

No. N/71/11

**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION
BANGALORE**

Dated : 17th May, 2012

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

RP No.8/2011

BETWEEN

Mangalore Electricity Supply Company Ltd.
5th Floor, Paradigm Plaza, A.B. Shetty Circle
MANGALORE – 575 001
[Represented by M/s. Just Law, Advocates]

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Petitioner

AND

Nil

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Respondent

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1. This Review Petition is filed by the Mangalore Electricity Supply Company Limited (MESCOM) on 26.7.2011 seeking review of the Tariff Order passed by this Commission on 7.12.2010, with an Application dated 5.9.2011 for condonation of delay.

2. We have gone through the Application filed by the Petitioner for condonation of delay in filing the Review Petition. In the said Application, it is stated by the Petitioner that after perusing the Tariff Order passed by the Commission on 7.12.2010 pertaining to the Petitioner-Company and after considering the matter at length, the Petitioner-Company took a decision in the month of February, 2011 to seek reconsideration of certain

aspects of the said Tariff Order and pursuant to the same the Petitioner-Company decided to seek legal advice; that the Petitioner's Counsel sought additional material to consider the issue during March, 2011, which was furnished by the Petitioner to its Counsel during the last week of March, 2011. It is further stated in the Application that upon receipt of the legal opinion from the Petitioner's Counsel, the Petitioner-Company took a decision in a meeting held in April, 2011 to file a Review Petition for redetermination of wheeling charges and cross-subsidy charges, that during May, 2011, the Petitioner instructed its Counsel to draft a Review Petition and the same was prepared and sent to the Petitioner-Company in the last week of May, 2011. Further, the draft of the Review Petition was approved with some charges on 19.7.2011 and upon receipt of the all the details and instructions from the Petitioner, the Counsel for the Petitioner has filed the present Review Petition on 26.7.2011.

3. Under Section 94 of the Electricity Act, 2003, this Commission has been conferred with the powers of review as available to a Civil Court under the Code of Civil Procedure. Further, as per Schedule to Article 124 of the Limitation Act, 1963, a Review Petition has to be filed for review of the Judgment of a Court, other than the Hon'ble Supreme Court, only within 30 (thirty) days. Admittedly, the present Review Petition has been filed much beyond 30 (thirty) days from the date of the Order to be reviewed has been passed.

4. The application filed for condonation of delay in filing the Review Petition, in our view, does not give any satisfactory explanation for the delay that has been caused in filing the Review Petition. The reasons stated therein are all general in nature. Therefore, we decline to condone the delay.

Accordingly, this Review Petition is liable to be rejected only on the ground of limitation and accordingly the same stands rejected.

Sd/-	Sd/-	Sd/-
(M.R.SREENIVASA MURTHY)	(VISHVANATH HIREMATH)	(K.SRINIVASA RAO)
CHAIRMAN	MEMBER	MEMBER