

ORISSA ELECTRICITY REGULATORY COMMISSION
BIDYUT NIYAMAK BHAWAN
UNIT-VIII, BHUBANESWAR - 751 012

Case No.58/2009

SOUTHCO
Vrs.
OHPC & GRIDCO

.... **Petitioner**

**In the matter of: Review petition against the order dated 01.11.2008
passed by the Commission in Case No.40 of 2008.**

Date of Hearing : 07.05.2009

Date of Order : 27.06.2009

ORDER

Mr. Jagannath Padhi, Director (Operation), OHPC, Mr. A.K. Bohra, CEO, SOUTHCO and Mr. A.C. Mallick, Director (Commercial), GRIDCO are present.

2. This is a review petition filed by SOUTHCO against the Order dated 01.11.2008 of this Commission in Case No.40/2008. The petitioner submitted that OHPC should accept the energy bills raised by the petitioner for the period prior to 07.06.2005 for its colony consumption and GRIDCO should make the non-cash adjustment accordingly in its BST bills.
3. Mr. Padhi submitted that the claim of the petitioner should be rejected and SOUTHCO be directed for immediate segregation of OHPC and non-OHPC load as per the directive of the Commission in its order dtd.01.11.2008 in Case No.40/2008. Again SOUTHCO should refund arrear revenue collected from W.R. Department and private consumers from 01.04.1999 to 31.10.2008.
4. The Commission is of the view that the present petition made by SOUTHCO for review of the Commission's order dtd.01.11.2008 in Case No.40 of 2008 is not maintainable. Review is maintainable under the following circumstances:-

- (i) if the attention is not drawn to a material statutory provision during the original hearing
- (ii) if some new and important matter or evidence which is relevant for the purpose was discovered which could not be produced after exercise of due diligence
- (iii) if there appears to be some mistake or error apparent on the face of the record or there exists any other sufficient reason
- (iv) if any important documentary evidence already on record was not brought to the notice of the court and
- (v) any subsequent change in law/rules or regulations etc.

The present review petition does not fall in any of the above categories. Hence, the petition is not admitted. The petitioner is at liberty to prefer an appeal against the order of the Commission before the ATE under Section 111 of the Electricity Act, 2003.

5. Accordingly, the matter is disposed of.

Sd/-
(B.K. Misra)
Member

Sd/-
(K.C. Badu)
Member

Sd/-
(B.K. Das)
Chairperson