

**Court-II**  
**Before the Appellate Tribunal for Electricity**  
**(Appellate Jurisdiction)**

**IA 10 of 2016 in Appeal No. 177 of 2015**

**Dated :** **20<sup>th</sup> January, 2016**

**Present :** **Hon'ble Mr. Justice Surendra Kumar, Judicial Member**  
**Hon'ble Mr. I.J. Kapoor, Technical Member**

**Barmer Lignite Mining Co. Ltd.** ..... **Appellant(s)**  
**Versus**  
**Jaipur Vidyut Vitran Nigam Ltd. & Ors.** ..... **Respondent(s)**

Counsel for the Appellant (s) : Mr. Ramanuj Kumar  
Mr. Rahul Kumar

Counsel for the Respondent (s): Mr. Shalabh Gupta for R-1 to 3  
(on behalf of Mr. P.N. Bhandari)

Mr. M.G. Ramachandran  
Ms. Poorva Saigal, Mr. Shubham Arya for R-4

Mr. R.K. Mehta for RERC

**ORDER**

We have heard Mr. Ramanuj Kumar, learned counsel appearing on behalf of the Appellant, who has filed clarificatory petition seeking some clarification. We have also heard Mr. Shalabh Gupta, learned counsel appearing on behalf of the Mr. P.N. Bhandari, learned counsel for the Respondent No. 1 to 3 and Mr. R.K. Mehta, learned counsel appearing on behalf of the State Commission. We have perused our judgment, dated 10.12.2015, in Appeal No. 177 of 2015 in this matter.

In the last page of our judgment, following words are quoted:

*“We further direct the Appellant, which is a Mining Development Operator (MDO), to compel the EIL to complete the formalities immediately and then submit the bidding documents before the State Commission for its approval. We, further, direct the EIL to complete the formalities and send recommendation to the Appellant within one month*

*from today and the Appellant, in turn, shall submit bidding documents for approval of the State Commission within next one month and the State Commission shall dispose of the said petition within one month thereafter. Thus, the whole exercise is to be done within three months positively so that the State Commission will be able to decide the final transfer price of lignite and the final tariff of the Power Generating Company. No order as to costs.”*

The learned counsel for the Appellant submits that the words “...then submit the bidding documents before the State Commission for its approval” be substituted by “the result of the bids”. This cannot be said to be seeking a clarification of our judgment. We are unable to substitute any word so as to suit to the wishes of the Appellant. As there is no sufficient ground for the said substitution, the IA, being IA No. 10 of 2016 in Appeal No.177 of 2015, is hereby dismissed.

The State Commission is, today, again directed to get the compliance of our judgment in a letter and spirit positively within a time prescribed by us and if, the Appellant remains unable to comply with the same, then the State Commission is free to resort to the provisions as per the Electricity Act and Regulations.

**( I.J. Kapoor )**  
**Technical Member**

**( Justice Surendra Kumar )**  
**Judicial Member**

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