

Sub: In the matter of petition seeking review of MPERC's order dated 21.06.2017 in P.No. 04/2017

ORDER

(Date of hearing: 26th September, 2017)

(Date of order: 6th October,2017)

M/s SAS Hydel Projects Pvt. Ltd.,
New No. 25 (Old No. 10),
Sir Madhavan Nair Road,
Mahalingapuram, Nugambakkam,
Chennai- 600 034

- Petitioner

Shri E.A. Qureshi, Advocate appeared on behalf of the petitioner.

2. The petitioner, M/s SAS Hydel Projects Pvt. Ltd. has filed this petition seeking review of the order dated 21.06.2017 in Petition No. 04/2017 passed by the Commission. In its petition, the petitioner has prayed as under:

“In the interest of justice, the petition be allowed and the order dated 21.06.17 be modified setting aside/withdrawing the observations made in para 4(i) of the order under review as well as would be pleased to take up immediate determination of Multi-year tariff covering at least period of three years. The Hon'ble Commission would also be pleased to issue appropriate command to NRED, re-fixing COD treating 30.03.15 i.e. date of execution of HPDA, as base date for determination of COD as per State Policy and the petitioner be also permitted benefit of extended period of COD notionally from the date, the 40 month permissible period for commissioning stood expired after the date of execution of HPDA.”

3. The case was listed for motion hearing on 22.08.2017. During the motion hearing, none appeared before the Commission on behalf of the petitioner. The Commission allowed one more opportunity to the petitioner to attend the hearing and the next date of motion hearing was fixed for 26.09.2017.

4. During the motion hearing on 26.09.2017, the Counsel appeared before the Commission on behalf of the petitioner stated that the concerned advocate could not attend the hearing due to ill health.

5. Having noted that none appeared before the Commission on behalf of the petitioner to plead the matter, the Commission has considered the written submissions made by the petitioner. The Commission has noted that the generic tariff issued on 14.05.2013 is fairly applicable to all Small Hydro power projects commissioned/shall commission during the control period from 14.05.2013 to 31.03.2018. The aforesaid tariff order was issued based

Sub: In the matter of petition seeking review of MPERC's order dated 21.06.2017 in P.No. 04/2017

on multi year tariff principles in terms of the Section 61 of the Electricity Act, 2003. The orders for extension of control period for one year from time to time were issued with all other terms and conditions of the tariff order dated 14.05.2013 remained unchanged. The tariff indicated in the tariff order is subject to the policy guidelines on free electricity and additional free electricity to be provided by the developer to the State Government.

6. The Commission has further noted that the petitioner has filed this petition for review of the para 4(i) of the order dated 21.06.2017 passed by the Commission in Petition No. 04/2017. In accordance with the 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 the time when the order was passed or;
- (b) on account of an error apparent on the face of the record or;
- (c) for any other sufficient reason.

7. On considering the written submissions of the petitioner, the Commission has noted that the petitioner could not establish any of the aforesaid grounds of review in its petition. As such, the review petition no. 30/2017 is not maintainable and is dismissed.

Ordered accordingly.

(Alok Gupta)
Member

(A.B.Bajpai)
Member

(Dr. Dev Raj Birdi)
Chairman