

COURT-I

**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)**

**RP NO. 19 OF 2016 IN EP NO. 2 OF 2015 IN
APPEAL NOS. 76 & 82 OF 2013 & IA NOS. 509 & 532 OF 2016**

Dated : 20th October, 2016

**Present : Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson
Hon'ble Mr. T. Munikrishnaiah, Technical Member**

In the matter of :

Assam Electricity Regulatory Commission

.....Review Petitioner

Vs.

Eastern India Powertech Ltd. & Ors.

.....Respondent(s)

Counsel for the Review Petitioner

: Mr. Sanjay Sen, Sr. Adv.
Mr. Pragyan P. Sharma

Counsel for the Respondent

: Mr. Avijit Roy for R-1 & R-2

Mr. Gopal Jain, Sr. Adv.
Mr. Manu Seshadri
Ms. Nandini Gore
Mr. Abhishek Roy
Ms. Trishala Kulkarni

ORDER

In this Review Petition, the Review Petitioner - Assam Electricity Regulatory Commission has prayed that this Tribunal may expunge or modify the stigmatic remark passed against the Review Petitioner in order dated 20.07.2016 passed in Execution Petition No.2 of 2015. We have gone through Order dated 20.07.2016. Mr. Sanjay

Sen, counsel for the Review Petitioner has drawn our attention to the following portion of the said order:

“We do not want to make unnecessary remarks against the State Commission under hope that this Commission namely, Assam Electricity Regulatory Commission, will understand its responsibility and legal obligation and discharge its duties in a legal and sincere manner without shirking from its liability.”

Mr. Sanjay Sen submitted that the above sentence contains remark which is stigmatic. He submitted that the said remark also suggests that the Assam Regulatory Commission is shirking its liability. We are unable to agree with Mr. Sanjay Sen. We do not find the above remark to be derogatory. It does not in any way lead to an inference that the Assam Electricity Regulatory Commission is shirking its liability. In fact, the sentence begins with the words “We do not want to make unnecessary remarks against the State Commission.....”. We are, therefore, of the opinion that no case is made out for expunging any remark.

The review petition is accordingly disposed of.

(T. Munikrishnaiah)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

pr/dk