

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**I.A No. 98 of 2018**  
in  
**Petition No. 18/RP/2018**

**Coram:**

**Shri P.K. Pujari, Chairperson  
Dr. M.K. Iyer, Member**

**Date of Order: 31<sup>st</sup> December, 2018**

**In the matter of**

Interlocutory Application for stay of the Commission's order dated 29.1.2018 in  
Petition No. 168/MP/2017

**And**

**In the matter of**

Petition seeking review of the Commission's order dated 29.1.2018 in Petition No.  
168/MP/2017 for directions on CTU for grant of connectivity

**And**

**In the matter of**

West Bengal State Electricity Transmission Company Limited  
Vidyut Bhavan, Bidhan nagar, Block - DJ, Sector - II,  
Kolkata - 700 091

**..... Applicant /Petitioner**

**Vs**

1. India Power Corporation Limited  
D-2, 5th Floor, Southern Park  
Saket Place, Saket,  
New Delhi- 110017

2. Power Grid Corporation of India Limited  
"Saudamini", Plot No. 2, Sector-29,  
Gurgaon - 122001

3. Central Electricity Authority  
Sewa Bhawan, Sector-1, R.K. Puram,  
New Delhi- 110066

4. West Bengal State Electricity Distribution Company Ltd.  
Vidyut Bhavan, 7th Floor, Bidhan Nagar,  
Block-A, Sector- II, D J Block, Kolkata- 700091



5. West Bengal Electricity Regulatory Commission  
Poura Bhavan, 3rd Floor, Block-FD,  
415-A, Bidhan Nagar,  
Kolkata- 700106

..... Respondents/ Respondents

**Parties Present:**

Shri Diggaj Pathak, Advocate, WBSETCL  
Ms. Shweta Sharma, Advocate, WBSETCL  
Shri Buddy Ranganadhan, Advocate, IPCL  
Shri Hasan Murtaza, Advocate, IPCL  
Ms. Suparna Srivastava, Advocate, PGCIL  
Shri Tushar Mathur, Advocate, PGCIL  
Shri Swapnil Verma, PGCIL  
Shri Ranjeet S. Rajput, PGCIL  
Shri Anupam Kumar, PGCIL

**ORDER**

Petition No. 168/MP/2017 was filed by IPCL to (a) quash the impugned communication of PGCIL/CTU dated 24.5.2017 and (b) to direct the CTU to grant connectivity to IPCL in terms of the Commission's order dated 21.9.2012 in Petition No. 158/MP/2012. The Commission vide order dated 29.1.2018 set aside the letter of CTU dated 24.5.2017 and disposed of the said Petition directing the CTU to grant connectivity to IPCL.

2. Aggrieved by order dated 29.1.2018, the Petitioner, WBSETCL filed Petition No. 18/RP/2018 (review petition) with the following prayers:

*“(a) Allow oral hearing of the present Review Petition before deciding the present Review Petition;*

*(b) Consider the above mentioned submissions made by the Review Petitioner and review the order dated 29.1.2018 passed in Petition No. 168/MP/2017 to grant appropriate relief to the Review Petitioner;*

*(c) Direct IPCL to approach the WBERC and submit requisite details along with investment proposal;*

*(d) Direct IPCL to approach the Review Petitioner for getting its No-objection / recommendation on its connectivity application;*

*(e) To direct the CEA, the CTU-PGCIL to act as per manual on transmission planning of CEA in the matter of connectivity of a distribution licensee with inter-State network.”*



3. Interlocutory Application No. 42 of 2018 was also filed by WBSETCL seeking condonation of delay of 53 days in filing the said review petition. The Commission after hearing the parties on 23.10.2018 disposed of the said review petition on 3.12.2018, rejecting the prayer of WBSETCL for condonation of delay. The relevant portion of the said order is extracted hereunder:

*“27. It is evident in the present case that the circumstances leading to the delay in filing the Review Petition were all within the control of the Review Petitioner. However, the Review Petitioner has been casual and lackadaisical in its approach in pursuing the filing of the Review Petition. Based on the discussions in the aforesaid paragraphs, we are of the considered view that the Review Petitioner has not made out any sufficient cause for condonation of delay. Accordingly, the delay of 53 days in filing the Review Petition has not been condoned. IA No. 42/2018 is disallowed as above and consequently, the Review Petition stands rejected on the ground of limitation. We have not expressed any opinion on the merits of the Review Petition.”*

4. It is noticed that after orders were reserved in the review petition on 23.10.2018, but prior to its disposal, the Petitioner, WBSETCL has filed Interlocutory Application No. 98 of 2018 on 13.11.2018, praying for an ex-parte stay of the Commission’s order dated 29.1.2018 in Petition No. 168/MP/2017 on the ground that it has a good case on merits and that the review petition would be rendered *infructuous* if the Commission’s order is not stayed.

5. The IA 98/2018 was listed for hearing on admission on 18.12.2018. During the hearing, the learned counsel for the Respondent, IPCL submitted that the IA is not maintainable as the Commission has been rendered *functus officio* pursuant to the disposal of the review petition on 3.12.2018. The learned counsel for the Petitioner, WBSETCL submitted that since the Commission had disposed of the review petition by order dated 3.12.2018, permission may be granted to WBSETCL to withdraw the said IA. He also prayed for refund of the filing fees of Rs One lakh deposited towards filing the said IA or to be adjusted in future against any application to be filed by WBSETCL.



6. In view of the above submissions, the prayer of the Petitioner for withdrawal of the IA is allowed. Accordingly, IA No. 98 of 2018 is disposed of as withdrawn. The filing fee of Rs One lakh deposited by WBSETCL for this IA shall be adjusted against any application to be filed in future by WBSETCL, before this Commission.

**Sd/-**  
**(M.K.Iyer)**  
**Member**

**Sd/-**  
**(P.K.Pujari)**  
**Chairperson**

