 06.10.2009 by this Tribunal would relate to the continuous industries only, and as such, the Order of implementation passed by the Commission on 10.04.2010 was made applicable to all the continuous industries including the continuous industries, who are members of the Chamber of Commerce, the Applicant herein.

Now, the learned counsel for the Applicant contends that the Order passed by this Tribunal on 06.10.2009 must be suitably modified and made applicable to non-continuous industries also.

Virtually, the Applicant seeks for Review of the Order, which has been passed by the Tribunal on 06.10.2009. We are unable to accept the contention of the Applicant, in view of the fact that the Order which has been passed on

06.10.2009 would not suffer from any infirmity merely because there is no finding with reference to the non-continuous industries. In other words, we have to state that this Application under the garb of modification has been filed seeking review of the Order passed on 06.10.2009.

It is also brought to our notice that the Applicant earlier went before the Commission by filing Review Application, but ultimately he withdrew the same there and thereafter he filed this Application before this Tribunal under the garb of modification on 17.12.2009, seeking for Review of the Order dated 06.10.2009.

Since we are of the view that there is no apparent error on the face of the Order passed on 06.10.2009, we do not find any merit in this Application.

Accordingly, the Application is dismissed. It is open to the Applicant to seek appropriate remedy, if so advised.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson