

# Rajasthan Electricity Regulatory Commission

**Petition No. RERC-1577/19**

In the matter of review of Commission's orders dt 15.10.2019 passed in the petition no. 1483/2019.

**Coram:**

<b>Shri Shreemat Pandey,</b>	<b>Chairman</b>
<b>Shri S. C. Dinkar,</b>	<b>Member</b>
<b>Shri Prithvi Raj,</b>	<b>Member</b>

Petitioner : M/s HNV Casting Pvt. Ltd.

Respondent : 1. Jaipur Vidyut Vitran Nigam Ltd.  
2. State Power Committee  
3. State Load Despatch Centre

Date of hearings : 22.01.2020, 11.02.2020 and 27.02.2020

Present : 1. Sh. S.C.Shrama, Authorised rep. for Petitioner  
2. Sh. Bipin Gupta, Advocate for JVVNL  
3. Sh. Umang Gupta, Advocate for SLDC

**Order Date:**

**11.03.2020**

**ORDER**

1. Petitioner has filed this petition on 07.11.2019 seeking review of Commission's order dt 15.10.2019 in petition no. 1483/2019.
2. Notices were issued to Respondents on 15.11.2019 for filing reply to the petition. Jaipur Vidyut Vitran Nigam Ltd. (JVVNL) filed reply on 17.01.2020. State Power Committee (SPC) and State Load Despatch Centre (SLDC) have filed their common reply on 28.01.2020.

3. The matter was finally heard on 27.02.2020. Sh. S.C. Shrama, Authorised rep. appeared for Petitioner. Sh. Bipin Gupta, Advocate appeared on behalf of the Jaipur Vidyut Vitran Nigam Ltd. and Sh. Umang Gupta, Advocate appeared on behalf of SLDC.
4. Petitioner in its petition, rejoinder and during hearing submitted as under :
  - 4.1. Commission vide its order dated 15.10.2019 while deciding the petition 1483/19 has not considered all the provisions of RERC (Terms and Conditions of Open Access) Regulations, 2016 (OA Regulations, 2016) in entirety and correctly.
  - 4.2. Respondent JVVNL had raised bill to Petitioner for excess demand under Regulation 21 (v) and 26 (8) of the OA Regulations, 2016 and Commission vide its order decided that as per OA Regulations , 2016, on scheduling the power by any Open Access consumers, the admissible drawal from the Discom gets automatically reduced.
  - 4.3. It is not correct that once schedule is furnished as per Regulation 26(7)(iv), admissible drawal automatically get reduced. As per Regulation 26(7)(v), actual approved schedule is also to be considered and as per approved schedule, admissible drawal is to be re-determined. When IEX has not approved any schedule then as per Regulation 26(7)(v) admissible drawal becomes contract demand less '0' i.e. contract demand and thus conclusion of automatic reduction of admissible drawal considering only the Regulation 26(7)(iv) is incorrect.
  - 4.4. Regulation 21 of OA Regulations, 2016 does not refer admissible drawal. For calculation of admissible drawal Regulation 26(7) should be read with 26(3), 26(6) and 26 (8). It is submitted that Regulation 26(7) has not been considered in entirety and correctly by the Commission in the order.

- 4.5. OA Regulation, 2016 is applicable for Intra-State Open Access only but for Inter-State collective transaction's RERC Regulations are applicable only in respect of Intra-State UI accounting scheme. Regulation 26(7) specifies for Inter-State Open Access transaction which is feasible only when NOC is given by SLDC and bid schedule is approved by NLDC. In absence of NOC and/or approved schedule, there is no Inter-State Open Access transaction and hence Regulation 26(7) is not applicable.
- 4.6. As per Regulation 26(6) of OA Regulations, 2016, a Short Term Open Access consumer is to provide the injection/drawal schedule as per the Open Access capacity sanctioned. When SLDC had not issued any NOC, Petitioner had no sanctioned Short Term Open Access capacity and schedule given by it for dated 26.04.2016 and 25.06.2016 were inadvertent and it cannot be considered as per the Regulations and conclusion drawn in order dated 15.10.2019 is not correct.
- 4.7. In view of above submissions, it is submitted that there are errors apparent on the face of the record and sufficient reasons for review of the order, therefore, it prayed that-
- (a) Set aside the decision passed by SLDC & SPC in respect of delivery dates 26.04.2016 & 25.06.2016.
  - (b) Direct Respondents that application for "scheduling of collective transactions" not in conformity with the Procedures/Regulations shall not be processed.
  - (c) Direct JVVNL to refund penalty so levied with interest in respect of delivery dates 26.04.2016 & 25.06.2016.
5. Respondent Jaipur Vidyut Vitran Nigam Ltd. in its reply contended that Petitioner has not disclosed any error apparent on the face of the record under order 47 Rule 1 of CPC, hence review petition may be rejected.

6. Respondent SLDC and SPC in their reply contended that the Petitioner by way of review petition reiterated and repeated the same submissions and averments which were raised at the time of filing the original petition which are not permitted in the review petition. Hence petition is liable to be rejected.
7. Commission has considered the submissions made by Petitioner and Respondents.
8. It is observed from the impugned order that Commission before passing the said order has taken into account all the facts and material placed before it at that time. Looking to the arguments made by the Petitioner, Commission is of the considered opinion that there is an attempt to re-argue the case, which cannot be argued once again in the Review petition in different words.
9. Petitioner has not pointed out any error apparent on the face of the record or any new fact or any other sufficient ground for review under Section 114 and Order No. XL VII Rule 1 of CPC in the Commission's Order dated 04.11.2019. Hence, the Commission does not find any ground in the petition which qualifies for review of the order dated 15.10.2019. The Commission, therefore, rejects the review petition.
10. The review petition stands disposed of accordingly.

(Prithvi Raj)  
Member

(S.C. Dinkar)  
Member

(Shreemat Pandey)  
Chairman