

**MADHYA PRADESH ELECTRICITY REGULATORY COMMISSION
BHOPAL**

Sub: In the matter of Review petition under Section 94(1)(f) of the Electricity Act, 2003 against Commission's order dated 23.08.2017 in Petition No. 35 of 2016.

Review Petition No. 66 of 2017

ORDER

(Date of Motion Hearing: 24th April' 2018)

(Date of Order: 25th April' 2018)

M.P. Power Management Company Ltd.,

Shakti Bhawan, Rampur, Jabalpur – 482008 (M.P.)

- **Petitioner**

V/s.

1. M/s. PTC India Ltd.
2nd Floor, NBCC Tower, 15,
Bhikaji Cama Place, New Delhi – 110 006

2. M/s. LANCO Amarkantak Power Ltd.
Lanco House, Plot No. 397, Udyog Vihar,
Phase-III, Gurgaon- 122 016 (Haryana)

- **Respondents**

Shri Alok Shankar, Advocate and Shri D.K. Shrivastava, AGM appeared on behalf of petitioner.

M.P. Power Management Company Ltd. filed the subject review petition on 22.12.2017 under Section 94(1)(f) of the Electricity Act, 2003 for review of Commission's order dated 23rd August' 2017 in Petition No. 35 of 2016. The review petitioner had also filed an Interlocutory Application (IA) for condonation of delay in filing the subject petition. The delay in filing the subject petition was condoned vide Commission's order dated 25th January' 2018 and the IA was disposed of.

2. The first motion hearing in the subject review petition was held on 13th March' 2018 wherein the Counsel authorized on documents by the review petitioner had sought adjournment in the matter. Therefore, the subject petition was again fixed for motion hearing on 24th April' 2018.

3. During the course of next hearing held on 24th April'2018, another Counsel appeared on behalf of the review petitioner and has sought two weeks' time to amend the subject petition on the grounds of seeking review of the Commission's order.

4. On going through the status of subject review petition, the Commission has noted that the subject review petition was filed on 22nd December' 2017 and the review petitioner is now seeking amendment in the subject review petition, after a period of about 120 days from the date of filing, particularly on the grounds made for review in the present petition. It appears from the aforesaid approach that the review petitioner is not serious in pursuing the subject review petition and causing unreasonable delay in disposal of the petition.

5. Further, in accordance with Rule 1 Order 47 of the Code of Civil Procedure (CPC), a person aggrieved by an order may apply for a review under the following circumstances:

- a. On discovery of new and important matter or evidence which after exercise of due diligence was not within his knowledge or could not be produced by him at a time when the order was made;
- b. An error apparent on the face of the record;
- c. For any other sufficient reason.

6. However, on examination of contents in the present petition, it has been observed that the issues raised by the review petitioner in the present petition do not fall under any of the above-mentioned circumstances articulated in Rule 1 Order 47 of CPC for review in the instant case.

7. In view of the above, the Commission is not inclined to keep the subject review petition pending in present circumstances. Hence, the subject petition is disposed of.

(Anil Kumar Jha)
Member

(Mukul Dhariwal)
Member

(Dr. Dev Raj Birdi)
Chairman