

Before the Appellate Tribunal for Electricity  
(Appellate Jurisdiction)

I.A.No.58 of 2006 in  
Appeal No. 37 of 2005

Dated: 29<sup>th</sup> May, 2006

Present: Hon'ble Mr. Justice Anil Dev Singh, Chairperson  
Hon'ble Mr. A.A. Khan, Technical Member

Garrison Engineer ( West), MES.,  
Bareilly Cantt.

...Appellant

V/s.

Madhyanchal Vidyut Vitran Nigam Ltd. & Ors.

...Respondents

For the Appellant : Mr. S.C.Somani, EE  
For the Respondent : Mr. Pradeep Misra, Adv.

ORDER

The respondent has filed the instant application for seeking correction of our Judgment, dated May 2, 2006.

In the application, it is pointed out that the appellant in the appeal had claimed refund of excess amount of Rs.2,76,70,619/- paid to the respondents, whereas in the Judgment the respondents have been directed to refund an amount of Rs.27,67,12,230/-. It appears that a mistake has occurred because of the wrong figure mentioned in the first para of the appeal and the written submissions of the appellant. In the first para of the appeal, titled 'Details Of The Appeal', an amount of Rs.27,67,12,230/- has been mentioned as the amount for which refund was claimed from the respondents. Similarly in the first para of the written

submissions, the same amount was mentioned. This mistake was neither pointed out by the appellant nor by the respondents.

It has been rightly highlighted by the learned counsel for the respondent that in the prayer clause of the appeal, the appellant has claimed refund of Rs.2,76,70,619/- only. The mistake which has crept in our Judgment, dated May 2, 2006, needs to be corrected.

Accordingly, we correct the amount in the Judgment, dated May 2, 2006, by substituting the figure of Rs.27,67,12,230/- by Rs.2,76,70,619/- at pages 2, 4 and 15 thereof. After carrying out the correction the last para at page 14, which ends at page 15 of the Judgment, dated May 2, 2006, reads as follows:

"In view of the aforesaid discussion, the appeal is allowed. The impugned order of the UPERC dated April 29, 2005 is set aside. The respondents are directed to revise the bills of the appellant by applying para 4(b) of LMV-4 of Notification dated Sept. 10, 2001 for the period Sept. 16, 2001 to November 8, 2002 and by applying sub para 4 (b) of LMV-4 of Notification issued in consonance with the Order of the Uttar Pradesh Electricity Regulatory Commission dated Oct. 22, 2002 for the period November 9, 2002 to August 31, 2003 and to refund to the appellant the excess amount of Rs.2,76,70,619/- charged by the respondents within a period of one month from the date of the receipt of the order failing which the respondents shall pay interest to the appellant @ 12% per annum."

The aforesaid correction shall be deemed to have been incorporated in the Judgment from the date of its pronouncement.

The application is disposed of.

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

Dated: 2<sup>nd</sup> June, 2006

**(Mr. Justice Anil Dev Singh)**  
**Chairperson**