

**TAMIL NADU ELECTRICITY REGULATORY COMMISSION**

**Order of the Commission dated this the Day of 29<sup>th</sup> August 2024**

**PRESENT:**

Thiru K.Venkatesan	....	Member
	and	
Thiru B.Mohan	....	Member (Legal)

**I.A.No.3 of 2024  
in  
D.R.P. No. 3 of 2024**

M/s. SEPC Power Private Limited	....	Applicant / Petitioner
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**Vs.**

Tamil Nadu Generation and Distribution Corporation Limited (TANGEDCO),	...	Respondent
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This application having come up for admission before the Commission on the 27<sup>th</sup> day of August 2024 in the presence of Ms.Gayatri Aryan, Advocate for the Petitioner; Thiru. Richardson Wilson, Advocate for the respondent and upon hearing the submissions made by both side counsel and on perusal of relevant material records and the matter having stood over for consideration till this date the Commission passes the following:

## ORDER

1. This is an application under Regulation 31 (2) r/w Regulation 49 of TNERC (Conduct of Business) Regulations 2004 for rectification of the typographical error in the final order dated 13.08.2024 passed by the Commission in D.R.P. No.3 of 2024.
2. The case of the petitioner in brief:-

The main petition D.R.P.No.3 of 2024 preferred by the petitioner seeking several reliefs was partly allowed by the Hon'ble Commission vide final order dated 13.08.2024. In the said final order in the title it is mentioned as **“Order of the Commission dated 13<sup>th</sup> July 2024”** instead of **“Order of the Commission dated 13<sup>th</sup> August 2024”**. Further in para 10 (a) the second period is mentioned as **“(ii) 28.03.2022 to 29.04.2023”**. In the final order in para 6.3, 6.15 and 6.16 the relevant period is specifically mentioned as **“From 28.03.2022 to 29.04.2022”**. As the above referred errors that have crept in the final order are typographical errors, the same have to be corrected in the interest of justice. Hence the application.

3. Both side arguments heard. Records perused. Application ordered to be admitted.
4. The learned counsel appearing for the respondent while fairly conceding that the errors pointed out by the petitioner are only minor typographical errors, submitted that the respondent has no serious objections for allowing the application.
5. On scanning the final order, which is the subject matter of the present application, it is seen that in the title of the order the date is mentioned as **“13<sup>th</sup> day of August 2024”** only and not as **“13<sup>th</sup> day of July 2024”** as claimed by the petitioner. Hence the question of rectifying the date of the order per se does not arise at all.
6. The other error pointed out by the petitioner is said to have occurred in para 10 (a) of the order dated 13.08.2024. According to the petitioner the second period is mentioned as **“(ii) 28.03.2022 to 29.04.2023”** instead of **“28.03.2022 to 29.04.2022”**. As rightly pointed out by the counsel for the petitioner in paras 6.3, 6.15 and 6.16 of the order, it is specifically mentioned that the second period relate to

28.03.2022 to 29.04.2022 only. But unfortunately in para 10(a) of the order the relevant period is mentioned as “(ii) **28.03.2022 to 29.04.2023**”. Thus it is evident that an error has crept in the order inadvertently by mentioning the later part of the date as “**29.04.2023**” instead of “**29.04.2022**” and the same is only a typographical error.

7. Sub-Regulation (2) of Regulation 31 of the TNERC (Conduct of Business) Regulations 2004 empowers the Commission to alter its order if any clerical or arithmetical errors have crept in the order from any oversight or omission. The power so vested with the Commission is analogous to the provisions of Sec.152 of the Code of Civil Procedure which empowers a Court to correct its judgments or decrees or orders at any time either on its own motion or on application of any of the parties in case of any clerical or arithmetical mistakes in the judgment or decree or orders arising from any accidental slip or omission.
8. The error that has crept in para 10 (a) of the order is proved to be an error arising out of accidental slip or omission and a mere typographical error. An act of Court shall prejudice none. Hence

this Commission decides that the error that has crept in para 10 (a) of the order has to be necessarily corrected in the interest of justice more so when no prejudice is likely to occur to the respondent by such correction.

9. In the result this application is partly allowed as hereunder.

(a) In para 10 (a) of the order dated 13.08.2024 substitute “(ii) **28.03.2022 to 29.04.2023**” with “**28.03.2022 to 29.04.2022**”.

(b) Necessary amendments in this regard ordered to be carried out in the original order.

(c) Since the date of the order is correctly mentioned as “**13<sup>th</sup> day of August 2024**” no amendment is required as prayed for by the petitioner.

(d) No order as to costs.

(Sd.....)  
Member (Legal)

(Sd.....)  
Member

//True copy//

Secretary  
Tamil Nadu Electricity  
Regulatory Commission