

**CENTRAL ELECTRICITY REGULATORY COMMISSION
NEW DELHI**

Petition No. 8/RP/2023

Coram:

Shri I. S. Jha, Member

Shri Arun Goyal, Member

Shri P. K. Singh, Member

Date of Order: 31st August, 2023

In the matter of

Review Petition under Section 94 (1)(f) of the Electricity Act, 2003 read with Regulation 103 of the Central Electricity Regulatory Commission (Conduct of Business) Regulations, 1999 along with the applicable provisions of law, seeking review of orders dated 23.8.2022 and 25.11.2022 passed by Commission in Petition No. 52/MP/2019 in view of (1) material subsequent events; and (2) judicial precedents governing the law leading to error apparent on the face of record while passing the orders dated 23.8.2022 & 25.11.2022

And

In the matter of

Solitaire Powertech Private Limited,

239, Okhla Industrial Estate,

Phase III, New Delhi - 110020

... Review Petitioner

VERSUS

1.Solar Energy Corporation of India Limited,

6th Floor, Plate B, NBCC Office,

Block Tower-2, Eat Kidwai Nagar,

New Delhi – 110023

2.Bangalore Electricity Supply Company Limited,

BESCOM K.R. Circle,

Bangalore-560001

3. Mangalore Electricity Supply Company Limited,

MESCOM Bhavan, Kavour Cross Road, BEJAI,

Mangaluru-575004, Karnataka

4. Chamundeshwari Electricity Supply Corporation Limited,

No.29, Vijay Nagar 2nd Stage,

HNKAL, Mysore- 570017

5. Gulbarga Electricity Supply Company Limited,
Corporate Office, Station Road,
Kalaburagi-585102, Karnataka

6. Hubli Electricity Supply Company Limited,
Tabib Land, Mantur Road, Near CBT, APMC,
Hubli-Dharwad, Karnataka- 580020

... RESPONDENTS

Parties Present:

Shri Nitish Gupta, Advocate, SPPL
Shri Nishant Talwar, Advocate, SPPL
Shri Rishabh Sehgal, Advocate, SPPL
Ms. Sikha Ohri, Advocate, SEECI
Shri Kartik Sharma, Advocate
Ms. Saydh Ghosh, Advocate

ORDER

The Review Petitioner, Solitaire Powertech Private Limited, has filed the Review Petition with the following prayers:

“(a) Allow the present Review Petition;

(b) Hold and declare that the Review Petitioner is entitled to receive carrying cost at the interest rate of 10.41% from the date of incidence of GST (against both capital and O&M cost) by the Review Petitioner till the date in furtherance to the Original Orders dated 23.08.2022 and 25.11.2022 passed by this Hon’ble Commission in Petition No. 52/MP/2019;

(c) Pass appropriate orders / directions reviewing the Original Orders dated 23.08.2022 and 25.11.2022 passed by this Hon’ble Commission in Petition No. 52/MP/2019 and restituting the Review Petitioner to the same economic position as if the change in law event would not have occurred;

(d) Direct that the Review Petitioner will be entitled to receive the amount of carrying cost in lumpsum or in an alternative devise an appropriate methodology for compensating Review Petitioner towards the claim of carrying cost as raised in the present Review Petition; and

(e) Pass such other and further orders that this Hon’ble Commission may deem fit considering the facts and circumstances of the present case and in the interest of justice and equity.”

2. The matter was called out for the hearing on 30.8.2023. During the course of the

hearing, learned counsel for the Petitioner sought permission to withdraw the present Petition with the liberty to file a substantive Petition in the matter. The learned counsel for the Petitioner prayed to adjust the filing fees paid in the present Review Petition against the substantive Petition to be filed in future.

3. Learned counsel for the Respondent, SECI, submitted that SECI has no objection in this regard.

4. Considering the submissions of the learned counsel for the parties, the Petitioner is permitted to withdraw the present Review Petition. At the submission of the learned counsel for a liberty to file a substantive Petition, if required, we observe that the Petitioner is always at liberty to bring a Petition, in accordance with law. However, the prayer for the adjustment of filing fees paid in Petition No. 8/RP/2023 is not allowed.

5. Accordingly, Petition No. 8/RP/2023 is disposed of as withdrawn.

Sd/-
(P. K. Singh)
Member

sd/-
(A.K. Goyal)
Member

sd/-
(I.S.Jha)
Member