

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

Appeal No. 201 of 2013

Dated : 14th July, 2014

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

In the matter of

Neyveli Lignite Corporation Ltd.

... Appellant(s)

Versus

Central Electricity Regulatory Commission & Ors. ... Respondent(s)

Counsel for the Appellant (s) :

Mr. M.G. Ramachandran
Ms. Anushree Bardhan
Ms. Poorva Saigal
Mr. J. Dhanasekaran (Rep.)

Counsel for the Respondent (s):

Mr. Ramalingam for R.1
Mr. S. Vallinayagam for TANGEDCO

ORDER

This Appeal has been filed by the Neyveli Lignite Corporation Ltd challenging the order passed in Review Petition No.6 of 2011 of the Central Commission.

We have heard the learned counsel for the parties and both the parties have filed their respective Written Submissions.

We do not want to go into the merits of the matter. But it is pointed out by the learned counsel for the Appellant that the affidavit dated 6.1.2012 giving details for justification for their claim as

demanded by the Central Commission through the direction given on 03.11.2011 has not been considered by the Central Commission in the Impugned Order.

On this aspect, we have heard the learned counsel for both the parties.

The learned counsel for the Central Commission strenuously submitted that there are indications in the impugned Order that the second affidavit filed on 06.01.2012 also has been duly considered by the Central Commission.

But we are not able to accept the submissions made by the learned counsel for the Central Commission since the perusal of the entire Impugned Order would make it clear that the Central Commission has neither referred to Affidavit filed by the Appellant on 06.01.2012 nor analyzed the contents of the same in justification of their claim given in the relevant portions of the order on this issue.

Therefore, we deem it appropriate to remand the matter for fresh consideration on this issue. Both the parties are at liberty to raise their respective contentions in regard to this issue.

The Central Commission without being influenced by the earlier findings, may consider the issue afresh in the light of the submissions made by the parties.

With these directions, the Appeal is allowed. The Central Commission is directed to pass the Order in accordance with law as expeditiously as possible after hearing both the parties.

It is made clear that we are not expressing any opinion on this issue.

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

Ts/kt