

**COURT-II**  
**IN THE APPELLATE TRIBUNAL FOR ELECTRICITY**  
**(Appellate Jurisdiction)**

**ORDER ON REVIEW PETITION NO. 07 OF 2018 IN APPEAL NO. 268 OF 2015 ON THE FILE OF THE APPELLATE TRIBUNAL FOR ELECTRICITY, NEW DELHI**

**Dated : 07<sup>th</sup> August, 2018**

**Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member**  
**Hon'ble Mr. S.D. Dubey, Technical Member**

**In the matter of:**

**Surat Municipal Corporation**  
Through its Executive Engineer  
Main Office Building  
Muglisara, Surat 395 003

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Review  
Petitioner(s)

**Versus**

**1. Gujarat Electricity Regulatory Commission**  
Through its Secretary  
6<sup>th</sup> Floor, GIFT ONE,  
Road 5C, Zone 5, GIFT City,  
Gandhinagar – 382355 Gujarat, India

**2. Torrent Power Ltd.**

Through its Vice President, Corporate Affairs  
Electricity House,  
Lal Darwaja,  
Ahmedabad 380 001

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Respondent(s)

Counsel for the Review Petitioner (s): Mr. I.J. Desai  
Ms. Pyoli  
Mr. Aakash Gakhar  
Mr. Nachiket K. Yagnik

Counsel for the Respondent(s) : Ms. Suparna Srivastava  
Ms. Ranjana Dua for R-1

In the instant Review Petition, the Petitioner most humbly prays for the following reliefs:

- a) Allow the Appeal No. 268 of 2015 fully by setting aside the impugned order (Annexure "A" herein) while directing Respondent No.2 Torrent Power Ltd to pay to the Appellant additional amount being the difference between the amount arrived at for the units of Solar Power supplied till the date of payment at the rate of at Rs. 12.18 kwh and the deficient amount which has been already paid along with interest equivalent to Bank rate as stipulated under section 62(6) of the Act.
- b) Pass such other Order(s) as this Hon'ble Tribunal may deem just and proper in the interest of justice.

### **ORDER**

#### **PER HON'BLE MR. JUSTICE N.K. PATIL, JUDICIAL MEMBER**

We have heard the learned counsel, Mr. I.J. Desai, appearing for the Review Petitioner for quite some time. During the course of the submission, he submitted that, the instant Review Petition No. 07 of 2018 in Appeal No. 268 of 2015 may kindly be dismissed as withdrawn reserving liberty to the Review Petitioner to file a fresh Review Petition on the same cause of action within two weeks from today.

2. Submissions made by the learned counsel appearing for the Review Petitioner, as stated above, are placed on record.

3. In view of the aforementioned submissions made by the learned counsel appearing for the Review Petitioner, the instant Review Petition is dismissed as withdrawn reserving liberty to the Review Petitioner to file a fresh review petition on the same cause of action as envisaged under the relevant provisions of the Electricity Act, 2003.

4. With these observations, the instant Review Petition No. 07 of 2018 in Appeal No. 268 of 2015 on the file of the Appellate Tribunal for Electricity, New Delhi, stands disposed of.

**(S.D. Dubey)**  
**Technical Member**

**(Justice N.K. Patil)**  
**Judicial Member**

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