

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

Interlocutory Application No. 196 of 2006
In Appeal No. 21 of 2006

Present : **Hon'ble Mr. Justice E. Padmanabhan, Judicial Member**
Hon'ble Mr. H.L. Bajaj, Technical Member

Chhattisgarh State Electricity Board ... Appellant
Versus
Central Electricity Regulatory Commission & Others ... Respondents

For the Appellant : Mr. Sakesh Kumar, Advocate with Mr. Rohit Singh, Advocate

For the Respondents : Mr. Ajit S. Bhasme, Advocate with Mr. Varun Thakur, Advocate
Ms. Suparna Srivastava, Advocate

Dated : 14th Dec. '06

ORDER

1. This application has been taken out seeking for clarification. This application is for correction of certain typographical errors. Since there are apparent typographical errors, there is every justification to correct the same. The typographical errors with respect to certain dates as well as description of parties is fairly admitted by either side. In the circumstances, there is every justification to correct the typographical errors in the judgment of this bench rendered on 14th November, 2006.
2. In Para 10 we have indicated the breakup period as 01.06.92 to 30.11.2000 and 01.12.2002 to 13.06.04. The period 01.12.02 to 13.06.04 as found, it is admitted by either side are not correct, and the correct period being 01.12.00 to 30.06.2002. Hence, we order substitution of the period 01.12.2002 to 13.06.2004 by period "01.12.2000 to 30.06.2002".

3. In Para 12 of the judgment we have mentioned the date wrongly as 13.11.2000 and it should be 30.11.2000. Hence, in Para 12, we substitute first sentence as here under: *“According to the appellant for the period upto 30.11.2000, the composite MPEB was liable to pay towards FLEE liability the sum of Rs.292,327,494 to GEB and Rs.718,335,339 to MSEB”*.
4. In Para 13, we have proceeded as if the challenge was by respondent No.2 but challenge was by 3rd respondent, MSEB. So in Para 16, in the first sentence as well as in fourth sentence we substitute the words “second respondent” with “third respondent”.
5. In Para 16, the figure “Rs. 118.83 Crore” has been wrongly set out instead of Rs. 114.83 Crore and the said figure shall stand substituted by the figures “Rs.114.83 Crore”.
6. In Para 17, 18 & 19 – for the words “2nd respondent” the words “3rd respondent” shall stand substituted.
7. The learned counsel for the applicant sought to contend that Items 2, 4, 6 & 7 set out in Table appearing in Para 17 were controverted. We have already recorded in our judgment that those items are not being controverted. In the guise of clarification the same cannot be corrected as the same is objected by respondent. If at all the appellant may move for a review if so advised.
8. In Para 19, we have wrongly proceeded as if challenge by the appellant is pending on the file of Hon’ble Supreme Court. It is pointed out by the learned counsel appearing on either side that the matter is pending only before Hon’ble High Court and not before Hon’ble Supreme Court. Hence, for the words “Supreme Court” appearing in Para 19, the word “High Court” shall stand substituted.
9. Only with respect to the limited extent setout above we order corrections of the typographical errors and the same shall stand substituted w.e.f. 14th November 2006.

10. We direct the Registry to incorporate the above corrections in the judgment and communicate the corrected copy of judgment to all concerned.

(Mr. H.L. Bajaj)
Technical Member

(Mr. Justice E. Padmanabhan)
Judicial Member