

**Central Electricity Regulatory Commission
New Delhi**

**Review Petition No. 28/RP/2024
along with IA No. 81/2024**

Subject	:	Review Petition under Section 94(1)(f) of the Electricity Act, 2003 r/w 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 the order dated 8.2.2023 passed in Petition No. 255/TT/2021.
Date of Hearing	:	20.2.2025
Coram	:	Shri Jishnu Barua, Chairperson Shri Ramesh Babu V., Member Shri Harish Dudani, Member
Petitioner	:	West Bengal State Electricity Transmission Company Limited (WBSETCL)
Respondents	:	Power Grid Corporation of India Limited (PGCIL) and 6 Others
Parties Present	:	Shri. Buddy Ranganathan, Sr. Advocate, WBSETCL Ms. Shweta Sharma, Advocate, WBSETCL Shri Diggaj Pathak, Advocate, WBSETCL Ms. Vaibhavi Pathak, Advocate, WBSETCL Shri Arjun, PGCIL

Record of Proceedings

The learned senior counsel for the Review Petitioner submitted that the instant Review Petition had been filed seeking review of the order dated 8.2.2023 in Petition No. 255/TT/2021 along with Interlocutory Application (IA) No. 81/2024 for condonation of a delay of 472 days in filing the present Review Petition. He further submitted that, as per the available records, the notice in Petition No. 255/TT/2021 was duly served upon WBSETCL. However, due to an oversight, WBSETCL did not participate in the proceedings in Petition No. 255/TT/2021.

2. On the query of the Commission as to the maintainability of the present Review Petition, the learned senior counsel for the Review Petitioner placed reliance on the judgment of Hon'ble Supreme Court in the matter of Rabindra Singh v. Financial Commissioner, Cooperation, Punjab & Ors recorded in [(2008) 7 SCC 663], wherein it was observed that when an ex-parte order is passed, the available legal remedies to an aggrieved person are : (i) he can file an application for setting aside the ex-parte decree; (ii) file a suit stating that the service of notice was fraudulently suppressed; (iii) prefer an appeal, and (iv) file an application for review.



3. On the issue of an inordinate delay of 472 days in filing the present Review Petition, the learned senior counsel submitted that a liberal view is required to be taken in the matter due to an oversight in taking note of the e-mail by the concerned officer, which was unintentional.

4. As regards the errors apparent on record in the impugned order, the learned senior counsel submitted that firstly, there was no agreed implementation schedule between the Review Petitioner and PGCIL for the commissioning of the transmission assets, and secondly, the Commission erred in approving the COD as the last element of the ERSS-V scheme in the scope of work of PGCIL was commissioned by it on 16.7.2020 while the Commission approved the deemed COD of the transmission asset as 16.6.2019. Learned senior counsel further submitted that, admittedly, there was a mismatch between the transmission asset and the associated downstream transmission lines, which was on account of uncontrollable factors as contemplated under Regulation 22(2) of the 2019 Tariff Regulations based on which a delay of 1016 days was condoned in the commissioning of the transmission asset concerning PGCIL in the impugned order. Since the Review Petitioner did not appear before the Commission, its stand could not be placed on record in the course of passing the impugned order in Petition No. 255/TT/2021. According to the learned senior counsel, in these circumstances, the present Review Petition is maintainable.

5. Considering the submissions of the learned senior counsel for the Review Petitioner, the Commission directed as under:

a) Admit and issue notice to the Respondents on the Review Petition and Interlocutory Application for the condonation of delay, subject to the just exceptions; and

b) The Respondents to file their respective replies on merits on an affidavit within three weeks, with a copy to the Review Petitioner, who may file its rejoinder(s) within two weeks thereafter.

6. The Review Petition, along with the IA, will be listed for the hearing on **15.4.2025**.

By order of the Commission

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

