

**ORISSA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAVAN,
UNIT – VIII, BHUBANESWAR – 751012**

Present: Shri D.C. Sahoo, Chairman
 Shri H.S. Sahu, Member
 Shri B.C. Jena, Member

CASE No.57/2001

M/s Western Electricity Supply Company
of Orissa Ltd. (WESCO),
Burla, Dist. Sambalpur.

.... **Petitioner**

- Vers. -

1. Grid Corporation of Orissa Ltd.,
 Janpath, Bhubaneswar.
2. Union Bank of India,
 Sambalpur Branch, Sambalpur

.... **Respondents**

For Petitioner	:	Shri S.C. Lal, Advocate
For Respondent No.1	:	Shri N.C. Panigrahi, Sr. Advocate
For Respondent No.2	:	Shri B.B. Ray, Manager (Law)

Date of hearing : **28.06.2002**

Date of order : **20.08.2002**

ORDER

1. The respondent No.1 instituted Case No.35/2000 for securitisation of the payment of its amount due from the petitioner. The petitioner and respondent No.2 filed their counters. After hearing the parties, the Commission on 31.7.2001 passed the following order :-
 - i) Respondent No.1 and petitioner must strictly follow the terms and conditions laid down in the agreements viz. Bulk Supply

Agreement, Loan Agreement, Escrow Agreement and Supplementary Escrow Agreement, they have entered into for smooth functioning and settlement of commercial transactions.

- ii) Respondent No.1 and petitioner should settle their billing disputes on the basis of the above order by 31st August, 2001 and submit compliance by 10th September, 2001. If necessary, they can take the assistance of Director (Tariff), OERC.
- iii) Petitioner should take steps for payment of its arrear dues, calculated as per this order to respondent No.1 by 31st August, 2001 and report compliance by 10th September, 2001.
- iv) Petitioner shall open Letter of Credit by 31st August, 2001 as per the terms of Bulk Supply Agreement, Loan Agreement and Escrow Agreement and report compliance by 10th September, 2001.
- v) Failure to comply with aforesaid decisions of the Commission will invite penalties and fines.

Having been aggrieved, the petitioner has come up with the present petition praying for review of the aforesaid order.

- 2. Respondent No.1, on filing its counter has resisted the prayer for review. Respondent No.2 has also filed its counter and taken part in the hearing.
- 3. The learned counsel for the petitioner, during the course of hearing, has contended that the Letter of Credit could not be opened and some other directions contained in the impugned order could not be complied with. Due to serious financial constraints, the petitioner is not able to discharge many of its financial obligations. The impugned order has been passed without considering the ground realities and as such, the same should be

reviewed. But on the other hand, it is urged by the learned counsel for respondent No.1 that the prayer for review is not maintainable in the eye of law and the same is liable for rejection.

4. An order passed by a competent authority can be reviewed only on any of the following grounds:-
 - a) Discovery of new and important matter or evidence which after the exercise of due diligence was not within the knowledge of the aggrieved party or could not be provided by him at the time when the order was made.
 - b) on account of some mistake or error apparent on the face of the record, or
 - c) for any other sufficient reason.
5. Considering various contentions raised on behalf of the petitioner at the time of hearing, we are of the opinion that none of the above grounds on which review of an order can be made under law has been established by it. As such, the petitioner's prayer for review being devoid of any merit, is liable for rejection.

In result, therefore, the petition for review is rejected on contest against the respondents.

Sd/-
(B.C. Jena)
MEMBER

Sd/-
(H.S. Sahu)
MEMBER

Sd/-
(D.C. Sahoo)
CHAIRMAN