

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

IA No. 149 of 2013 in Appeal No. 32 of 2010
& I.A. No. 150 of 2013 in Appeal No. 31 of 2010

Dated : 3rd May, 2013

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam, Chairperson
Hon'ble Mr. V.J. Talwar, Technical Member

IA No. 149 of 2013 in Appeal No. 32 of 2010

**North Eastern Electricity Supply Company
of Orissa Ltd. ... Appellant(s)**

Versus

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

I.A. No. 150 of 2013 in Appeal No. 31 of 2010

Western Electricity Supply Company of Orissa Ltd. ... Appellant(s)

Versus

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

Counsel for the Appellant (s) : Mr. Buddy A. Ranganadhan
Mr. Hasan Murtaza
Mr. Aditya Panda

Counsel for the Respondent(s): Mr. Rutwik Panda for R-1
Mr. R.K. Mehta for R-2

ORDER

A common judgment was rendered by this Bench in Appeal Nos. 31 of 2010 and 32 of 2010 on 23.01.2013. The Learned Counsel for the Appellant has now filed two Applications, in these two Appeals stating that there are some typographical errors found in the judgment and they require rectification through the Orders of this Tribunal.

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The particulars of those errors are mentioned in paragraphs 'A-F' of these Applications, which are reproduced hereunder:

- a. *In para 2 on page 5 of the judgment, the date of impugned order is mentioned as 22.03.2007. The correct date of the impugned order is 20.03.2009.*
- b. *In page 3, the Appeal has been mentioned as Appeal 32 of 2007. The Correct number is Appeal 32 of 2010.*
- c. *In the first line on Page 6, the Financial Year is mentioned as 2007 - 08, the correct Financial Year is FY 2009 - 10.*
- d. *In the 11th line in Para 4 on Page 6, the date of Tribunal's Judgment in Appeal 58 and 59 of 2007 is mentioned as 16.11.2011. The correct date of judgment is 09.11.2010.*
- e. *In Para 6 on Page 7, the table states the Appellant in Appeal 106 of 2010 as WESCO which may be corrected to GRIDCO who was the Appellant in Appeal 106 of 2010.*
- f. *In Para 14 on Page 10, the Judgment mentions the Appeal as being dismissed. In the Respectful submission of the Applicant/Appellant, the Appeal ought to be "disposed of" since the first issue has been decided in favour of the Appellant in view of the earlier Judgments of this Tribunal in Appeal No. 88 of 2009, Appeal No. 106 of 2010, Appeal No. 116 of 2011 and Appeal No. 188 of 2010."*

In view of the above typographical errors pointed out in the Applications filed by the Learned Counsel for the Appellant, we deem it appropriate to allow these Applications. Accordingly, the Applications are allowed. Consequently, the Registry is directed to issue a fresh order after rectification of those errors.

Since one of the issues is decided in favour of the Appellant in the judgment, it must be corrected as "The Appeals are allowed in part".

(V.J. Talwar)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson