

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

**Review Petition No. 1 of 2008
in Appeal No. 127, 200 & 201 of 2005**

Dated : February 21, 2008

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

Tamil Nadu Electricity Board

V/s.

Neyveli Lignite Corporation

-Appellant/(s)

Petitioner

-Respondent(s)

Counsel for the Appellant/ (s) : Mr. R. Venkataramani, Sr. Adv.,
Petitioner with Mr. T. Harish Kumar
Counsel for the Respondent(s) : Mr. V.R. Reddy, Sr. Adv., with
Mr. R. Chandrachud &
Mr. Abhay Pratap Yadav

ORDER

The learned senior counsel for the review petitioner has urged that there is anomaly in the order, dated December 6, 2006, passed by us. He says that while dismissing the appeal, we have held that in respect of ROE, Neyveli Lignite Corporation cannot contract out of the statute and the parameter of 16% ROE fixed statutorily by the Government of India cannot be negotiated, but in the case of depreciation, we have ignored that the parties have contracted out of the statute.

We find that this point is not taken in the review petition. Even in the memo of appeal, no grievance has been made with regard to fixation of depreciation on the ground that it has been so fixed by contracting out of the statute.

The order does not suffer from any error apparent on the face of the record. Consequently, the review petition is dismissed.

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

**(Anil Dev Singh)
Chairperson**