

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

Present: Shri S. P. Nanda, Chairperson
Shri B. K. Misra, Member
Shri S. P. Swain, Member

Case No. 76/2013

GRIDCO	Petitioner
- Vrs. -		
WESCO & others	Respondents

IN THE MATTER OF : **An Application u/S. 94 (1) (f) of the Electricity Act, 2003 read with Reg. 70 of OERC (Conduct of Business) Regulations, 2004 for review of order dated 29.03.2012 and corrigendum order passed in Case No. 107/2011 of the Commission.**

For the petitioners: Shri N Sahoo, GM (Fin), Shri S Sahoo, AGM (Fin.), GRIDCO.

For the respondents: Shri A K Bohra, CEO, CSO, WESCO, NESCO & SOUTHCO
 Shri G B Swain, GMF, CSO, WESCO, NESCO & SOUTHCO

ORDER

Date of hearing: 11.03.2014

Date of order: 05.04.2014

1. The present petition has been filed by M/s GRIDCO Ltd. under Section 94 (f) of the Electricity Act, 2003 read with Regulation 70 of the OERC (Conduct of Business) Regulations, 2004 for review of our order dtd. 29.03.2012 of the Commission passed in case No.107 of 2011 relating to settlement of Rs.400 crore of NTPC-DISCOMs Power Bond between GRIDCO and R-Infra managed DISCOMs. The petitioner in its prayer has stated that the Commission may direct DISCOMs to settle the said dues and review our order on this account. However, in the mean time the review period of 90 days from the date of order has been over. GRIDCO, therefore, request the Commission to consider the matter and condone the delay in filing the present petition.

2. After hearing both the Parties we find that the petition has been filed beyond the limitation period i.e. 90 days from the date of the order as per Section 94 (1) (f) of the Electricity Act, 2003 read with the Regulation 70 of the OERC (Conduct of Business) Regulation, 2004. GRIDCO has also not cited any specific and proper reason for condoning the delay of 497 days in filing the present petition.
3. As per Section 94(1) (f) of the Electricity Act, 2003, this Commission has the same power as are vested with the Civil Court under the Code of Civil Procedure, 1908 in respect of reviewing its decisions, directions and orders among others.
4. According to Order 47 Rule 1 of the Civil Procedure Code, review of an order can be made on the following grounds:
 - (a) Error apparent on the face of the record;
 - (b) New and important matter or evidence which is relevant for the purpose was discovered which could not be produced after exercise of due diligence or if there appears to be some mistake;
 - (c) Any other sufficient reason.
5. But none of the grounds shown by GRIDCO for review comes under the purview of Civil Procedure Code as stated above. Therefore, even if the delay is condoned for the sake of argument, the application of GRIDCO does not merit consideration for a review of our Order dtd. 29.03.2012.
6. Accordingly, the petition of GRIDCO is dismissed.

Sd/-
(S. P. Swain)
Member

Sd/-
(B. K. Misra)
Member

Sd/-
(S. P. Nanda)
Chairperson