

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Review Petition No. 17/RP/2023
in Petition No. 6/TT/2020**

Coram:

**Shri Jishnu Barua, Chairperson
Shri Arun Goyal, Member
Shri Ramesh Babu V., Member**

Date of Order: 04.07.2024

In the matter of:

Petition under Section 94(1) (f) of the Electricity Act, 2003 read with Regulations 17 and 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking review of order dated 24.2.2023 in Petition No. 6/TT/2020.

And in the matter of:

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

...Review Petitioner

Vs.

1. Rewa Ultra Mega Solar Limited,
Urja Bhawan, Link Road No 2,
Shivaji Nagar, Bhopal-462016.
2. Madhya Pradesh Power Management Company Limited,
Shakti Bhawan, Rampur,
Jabalpur-482008.
3. Madhya Pradesh Power Transmission Company Limited,
Shakti Bhawan, Rampur,
Jabalpur-482008.
4. Madhya Pradesh Audyogik Kendra Vikas Nigam (Indore) Limited,
3/ 54, Press Complex, Agra-Bombay Road,
Indore-452008.

5. Maharashtra State Electricity Distribution Company Limited,
Hongkong Bank Building,
3rd Floor, M.G. Road, Fort,
Mumbai-400001.
 6. Maharashtra State Electricity Transmission Company Limited,
Prakashganga, 6th Floor, Plot No. C-19, E-Block,
Bandra Kurla Complex, Bandra (East), Mumbai-400051.
 7. Gujarat Urja Vikas Nigam Limited,
Sardar Patel Vidyut Bhawan,
Race Course Road,
Vadodara-390007.
 8. Electricity Department, Government of Goa,
Vidyut Bhawan,
Near Mandvi Hotel,
Panaji, Goa-403001.
 9. Electricity Department,
Administration of Daman & Diu,
Daman-396210.
 10. DNH Power Distribution Corporation Limited,
Vidyut Bhawan, 66 kV Road, Near Secretariat Amla,
Silvassa-396230.
 11. Chhattisgarh State Power Transmission Company Limited,
Office of The Executive Director (C&P),
State Load Despatch Building, Dangania
Raipur-492013.
 12. Chhattisgarh State Power Distribution Company Limited,
P.O. Sunder Nagar, Dangania, Raipur,
Chhattisgarh-492013.
- ...Respondent(s)**

For Petitioner : Ms. Swapna Seshadri, Advocate, PGCIL
Shri Utkarsh Singh, Advocate, PGCIL
Shri Sneha Singh, Advocate, PGCIL
Shri Mohd. Mohsin, PGCIL
Shri Zafrul Hasan, PGCIL

For Respondents : Shri Aditya Singh, Advocate, RUMSL

ORDER

The Review Petitioner, Power Grid Corporation of India Limited, has filed the present Petition under Section 94(1)(f) of the Electricity Act, 2003, read with Regulations 17 and 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 seeking review of the Commission's order dated 24.2.2023 in Petition No. 6/TT/2020.

2. The Review Petitioner has made the following prayers in the Review Petition:

- “(i) Admit the review petition;*
- (ii) Review Para 34 (c) of the Order dated 24.02.2023;*
- (iii) Condone the non-condoned time over-run of 267 days of Asset-1, 350 days for Asset-2, 387 days for Asset-3, 465 for Asset-4 and capitalize the corresponding IDC and IEDC;*
- (iv) Pass such further order(s) has been fit and proper.”*

Background

3. The Commission, in its order dated 24.2.2023 in Petition No. 6/TT/2020 (impugned order), determined the transmission tariff with respect to the following four transmission assets of the Review Petitioner for the 2014-19 tariff period as per the Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2014 (hereinafter referred to as the '2014 Tariff Regulations'):

Asset 1: 1 No. 220 kV line bay for 220 kV Rewa Pooling - Ramnagar Circuit - 2 line and 1 No. 220 kV line bay for 220 kV Rewa Pooling – Barsaita Desh circuit 2 line at Rewa Pooling Station;

Asset 2: 1 No. 220 kV line bay for 220 kV Rewa Pooling - Ramnagar Circuit - 1 line at Rewa Pooling Station;

Asset 3 : 2 Nos. 220 kV line bays for 220 kV Rewa Pooling – Badwar Circuit- 1 and Circuit - 2 Line at Rewa Pooling Station; and

Asset-4: 1 No. 500 MVA, 400/220 kV ICT 3 along with associated 400 kV and 220 kV transformer bays at Rewa Pooling Station.

4. The Commission, in the impugned order, condoned the time over-run with respect to the transmission assets from the Scheduled COD to the re-scheduled COD, i.e., up to 31.10.2017, and that time over-run beyond the rescheduled date to the actual/deemed date(s) of commercial operation was not condoned observing that no valid reasons for time over-run were furnished by the Review Petitioner. The Review Petitioner has submitted that the documentary evidence and reasons for time over-run, i.e., matching the transmission assets with the generation of Rewa Ultra Mega Solar Limited (RUMSL), was submitted by it, and as such, the observation of the Commission in paragraph 34 (c), of the impugned order is erroneous which is required to be modified.

5. The Review Petitioner has mainly made the following submissions:

- a) The above-mentioned transmission assets i.e. Assets-1 to 4 were earlier a part of Asset-2 in Petition No.7/TT/2018. The Commission, in its order dated 5.11.2018 in Petition No. 7/TT/2018, directed the Review Petitioner to file a fresh Petition with respect to Asset-2. Accordingly, the Asset 2 was re-named as Assets-1 to 4 in Petition No. 6/TT/2020.
- b) As per the Investment Approval (IA) dated 12.1.2016, the Scheduled Commercial Operation Date (SCOD) of the transmission assets was 12.3.2017, against which Assets-1, 2 and 4 were declared under commercial operation on 25.7.2018, 16.10.2018 and 8.2.2019, respectively while the commercial operation date (COD) of Asset-3 was

claimed as 22.11.2018 under proviso (ii) to Regulation 4 (3) of the 2014 Tariff Regulations.

- c) The Commission, in the impugned order regarding time over-run, considered the plea of the Review Petitioner that after the grant of the Regulatory Approval, RUMSL, vide its letter dated 9.12.2016, informed the Review Petitioner to extend the SCOD of the transmission assets up to 31.10.2017, and as such the Review Petitioner rescheduled the COD of the transmission assets upto 31.10.2017. However, the Commission, in the impugned order in paragraph 34(c), did not condone the time over-run for the period between the revised SCOD, i.e., 31.10.2017 to the COD of Assets-1 to 4, observing that the Review Petitioner did not submit any letter for extension of the COD nor submitted any valid reasons for the time over-run.
- d) The observation of the Commission in paragraph 34 (c) of the impugned order is erroneous insofar as it concludes that for the time over-run beyond 31.10.2017, the Review Petitioner did not submit any letter for extension of COD nor submitted the valid reasons for the time over-run.
- e) The reasons for time over-runs given by the Review Petitioner were recorded by the Commission in paragraph 27 of the impugned order, particularly in paragraphs c-h. In the Original Petition, the Review Petitioner had filed various documents wherein RUMSL had requested for the delay in the commissioning of the Review Petitioner's assets

beyond October 2017, and a detailed account of those documents is narrated under paragraph 11 of the present Review Petition.

- f) Since the beginning when the construction of the transmission system for the proposed solar parks, including the Rewa Solar Park, which was assigned to the Review Petitioner, there was a mandate of the Ministry of Power in its letter dated 8.1.2015 to match its transmission system with the generation assets. This was the understanding of all the parties and was clearly recorded in the 38th SCM held on 17.7.2015 and was also noted by the Commission in paragraph 27 (a) of the impugned order.
- g) The Commission, in the Regulatory Approval order dated 24.11.2015 in Petition No. 228/MP/2015, observed that the transmission system shall keep pace with the progress of the generation projects. This aspect is also noted by the Commission in paragraph 27 (b) of the impugned order.
- h) The fact of the matter is that there is no artificial difference from 12.3.2017 to 31.10.2017 and the period beyond 31.10.2017 as has been recorded by the Commission in paragraph 34 of the impugned order. The reasons whether till 31.10.2017 or beyond 31.10.2017, had remained the same, namely, matching the transmission assets with the generation of RUMSL. Therefore, the impugned order is erroneous as no reasons or documentary evidence was submitted by the Review Petitioner beyond 31.10.2017.

- i) The observation recorded in paragraph 34 (c) is contrary to the facts and evidence recorded in paragraphs 27 (e), (f) and (g) of the impugned order. Assets-1 and 2, i.e., the 220 kV line bays for the 220 kV Rewa Pooling - Ramnagar circuit-2 line, were put into commercial operation on 25.7.2018 and 16.10.2018 along with the associated line. For Asset-3, the charging and deemed COD has been claimed w.e.f. 22.11.2018 under Regulation 4 (3) (ii) of the 2014 Tariff Regulations, which has also been permitted by the Commission in paragraphs 15 to 18 of the impugned order. Asset 4, which is an ICT, was put into commercial operation w.e.f. 8.2.2019 to ensure that the N-1 criteria are met for the transformers. This was also to cater to the actual power being generated and transmitted from the solar park. Having noted all these submissions, the finding arrived in paragraph 34 (c) of the impugned order cannot be sustained since the reasons, as well as the evidence, were before the Commission.
- j) RUMSL itself admitted that its generation had been delayed beyond 31.10.2017, and it went on revising its COD, which is apparent from its reply filed on 13.7.2020. In fact, RUMSL contended that it was affected by force majeure issues, which delayed its commissioning. Further, at Page Nos. 102-114 of the consolidated Pleadings, the Minutes of Meeting held on 27.2.2018 at WRLDC, POSOCO, Mumbai regarding Grid Integration of RUMSL, were also placed on record. In the said meeting, the Review Petitioner stated that all its bays were ready, but

RUMSL had given its schedule from 30.3.2018, 15.4.2018 and 30.4.2018. All these dates are beyond 31.10.2017.

- k) The Commission, on numerous occasions, has directed the Review Petitioner to match the bays with the associated transmission line and even shift the Review Petitioner's COD matching with the transmission line during the 2014-19 tariff period. In this regard, reliance has been placed on the Commission's orders dated 22.11.2017 and 19.9.2017 in Petition Nos. 208/TT/2016 and 233/TT/2016 respectively.
- l) As per the APTEL's judgment dated 27.10.2022 in Appeal No. 359 of 2019 in the matter of PGCIL v. CERC & Ors, the Commission should pass consistent orders in similar facts and situations.

6. The Review Petition was admitted on 5.7.2023, and notice was issued to the Respondents. Respondent No.1, RUMSL, vide affidavit dated 28.11.2023, has filed its reply to the Review Petition.

Hearing dated 29.5.2024

7. Since the order in the present Petition could not be issued prior to one Member of this Commission, who formed part of the Coram, demitting office, the Petition was reheard on 29.5.2024, and the Commission, based on the consent of the parties, reserved its order in the Petition.

8. Respondent No.1, RUMSL, vide its affidavit dated 28.11.2023, has made the following submissions:

- a) The Review Petitioner did not provide any document before the Commission showing that its transmission assets were ready on the SCOD, i.e., 12.3.2017 or 31.10.2017. The contention of the Review Petitioner that the COD was delayed to match the COD schedule of RUMSL is an afterthought.

- b) The impugned order has been passed by the Commission after appreciation of the material available on record. The Commission was aware of the RUMSL's letter dated 9.12.2016, which extended the COD of the transmission assets till 31.10.2017, and accordingly, the Commission condoned the delay.

- c) The Review Petitioner, under the guise of the present Review Petition is seeking re-hearing of the entire proceedings. The Review Petitioner has failed to show to the satisfaction of the Commission (i) the proof to the effect that after the exercise of due diligence some facts were not in its knowledge when the original order was passed, and (ii) the mistake or error apparent on the face of the record.

- d) With regard to paragraph 34 (c) of the impugned order, which split the period of time over-run from the SCOD, i.e., 12.3.2017 till 31.10.2017 and thereafter from 31.10.2017 to the actual COD for Asset-1 on 25.7.2018; for Asset-2 on 16.10.2018, for Asset-4 on 8.2.2019 and deemed COD of Asset-3 on 22.11.2018, is correct since the Review Petitioner did not submit any document for extension of COD. The entire pleadings of the

Review Petitioner do not show any communication that supports its case.

- e) The Commission, in the impugned order, has clearly recorded the various communications between parties and arrived at the finding that there is no documentary evidence to show that there were cogent reasons for the time over-run beyond 31.10.2017.
- f) The Review Petitioner has failed to substantiate that the transmission assets of the present petition were ready by 15.3.2017 or that the time over-run is attributable to RUMSL. Thus, the prayer of the Petitioner seeking condonation of the delay is liable to be rejected.

9. In response, the Review Petitioner has refuted the averments of RUMSL and reiterated the submissions made in the Review Petition.

Analysis and Decision

10. We have considered the submissions of the Review Petitioner as well as RUMSL and have gone through the record. Under Order XLVII Rule 1 of the Code of Civil Procedure, 1908, a person aggrieved by the order of a Court can file a review on the following grounds:

*“1. Application for review of judgment. (1) Any person considering himself aggrieved—
(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,
(b)
(c)
and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.”*

In light of the above provisions, we consider the issues raised in the present Review Petition for review of the impugned order.

11. The case of the Review Petitioner is that the reasons for time over-run were clearly recorded in paragraph 27 of the impugned order, particularly in paragraphs c-h. It is also the case of the Review Petitioner that the reasons for the time over-run, whether till 31.10.2017 or beyond 31.10.2017, had remained the same, i.e., matching of the transmission assets with the generation of RUMSL. The Review Petitioner has submitted that it was ready on 24.1.2018, but due to RUMSL, it had to delay its commissioning to match its transmission system with the generation of RUMSL. Thus, the observation of the Commission in the impugned order is incorrect in that all the documents were duly considered by it while condoning the delay.

12. *Per contra*, RUMSL has supported the Commission's order dated 24.2.2020 in Petition No. 6/TT/2020 and contended that no documentary evidence was placed on record by the Review Petitioner (except for the letter of RUMSL dated 9.12.2016 wherein it sought extension of the transmission system of the Review Petitioner till 31.10.2017) to show that RUMSL sought extension beyond 31.10.2017.

13. On perusal of paragraph 34 (c) of the impugned order, we note that as regards the time over-run beyond 31.10.2017, the Commission observed that the Review Petitioner neither submitted any letter for extension of COD nor submitted the valid reasons for the time over-run based on which it was concluded by the Commission not to condone the time over-run for the Assets-1 to 4 beyond the revised SCOD, i.e., 31.10.2017. The relevant extract of our order dated 24.2.2023 is as follows:

“c. As regards time over-run beyond 31.10.2017, the Petitioner has neither submitted any letter for extension of COD nor submitted the valid reasons for time over-run. Therefore, the time over-run for the period between the revised SCOD i.e. 31.10.2017 to COD of the Asset-1, Asset-2, Asset-3 and Asset-4 is not condoned. In view of the above, the time over-run condoned/ not condoned in case of the transmission assets is as follows:

Asset	COD	Time over-run	Time over-run condoned	Time over-run not condoned
Asset-1	25.7.2018 (Actual)	500 days	233 days	267 days
Asset-2	16.10.2018 (Actual)	583 days	233 days	350 days
Asset-3	22.11.2018*	620 days	233 days	387 days
Asset-4	8.2.2019 (Actual)	698 days	233 days	465 days

*considered/approved under proviso (ii) to Regulation 4(3) of the 2014 Tariff Regulations.”

14. It is pertinent to mention that the Commission, in paragraph 27 of the impugned order, has recorded the reasons for time over-run as submitted by the Review Petitioner in the Original Petition. Paragraph 27 of the impugned order is as follows:

“27. The reasons for time over-run as submitted by the Petitioner are as follows:

a. The Ministry of Power (MoP) assigned the Petitioner construction of transmission system for 9 solar parks to be set up in 7 States including Rewa Solar Park in Madhya Pradesh in compressed time schedule matching with the execution schedule of solar parks for evacuation of power. This was recorded in the 38th SCM held on 17.7.2015 as follows:

“27.4. POWERGRID informed that Ministry of Power, vide letter dated 8.1.15 assigned POWERGRID to take up the construction of transmission lines including pooling station from nine (9) solar parks being set up in seven(7) states including Rewa solar park in Madhya Pradesh on compressed time schedule. For evacuation of power from Rewa solar park, it is proposed to establish a 400/220 kV Pooling station at Rewa, with 3x500 MVA transformation capacity and its interconnection through LILO of 400 kV Vindhyachal-Jabalpur D/C line. Further, to address reactive power issues especially during low / no generation periods like in evening/night hours, 1x125 MVAR Bus reactor at 400kV Rewa Pool is proposed. Considering short gestation period of solar park, land has to be identified in contiguous to solar power park for development of Pooling Station & allotted to POWERGRID by Government of MP/Solar park developer to facilitate timely implementation of ISTS scheme matching with the commissioning schedule of solar parks.”

b. The regulatory approval for the transmission system was accorded by Commission vide order dated 24.11.2015 in Petition No. 228/MP/2015. The Commission in paragraph

17 of the said order dated 24.11.2015 observed that the transmission system is to be developed matching with the generation projects. The relevant portion of the order dated 24.11.2015 is as follows:

"In regard to development of transmission system matching with generation projects in the Solar Park at Rewa, CTU is directed to coordinate with the SPPD who is responsible for development of internal transmission system. CTU shall pace the development of transmission system matching with the progress of different phases of the Solar Park. We further direct the CTU to submit quarterly progress report as per Annexure to this order which shall also contain the status of execution of the transmission system for which regulatory approval has been accorded, the progress of solar based generation projects in the Solar Power Park and the internal transmission system within the solar park".

c. Accordingly, the Petitioner rescheduled the implementation of its transmission system matching with the revised timeline of commissioning schedule of associated generation as October 2017 as confirmed by RUMSL vide its letter dated 9.12.2016. Further, the commissioning schedule of generation was subsequently revised by RUMSL from November 2017 to February 2018 and subsequently from February, 2018 to April, 2018.

d. Further, RUMSL submitted the generation schedule as May, 2018 to in Petition No. 7/TT/2018. Subsequently, RUMSL started generation of power (first tranche) w.e.f. 5.7.2018 and accordingly the LILO of Vindhyachal-Jabalpur 400 kV 2nd D/C line (Ckt 3&4) along with 2 number of ICTs, bus reactor along with associated bays and 1 number 220 kV line bay at 400/220 kV Rewa Pooling Station had been charged and put under commercial operation w.e.f. 6.7.2018, which was covered in Petition No. 7/TT/2018, matching with commissioning of generation of RUMSL.

e. The Petitioner planned to execute the balance assets progressively matching with generation schedule of RUMSL and charged the transmission assets covered in the instant petition progressively. Asset-1 and Asset-2 i.e. 220 kV line bays meant for 220 kV Rewa Pooling - Ramnagar Ckt - 2 line at Rewa Pooling Station were put under commercial operation w.e.f. 25.7.2018 and 16.10.2018 respectively along with the associated line.

f. Asset-3 has been charged and put under commercial operation w.e.f. 22.11.2018 without the associated line which is executed by RUMSL and was delayed due to RoW issues. The Petitioner accordingly invoked proviso (ii) to Regulation 4(3) of the 2014 Tariff Regulations.

g. With the increase of generation of solar park, Asset-4 was put under commercial operation w.e.f. 8.2.2019 to cater the power generated by solar park for maintaining the N-1 criteria relating to transformer.

h. All efforts/ coordinations were made for execution of its transmission assets matching with generation of REWA. RUMSL has submitted the generation schedule as per the direction of the Commission. The Petitioner has also submitted the generation status of RUMSL. Accordingly, the Petitioner matched the execution of transmission assets and has requested to condone the delay."

15. On perusal of the above submissions of the Review Petitioner in the Original Petition, we do not find any material on record which corroborates the fact that RUMSL

had asked the Review Petitioner to re-schedule the COD of the transmission system of the Review Petitioner beyond 31.10.2017 (except for the RUMSL letter's dated 9.12.2016, written after the grant of the Regulatory Approval, informing the Review Petitioner that the SCOD of the transmission assets was required to be extended to 31.10.2017), in view of the fact that project timelines were revised and the power plant was to be connected with the Review Petitioner by October 2017. Therefore, connectivity and open access would be required by 31.10.2017.

16. Further, the Review Petitioner, in paragraph 11 of the Review Petition, has given details of certain documents with reference to the reasons for time over-run of delay in its transmission system and has submitted that the Commission did not consider the same, which constitutes an error apparent on the face of the record. Accordingly, the impugned order is liable to be reviewed and modified in terms of the provisions of Order XLVII Rule 1 of the Code of Civil Procedure, 1908.

17. We have considered the above submission of the Review Petitioner and confronted the documents mentioned under paragraph 11 of the Review Petition with the record of the Original Petition. On perusal of the said documents, we do not find anything on record that suggests that the Review Petitioner submitted any letter for extension of COD of the transmission system matching the commissioning schedule of RUMSL except for the letter dated 9.12.2016, which has already been referred above by us. The Review Petitioner has placed on record the copy of the Commission's order dated 24.11.2015 in Petition No. 228/MP/2015 to buttress its plea that regulatory approval granted to it mandated it to match its transmission system with the upcoming generation projects in the solar park. According to the Review

Petitioner, acting on the aforesaid mandate of the Commission, the Review Petitioner was ready on 24.1.2018, but due to RUMSL, it had to delay its commissioning to match the same with the generation of RUMSL. This, in our view, seems to be an afterthought to cover up for the period beyond 31.10.2017.

18. Further, the Commission, in its order dated 19.6.2024 in Petition No. 7/TT/2018 (remanded by the APTEL vide Order dated 14.3.2023 in Appeal No. 422 of 2019), with regard to the matching of the Review Petitioner's asset with the generation has observed as follows:

"28. As per the above RLDC charging certificates, it is observed that the Petitioner completed a successful trial operation on 27.3.2018 and 29.3.2018. However, the Petitioner has not claimed the COD of the transmission asset from the date of successful trial operation, i.e., 29.3.2018, but claimed the COD of the transmission asset matching with the generation and claimed as 6.7.2018.

29. Perusal of the CEA energisation certificates and RLDC charging certificates, as mentioned above, reveal that the transmission asset from 31.10.2017 to COD of the asset was not impacted by any force majeure events. Thus, the time over-run for the period between the revised SCOD, i.e., 31.10.2017, to the COD of the transmission asset/Asset-1, does not come within the purview of uncontrollable factors. Besides, the Petitioner has not claimed the COD of the transmission asset/Asset-1 under proviso (ii) to Regulation 4(3) of the 2014 Tariff Regulations as 31.01.2018 for the reasons best known to it. The condonation of time over-run of the transmission asset can be considered if it is impacted on account of Change in Law/Force Majeure events. Therefore, we are of the view that the Petitioner was not impacted by any Change in Law or Force Majeure events after 31.10.2017 till the COD of the transmission asset, i.e., 6.7.2018.

30. For the reasons mentioned above and after considering the submissions of the parties, we are not inclined to condone the time over-run from the revised SCOD of the transmission asset/Asset-1, i.e., 31.10.2017, to its COD. As discussed in para 17, the time period from 15.03.2017 to 31.10.2017 is condoned. Hence, the IDC and IEDC allowed for the period from the SCOD of the asset, i.e., 15.03.2017, to the revised SCOD of the transmission asset, i.e., 31.10.2017, are only allowed to be capitalized. It is observed that the Petitioner is yet to file a true-up of tariff for 2014 -19, and the Petitioner is hereby granted liberty to claim revision in capitalization of IDC and IEDC at the time of trueing up of tariff for 2014-19."

19. In the aforesaid order dated 19.6.2024 in Petition No. 7/TT/2018, the Commission

has concluded that the period after 31.10.2017 till the COD of the transmission asset, i.e., 6.7.2018 was not impacted by any Change in Law or Force Majeure events; therefore, the time over-run from the revised SCOD of the transmission asset i.e. 31.10.2017 to its COD was not condoned.

20. In view of the above discussions, we do not find any error apparent in the impugned order under the stated grounds. In the matter of Union of India v. Sandur Manganese and Iron Ores Limited & others {(2013) 8 SCC 337}, the Hon`ble Supreme Court held as under:

“23. It has been time and again held that the power of review jurisdiction can be exercised for the correction of a mistake and not to substitute a view. In Parsion Devi & Others Vs. Sumitri Devi & Others, this Court held as under:

9. Under Order 47 Rule 1 of CPC, a judgement may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be “reheard and corrected”. A review petition, it must be remembered has limited purpose and cannot be allowed to be “an appeal in disguise.”

21. Further, it is not the case of the Review Petitioner that there is the discovery of a new and important matter or evidence which was not in its power and possession at the time when the Commission passed the impugned order.

22. For the reasons mentioned above, we find that the issues raised by the Review Petitioner in the present Review Petition have already been considered by us in the Original Petition, and the Review Petitioner is re-agitating the same issues here once again in the Review Petition which is not permissible under Order XLVII Rule 1 of the Code of Civil Procedure, 1908. Accordingly, there are no merits in the submissions

of the Review Petitioner, and the same are rejected. The Review Petition No. 17 of 2023 is dismissed as being devoid of merits.

23. In view of the above discussions, Review Petition No. 17/RP/2023 is disposed of.

sd/-
(Ramesh Babu V.)
Member

sd/-
(Arun Goyal)
Member

sd/-
(Jishnu Barua)
Chairperson