

Appellate Tribunal for Electricity
(Appellate Jurisdiction)

Review Petition No. 1 of 2011 in
Appeal No. 24 of 2010

Dated: 26th August, 2011

Present: Hon'ble Mr. Justice M. Karpaga Vinayagam,
Chairperson
Hon'ble Mr. Rakesh Nath, Technical Member

In the matter of

**Madhya Pradesh Power
Generating Company Ltd.
Shakti Bhawan, Vidyut Nagar
Rampur, Jabalpur-482008**

...Appellant/Review Petitioner

Versus

- 1. Madhya Pradesh State Electricity
Regulatory Commission
4th & 5th floor, Metro Plaza
E-5, Area Colony
Bittan Market
Bhopal-462016**
- 2. Madhya Pradesh Trading Co. Ltd.
Shakti Bhawan
Vidyut Nagar
Rampur, Jabalpur-482008**
- 3. Madhya Pradesh Poorv Kshetra
Vidyut Vitaran Company Ltd.
Block No. 7, Shakti Bhawan
Rampur, Jabalpur-482008**

4. **Madhya Pradesh Madhya Kshetra
Vidyhut Vitaran Company Ltd.
Bijti Nagar Colony
Nishtha Parisar
Govindpura Bhopal-462023**
 5. **Madhya Pradesh Paschim Kshetra
Vidyut Vitaran Company Ltd.
GPH Campus Polo Ground
Indore-452015**
 6. **Madhya Pradesh Power Transmission
Company Ltd.
Shakti Bhawsan, Block No. 3
Rampur, Jabalpur-482008**
 7. **Madhya Pradesh State Electricity Board
Shakti Bhawan, Vidyut Nagar
Rampur, Jabalpur-482008**
-Respondents**

Counsel for Appellant(s):

Mr. M.G. Ramachandran
Ms. Sneha Venkataramani

Counsel for Respondent(s):

Ms. Surbhi Sharma

ORDER

Per Hon'ble Shri Rakesh Nath, Technical Member:

1. This Review Petition has been filed by Madhya Pradesh Power Generating Company Ltd. against the judgment dated 21.4.2011 of this Tribunal in Appeal No. 24 of 2010 relating to truing up of the finances of the Petitioner/Appellant for the FY 2006-07.

2. In this Review Petition the Petitioner/Appellant has raised the following issues:

- a) The calculation of coal consumption and the cost of coal on Gross Calorific Value instead of Net Calorific Value as claimed by the Review Petitioner/ Appellant;
- b) Disallowance of employees cost commonly incurred by the Madhya Pradesh State Electricity Board.

3. The learned counsel for the Review Petitioner/ Appellant has made detailed submissions to emphasize that if the decision of the Tribunal to maintain Gross Calorific Value as per the Tariff Regulations, 2005 is to be applied at the time of truing up for determination of quantum of coal, it would be necessary to apply the difference between Gross

Calorific Value and Net Calorific Value of approximately 180-200 kCal/kg. in the Calorific Value for determining the quantum of coal and cost of coal. He referred to the Tariff Regulations, Tariff Order dated 7.3.2006 of the State Commission and the Judgment of the Tribunal dated 21.4.2011 to press the point regarding adjustment for difference between Gross Calorific Value and Net Calorific Value. He further argued that the Tribunal has failed to consider the fact of statutory Notification dated 3.6.2006 issued subsequent to the Tariff Order dated 7.3.2006 relating to transfer of employees, before rejecting the claim of the common expenses of MPSEB.

4. We have examined the matter. We find that the Petitioner/Appellant has been making all the submissions which were made in the main Appeal and the Petitioner wants us to review the impugned

judgment on merits, which is not permissible in the Review Petition.

5. We do not find any error apparent on the face of the record and therefore, there is no reason for reviewing our judgment dated 21.04.2011.

6. Accordingly, the Review Petition is dismissed, without any cost.

7. Pronounced in the open court on this **26th day of August, 2011.**

(Rakesh Nath)
Technical Member

(Justice M. Karpaga Vinayagam)
Chairperson

REPORTABLE / NON-REPORTABLE

vs