

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**Petition No. 33/RP/2023**

Subject : Petition for review of the order dated 26.7.2023 in Petition No. 402/GT/2019, for determination of tariff of Khargone STPS (1320 MW) for the period from COD of Unit-I (1.2.2020) to 31.3.2024.

Petitioner : NTPC

Respondents : MPPMCL and 7 ors.

Date of Hearing : **4.4.2024**

Coram : Shri Jishnu Barua, Chairperson  
Shri Arun Goyal, Member  
Shri Pravas Kumar Singh, Member

Parties Present : Shri Venkatesh, Advocate, NTPC  
Shri Nihal Bharadwaj, Advocate, NTPC  
Shri Harsh Vardhan, Advocate, NTPC  
Shri Ravi Sharma, Advocate, CSPDCL  
Shri Ravin Dubey, Advocate, MPPMCL

**Record of Proceedings**

During the hearing, the learned counsel for the Review Petitioner made detailed oral submissions on the 'maintainability' of the review petition and mainly submitted as under:

- a) The Commission, in its order dated 15.2.2016 in Petition No. 59/MP/2015, had rejected the claim of the Review Petitioner towards Railway Infrastructure and augmentation works and on appeal (Appeal No. 152 of 2016) filed by the Review Petitioner, the APTEL vide its judgment dated 14.8.2023 had remanded the matter to the Commission with certain observations and for reconsideration. The Review Petitioner is relying upon the observations of APTEL in the said judgment, for consideration of the same in the present case. As the premise for passing the impugned order in the present case stands altered due to the judgment of APTEL as above, the same qualifies as a 'sufficient reason' for the review of the impugned order.
- b) There is an error apparent in the order dated 26.7.2023 with regard to the water charges allowed, as the same is based on the projected gross generation @ 85% load factor instead of applicable @ 100% load factor, and accordingly, the error may be rectified.

2. The learned counsel for the Respondent, CSPDCL submitted that there is no error apparent on the face of the impugned order in terms of Order 47 Rule 1 of CPC 1908, and therefore, the Review Petition is not maintainable. He also pointed



out that the APTEL judgment dated 14.8.2023 has left open the issue to be decided by the Commission, and therefore, the Review Petitioner cannot rely on the said judgement... On a specific query by the Commission whether the issue of water charges can be considered at the time of truing up of tariff, the learned counsel for the Review Petitioner answered in the affirmative and prayed for grant of liberty, this was opposed by the learned counsel for the Respondent, CSPDCL on the ground that the maintainability of the Review Petition is being considered.

3. The Commission, after hearing the parties, reserved its order on 'merits and maintainability' of the Review Petition.

**By order of the Commission**

**Sd/-  
(B. Sreekumar)  
Joint Chief (Law)**

