

BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION BANGALORE

Dated 22nd December 2011

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| 1. Sri M.R. Sreenivasa Murthy | Chairman |
| 2. Sri Vishvanath Hiremath | Member |
| 3. Sri K. Srinivasa Rao | Member |

No. RP 02/2011

BETWEEN

M/s. AMR Power Private Limited
701, Prestige Meridian 2
No.30, M.G. Road
BANGALORE – 560 025
(Represented by M/s. Indus Law Advocates) ... Petitioner

AND

1. M/s. Karnataka Power Transmission Corporation Limited
Kaveri Bhavan, Kempegowda Road
BANGALORE – 560 009
2. M/s. Mangalore Electricity Supply Company Limited
1st Floor, Paradigm Plaza, A.B. Shetty Circle
MANGALORE – 575 001
3. Karnataka Load Dispatch Centre
Karnataka Power Transmission Corporation Limited
28, Race Course Road
BANGALORE – 560 001
4. State Power Procurement Coordination Committee
Kaveri Bhavan
BANGALORE – 560 009
(Represented by Just Law Advocates) ... Respondents

1. This review petition is filed by M/s. AMR Power Private Limited seeking review of the Commission's Order dated 23.12.2010 in OP No. 28/2009.

2. In support of its review petition, it is submitted that the interconnection approval which should have been obtained within six months from the date of signing of the PPA was not obtained within the said date and therefore independent

of the conduct of the parties the PPA came to an end once the deadline is not met. It is also contended that the Commission while passing the order, has not considered the additional charges incurred by the review petitioner on account of damage to the project caused by the flash floods in the River Netravati. In support of this contention, the judgment of the Hon'ble Supreme Court AIR 1954 SC Page 44 has been relied upon. The petitioner has further contended that while passing the Order, the Commission has not taken into consideration the enhancement of the capacity of the project made subsequent to signing of the PPA and has also not considered the alternative prayer made by the petitioner.

3. It is well settled law that under the review jurisdiction a court can neither allow the parties to reopen the case nor can reappreciate the facts already considered. The review is permissible only on limited grounds as specified under Order XLVII Rule (1) of CPC.

4. We have gone through the review petition and the grounds urged therein. We do not find any new ground or material which has not been considered by this Commission while passing its Order dated 23.12.2010. This Commission has considered all the contentions of the petitioner including the ones mentioned in this petition and has passed a considered order while holding that the PPA has not become void and still subsists and binds the parties. This Commission has also considered the alternative prayer and has issued appropriate orders thereon. Thus, the contention that the alternative prayer was not considered is also untenable.

5. Therefore, in our considered opinion, this Review Petition deserves to be rejected. Accordingly the Review Petition stands dismissed.

Sd/-

Sd/-

Sd/-

(M.R. SREENIVASA MURTHY)
CHAIRMAN

(VISHVANATH HIREMETH)
MEMBER

(K. SRINIVASA RAO)
MEMBER