

COURT-I

Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Appeal No. 208 of 2013

Dated : 2nd September, 2014

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

**Andhra Pradesh Power Generation
Corp'n. Ltd.**

... Appellant(s)

Versus

Central Electricity Regulatory Commission & Anr.

.... Respondent(s)

Counsel for the Appellant(s) : Mr. K. Gopal Chaudhary
Counsel for the Respondent(s): : Mr. M.S. Ramalingam for R-1
Mr. Anand K. Ganesan
Ms. Swapna Seshadri for R-2

ORDER

We have heard the learned counsel for the parties.

As directed by this Tribunal by the Order dated 31.07.2014 asking the Central Commission to file an affidavit as to whether the Appellant/Petitioner has been heard at all before passing the impugned Order, today an affidavit has been filed by the Central Commission explaining that the Appellant/Petitioner had been heard and final Order had been passed on the basis of the Review Petition as well as the additional submissions filed.

Now the learned counsel for the Appellant submits that he has not been heard fully in respect of some of the issues raised by him by which he is aggrieved.

The Central Commission in the last paragraph of the affidavit dated 29.08.2014 submits that if the Appellant is aggrieved that he had not been given sufficient opportunity to explain the case on merits, in respect of those issues the Central Commission is ready to hear the Appellant and to pass the Order. The relevant portion in Paragraph No. 5 of the Affidavit is as follows:

“The Appellant is aggrieved that he was not given sufficient and adequate opportunity to explain and argue the case on merit. It is respectfully submitted that the Central Commission is open to give further opportunity of hearing to the Appellant if so directed by the Hon’ble Appellate Tribunal.”

In view of the above statement made by the Central Commission in the affidavit at Para No.5, we feel that it would be appropriate to remand the matter to the Central Commission to hear the Appellant/Petitioner in respect of the issues by which the Appellant is aggrieved and pass the final Order in accordance with law. Accordingly, Ordered.

The Central Commission is directed to give the opportunity of hearing to the Appellant and dispose of the matter as expeditiously as possible.

With these observations, the Appeal is disposed of.

(Rakesh Nath)
Technical Member
ts/kt

(Justice M. Karpaga Vinayagam)
Chairperson