

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

**Review Petition No. 6 of 2008 in Appeal No. 71 of 2008**

**Dated: November 17, 2008**

**Present: Hon'ble Mrs. Justice Manju Goel, Judicial Member  
Hon'ble Mr. H. L. Bajaj, Technical Member**

**PTC India Limited**

**-Review Petitioner(s)**

**Versus**

**Lanco Amarkantak Power Pvt. Limited & Ors.**

**-Respondent(s)**

Counsel for the Review Petitioner(s) : Mr. Vikas Singh, Sr Adv with  
Mr. Mansoor Ali and Mr. Rahul  
Dhawan

Counsel for the Respondent(s) : Mr. Manu Nair,  
Mr. L. Vishwnathan and Mr. Arun  
Mohan for Lanco Amarkantak  
Power Pvt. Ltd.

**ORDER**

The review petition is heard.

The review petition is filed by PTC India Limited. The petition calls for clarification/review of the judgment of this Tribunal dated 21/10/08 whereby appeal no. 71 of 2008 was disposed of. Referring to paragraphs 16 & 25, the review petitioner has prayed for clarification that the observation made therein would not in any manner influence the Madhya Pradesh Electricity Regulatory Commission(MPERC for short) while adjudicating upon the petition filed by PTC before MPERC which is petition No. 55 of 2008 against the appellant, Lanco Amarkantak Power Pvt. Ltd. In that petition for adjudication, the PTC has prayed for quashing the notice terminating the PPA between the appellant and the review petitioner and for directing that the appellant should specifically perform its contractual obligation under the PPA dated 11.05.05. The prayer made by Mr.Vikas Singh, advocate appearing for the petitioner is simply that

observation be added to the judgment dated 21.10.08 to the effect that our judgment dated 21.10.08 will not in any way prejudice the adjudicate petition pending before the MPERC.

On behalf of the appellant, it is contended by Mr. Manu Nair that the adjudication petition will be decided on the facts mentioned in the adjudication petition and that they were not the facts in issuing in this appeal. Accordingly, we do not see any difficulty in mentioning herein that MPERC will decide the adjudication petition on its own merits and the judgment dated 21.10.08 will not in any way prejudice the adjudication of that adjudication petition. Accordingly, this observation is added to our judgment dated 21.10.08.

The Review Petition is *disposed of*.

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

**(Manju Goel)**  
**Judicial Member**