

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 4/RP/2013

Subject: Review of order dated 25.3.2013 in Add Cap Petition No. 229/GT/2012 of TEESTA-V HE Project for the period 10.4.2008 to 31.3.2009.

Date of hearing: 23.7.2013

Coram: Shri V.S.Verma, Member
Shri M.Deena Dayalan, Member

Petitioner: NHPC Limited,

Respondents: WBSEDCL, DVC, JSEB, BSEB, Government of Sikkim, GRIDCO

Parties present: Shri Parag Saxena, NHPC
Shri S.K. Meena, NHPC
Shri R.B. Sharma, Advocate, GRIDCO & JSEB
Shri S.R.Sarangji, GRIDCO

Record of Proceedings

The petition was listed for hearing on the question of maintainability and the representative of the petitioner reiterated his submissions made during the last hearing.

2. In response, the learned counsel for the respondent, GRIDCO & JSEB pointed out to the reply made in the matter and made submissions as under:

- (i) The decisions of Commission as regards calculation of 'Interest on loan' in order dated 25.3.2013 is in accordance with the past principles and practices adopted by Commission in such cases.
- (ii) The scope and operation of the review petition should be limited to order dated 25.3.2013 and the reference dated 5.1.2010 in Petition No. 132 of 2009 is not acceptable as the petitioner has not filed any review or appeal against the said order dated 5.1.2010 and the same has attained finality.
- (iii) As regards 'interest on the difference in tariff', approved by order dated 25.3.2013 and 5.1.2010, the review petition is not maintainable since in the light of the observation of the Commission in its order dated 27.8.2007 in RP No. 70/2007. In accordance with this order the relief sort for by the petitioner and not expressly granted is deemed to have been refused.

- (iv) There is no error apparent on the face of the record as submitted by the petitioner. The error in judgment if any cannot be cured in the review petition.
 - (v) The review petition may accordingly be dismissed as non maintainable.
3. The representative of the petitioner prayed that it may be granted two weeks time to file its rejoinder for the reply of the respondent.
 4. The Commission accepted the prayer and directed the petitioner to file its rejoinder with copy to the respondents, on or before 12.8.2013.
 5. Subject to above, the Commission reserved its order in the petition.

By order of the Commission

Sd/-
(T. Rout)
Joint Chief (Law)