Court-II

Before the Appellate Tribunal for Electricity, New Delhi
(Appellate Jurisdiction)

Review Petition No.12 of 2016 in Appeal No.25 of 2014

Dated : 22nd July, 2016

Present : Hon'ble Mr. Justice Surendra Kumar, Judicial Member
Hon'ble Mr. I. J. Kapoor, Technical Member

In the matter of:

Sasa Sterlite Ltd. ... Appellant(s)/Review Petitioner
Versus
Odisha Electricity Regulatory Commission & Ors. ...Respondent(s)

Counsel for the Appellant : Ms. Poonam Verma and Mr. Akshat Jain

Counsel for the Respondent(s) : Mr. Rutwik Panda, Mr. G.Umapathy and Ms. Anshu Malik for R.1, OERC

Mr. R.K.Mehta, Mr. Abhishek Upadhyaya and Ms Himanshi Andley for GRIDCO, R.2

ORDER

Review Petition No.12 of 2016 in Appeal No.25 of 2014 has been filed by the appellant/Review Petitioner on the following grounds:

(a) That delivery point explicitly stated in the PPA has been ignored while dictating the judgment in appeal
(b) Coal cost issue though was framed but not decided in the judgment under review
(c) Claims on station heat rate and auxiliary consumption were framed as issues but not considered in the judgment under review.

We have heard the parties at length and perused the judgment on the said points on which review is being sought.

Mr. R. K. Mehta, learned counsel for the respondent/GRIDCO, while opposing the Review Petition submits that all these points have been considered and decided in the judgment under review by this Appellate

Tribunal and it is not open to this Appellate Tribunal to reconsider and decide the same. We have also gone through our judgment under review and find that all the points were considered by us in the said judgment and no new point has been raised in the Review Petition. A clear finding on the delivery point and also on coal cost issue have been given and in these circumstances the Review Petition is not maintainable being without merits and the same is being accordingly ***dismissed***.

(I. J. Kapoor)
Technical Member

(Justice Surendra Kumar)
Judicial Member

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