

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

Review Petition No.11 of 2015 in
Appeal No. 142 and 145 of 2014

Dated: 9th March, 2015

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

In the matter of:

**The Chief Engineer/PPP
Tamil Nadu Electricity Board
6th Floor, Eastern Wing 144,
Anna Salai Chennai-600002**

**.... Review Petitioner/
Respondent(s)**

Versus

**M/s. OPG Power Generation Pvt. Ltd.
No.6 Sardar Patel Road, Guindy,
Chennai-600032**

**.... Respondent(s)/
Appellant(s)**

Counsel for the Review Petitioner:

Mr. S.Vallinayagam

Order

Rakesh Nath, Technical Member

This Review Petition has been filed by Tamil Nadu Electricity Board being aggrieved by the common judgment of this Tribunal in Appeal No.142 and 145 of 2014 dated 29.11.2014 by which the Tribunal set

aside introduction of Grid Facilitation Factor for calculation of tariff for infirm power by the State Commission.

2. The review of the judgment has been sought by the Petitioner on the following grounds:

- a) The Tribunal's judgment does not discuss any of the finding of the State Commission relating to the introduction of the Grid Facilitation Factor before holding that the same is not in consonance with the Regulations.
- b) The State Commission issued its order under the inherent power of Regulations 89 & 90 of the Tariff Regulations, 2005 and non-quoting of the regulation 90 relating to the power of the Commission to vary/amend any of the provisions of the Regulations alone can not take away the inherent power of the State Commission provided under the Regulations.
- c) The State Commission has notified draft Regulation amending the tariff Regulation wherein the formula introducing "Grid Facilitation Factor" was specifically put on the website of the State Commission on 08.11.2013.
- d) The Tribunal has also neither upheld nor rejected findings of the State Commission regarding Grid Facilitation Factor.

- e) The rate calculated on the basis of the judgment under review is much higher than the cap rate fixed by the Central Commission for purchase of infirm power from thermal plants using domestic coal/lignite.
3. We have heard Shri S. Vallinayagam, Learned Counsel for the Review Petitioner.
4. The Review Petitioner has not pointed out any error apparent on the face of the record or discovery of new or important matter or any other sufficient reasons for review of the Tribunal's Judgment dated 29.11.2014. We find that the Review Petitioner is seeking reconsideration of the matter in the guise of a Review Petition. The Tribunal has considered the reasons given by the State Commission in the impugned order for introduction of Grid Facilitation Factor. The Tribunal has given a reasoned order for setting aside the introduction of Grid Facilitation Factor for calculation of tariff which was not found in consonance with the Regulations.
5. In view of above, the Review Petition is dismissed as devoid of any merit.

6. Pronounced in the open court on this 9th day of March, 2015.

(Rakesh Nath)
Technical Member

(Justice Ranjana P. Desai)
Chairperson

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REPORTABLE/NON-REPORTABLE

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