

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

**R.P. No. 13 of 2013 in
Appeal No. 216 of 2013**

Dated: 29th November, 2014

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

In the matter of:

1. **Chhattisgarh State Power Distribution Co. Limited,
Vidyut Seva Bhavan, PO Sunder Nagar,
Danganiya, Raipur-492 013
Chhattisgarh** ... **Review Petitioner/
Appellant**
- Versus**
1. **Chhattisgarh State Electricity Regulatory Commission,
Irrigation Colony, Shanti Nagar,
Raipur-492 001,
Chhattisgarh.**
2. **Jindal Power Limited,
Tamnar -496 107,
District Raigarh,
Chhattisgarh**
3. **M/s. Jindal Steel & Power Limited,
OP Jindal Marg, Hissar-125 005,
Haryana** ... **Respondents**

Counsel for Review Petitioner/
Appellant

:

Ms. Suparana Srivastaga
Mr. A. Bhatnagar (Rep.)

Counsel for the Respondent(s):

Mr. M.G. Ramachandran,
Ms. Suman Ahsan
Mr. Shikhar Srivastava for R-2

ORDER

RAKESH NATH, TECHNICAL MEMBER

This Review Petition has been filed by Chhattisgarh State Power Distribution Co. Ltd. against the judgment of this Tribunal dated 30th June, 2014 in Appeal No. 216 of 2013 and 262 of 2013 in which the Tribunal held that the Review Petitioner/Appellant is liable to pay transmission charges for use of transmission system of M/s. JSPL, a Transmission Licensee for the period 20.6.2008 to 9.3.2009.

2. According to the Petitioner/Appellant, an error has been occurred on account of two factual events which have escaped the attention of the Tribunal as under:

(i) Order dated 4.4.2009 of the State Commission approving the terms and conditions of power procurement as between the Petitioner and the Respondent no. 2 under Section 86(1)(b) of the Electricity Act, 2003.

(ii) Third Supplementary Agreement dated 21.4.2009 entered into between the Petitioner/Appellant and Respondent no. 2 after due approval of the State Commission under Order dated 4.4.2009.

3. We have heard the learned counsel for the parties.

4. Ms. Suparna Srivastava, learned counsel for the Petitioner/Appellant stated that the order dated 4.4.2009 and the Supplementary Agreement dated 21.4.2009 has not been considered in arriving at the finding. She, herefore, prayed for review of the judgment. She also made submissions on the merits of the case.

5. We have considered the submissions made by the Review Petitioner.

6. This Tribunal has expressly rejected the arguments of the Review Petitioner/Appellant on the ground that

the Power Purchase Agreement did not contemplate payment of transmission charges. This aspect has been dealt with in the paragraphs 47 to 61 of the judgment.

7. We find that the Review petitioner is raising issues on merit which is not permissible to be considered in the Review Petition.

8. We do not find any error apparent on the face of the record. Accordingly, the Review Petition is dismissed.

9. Pronounced in the open court on this
29th day of November, 2014.

**(Rakesh Nath)
Technical Member**

**(Justice M. Karpaga Vinayagam)
Chairperson**

Reportable/Non-Reportable

vs