

THE JHARKHAND STATE ELECTRICITY REGULATORY COMMISSION,
RANCHI

Case No. 09 of 2017

IN THE MATTER OF: An application for reviewing the Final Order dated 16.05.2017 on True Up for the Financial Year 2014-15 in case No. 06 & 11 of 2016.

AND

IN THE MATTER OF :

M/s Inland Power Limited (IPL) Petitioner

Versus

Jharkhand Bijli Vitran Nigam Limited (JBVNL)..... Respondents

P R E S E N T

Hon'ble Dr. Arbind Prasad, Chairperson

Hon'ble Mr. R.N.Singh, Member

Dated: 17th October, 2017

For the Petitioner : Mr. N.K.Pasari, Ms Ranjana Mukherjee and Mr. Raj Kumar Gupta, Advocates

For the Respondents: Mr. Amitabh and Mr. Amit Sinha, Advocates

ORDER

M/s Inland Power Limited is a generating company located in the State of Jharkhand. Jharkhand State Electricity Regulatory Commission (JSERC) vide order dated 16.05.2017 tried up Annual Revenue Requirement for the financial year 2014-15 in case No. 06 & 11 of 2016.

The review petition has been filed on 06.07.2017 under section 94 (1) (f) of the Electricity Act, 2003 read with Chapter V, A41 of JSERC (Conduct of Business) Regulation, 2016 for review of the above mentioned True up for the Annual Revenue Requirement for the FY 2014-15.

The petitioner mentioned in Para 4 about the delay of 25 days in filing the review petition, but no prayer for condonation of delay was made.

The Para 4 of the petition is reproduced below:

“ Limitation:

4. That the instant review petition is being filed beyond the limitation period of 30 days prescribed by this Hon’ble Commission from the date of order being 16.05.2017, inasmuch as the defect/mistake in the final order on True Up for the Financial Year 2014-15 was detected, in the last week of June, 2017 and as such there is a delay of almost 25 days, in filing the present Review Petition”.

Subsequently , on 18.09.2017, a petition for condonation of delay was filed. The petition was heard on 19.09.2017 on the point of limitation and admissionability.

The petitioner has submitted that it has filed no appeal, and the Commission has power to hear review petition as provided in Section 114 of Civil Procedure Code the Section is reproduced below:

“114. Review – Subject as aforesaid, any person considering himself aggrieved-

- a) by a decree or order from which an appeal is allowed by this Code, but from which no appeal has been preferred,
- b) by a decree or order from which no appeal is allowed by this Code or
- c) by a decision on a reference from a Court of Small Causes, may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit.”

On the point of delay, only submission is that the claimed defect/mistake in the final order on True up for the Financial Year 2014-15 was detected in the last week of June, 2017. There is no doubt about that the Commission can review its order. However, the petition has to be filed on time.

We feel that no adequate justifications have been made for entertaining the review petition beyond the prescribed time limit. As such the petition for review is rejected.

Since we did not hear the petition on the merit, we are making no observation on it.

With this the case is disposed off at no cost.

Sd/-
Member (Engg.)

Sd/-
Chairperson