

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 14/RP/2018  
Alongwith I.A.No.14/2018**

Subject : Petition for review of the order dated 22.6.2017 in Petition No.114/MP/2017.

Date of hearing : 18.5.2018

Coram : Shri P.K. Pujari, Chairperson  
Shri A.K. Singhal, Member  
Shri A.S. Bakshi, Member  
Dr. M.K. Iyer, Member

Petitioner : Gati Infrastructure Private Limited

Respondents : POSOCO and Others

Parties present : Shri Sanjay Sen, Senior Advocate, GATI  
Shri Nishant Kumar, Advocate, GATI  
Shri Rajesh Sharma, GATI  
Shri Sanjeev K. Upadhyay, GATI  
Shri Ravi Kishore, Advocate, PTC India  
Shri Gautam, Advocate, PTC India  
Ms. Swati Jindal, TUL  
Shri Jaideep Lakhtakia, TUL

**Record of Proceedings**

Learned senior counsel for the Review Petitioner submitted that the present Review Petition has been filed for seeking modification/ review of the order dated 22.6.2017 in Petition No. 114/MP/2017 and to consider the capacity of the project from 99 MW to 110 MW. Learned senior counsel for the Review Petitioner further submitted as under:

(a) The Review Petitioner has set up a 99 MW hydro-electric plant at Chuzachen whose capacity was increased from 99 MW to 110 MW. The project was commissioned on 18.5.2013. However, the Commission vide interim order dated 22.6.2017 mentioned the capacity of plant as 99 MW instead of 110 MW which was already decided by ERPC in the meetings held on 14.10.2016, 30.11.2016 and 29.3.2017.

(b) Pursuant to the order dated 22.6.2017, the Review Petitioner vide its letter dated 22.6.2017 requested to CEA, ERLDC and PGCIL for revision of installed capacity of the project. CEA, vide letter dated 4.12.2017 approved the enhanced capacity of the project from 99 MW to 110 MW w.e.f. 28.9.2017. However, POSOCO vide its letter dated 11.12.2017 requested the Review Petitioner to approach the Commission for the revised NOC of the project with respect to

enhancement of installed capacity from 99 MW to 110 MW as POSOCO would not take any action without the Commission's direction.

(c) Learned senior counsel requested the Commission to grant liberty to the Review Petitioner to approach ERPC with regard to the enhancement of the installed capacity.

2. Learned counsel for Teesta Urja Limited (TUL) submitted that the present Review Petition is liable to be rejected at the admission stage as the Commission's order dated 22.6.2017 in Petition No.114/MP/2017 was a consent order and the Review Petitioner cannot go beyond the Commission's order. Learned counsel for TUL further submitted that the request of the learned senior counsel to refer the matter to ERPC is not tenable at the review stage. Learned counsel for TUL requested for four weeks time to file its reply to the Review Petition.

3. After hearing the learned senior counsel for the Review Petitioner and learned counsel for TUL, the Commission directed to issue notice to the respondents.

4. The Commission directed the Review Petitioner to serve the copy of the Review Petition on the respondents immediately, if not served already. The Commission directed the respondents to file their replies, by 12.6.2018, with an advance copy to the Review Petitioner, who may file its rejoinder, if any, by 26.6.2018. The Commission directed that due date of filing the replies and rejoinders should be strictly complied with. No extension shall be granted on that account.

5. The Review Petition shall be listed for hearing on 2.7.2018.

**By order of the Commission**

**Sd/-  
(T. Rout)  
Chief (Law)**