

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 03/2011

BETWEEN

M/s. Sagar Power (Neerukatte) Pvt. Ltd.

Registered Office

2nd Floor, Venkatadri Complex

83, Richmond Road

BANGALORE – 560 025

(Represented by M/s. Indus Law, Advocates)

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Petitioner

AND

1. M/s. Karnataka Power Transmission Corporation Limited
Kaveri Bhavan, Kempegowda Road
BANGALORE – 560 09

2. M/s. Mangalore Electricity Supply Company Limited
1st Floor, Paradigm Plaza, A.B. Shetty Circle
MANGALORE – 575 001

3. Karnataka Load Despatch Centre
Karnataka Power Transmission Corporation Limited
28, Race Course Road
BANGALORE – 560 001

4. State Power Procurement Coordination Committee
Kaveri Bhavan
GULBARGA – 585 1091

(Represented by M/s. Just Law, Advocates - for R1 & R2) ..

Respondents

1. This review petition is filed by M/s. Sagar Power (Neerukatte) Private Limited seeking review of the Commission's Order dated 23.12.2010 in OP No. 24/2009.

2. In the Review Petition, it is urged that the PPA was got signed by Respondent No.2 by suppressing the fact that the maximum stipulated quantum of 10% from Renewable Sources of Energy had already been reached. Further, it is urged that this Commission had rejected the PPA in view of Respondent No.2 crossing the

upper limit of 10%. Therefore, the PPA had become void and is not binding on the parties. It is also contended that the Commission while passing the order, has not considered the additional costs incurred by the review petitioner on account of damage to the project caused by the flash floods in the River Netravati. The Review Petitioner has further tried to re-argue the case.

2. It is well settled law that the Review Petition is not, and should not, be an attempt for re-hearing the case on merits. In a Review Petition, the Petitioner cannot be permitted to re-argue the very same contentions. The Court can neither allow the parties to reopen the case, nor re-appropriate the facts already considered. The review is permissible only on limited grounds as specified under Order XLVII Rule (1) of CPC.

3. 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.

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

Sd/-
(M.R. SREENIVASA MURTHY)
CHAIRMAN

Sd/-
(VISHVANATH HIREMETH)
MEMBER

Sd/-
(K. SRINIVASA RAO)
MEMBER