

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

**IA No. 129 of 2014 in  
Appeal No. 254 of 2012**

**Dated : 24<sup>th</sup> March, 2013**

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

**H.P. State Electricity Board Ltd. ....Applicant/R.1  
Versus  
M/s Jaiprakash Power Ventures Ltd. .... Respondent/Appellant(s)**

Counsel for the Applicant/(s): Mr. Anand K. Ganesan  
Respondent  
Counsel for the Respondent/(s) : Mr. Pawan Upadhyay,  
Appellant Mr. Jayesh Gaurav with

**ORDER**

This is an Application filed by the Board seeking for clarification of our Judgment dated 05.02.2014. We have heard the learned counsel for both the parties. We feel that no clarification is needed in view of our specific direction to the State Commission to adjudicate and decide the dispute by itself or to refer the matter to the Arbitration. We are not giving any opinion with reference to the course to be adopted by the State Commission for resolving the dispute.

As mandated under Sec. 86 (1) (f) of the Act, It is for the Commission to decide as to whether the dispute is to be adjudicated by itself or to be referred to arbitration as per sec. 86 (1) (f) of the Act. It is represented that already the

Appellant filed the Application before the State Commission as per the directions given by this Tribunal.

Hence, it is open to the Respondent to file the reply to enable the Commission to decide this aspect.

With these observations, the Application is disposed of.

**(Rakesh Nath)**  
**Technical Member**  
Ts/js

**(Justice M. Karpaga Vinayagam)**  
**Chairperson**