

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Review Petition No. 52/2010  
in Petition No. 149/2009**

**Coram**

- 1. Dr. Pramod Deo, Chairperson**
- 2. Shri S.Jayaraman, Member**
- 3. Shri V.S.Verma, Member**

**DATE OF HEARING: 27.7.2010**

**DATE OF ORDER: 2.8.2010**

**IN THE MATTER OF**

Petition for issuing orders to NTPC to submit the FERV computations for 2007-08 and 2008-09 as mentioned in the filings in I.A.No.35/2009 in Petition No. 149/2009 before the Hon'ble CERC in respect of Simhadri Power Project, Stage-I.

**AND IN THE MATTER OF**

1. Transmission Corporation of Andhra Pradesh, Hyderabad
2. A.P. Eastern Power Distribution Company Ltd., Visakhapatnam
3. A.P. Southern Power Distribution Company Ltd., Tirupathi
4. A. P. Northern Power Distribution Company Ltd., Warangal
5. A.P Central Power Distribution Company Ltd., Hyderabad .....**Petitioners**

Vs

NTPC Ltd, New Delhi

.....**Respondent**

**The following were present:**

1. Shri. B.Bhanu Prasad, APCC/APTRANSCO
2. Shri C. Mohan Chander, APCC/APTRANSCO

**ORDER**

This review petition has been filed by APCPDCL, for and on behalf of other petitioners, praying for the following relief(s):

*(a) To issue directions to respondent NTPC to submit detail computations of FERV for 2007-08 and 2008-09 to petitioner / Commission.*

*(b) To direct respondent to submit relevant reasons for non-furnishing of computations to petitioner on FERV impact of Rs 22810.93 lakh for 2008-09.*

*(c) To direct the petitioner to recover the entire amount along with simple interest rate, if any false claim is made.*

3. The representative of the petitioner has submitted that in respect of exclusion of FERV amount of ₹ 22972.73 lakh for the period 2007-09 allowed in order dated 8.1.2010, the petitioner had requested the respondent, NTPC to furnish detailed computation of the FERV amounts which has not been furnished. Accordingly, the petitioner has specifically prayed that the respondent may be directed to submit detailed computation of FERV for the period 2007-09.

4. Section 94 of the Electricity Act 2003 (the Act) provides that the Appropriate Commission shall, for the purposes of any inquiry or proceedings under the Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908 in respect of the matters specified in that Section. Sub-section 1(f) of Section 94 deals with review of decisions, directions and orders.

5. Order 47 Rule 1 of the Civil Procedure Code read with Section 94 of the Act, provides that any person feeling aggrieved by any order made by the Commission, may apply for review of the order under the following circumstances;

- (a) on discovery of new and important matter or evidence which after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was made, or
- (b) on account of a mistake or error apparent on the face of the record, or
- (c) for any other sufficient reasons.

6. We notice that the issues raised by the petitioner in the review petition do not fall within the scope of review as laid down under the provisions of law. We are, therefore, of the opinion that the review petition is not maintainable and is accordingly dismissed, at the admission stage. However, the petitioner is granted liberty to approach the Commission, through an appropriate application, which will be considered in accordance with law.

**Sd/-**  
**[V S VERMA]**  
**MEMBER**

**Sd/-**  
**[S.JAYARAMAN]**  
**MEMBER**

**Sd/-**  
**[DR.PRAMOD DEO]**  
**CHAIRPERSON**