

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(APPELLATE JURISDICTION)

ORDER IN REVIEW PETITION NO. 06 OF 2018 IN
APPEAL NO. 201 OF 2017
ON THE FILE OF THE APPELLATE TRIBUNAL FOR ELECTRICITY
NEW DELHI

Dated: 18th December, 2018

Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. Ravindra Kumar Verma, Technical Member

In the matter of:

BLA Power Pvt. Ltd.

84, Maker Chambers III, Nariman Point,
Mumbai -400021

Maharashtra

Through its Authorized Representative

..... Review Petitioner(s)

VERSUS

1. State of Madhya Pradesh (GoMP)

Energy Department, Bhopal Mantralaya,
Vallabh Bhawan,
Bhopal – 462004

...Respondent No. 1

2. Madhya Pradesh Power

Management Co. Ltd., (MPPMCL)
Block No. 16, Shakti Bhawan,
Rampur,
Jabalpur – 482008

...Respondent No. 2

3. Madhya Pradesh Poorva Kshetra

Vidyut Vitran Co. Ltd., (MPPKVVCL)
Shakti Bhawan, Rampur,
Jabalpur – 482008

...Respondent No. 3

4. Madhya Pradesh Madhya Kshetra

Vidyut Vitran Co. Ltd., (MPMKVVCL),

Nishtha Parisar, Govindpura,
Bhopal – 462023

...Respondent No. 4

5. Madhya Pradesh Paschim Kshetra

Vidyut Vitran Co. Ltd., (MPPKVVCL)
GPH Compound,
Pologround,
Indore – 452003

...Respondent No. 5

6. Madhya Pradesh Electricity

Regulatory Commission
5th Floor, “Metro Plaza”,
E-5 Arera Colony, Bittan Market,
Bhopal – 462016

...Respondent No. 6

Counsel for the Review Petitioner(s) : Ms. Shikha Ohri

The Appellant has sought the following reliefs in the instant Review Petition No. 06 of 2018 in Appeal No. 201 of 2017:

- a) That there is no capping of variable charges payable to the Appellant/Review Petitioner.

OR

Alternatively, the variable charges payable to the Appellant/Review Petitioner can be capped at variable charges calculated on the basis of the principle provided in the existing FSA dated 25.04.2011, as if coal is being procured from the Gotitoria coal mine;

- b) No amendment to the PPA is required for any future long term fuel supply arrangement;

- c) No prior approval of the State Commission is required by the Review Petitioner for procuring coal under a new long term FSA;
- d) Pass any other order or direction the Hon'ble Tribunal may deem fit in the eyes of equity, justice and good conscience.

ORDER

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

1. In the instant Review Petition, being No. 06 of 2018, has been filed by BLA Power Pvt. Ltd., Mumbai, Maharashtra (in short, "***the Review Petitioner***") under Section 120(2)(f) of the Electricity Act, 2003 for review of the Final Order/Judgment dated 19.04.2018 passed by this Tribunal in Appeal No. 201 of 2017.
2. Heard the learned counsel, Ms. Shikha Ohri, appearing for the Review Petitioner.
3. The learned counsel appearing for the Review Petitioner submitted that, in the light of the Order of the Hon'ble Supreme Court dated 14.12.2018 passed in Civil Appeal No. 5733/2018 in the case of Madhya Pradesh Electricity Regulatory Commission v BLA Power Pvt. Ltd & Ors., the instant Review Petition filed by the Review Petitioner may kindly be dismissed as withdrawn.
4. Submissions of the learned counsel appearing for the Review Petitioner, as stated supra, are placed on record.

5. In the light of the submissions of the learned counsel appearing for the Review Petitioner and in the light of the Order of the Hon'ble Supreme Court dated 14.12.2018 passed in Civil Appeal No. 5733/2018 in the case of Madhya Pradesh Electricity Regulatory Commission v BLA Power Pvt. Ltd & Ors., which read thus:

“Respondent No.1 has filed a review petition against a portion of the judgment capping variable charges.

The aforesaid review petition would not be maintainable in law.

In this view of the matter, we permit Respondent No.1 to withdrawn the aforesaid review petition and file cross-objections in this Court on the same issue.

IA disposed of accordingly.

The appeal to be listed on Friday, the 29th March, 2019.”

the instant Review Petition, being No. 06 of 2018 in Appeal No. 201 of 2017, filed by the Review Petitioner is dismissed as withdrawn at the risk of the learned counsel appearing for the Review Petitioner and stands disposed of

Order accordingly.

(Ravindra Kumar Verma)
Technical Member

(Justice N.K. Patil)
Judicial Member

vt/pk