

**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION,
BENGALURU**

Dated : 10th August, 2017

Present:

Shri M.K. Shankaralinge Gowda	..	Chairman
Shri H.D. Arun Kumar	..	Member
Shri D.B. Manival Raju	..	Member

RP No.8/ 2016

BETWEEN:

Hare Krishna Metalics Private Limited,
T-11/12, Jairam Complex, 2nd Phase, 3rd Floor,
Panaji-403 001.

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PETITIONER

[Petitioner is represented by Srinivas & Badri Counsels, Advocates]

AND:

- 1) The Additional Chief Secretary to
Government of Karnataka,
Department of Energy,
Room No. 236, 2nd Floor,
Vikas Soudha, Dr. B.R. Ambedkar Veedhi,
Bangalore – 560 001.
- 2) Bangalore Electricity Supply Company Limited,
K.R. Circle,
Bangalore – 560 001.
- 3) Chamundeswari Electricity Supply Corporation Ltd,
No.29, Kaveri Grameena Bank Road,
Vijayanagar, 2nd Stage,
Mysuru- 570 019.

R.P. Nos. 8/2016, 9/2016, 10/2016, 11/2016, 12/2016 and 13/2016.

- 4) Mangalore Electricity Supply Company Limited,
MESCOM Bhavana,
Kavoor Cross Road,
Bejai,
Mangaluru – 575 004.
- 5) Gulbarga Electricity Supply Company Ltd,
Station Road,
Kalaburagi – 585 101.
- 6) Hubli Electricity Supply Company Ltd,
P.B. Road,
Navanagar,
Hubballi – 580 025.

.. **RESPONDENTS**

*[Respondents 1,2,3 and 5 are represented by M/s Justlaw, Advocates,
Respondent 6 is represented by Indus Law, Advocates]*

RP No. 9/2016

BETWEEN:

Janki Corp Limited,
Mandpia Choraha, Chittor Road,
Bhilwara - 311 001.

.. **PETITIONER**

[Petitioner is represented by Srinivas & Badri Counsels, Advocates]

AND:

- 2) The Additional Chief Secretary to
Government of Karnataka,
Department of Energy,
Room No. 236, 2nd Floor,
Vikas Soudha, Dr. B.R. Ambedkar Veedhi,
Bangalore – 560 001.
- 2) Bangalore Electricity Supply Company Limited,
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Bangalore – 560 001.

R.P. Nos. 8/2016, 9/2016, 10/2016, 11/2016, 12/2016 and 13/2016.

- 3) Chamundeswari Electricity Supply Corporation Ltd,
No.29, Kaveri Grameena Bank Road,
Vijayanagar, 2nd Stage,
Mysuru- 570 019.
- 4) Mangalore Electricity Supply Company Limited,
MESCOM Bhavana,
Kavoor Cross Road,
Bejai,
Mangaluru – 575 004.
- 5) Gulbarga Electricity Supply Company Ltd,
Station Road,
Kalaburagi – 585 101.
- 6) Hubli Electricity Supply Company Ltd,
P.B. Road,
Navanagar,
Hubballi – 580 025.

.. **RESPONDENTS**

*[Respondents 1,2,3 and 5 are represented by M/s Justlaw, Advocates,
Respondent 6 is represented by Indus Law, Advocates]*

RP No. 10/2016

BETWEEN:

Agarwal Sponge and Energy Pvt Ltd.,
15-1-52/1, "Jagadish Nivas" 1st Floor,
Old Feelknana,
Hyderabad-500 012.

.. **PETITIONER**

[Petitioner is represented by Srinivas & Badri Counsels, Advocates]

AND:

- 1) The Additional Chief Secretary to
Government of Karnataka,
Department of Energy,
Room No. 236, 2nd Floor,
Vikas Soudha, Dr. B.R. Ambedkar Veedhi,
Bangalore – 560 001.

R.P. Nos. 8/2016, 9/2016, 10/2016, 11/2016, 12/2016 and 13/2016.

- 2) Bangalore Electricity Supply Company Limited,
K.R. Circle,
Bangalore – 560 001.
- 3) Chamundeswari Electricity Supply Corporation Ltd,
No.29, Kaveri Grameena Bank Road,
Vijayanagar, 2nd Stage,
Mysuru- 570 019.
- 4) Mangalore Electricity Supply Company Limited,
MESCOM Bhavana,
Kavoor Cross Road,
Bejai,
Mangaluru – 575 004.
- 5) Gulbarga Electricity Supply Company Ltd,
Station Road,
Kalaburagi – 585 101.
- 6) Hubli Electricity Supply Company Ltd,
P.B. Road,
Navanagar,
Hubballi – 580 025.

.. **RESPONDENTS**

*[Respondents 1,2,3 and 5 are represented by M/s Justlaw, Advocates,
Respondent 6 is represented by Indus Law, Advocates]*

RP No. 11/2016

BETWEEN:

ILC Iron and Steel Private Limited,
C 30, Industrial Estate, Dam Road
Hospet, Karnataka

.. **PETITIONER**

[Petitioner is represented by Srinivas & Badri Counsels, Advocates]

AND

- 1) The Additional Chief Secretary to
Government of Karnataka,
Department of Energy,
Room No. 236, 2nd Floor,
Vikas Soudha, Dr. B.R. Ambedkar Veedhi,
Bangalore – 560 001.
- 2) Bangalore Electricity Supply Company Limited,
K.R. Circle,
Bangalore – 560 001.
- 3) Chamundeswari Electricity Supply Corporation Ltd,
No.29, Kaveri Grammeena Bank Road,
Vijayanagar, 2nd Stage,
Mysuru- 570 019.
- 4) Mangalore Electricity Supply Company Limited,
MESCOM Bhavana,
Kavoor Cross Road,
Bejai,
Mangaluru – 575 004.
- 5) Gulbarga Electricity Supply Company Ltd,
Station Road,
Kalaburagi – 585 101.
- 6) Hubli Electricity Supply Company Ltd,
P.B. Road,
Navanagar,
Hubballi – 580 025.

.. **RESPONDENTS**

*[Respondents 1,2,3 and 5 are represented by M/s Justlaw, Advocates,
Respondent 6 is represented by Indus Law, Advocates]*

RP No. 12/2016**BETWEEN:**

Dhruvdesh Metasteel Private Limited,
No 372, Nilay,
RT Nagar Main Road,
RT Nagar, Bengaluru.

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PETITIONER

[Petitioner is represented by Srinivas & Badri Counsels, Advocates]

AND :

- 1) The Additional Chief Secretary to
Government of Karnataka,
Department of Energy,
Room No. 236, 2nd Floor,
Vikas Soudha, Dr. B.R. Ambedkar Veedhi,
Bangalore – 560 001.
- 2) Bangalore Electricity Supply Company Limited,
K.R. Circle,
Bangalore – 560 001.
- 3) Chamundeswari Electricity Supply Corporation Ltd,
No.29, Kaveri Grameena Bank Road,
Vijayanagar, 2nd Stage,
Mysuru- 570 019.
- 4) Mangalore Electricity Supply Company Limited,
MESCOM Bhavana,
Kavoor Cross Road,
Bejai,
Mangaluru – 575 004.
- 5) Gulbarga Electricity Supply Company Ltd,
Station Road,
Kalaburagi – 585 101.
- 6) Hubli Electricity Supply Company Ltd,
P.B. Road,
Navanagar,
Hubballi – 580 025.

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RESPONDENTS

*[Respondents 1,2,3 and 5 are represented by M/s Justlaw, Advocates,
Respondent 6 is represented by Indus Law, Advocates]*

RP No.13/2016**BETWEEN:**

Basai Steels and Power Private Limited,
A-23/5 and 6, APIE,
Balanagar Main Road
Hyderabad- 500 037.

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PETITIONER

[Petitioner is represented by Srinivas & Badri Counsels, Advocates]

AND

- 1) The Additional Chief Secretary to
Government of Karnataka,
Department of Energy,
Room No. 236, 2nd Floor,
Vikas Soudha, Dr. B.R. Ambedkar Veedhi,
Bangalore – 560 001.
- 2) Bangalore Electricity Supply Company Limited,
K.R. Circle,
Bangalore – 560 001.
- 3) Chamundeswari Electricity Supply Corporation Ltd,
No.29, Kaveri Grameena Bank Road,
Vijayanagar, 2nd Stage,
Mysuru- 570 019.
- 4) Mangalore Electricity Supply Company Limited,
MESCOM Bhavana,
Kavoor Cross Road,
Bejai,
Mangaluru – 575 004.
- 5) Gulbarga Electricity Supply Company Ltd,
Station Road,
Kalaburagi – 585 101.
- 6) Hubli Electricity Supply Company Ltd,
P.B. Road,
Navanagar,
Hubballi – 580 025.

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RESPONDENTS

*[Respondents 1,2,3 and 5 are represented by M/s Justlaw, Advocates,
Respondent 6 is represented by Indus Law, Advocates]*

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COMMON ORDER

- 1) This Common Order is being passed in the above-mentioned Review Petitions, as they are similar in nature.
- 2) In these Review Petitions filed under Section 94(1)(f) read with Section 11(2) of the Electricity Act, 2003, the Petitioners have mainly sought, review of the Commission's Order dated 18-08-2016 passed in OP Nos. 33/2015, 41/2015, 34/2016, 35/2016 and 36/2016; fixation of a tariff of Rs.5.40 per unit in RP No.8/2016, RP No.11/2016 and RP No.12/2016, Rs.5.08 per unit in RP No.9/2016 and RP No. 13/2016 and Rs.5.44 per unit in RP 10/2016 towards electricity supplied during 16-09-2015 to 31-05-2016 when Section 11 of the Act was invoked by the State Government; issue of direction to Respondents 2 and 6 to pay surcharge for delayed payments; and also issue of direction to the Respondents to refund the demand charges and excess energy charges for import energy.
- 3) The facts leading to issue of the Orders by this Commission in OP No 33/2015 and others may be stated as under:

Due to severe deficit of electricity in the State of Karnataka, the Government in exercise of its powers under Section 11 of the Electricity Act, 2003 (hereinafter referred to as the Act), issued Government Order No. EN 11 PPT 2015 dated 16.09.2015, directing all generators within the State of Karnataka to operate and maintain their generating stations to the

maximum exportable capacity and to supply the entire exportable electricity generated to the State Grid. For the electricity so supplied, the Government of Karnataka had fixed a provisional tariff of Rs.5.08 per unit, subject to determination of final tariff by this Commission. The said Order remained in force till 30.5.2016. Accordingly, the Respondents being the distribution Licensees in the state had filed Petitions numbered as OP 33/2015, OP 41/2015, OP 34/2016, OP 35/2016 and OP 36/2016 before this Commission, seeking determination of the tariff payable by them for the electricity supplied by the generators in accordance with the said Government Order dated 16.09.2015. This Commission, after hearing the Respondents 2 to 6, some of the current petitioners and holding a public hearing, vide its Order dated 18.08.2016, directed that all the generators who have supplied power in terms of the said Government Order shall be paid at the rate of Rs.4.67 per kWhr during September, 2015 to May, 2016.

- 4) The submission of the Petitioners in support of their prayer, in their petitions and pleadings may be summed up as follows:
 - (a) That the Order dated 18.08.2016 passed in OP. Nos.33/2015, 41/2015, 34/2016, 35/2016 and 36/2016 requires a review, since the Petitioners were not arrayed as parties and did not receive any notice concerning the said petitions. That they were not afforded an opportunity to present themselves before the Commission. That even those Petitioners who responded to the public notice issued by the Commission regarding the above Petitions filed

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by the distribution licensees, did not avail the services of a legal practitioner to put forth their contentions. That though they had provided data regarding adverse financial impact of the Order issued under Section 11 of the Act, the Commission has not considered such data.

- (b) That the Commission in the Order dated 18.08.2016 while holding that Respondent Nos. 2 to 6 have not furnished any source-wise power supply details or data for fixation of power supply tariff has concluded that the source of power may not be relevant in fixing a tariff and fixing a rate, which is generally applicable to all the generators, would be adequate. That the Commission also found that some of the Petitioners have not furnished cost data to demonstrate that they would incur loss by supplying power under Section 11 of the Act. That this approach of taking into account the cost of production and thereafter reducing the tariff already fixed by the State Government is contrary to the provisions of Section 11(2) of the Electricity Act, 2003.
- (c) That the fact that, in view of invocation of Section 11(1) of the Act, the right of supply of electricity is curtailed and therefore the adverse financial impact caused to the Petitioners ought to be offset under Section 11(2) of the Act have not been taken into consideration. That similarly, the fact that adverse financial impact would, under normal circumstances mean that the electricity supplied to the Government would not fetch the Petitioner the same amount as their supply to customers and thus make the generating

companies to suffer losses has also not been taken into account. That the purpose of Section 11(2) of the Act is to compensate the generators who would be supplying power to the State during the period of invocation of Section 11(1) of the Act and the word 'compensation' is defined as 'equivalent in money for a loss sustained'. That the Hon'ble High Court of Karnataka in the case of GMR Energy Limited, Bangalore v Government of Karnataka and Others, reported in 2010(3) Kar. L.J. 432(DB) has categorically held that:

"What is intended is, appropriate compensation as a consequence of non-commercial supply as considered appropriate".

- (d) That though in the Government Order 16.9.2015, the Respondent Nos. 2 to 6 were directed to approach the Commission, within 15 days from the date of the said Order, they approached the Commission after a lapse of two months, without furnishing the source-wise power supply details. That the Commission ought to have directed the Respondents to furnish the source-wise power supply details for effective and accurate adjudication. That moreover, as indicated by their pleadings the Respondents had sought for an approval of the rate already fixed by the Government, and they were not keen on any reduction. That therefore, there having been no proper data provided by the Electricity Supply Companies and no directions by the Commission to the Respondents for providing such data, the Commission ought to review its Order.

- (e) That the fixation of tariffs under Section 11(2) of the Act is entirely different from the tariff fixation under Sections 62 and 64. That therefore the question of fixing tariffs under Sections 62 and 64 ought to be reviewed.
- (f) That there was no legal impediment for the Commission, more so under Section 11(2), for the fixation of tariff, independently to each and every generating company on a case to case basis, looking into the adverse financial impact caused to individual generating companies. That the Petitioners have foregone their contractual obligations or commercial opportunity to supply electricity and have proceeded to supply electricity to the Respondents 2 to 6 under Section 11(1) of the Act. That the mandate of Section 11(2) of the Act would clearly indicate that the cost of production is wholly irrelevant for the purpose of tariff fixation under the said provision. That therefore, the most appropriate action that could have been taken, in so far as the Petitioners are concerned, was to fix a tariff of Rs.5.40 (contracted Price) in RP 8/2016, RP 10/16, RP 11/16 and RP 12/16; Rs.5.08 (contracted price) in RP 9/16; and Rs.5.08 (expected price) in RP 13/16, which Petitioners would have got but for the imposition of Section 11 of the Act, so as to offset the adverse financial impact.
- (g) That the Petitioners who were having subsisting Power Purchase Agreements should not have been brought under the Orders issued under Section 11 of the Act and there would be adverse financial impact on them if they are

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paid amounts less than the amounts mentioned in the Power Purchase Agreement.

- (h) That the review petitions are maintainable in view of the judgments of the Hon'ble Supreme Court in the cases reported in (2005) 13 SCC 289 and (2001) 8 SCC 537.
- 5) The Respondents through their counsel have entered their appearance and in their Statements of Objections and subsequent pleadings have countered the grounds raised in the Petition. Their defence in brief is that,
- (a) The review petitions are not maintainable as the Petitioners have not pointed out any error apparent on the face of the record but are questioning the impugned order on merits. The grounds urged by the Petitioners are beyond the scope of a review Petition. What is sought is a rehearing on the same issues raised earlier and is an appeal in disguise.
 - (b) The Petitioners in RP 8, 11 and 12/16 had participated in the proceedings leading to the issue of the impugned order and they having been heard in the original proceedings cannot seek review of the Order without even having ever pleaded any error apparent on the face of the records. The other Petitioners chose not to participate in such proceedings and therefore cannot seek review of the Order.

- (c) The legal position regarding the scope and nature of the power of review is well settled and no case has been made out for the Commission to invoke such power by the Petitioners.

- (d) The impugned order has been passed after detailed hearing including a public hearing of all the stake holders as required under the Commission's Regulations. The determination of tariff for supply of electricity under Section 11 of the Act is not in the nature of adversarial litigation and therefore the Petitioners contention that they were not arrayed as parties is not tenable especially when a few chose to participate and others did not.

- (e) Out of sixty-two generators who supplied energy to the ESCOMs under Section 11(1) of the Act, only four generators had submitted that they were selling power at a higher rate than the provisional rate offered in the Government Order under Section 11. These four generators admittedly were selling power to other States under short-term open access, which was granted to them on a monthly basis with the consent of the SLDC. In pursuance of the directions by the State Government under Section 11 of the Act, SLDC has withdrawn the short-term open access provided to them.

- (f) The Commission has given detailed reasons for the bidding price being higher than the prevalent market, before preferring the weighted average prices of short-term bilateral transactions of power at the national level over

the rates discovered in the short-term competitive bidding of the State, in fixing the tariff under Section 11 (2). The Commission has also provided for a fair additional compensation towards adverse local factors in the transmission corridor, etc. by way of an additional amount of 5% over the Weighted Average short-term rate of Rs.4.45 per unit, applicable to bilateral transaction and worked out an aggregate rate of Rs.4.67 per unit. The Petitioners have not suffered any adverse financial impact and the relief sought in respect of recovery of excess amounts paid cannot be claimed in the present proceedings.

- 6) We have heard the learned counsel for the parties and have considered the respective pleadings and documents produced by the parties.

- 7) The following issues would arise for our consideration:
 - (1) Whether the petitioners have placed any new material which they were unable to produce at the time of disposal of the original petitions?

 - (2) Whether the Commission's Order dated 18.08.2016 suffers from an error on the face of the record necessitating a review?

 - (3) What Order?

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- 8) After considering the submission made by the parties and perusing the pleadings and documents placed on record, our findings on the above issues are as follows:
- 9) **ISSUE No.(1)** : *Whether the petitioners have placed any new material which they were unable to produce at the time of disposal of the original petitions?*
- (a) Copies of the Orders of supply of Power dated 15.05.2015 issued by the Telangana State Power Coordination Committee (TS PCC) for the period from 01.06.2015 to 14.07.2015 (9.5 MW- RTC), 01.08.2015 to 30.09.2015 (9.5 MW – RTC) and 01.10.2015 to 26.05.2016 (5MW-RTC) in the case of Petitioner in RP 8/2016; for the period from 15.07.2015 to 26.05.2016 for 5MW-RTC in the case of Petitioner in RP 11/2016; and for the period from 01.07.2015 to 26.05.2016 in the case of Petitioner in RP 12/2016, with all these supplies at Rs.5.95 per unit, have been furnished to contend that they have foregone their contractual obligations which assured a net price realization of Rs.5.40 per unit, and supplied power to the Respondents 2 to 6 pursuant to the Order issued under Section 11 of the Act. This very same contention had been raised by them in the proceedings leading to issue of Order dated 18.08.2016 in which the Commission has observed thus. “These four generators admittedly were selling power to other states under short term open access, which was granted to them on a monthly basis with the consent of the SLDC, which withdrew its consent after issuance of directions

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under section 11 (1) of the Act by the State Government." (The fourth generator is not a party in present revision petitions)

- (b) The above petitioners have further contended in the present Petitions that the relevant State authorities of Karnataka did not raise any objections for the Power supplied by the petitioners for the months of June, July, August and September, 2015.
- (c) We do not find any merit in the Petitioners' contention that they should be compensated for their supply pursuant to Order issued under Section 11 of the Act, by an amount equivalent to what they claim they would have derived by supplying under contracts they had on hand. We in our Order dated 18.8.2016 have taken that these three petitioners who supplied power pursuant to the Order issued under Section 11 of the Act could not have availed open access to supply power to customers of their choice at a mutually agreed price. We have held them to be entitled to a rate of Rs.4.67 Per unit, as available to all others who supplied, pursuant to the Order under Section 11 of the Act, which we felt was adequate to offset the adverse financial impact on such generators. No new material has been produced to make us review our stand.
- (d) The Petitioner in RP 9/2016 has furnished a copy of a PPA dated 31.8.2015 executed between the State Distribution Licensees and one PTC India Limited, in which the latter had agreed to supply 6.5 MW power during the

period from 1.9.2015 to 31.5.2016 from the Petitioner's plant at Rs.5.08 per unit. Admittedly this petitioner who after issue of the order dated 16.09.2015 under Section 11 of the Act by the State Government, supplied power directly to the Respondent distribution licensees, chose not to participate in the original proceedings leading to issue of Order dated 18.8.2016 by the Commission though the Order dated 16.09.2015 had clearly indicated that the final tariff would be fixed by the Commission. Thus this Petitioner having foregone the opportunity given to make out a case for fixation of an amount higher than what was fixed in the Commission's Order dated 18.8.2016 cannot seek revision of the amount fixed. Even otherwise we are of the view that the material now placed by this Petitioner would not have led to a stand different from what we have taken in our Order dated 18.8.2016.

- (e) Similarly, the Petitioner in RP 10/2016 has furnished a copy of the Order of Supply of Power dated 15.5.2015 issued by the TSPCC for the period from 01.7.2015 to 26.5.2016 at Rs.5.99 per unit to contend that it should have been compensated at the same level for its supply under Order issued under Section 11 of the Act. As in the case of the Petitioner in RP 9/2016, this petitioner too who has foregone the opportunity of participating in the proceedings leading to the issue of our Order dated 18.8.2016 though obviously aware of final tariff fixation by the Commission, has not made out any case for review of such order.

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(f) The contention of the Petitioner in RP 13/2016 is that it was granted open access for the period from 14.8.2015 to 13.9.2015 and that because of the Order issued under Section 11 of the Act, it had to forego the opportunity of selling power on Indian Electricity Exchange platform through bidding, and supply electricity to the Respondents 2 to 6. That it should have been given the tariff fixed at Rs.5.08 per unit in the Order issued under Section 11, which was the same rate at which these Respondents had agreed to procure power from the successful bidder during September, 2015 to May, 2016. This Petitioner too who chose not to participate in the proceedings leading to the issue of order dated 18.8.2016 has not made out any case for review of the said Order by producing any new material now.

(g) Thus in view of the above discussions, we answer to Issue No.(1) in the negative.

10) **ISSUE No.(2)** : *Whether the Commission's Order dated 18.08.2016 suffers from an error on the face of the record necessitating a review?*

(a) It is the contention of all the Petitioners that the common uniform rate fixed by the Commission in its Order dated 18.8.2016 is contrary to the provisions of Section 11 (2) of the Act which requires such rate to offset the adverse financial impact caused to the individual generators who supplied electricity pursuant to the order issued under Section 11(1), forgoing existing contracts and market opportunities which would have given them higher

rates in as much as the rate fixed has not offset the adverse financial impact caused to the petitioners. They have therefore sought review of the Commission's Order dated 18.8.2016 and fixing of the tariffs indicated by them which would meet the requirement of Section 11(2).

- (b) This Commission has consistently held that for the purpose of Section 11(2), it would be adequate if the rates determined are generally what generating companies could realize from the market when they are generating power without being compelled by Orders under Section 11. This stand has been reiterated in the Order dated 18.8.2016, after examining the same contentions of the Petitioners who chose to participate in its proceedings, as made now. The Commission has already examined the very same facts now put forth by the Petitioners, while issuing the Order dated 18.8.2016 and consciously rejected the plea for adoption of an approach different from its earlier orders.
- (c) It is not the case of the Petitioners that the rate fixed in the Order dated 18.08.2016 is insufficient to cover their cost of generation or that the figures reckoned by the Commission in computing the weighted average prices of short-term bilateral transactions of Power at the national level to fix the rate under Section 11(2) of the Act are incorrect.
- (d) The Hon'ble Appellate Tribunal for Electricity (ATE) has upheld the views taken by this Commission in the previous proceedings regarding the

meaning of 'adverse financial impact', stated in sub-section (2) of Section 11 of the Act. Therefore, the price mentioned in the PPA of a particular generator, whether lower or higher than the rate determined by this Commission, is irrelevant. Such generator is entitled to receive the rate as determined by the Commission. The only exception could be that, the rate determined does not cover the cost of generation. Then, such generating company could claim a higher rate by producing proper evidence. Such a stand is already made clear in the impugned Order.

(e) The judgments cited by the Petitioners in support of their plea for review of the Order dated 18.08.2016 are not applicable to the present Petitions which involve facts and circumstances which are different from that of the cases relating to such judgments. In fact, the judgments would show that there is no merit in the request of the Petitioners for review. We find force in the submission of the Respondents who have relied on several authorities that the review Petitions are not maintainable. The law on the scope of a Review Petition is well settled and therefore we do not feel it necessary to discuss in detail the authorities cited by the Respondent.

(f) Thus, we answer Issue No.(2) in the negative.

11) We note that, certain other reliefs sought for by the Petitioners are beyond the scope of a Review Petition and therefore, not dealt with in this Order.

12) **ISSUE No.(3)** : *What Order?*

For the forgoing reasons, we pass the following:

ORDER

- (a) The Review Petitions filed are hereby rejected;
- (b) All interim Orders issued during the pendency of these Review Petitions shall cease to be operative with immediate effect;
- (c) The parties shall abide by the directions issued in the earlier Order in OP No.33/2015 and other connected cases; and,
- (d) The original Order be kept in RP No.8/2016 and copies, thereof, be kept in the other connected cases.

Sd/-
(M.K. SHANKARALINGE GOWDA)
CHAIRMAN

Sd/-
(H.D. ARUN KUMAR)
MEMBER

Sd/-
(D.B. MANIVAL RAJU)
MEMBER