

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Review Petition No. 24/RP/2021
in Petition No. 373/MP/2020**

Subject : Petition seeking review of order dated 20.8.2021 passed in Petition No. 373/MP/2020 under Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) (Amendment) Regulations, 2013.

Date of Hearing : 20.1.2022

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

Review Petitioner : M.P. Power Management Company Limited (MPPMCL)

Respondents : ACME Jaipur Solar Power Private Limited (AJSPPL) and 2 Ors.

Parties Present : Shri G. Umapathy, Sr. Advocate, MPPMCL
Ms. Pavitra Balakrishnan, Advocate, MPPMCL
Shri Rajnish Kumar Reja, MPPMCL
Shri Hemant Sahai, Advocate, AJSPPL
Shri Shreshth Sharma, Advocate, AJSPPL
Shri Nishant Talwar, Advocate, AJSPPL
Shri Avdesh Mandloi, Advocate, AJSPPL

Record of Proceedings

Case was called out for virtual hearing.

2. The learned senior counsel for Review Petitioner, MPPMCL submitted that the present Review Petition has been filed seeking review of the Commission's order dated 20.8.2021 in Petition No. 373/MP/2020 ('Impugned order'). The learned senior counsel further mainly submitted the following:

(a) Impugned order, which has been passed as a common order in Petition No. 536/MP/2020 and the other connected matters including the Petition No. 373/MP/2020, decided the matters primarily on the basis of the facts of Petition No. 536/MP/2020 filed by SECI, in particular for arriving at rate of interest on loan component @ 10.41%, and did not consider the reply and written submissions of MPPMCL.

(b) In the Impugned order, issue involved in Petition No. 373/MP/2020, which was based on settlement of claims in 13 years with annuity payment split on monthly basis with floating annuity rate average of last 6 months SBI MCLR (1 year tenure) plus 250 basis points, has not been considered.

(c) There was no justification for AJSPPL to seek 560 basis point as the loans taken are in range of 9.25-9.75% which is evident from the Lenders

Agreement which provides that interest upto COD is 9.75% and thereafter is 9.25%.

(d) Non-consideration of MPPMCL's reply and written submissions on the above aspects amounts to error apparent on the face of record.

3. The learned counsel for the Respondent, AJSPPL, while objecting to the present Review Petition, submitted that the points raised by the learned senior counsel for MPPMCL had already been considered by the Commission in the Impugned order. The learned counsel submitted that Impugned order did not require to deal with each and every contention made by the parties and that the overall findings of the Commission therein already deal with issues raised by MPPMCL. The learned counsel further submitted that it is a settled principle of law that a review petition cannot be allowed to be an appeal in disguise.

4. After hearing the learned senior counsel for MPPMCL and learned counsel for AJSPPL, the Commission reserved the order on 'admissibility' of the Review Petition.

By order of the Commission

**Sd/-
(T.D. Pant)
Joint Chief (Law)**