

**Appellate Tribunal for Electricity**  
**(Appellate Jurisdiction)**

**R.P. No. 15 of 2015 in Appeal No. 318 of 2013**

**Dated: 23<sup>rd</sup> April , 2015**

**Present: Hon'ble Mrs. Justice Ranjana P. Desai, Chairperson**  
**Hon'ble Mr. Rakesh Nath, Technical Member**

**In the matter of:**

**Himachal Pradesh Electricity Regulatory  
Commission,  
Keonthal Commercial Complex,  
Khalini, Shimla-171 002**

**... Review Petitioner**

**Versus**

**1. Batot Hydro Power Limited  
214, Empire House,  
Dr. DN Road, A.K. Nayak Marg,  
Fort, Mumbai-400 001**

**...Respondent(s)**

**2. Himachal Pradesh State Electricity Board Limited,  
Vidyut Bhawan, Kumar House,  
Shimla-171 004**

**Counsel for the Review Petitioner(s): Mr. Pradeep Mishra**

**Counsel for the Respondent(s):**

**Ms. Swapna Seshadri for R-1**  
**Ms. Suparna Srivastava for R-2**

**ORDER**

The State Commission has sought review of the impugned judgment dated 30.11.2014 on the ground that the project was allocated to the Respondent No.1/Appellant as per the State Government Policy of 2000 and therefore the tariff as fixed by the State Government under the Policy of 2000 has to be applicable to the Appellant. If the Appellant is allowed the tariff as per the impugned judgment of the Tribunal it will be discriminatory as a number of projects which were allotted under the State Government Policy wherein the tariff has been fixed at Rs.2.50 per unit. The Clause 4 of the condition of approval by the State Commission by order dated 15.07.2006 was an apparent error which was rightly rectified by the State Commission. Further, the order passed by the State Commission was in the interest of consumers of Himachal Pradesh and redetermination of tariff of the Appellant will be discriminatory qua other developers.

2. We have heard Shri Pradeep Misra, Learned Counsel for the Review Petitioner, Ms. Suparna Srivastava, Learned Counsel for the Respondent No.2 and Ms. Swapna Seshadri, Learned Counsel for the

- Respondent No.1. Learned Counsel for Respondent No.2 has supported the contentions of the Review Petitioner.
3. No error apparent on the face of record or new facts or sufficient reasons have been pointed out in the Review Petition. No case is made out for a review under the order 47 Rule (1) of Code of Civil Procedure 1908. Therefore, we do not find any reason to review the impugned judgment.
  4. Accordingly, the Review Petition is dismissed.
  5. Pronounced in the open court on this 23<sup>rd</sup> day of April, 2015.

**(Rakesh Nath)**  
**Technical Member**

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**REPORTABLE/NON-REPORTABLE**

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**(Justice Ranjana P. Desai)**  
**Chairperson**