

APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

Appeal No.23/10

Dated : 9th July, 2010

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

In the matter of:

Saheli Exports Pvt.Ltd.

...Appellant

Vs

T.N.E.B & Anr.

...Respondent(s)

Counsel for the Appellant : Mr. M.G. Ramachandran
Ms. Swapna Seshadri
Ms. Sneha Venkataramani

Counsel for the Respondent : Mr. H.S. Maohammad Rafi

ORDER

The only question that arises for the consideration before this Tribunal whether the State Commission was correct in rejecting the claim for the interest made by the Appellant on the ground that the claim was belated, then it was the TNEB who was solely responsible for the delay in implementing the order of the Commission , resulting in less amount being paid to the Appellant. We have heard the learned Counsel for the parties. It is not disputed that the principal amount which has been claimed through petition filed in August, 2009 has been ordered to be paid to the Appellant by the Respondent. In regard to the interest the Commission rejected the claim merely because the application for interest was belatedly made. As correctly pointed out by the learned Counsel for he Appellant that the Commission did not give any finding with regard to the claim made by the appellant in regard to interest. It is not disputed that the

claim for interest was made during the pendency of the main application . As a matter of fact the interim application has been filed in November, 2009 and the Commission's order has been passed on 16th November, 2009 rejecting the claim for the interest. The only reason given by the Commission for rejecting the claim for interest is that the said claim was belatedly made. If this ground for rejection is accepted as a valid ground for rejecting the claim for interest, it will apply to the claim of principal amount as well also. Admittedly, the findings referred by the Commission is that appellant is entitled to the return of the principal amount, then it may not be proper on the part of the Commission to hold that the claim for the interest has been belatedly made. It is settled law that the party is entitled to interest for the said amount. In the light of the said decision of law, we are of the view that the findings referred to by the Commission with regard to the rejection of the claim of interest is liable to be set aside. However, in the facts and circumstances of the case, we are of the view that appellant is entitled to interest @ 10% instead of 18% as claimed by the Appellant.

The appeal is allowed.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

PK/JS

