

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 21/RP/2024

Subject : Review of Order dated 5.4.2024 passed by this Commission in Petition No. 54/MP/2024 titled as 'Khandukhal Rampura Transmission Limited v. Central Transmission Utility of India Ltd & Ors.

Petitioner : Khandukhal Rampura Transmission Limited (KRTL)

Respondents : Central Transmission Utility of India Limited (CTUIL) and Ors.

Date of Hearing : **28.10.2024**

Coram : Shri Jishnu Barua, Chairperson
Shri Ramesh Babu V., Member
Shri Harish Dudani, Member

Parties Present : Ms. Abhiha Zaidi, Advocate, KRTL
Shri Anuj Bhave, Advocate, KRTL
Ms. Suriti Chowdhary, Advocate, KRTL
Shri Pritam Giriya, Advocate, KRTL
Shri Siddharth Sharma, CTUIL
Shri Akshayvat Kislay, CTUIL

Record of Proceedings

Learned counsel for the Petitioner submitted that the present Petition has been filed seeking a review of the Commission's order dated 5.4.2023 in Petition No.54/MP/2024, ('Impugned Order') which was filed by the Petitioner *inter alia* seeking the approval of Change in Law due to increase in the circle rate for Khandukhal and Rampura. Learned counsel submitted that the said Petition was heard on 5.3.2024 and was reserved for the order on the very same day. Subsequently, by Impugned Order, the Commission held that the said Petition was premature and that no view on the claimed Change in Law event could be taken at that stage, and accordingly, the said Petition was disposed of while granting the liberty to the Petitioner to approach the Commission seeking an appropriate Change in Law relief after the completion of the Project. However, at the same time, the Impugned Order observes, "*PTCUL has observed that MEIL has not deposited the amount in time. Due to a delay on the part of MEIL, new State Government Orders revising the circle rates upwards have come into force. Further, we also observe that Petitioner has not given any notice to the Nodal Agency under Article 12.3.1 of the TSA*". Learned counsel submitted that such observations by the Commission in the Impugned Order, without getting into the merits of the case, may severely prejudice the Petitioner and cause irreparable harm. Learned counsel added that since the matter was not heard on merits, the Petitioner herein did not have any opportunity to address these remarks and is, accordingly, seeking the expunging of such observations in the Impugned Order. In this regard, the reliance was also placed on the judgment of the Hon'ble Supreme Court in Dr. Dilip Kumar Deka and Anr. v. State of Assam and Anr., [(1996) 6 SCC 234]. Learned counsel also pointed out that despite notice, neither PTCUL was represented in Petition No. 54/MP/2024, nor was any reply filed by PTCUL in the said matter.

2. The representative of the Respondent, CTUIL, submitted that the Commission may take an appropriate view as may deemed fit.
3. Considering the submissions made by the learned counsel for the Review Petitioner and the representative of CTUIL, the Commission reserved the instant Petition for order.

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