

No.N/73/2021

**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION,
No.16, C-1, Millers Tank Bed Area, Vasanth Nagar, Bengaluru-560 052.**

Dated: 19.11.2021

Present

Shri Shambhu Dayal Meena	: Chairman
Shri H.M. Manjunatha	: Member
Shri M.D. Ravi	: Member

RP No.02/2021

IN

(OP No.188/2017)

BETWEEN:

Bangalore Electricity Supply Company Limited
A Company Registered under the provisions
of the Indian Companies Act, 1956
having its Registered office at K.R. Circle,
Bengaluru-560 001.
(Represented by its Authorized Signatory)

... PETITIONER

(Represented by Sri Shahbaaz Husain, Advocate,
for Precinct Legal.)

AND:

Cambria Solar Private Limited
A Company Registered under the Provisions of
the Companies Act, 2013
having its office at Apartment No.1,
Above Andhra Bank, Hagari Bommanahalli,
Ballari District-583 212.
(Represented by its Director)

... RESPONDENT

ORDERS

1. This is a Review Petition filed under section 86 (1) (f) of The Electricity Act, 2003, read with Rule 8 of The KERC (General & Conduct of Proceedings) Regulations, 2000 seeking Review of the Order dated 23.03.2021 passed by this Commission in OP No.188/2017, praying for the following relief:

Wherefore, the petitioner respectfully prays that this Hon'ble Commission may be pleased to review the Order dated 23.03.2021 passed by this Hon'ble Commission in OP No.188/2017 and consequently grant a lower tariff as per Article 5.1 of the Power Purchase Agreement and consequently grant all reliefs sought therein and grant such other and further reliefs as deemed just.

2. The Review Petition was filed before this Commission on 09.07.2021. The Registry of this Commission noted that the Review Petition was required to be filed within 90 days from the date of Order, however, there was delay of 18 days in filing the Review Petition.
3. The Review Petition was posted for hearing the learned counsel for the Review Petitioner on the point of limitation. The learned counsel appeared on 26.08.2021 and submitted that the Review Petition would be withdrawn on receiving the written instructions from their client.
4. The case was then adjourned to 02.09.2021 and the learned counsel again prayed for time on the same ground. Again the case was posted on 12.10.2021 and the learned counsel for the Review Petitioner made his submissions on the maintainability of the Review Petition. Thereafter, the Commission reserved the case for orders.
5. The Commission notes that the limitation fixed for filing the Review Petition is 90 days of the making or issuing of any decision direction, order etc., Regulation 8 of the KERC (General and Conduct of Proceedings) Regulations, 2000, may be noted in this regard, which reads as follows:

"8. Powers of Review, Revision etc.,

(1) The Commission may, either on its own motion or on an application made by any interested of affected party, within 90 days of the making or issuing of any decision, direction, order, notice or other document or the taking of any action in pursuance of these Regulation, review, revoke, revise, modify, amend, alter or otherwise change such decision, direction, order notice or other document issued or action taken by the Commission or any of its Officers.

(2) An application under sub-regulation (1) shall be filed in the same manner as a petition under Chapter-II of these Regulations."

6. The Commission cannot entertain the Review Petition after lapse of prescribed period for filing the same. There is no application requesting for condonation of the delay in filing the Review Petition. Apart from it, at the early stage of the hearing the learned counsel for the Review Petitioner had submitted that the Review Petition would be withdrawn and for that purpose written instructions from the client was being awaited. In such circumstances, this Commission has no option but to dismiss the Review Petition on the ground of delay in filing it. Hence the following:

ORDER

The Review Petition is dismissed as time barred.

sd/-
(SHAMBHU DAYAL MEENA)
Chairman

sd/-
(H.M. MANJUNATHA)
Member

sd/-
(M.D. RAVI)
Member