ODISHA ELECTRICITY REGULATORY COMMISSION
PLOT NO. 4, CHUNAKOLI, SAILESHREE VIHAR,
CHANDRASEKHARPUR,
BHUBANESWAR-751021
****

Present : Shri S. P. Nanda, Chairperson
Shri S. P. Swain, Member
Shri A. K. Das, Member

Case No. 10/2016

Executive Engineer (Elect.), BED, CESU …… Petitioner
Vrs.
M/s. Sonthalia Rice Mill ……..... Respondent

In the matter of: **An application under Section Sec. 94 (1) (f) of the Electricity Act, 2003 read with Regulation 70 (1) of the OERC (Conduct of Business) Regulations, 2004 along with O-47 R (1) (c) of the CPC for review of Order dated 12.11.2015 passed in Case No. 23 of 2015.**

For Petitioner: Shri Manoj Das, Manager (Elect.), BED, CESU

For Respondents: Shri A. K. Sahani, authorized representative

ORDER

Hearing Date: 31.05.2016 **Date of Order:08.06.2016**

The Executive Engineer (Elect.), BED, CESU has filed this case for review of our order dated 12.11.2015 passed in Case No. 23/2015 of the Commission. The Commission in its above said order vide Para-6 had observed as follows:-

"After hearing the parties and perusal of case record the Commission expresses its displeasure on CESU for not completing the works relating to stable power supply to the Petitioner's unit in time. Now, the Respondent has committed to complete the work within February, 2016 under ODSSP Scheme. If there is any delay in completion of the work further, the concerned Executive Engineer (Elect.), BED shall be held responsible. In view of this there is no need to continue with present proceeding under Section 142 of the Act."

2. As per the above order of the Commission, the Petitioner sought confirmation from Project Manager (ODSSP), OPTCL on time of completion of Bhingarpur 33/11 KV sub-station coming under Phase-I of ODSSP. In his reply, the Project Manager has stated that the said work would be completed within the month of August, 2016. Therefore, the Petitioner has sought relaxation from further action by the Commission.

3. During hearing, the Executive Engineer (Elect.), BED, CESU has prayed for extension of time for complying with the order of the Commission upto August, 2016 in view of OPTCL's commitment to complete the work by August, 2016.

4. After hearing the parties and perusal of the case records, we observe that an order may be open to review inter alia, if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under O 47R-1 CPC. In exercise of the jurisdiction under Order 47 R-1 CPC it is not permissible for an erroneous decision to be 'reheard and corrected'. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be 'an appeal in disguise'. Therefore, the review petition filed by CESU is rejected as there was no error apparent on the face of the record. However, the prayer for extension of time upto August, 2016 by Petitioner for completion of the said work as per order dated 12.11.2015 of the Commission in Case No. 23/2015 is allowed. A copy of this order may be marked to the Project Manager, PMU, ODSSP, 33/11 KV, OPTCL, Bhubaneswar for information and compliance of commitments made.

5. With the above observation, the review application is dismissed.

Sd/-	**Sd/-**	**Sd/-**
(A. K. Das)	**(S. P. Swain)**	**(S. P. Nanda)**
Member	**Member**	**Chairperson**