

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 179/MP/2022

Subject : Petition under Section 79(1)(b) and Section 79(1)(f) of the Electricity Act, 2003 for recall of the order dated 21st February, 2022 passed by the Commission in Petition No. 250/MP/2019 along with IA No.3/2022.

Date of Hearing : 9.9.2022

Coram : Shri I. S. Jha, Member
Shri Arun Goyal, Member
Shri P. K. Singh, Member

Petitioner : Ravi Shanker Kapoor

Respondents : Gujarat Urja Vikas Nigam Limited and Ors.

Parties Present : Shri Sameer Chaudhary, Advocate for Petitioner
Shri Siddharth Tandon, Advocate for Petitioner

Record of Proceedings

The learned counsel for the Petitioner submitted that the present Petition has been filed seeking recall of the order dated 12.2.2022 passed by the Commission in Petition No. 250/MP/2019 along with IA No.3/2022. The learned counsel further referred to the Petition and *inter-alia* submitted as under:

- (a) The Petition No. 250/MP/2019 was filed by GUVNL for recall of the order dated 12.4.2019 passed by the Commission in Petition No. 374/MP/2018 granting approval to Supplementary Agreements dated 5.12.2018 and for declaring such Supplementary Agreements as void on account of the mistake as to the matter of fact between GUVNL and APMuL.
- (b) However, subsequently, GUVNL and APMuL jointly filed IA No.3/2022 apprising the Commission about having arrived at a settlement in regard to the subject matter of Curative Petition No.34 of 2020 pending before the Hon'ble Supreme Court and having agreed to disposal of the proceedings pending before the Hon'ble Supreme Court, APTEL and this Commission in terms of the Settlement Deed dated 3.1.2022.
- (c) However, the said Settlement Deed is without any regulatory approval and seeks to amend and alter the PPAs between the parties without following due procedure of law.
- (d) The order of the Hon'ble Supreme Court dated 8.2.2022 which disposed of the Curative Petition No. 34 of 2020 with an observation that the *inter se* relationship between the parties shall now govern by the Settlement Deed dated 3.1.2022, cannot be misconstrued that the Hon'ble Supreme Court has approved the said Settlement Deed or has directed this Commission to approve the said Settlement Deed in ignorance of the provisions of the law.

(e) The order dated 21.2.2022 which disposes of the Petition No. 250/MP/2019 on the basis of the said order dated 8.2.2022 of the Hon'ble Supreme Court and Settlement Deed as entered into between GUVNL and APMuL has been passed without hearing the Petitioner or any consumer groups and therefore, ought to be recalled.

2. In response to the observations of the Commission with regard to the *locus standi* of the Petitioner and APTEL's order dated 4.12.2020 in IA Nos. 1307 of 2019 and Ors., having already declined a leave to the Petitioner to file appeal against the Commission's order dated 12.4.2019 in Petition No.374/MP/2018 after having held that the Petitioner in neither a necessary nor a proper party, the learned counsel submitted that the present petition has been filed seeking recall of the Commission's order dated 21.2.2022 in Petition No. 250/MP/2019 and IA No. 3/2022 and does not pertain to the order passed by the Commission in Petition No. 374/MP/2018.

3. After hearing learned counsel for the Petitioner, the Commission directed the Petitioner to file brief written submissions (not exceeding three pages) on the maintainability of the Petition within two days.

4. Subject to the above, order was reserved on the 'maintainability' of the Petition.

By order of the Commission
SD/-
(T.D. Pant)
Joint Chief (Law)