

Before the Karnataka Electricity Regulatory Commission, Bangalore

Dated this the 7th day of November, 2003

Present

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| 1. Sri. Philipose Matthai | - | Chairman |
| 2. Sri. H.S. Subramanya | - | Member |
| 3. Sri. S.D.Ukkali | - | Member |

CaseNo.RP- 06/2003

Between

Convenor,
Mysore Grahakara Parishat,
6/1, Vivekananda Road,
Yadavagiri,
MYSORE-570 020

Petitioner

and

Managing Director,
KPTCL,
Cauvery Bhavan,
Bangalore-2

Respondent
(By Sri S.S.Nagananda, Adv.)

The petitioner, in this case, is seeking review of common order passed by the Commission, in case No. R/08/0 and OP No.07/02 dated 10th April 2003. In the earlier case, the respondent had sought approval of the Commission for the draft PPA between Karnataka Power Corporation Ltd., and KPTCL in respect of 290 MW Almatti Dam Power House. The petitioner was one of the objectors to this PPA. The Commission had considered the objections in a public hearing. The petitioner had remained absent and was placed as ex-parte and the impugned order was passed in which the objections of the petitioner were rejected.

2. The Respondent has put in appearance and opposed the petition. Both the petitioner and the respondent have chosen to file their written arguments. We have carefully considered the written submissions made before us. Order 47 Rule 1 of the Civil Procedure Code prescribes the following conditions precedent to any party invoking the power of review:

(a) there must be discovery of new and important matter or evidence which after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the order was made;

(b) or on account of some mistake or error apparent on the face of the record;

(c) or for any other sufficient reason.

The plain reading of the averments of the review petition and the written submission of the petitioner, shows that there is no discovery of any new and important matter or evidence that could not be produced by the petitioner at the time when the order was made. What is being urged before us, is the same objections the petitioner had raised earlier and rejected by the Commission after consideration. The petitioner has elaborately dealt with the merits of his contentions, which have already been rejected after due consideration and they need not be considered once again in a review petition. There is no sufficient reason for reviewing the Commission's order.

3. Since the review petition does not satisfy any of the ingredients of Order 47 Rule 1 of the CPC, we have no hesitation in dismissing the petition before us.

4. **Petition dismissed.** Ordered accordingly.

(Philipose Matthai)

(H.S.Subramanya)

(S.D.Ukkali)

