

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

**Review Petition No. 18/RP/2018
in Petition No. 168/MP/2017**

Coram:

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

Date of Order: 17th September, 2024

In the matter of:

Petition for review under Section 94 (1) (f) of the Electricity Act, 2003 read with Order 47 Rule 1 of the Code of Civil Procedure, 1908 and Regulation 103 (1) of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999, seeking review of order dated 29.01.2018 passed in Petition No. 168/MP/2017.

And

In the matter of:

West Bengal State Electricity Transmission Company Limited, (WBSETCL)
Vidyut Bhavan, 8th Floor, Bidhannagar,
Block-A, Sector-II, DJ Block,
Kolkata-700091, West Bengal. **...Review Petitioner**

Versus

- 1. India Power Corporation Limited (IPCL),**
D-2,5th Floor, Southern Park,
Saket Place, Saket,
New Delhi-110017.
- 2. Power Grid Corporation of India (PGCIL),**
Saudamini, Plot No.2, Sector 29,
Near Iffco Chowk,
Gurgaon)-122001 (Haryana).
- 3. Central Electricity Authority (CEA),**
Sewa Bhawan, Rama Krishna Puram,
Sector-I, New Delhi-110066.
- 4. West Bengal State Electricity Distribution Company Limited (WBSEDCL),**
Vidyut Bhavan, 7th Floor, Bidhannagar,
Block-A, Sector-II, DJ Block,
Kolkata-700091, West Bengal.



5. West Bengal Electricity Regulatory Commission (WBERC),
Poura Bhavan (3 Rd Floor),
Block-FD, 415-A, Bidhannagar,
Kolkata-700106.

... Respondent(s)

Parties Present:

Ms. Shweta Sharma, Advocate, WBSETCL
Shri Buddy Ranganathan, Advocate, IPCL
Shri Hasan Murtaza, Advocate, IPCL
Shri Sameer Sharma, Advocate, IPCL
Ms. Shefali Tripathi, Advocate, IPCL

ORDER

The Petitioner, West Bengal State Electricity Distribution Company Limited (WBSETCL), had filed the present Review Petition against the Commission's order dated 29.1.2018 in Petition No. 168/MP/2017 with the following prayers:

- “(i) Admit the present Review Petition; and*
- (ii) Allow oral hearing of the present Review Petition before deciding the present review petition; and*
- (iii) Consider the above-mentioned submissions made by the Review Petitioner and review the Order dated 29.01.2018 passed in Petition No. 168/MP/2018 to grant appropriate relief to the Review Petitioner; and*
- (iv) Direct IPCL to approach the WBERC and submit requisite details along with investment proposal;*
- (v) Direct IPCL to approach the Review Petitioner for getting its No-objection/ recommendation on its Connectivity Application;*
- (vi) To direct the CEA, the CTU - PGCIL to act as per Manual on Transmission Planning Criteria of CEA in the matter of connectivity of a distribution licensee with inter-State network.*
- (vii) Pass any other or further Orders as this Hon'ble Commission may deem fit in the facts and circumstances of the present case.”*

2. The Commission vide order dated 29.1.2018 in Petition No. 168/MP/2017 {filed by India Power Corporation Limited (IPCL)} directed the Power Grid Corporation of



India (PGCIL) to grant ISTS connectivity to IPCL. The relevant portions of the order dated 29.1.20218 are extracted as under:

“The Petitioner is already connected to the ISTS as the transmission of DVC has been declared as ISTS. There is no reason, why the Petitioner should be disallowed to be connected to the ISTS of PGCIL.

22. In view of the above discussions, we set aside the letter of the CTU dated 24.5.2017 and direct the CTU to grant the Petitioner connectivity to the ISTS within two weeks of receipt of this order.”

3. Aggrieved by the said decision of the Commission, the Review Petitioner filed the Review Petition along with IA No. 42/2018. The Commission, after hearing the parties, vide order dated 3.12.2018 in IA No. 42/2018, did not condone the delay of 53 days in filing the instant Review Petition, and the Review Petition was rejected on the grounds of limitation. The Relevant portions of the said order dated 3.12.2018 are extracted as under:

“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. The said order was challenged by the Review Petitioner in the Appellate Tribunal for Electricity (APTEL). Vide judgment dated 15.12.2023 in Appeal No. 97/2019, the APTEL set aside the Commission’s order dated 3.12.2018 and condoned the delay in filing the Review Petition No. 18/RP/2018 before the Commission and remanded the matter back to the Commission to decide the Review Petition on merits.

5. Pursuant to the direction of the APTEL. The Review Petition was called out for the hearing on 9.9.2024. During the course of the hearing, the learned counsel for the



Review Petitioner sought permission to withdraw the instant Review Petition. In view of the submission of the learned counsel for the Petitioner, the Review Petitioner is permitted to withdraw the present Review Petition.

6. Accordingly, Review Petition No. 18/RP/2018 in Petition No. 168/MP/2017 is disposed of as withdrawn.

Sd/-
(Shri Harish Dudani)
Member

sd/-
(Shri Ramesh Babu V.)
Member

sd/-
(Jishnu Barua)
Chairperson

