

Rajasthan Electricity Regulatory Commission

Petition No. 2326/2025, 2327/2025 and 2328/2025

Review Petition under Section 94 (1) (f) of the Electricity Act read with Regulations 34 of the RERC (Transaction of Business) Regulations, 2021 seeking review of order dated 20.03.2025 passed in Petition No. 2220 of 2024, 2221 of 2024 and 2222 of 2024.

Coram:

Dr. Rajesh Sharma, Chairman

Sh. Hemant Kumar Jain, Member

Petitioners:

M/s Thar Power Transmission Service Limited (2326/2025)

M/s Barmer Power Transmission Service Limited (2327/2025)

M/s Hadoti Power Transmission Service Limited (2328/2025)

Respondents :

1. Rajasthan Rajya Vidyut Prasaran Nigam Limited (RVPN).
2. Jaipur Vidyut Vitaran Nigam Limited.
3. Jodhpur Vidyut Vitran Nigam Limited.
4. Ajmer Vidyut Vitaran Nigam Limited.
5. Rajasthan Urja Vikas and IT Services Limited (RUVITL).
6. Sh. G. L. Sharma, Stakeholder.

Date of Hearing:

19.08.2025 and 16.10.2025.

Present:

1. Sh. Amit Kapur, Advocate for the Petitioners.
2. Sh. Rahul Lodha, Advocate for the Respondent RVPN.
3. Sh. G. L. Sharma, Stakeholder.

Order Date:

13.11.2025

ORDER

1. Thar Power Transmission Service Limited, Barmer Power Transmission Service Limited and Hadoti Power Transmission Service Limited had filed Review Petition on 12.05.2025 under Section 94 (1) (f) of the Electricity Act read with Regulations 34 of the RERC (Transaction of Business) Regulations, 2021 seeking review of order dated 20.03.2025 passed in Petition No. 2220 of 2024, 2221 of 2024 and 2222 of 2024.
2. The issues in all three petitions are identical in nature, accordingly the matters were listed together for hearing and notices issued to the petitioners and respondents.
3. Respondent Rajasthan Rajya Vidyut Prasaran Nigam Limited (RVPN) filed its reply on 18.08.2025.
4. The matter was listed on 19.08.2025 and Commission directed the Petitioner to implead Sh. G L Sharma, stakeholder as party and also deliver the copy of the petition to him. Commission granted two week time to the stakeholder for filing his replies.
5. Accordingly, Sh. G. L. Sharma, stakeholder filed his reply on 04.09.2025. Petitioners filed Rejoinder on 13.10.2025 on the reply of RVPN.
6. The matter was finally heard on 16.10.2025. Sh. Amit Kapur, Advocate, appeared for Petitioners, Sh. Rahul Lodha, Advocate appeared for Respondent RVPN and Sh. G. L. Sharma, appeared as Stakeholder.
7. The Commission granted liberty to the parties for filing their written submissions within one week time, if they wish to do so. Accordingly, petitioners filed written submission on 23.10.2025.
8. Petitioners, Thar Power Transmission Service Limited, Barmer Power Transmission Service Limited and Hadoti Power Transmission Service

Limited in their Petitions, Rejoinder, Written Submission and during hearing has submitted as under:

- 8.1 Petitioners are transmission licensee in the State of Rajasthan with in the meaning of Section 2 (73) of the Electricity Act, 2003.
- 8.2 Petitioners filed Petition No. 2220 of 2024, 2221 of 2024 and 2222 of 2024 under Section 14,15,86(1)(d) of the Electricity Act read with RERC (Licensing) Regulations, 2004 before the Commission inter-alia seeking grant of separate transmission license to Petitioners, for implementation of augmentation of transformer at various substation locations under Regulated Tariff Mechanism ("RTM") Mode.
- 8.3 On 20.03.2025, Commission passed the final order in the Petition filed by Petitioners and dismissed the same as being infructuous, only in light of State Committee on Transmission's ("SCT") recommendation vide MoM dated 08.10.2024.
- 8.4 Only after receiving RVPN's letter, Petitioners commenced implementation of augmentation works on RTM mode, and accordingly on 12.03.2024, filed the Petition seeking grant of separate Transmission license before the Commission under Section 14,15,86 (1) of the Electricity Act.
- 8.5 Commission vide RoP dated 25.07.2024 had only directed RVPN to take up the matter before SCT for fresh consideration for the determination of the 'mode'/'methodology' of execution of Intra-State Transmission Project i.e. either through RTM mode or Tariff based Competitive Bidding ("TBCB") mode. SCT has exceeded the scope of recommendation that it was required to deliberate upon in terms of RoP dated 25.07.2024, while directing RVPN to take up the augmentation works.

- 8.6 Commission ought to have considered that SCT, while recommending that RVPN has to carry out the augmentation work, has exceeded its scope of recommendation in terms of the GoR's Order dated 26.05.2022.
- 8.7 There are many precedents wherein Central Transmission Utility of India Ltd. ("CTUIL") had directed a Transmission License who is/has been implementing/has implemented certain transmission elements under TBCB route, to take up the augmentation at existing ISTS sub-stations which are to be done by the owner of the sub-station under RTM mode. Central Electricity Regulatory Commission has granted separate transmission license for the additional scope of work to be executed under RTM route.
- 8.8 Considering the urgency of the work, Petitioners expedited the augmentation work at various GSS. Further, AESL vide its letter to RVPN, submitted the Progress Report of the additional transformer augmentation at various PPP GSS. In the said letter, AESL also stated it is pushing all vendors and contractors to expedite augmentation work in spite of various challenges in arranging resources.
- 8.9 Commission in order dated 20.03.2025 has inadvertently decided that the Petition was filed by Petitioners based on SCT's recommendation in MoM dated 01.08.2023. However, Petitioners filed the Petition based on the directions of RVPN (i.e., the STU) vide its letter dated 23.02.2024 and sought grant of a separate license to Petitioners for implementation of augmentation of transformers at various substation locations under RTM mode.
- 8.10 RVPN has been declared as STU of Rajasthan in terms of the Electricity Act. In terms of Section 39 (2) of Electricity Act, the STU shall inter-alia discharge all functions of planning and co-ordination relating to intra-State transmission system with Central Transmission Utility, State Governments, Generating Companies, Regional Power Committees, Authorities, Licensees and any other person notified by the State Government in this behalf. Further, even in terms of Regulation 12 of the

Rajasthan Electricity Grid Code, 2024, ("REGC"), the STU (i.e., RVPN) is responsible for the Intra- State Transmission System planning in Rajasthan.

- 8.11 For any transmission system planning work, the STU is the nodal agency which is required to carry out necessary planning and co-ordination work with licensees. In view of the above, Petitioners initiated the implementation of the augmentation work based on the direction of RVPN i.e., the STU in Rajasthan.
- 8.12 In terms of Section 15(4) of the Electricity Act, the STU i.e., RVPN shall send its recommendations to the Commission, with in 30 days of receipt of an application for grant of license under Section 14 of the Electricity Act.
- 8.13 Previous license has been granted to Petitioners for establishing transmission elements pursuant to TBCB, it was decided by the STU i.e. RVPN that the new license will be issued subject to prudence check and supervision of this Commission i.e., on RTM mode. Given that under RTM mode, approval of CAPEX and determination of tariff shall be undertaken by the Commission, the interests of the consumers in Rajasthan will be secured.
- 8.14 Petitioners were not a party to SCT's meetings held on 01.08.2023 and 08.10.2024. RVPN (and not Petitioners) was privy to SCT's MoM dated 01.08.2023. Further, RVPN provided SCT's MoM dated 01.08.2023 to this Commission vide its letter dated 21.09.2023. However, the same was not provided by RVPN to Petitioners.
- 8.15 Petitioners received SCT's recommendations in its MoM dated 08.10.2024 only on 29.11.2024 i.e., after filing of the Petition before the Commission.
- 8.16 SCT was fully aware that Thar, Barmer, and Hadoti were the identified TSPs, responsible for completing the augmentation work. However, during its meeting dated 08.10.2024 SCT took a complete volte face, asserting

that RVPN would now undertake the augmentation works instead of the identified TSP.

- 8.17 RVPN vide its letter dated 29.09.2022 had stated that the execution of the augmentation works was to be carried out by the concerned TSP i.e., Petitioners. However, Commission has inadvertently overlooked RVPN's aforesaid letter dated 29.09.2022, since it finds no mention in the Order dated 20.03.2025.
- 8.18 In terms of the GoR's Order dated 26.05.2022, SCT is bound to make its recommendations in compliance with the 'Terms of Reference of the SCT'. No where in Order dated 26.05.2022, GoR has stated that SCT can determine as to which entity would carry out the augmentation work. Commission ought to have considered that SCT, while recommending that RVPN has to carry out the augmentation work on RTM mode, has exceeded its scope of recommendation in terms of the GOR's Order dated 26.05.2022.
- 8.19 By way of its Rejoinder dated 01.03.2025, Petitioners had placed on record numerous communications between RVPN, JDVVNL and Petitioners that bring out the repeated insistence by RVPN and JDVVNL for Petitioners to complete the augmentation work expeditiously during the pendency of the Petition.
- 8.20 RVPN had emphasized the need for completion of the transformer augmentation work at the earliest.
- 8.21 RVPN requested AESL to take up the charging of the additional transformer at 132/33 kV Shekshar GSS in light of the Dharna Pradarshan for uninterrupted power supply at the 132/33 kV Shekshar GSS, subject to the outcome of the Petition. Accordingly, Petitioner initiating the necessary action for charging the transformer on priority. Petitioner has even received the certificate from the office of Electricity Inspectorate for the charging of the transformer at Shekshar GSS. On 28.02.2025, Petitioner

charged the transformer at Shekshar GSS after obtaining the necessary approvals and clearances from the concerned authorities. ICT at Khatoti GSS was ready for charging in early March 2025.

- 8.22 Regulatory certainty is essential for a project developer (i.e., Petitioners in the present case) for sanction/approval of funds by investors/lenders for timely execution of the Project. While executing the augmentation work of its transmission system, Petitioners had deployed a significant amount of capital to complete the work expeditiously in view of the repeated insistence from RVPN and JDVVNL.
- 8.23 In terms of SCT's recommendation, if RVPN is now required to carry on the work related to augmentation of transmission system (i.e., existing transformers) under RTM mode, the work already carried out and nearly completed by Petitioners for RVPN would be against public interest. Even otherwise, without prejudice to the above, since the augmentation work is to be executed on RTM mode, the capital cost of such augmentation work would have to pass the muster of the Commission in terms of prudence check and the applicable Regulations, even if the said work was to be done by RVPN again.
- 8.24 It is submitted that RVPN being the STU had itself directed Petitioner to take up and complete the augmentation work. However, in its reply to the present Review Petition, RVPN has taken a complete volte face to contend that without challenging SCT's Minutes of Meeting dated 08.10.2024, where SCT had decided that RVPN shall undertake augmentation work, the Petition as well as the Review Petition are not maintainable. It is submitted that a party who has taken a position cannot approbate and reprobate at the same time.
- 8.25 RVPN's contentions in its reply ought to be rejected, particularly in light of the fact that a subsequent development has occurred after filing of the present Review Petition. It is submitted that the subsequent development i.e., SCT's latest decision in its Minutes of Meeting dated 19.06.2025

wherein it has been decided that that due to the advance stage of the construction activities by the TSPs i.e., Thar, Barmer and Hadoti, and to get done the augmentation work early, the augmentation work at the 7 GSS is to be implemented by the existing TSP under RTM mode, for which the TSPs have to obtain transmission license from the Commission.

- 8.26 SCT also decided that the tariff for augmentation work will be decided by the Commission in terms of Section 62 of the Electricity Act.
- 8.27 SCT's Minutes of Meeting dated 19.06.2025 were not only a fact or evidence which came to subsequent to passing of Order dated 20.03.2025, but it is also a new matter/evidence which could have altered the decision/judgment rendered by the Commission.
- 8.28 SCT's earlier recommendation dated 08.10.2024 is superseded by its fresh Minutes of Meeting dated 19.06.2025 and the Petitioner must be granted transmission licensee to conclude the augmentation work under RTM mode. It is submitted that the very basis for this Commission's decision in Order dated 20.03.2025 does not stand anymore.
- 8.29 A Review Petition is maintainable when there is discovery of new and important matter of evidence which, after exercise of due diligence, was not within the knowledge of the Review Petitioner or could not be produced by it.
- 8.30 The Commission also ought to note that SCT's decision dated 19.06.2025 is also in consonance with the principles pertaining to Section 61 of the Electricity Act. It is submitted that Section 61 of the Electricity Act states that the appropriate commission shall, specify the terms and conditions for determination of tariff and in doing so shall be guided towards safeguarding consumer's interest and at the same time recovery of the cost of electricity in a reasonable manner.

8.31 Petitioners also relied on the judgement of Hon'ble Supreme Court of India in the matter of Indian Charge Chrome Ltd. V. Union of India, (2005) 4 SCC 67, Board of Control for Cricket in India V. Netaji Cricket Club, (2005) 4 SCC 741, judgment dated 01.07.2025 titled 'Torrent Power Ltd. v. UPERC & Ors.', 2025 SCC OnLine SC 1410, judgment dated 18.08.2022 titled 'Madhusudhan Reddy v. V. Narayana Reddy', (2022) 17 SCC 255, Amar Singh v. Union of India, (2011) 7 SCC 69 [Para 50]; Joint Action Committee of Air Line Pilots' Assn of India v. DGCA, (2011) 5 SCC 435 [Para 12]; Suzuki Parasrampurua Suitings (P) Ltd v. Official Liquidator, (2018) 10 SCC 707 [Para 12 - 14], Hon'ble APTEL in Appeal Nos. 21 of 2019 and 73 of 2019 titled as Talwandi Sabo Power Limited v. Punjab State Electricity Regulatory Commission & Anr., (2020) SCC online 71 [Para 14] and Fortune Five Hydel Projects Pvt. Ltd. and Ors. vs. Karnataka Electricity Regulatory Commission and Ors. (Appeal No. 42 of 2018 & batch).

8.32 In view of above, Petitioners prayed to review the Order dated 20.03.2025 passed by the Commission in Petition Nos. 2220 of 2024, 2221 of 2024 and 2222 of 2024 to the extent stated herein.

9. Rajasthan Rajya Vidyut Prasaran Nigam Limited (RVPN) in its reply on Petition and during hearing has submitted as under:

9.1 Commission vide order dated 25.07.2024 observed that the Petitioner has proposed transmission license based on the recommendation of SCT and SCT in its Minutes of Meeting dated 01.08.2023 has proposed incremental addition in existing levelized tariff. Moreso, the petition has been filed under RTM mode in which increment in levelized tariff cannot be determined as per Tariff Regulations. Thus there is a direct contradiction in the methodology recommended by SCT, RVPN recommendation and proposal of Petitioner. Therefore, the Commission vide order dated 25.07.2024 directed to take up the matter before the SCT for fresh consideration of the issue and RVPN shall file fresh recommendation within four weeks after obtaining approval from the State Government.

- 9.2 In the interest of public and for speedy work, the necessary work should be done by RVPN as per requirement of loading conditions in the area. That the aforesaid decision of the SCT was forwarded to the Commission vide letter dated 29.11.2024.
- 9.3 RVPN also submitted that the SCT in its meeting dated 08.10.2024 decided that the augmentation work shall be carried out by the RVPN. Therefore, the petition filed by the Petitioner for grant of separate transmission license does not survive and considering this fact the Commission dismissed the petition filed by the Petitioner. Thus, the impugned order passed by the Commission is just and reasonable and based upon subsequent developments. On this ground alone, present review petition deserves to be dismissed.
- 9.4 The review petition elaborates the facts of the case in detail but does not state any sufficient reasons for the review and there is no mention of any specific error apparent on the face of the record.
- 9.5 It is submitted that the scope of review is limited and can only be exercised when there is an error apparent on the face of record and a review petition cannot be filed as an appeal in misleading.
- 9.6 On bare perusal of the Terms of Reference it is evident that the SCT was constituted to deal with matters relating to existing TBCB projects such as its augmentation requirements amongst other matter.
- 9.7 The SCT in its 3rd meeting dated 04.01.2023 decided that STU (RRVPNL) is required to make detailed Price analysis of submitted cost estimates of the TSPs with respect to earlier price levels on which TSPs purchased equipments/items with suitable IEEMA price update, technical specification, other suitable price reference etc. and shall submit the above required analysis for consideration of the committee. Accordingly, in the 4th SCT Meeting held on dated 01.08.2023, the

committee reviewed the complete price analysis report wherein the total amount in respect of various TSPs have been submitted/calculated by RVPN.

- 9.8 The Petitioner is aggrieved with the decision of SCT dated 08.10.2024 whereby the SCT has decided that RVPN shall undertake augmentation work. Thus without challenging the aforesaid decision, the present review petition as well as the initial petition filed for grant of separate transmission license are not maintainable as augmentation work cannot be granted to the Petitioner until the SCT decision dated 08.10.2024 is quashed.
- 9.9 It is clear that the Commission had taken a broader view and did not restrict itself solely with the determination of the mode of execution of Intra-State Transmission Project.
- 9.10 In 9th SCT Meeting was convened on 19.06.2025 wherein the SCT has approved in the interest of public augmentation work of the 7 Nos. of GSS to be implemented by the existing TSPs under RTM Mode for which the TSPs have to take transmission license from the Commission.
- 9.11 The present review petition has become infructuous as the relief sought by the Petitioner in the main petition has been approved by the SCT in its 9th Meeting. Thus the present Review Petition is not maintainable in light of subsequent events.
- 9.12 In view of above RVPN prayed to dismiss the present review petition, in the interest of justice.
10. Stakeholder Sh. G. L. Sharma in its submission and during hearing has submitted as under:
- 10.1 Petitioner has not brought out any new point/ fact in the matter. Same point can't be argued again in the review petition. Further, Petitioner has not pointed out any error on the face of record. Petitioner is trying to

seek a review merely for the purpose of rehearing a fresh decision of the case by long process of rearguing which is not permissible for review.

- 10.2 Stakeholder also relied on the judgement of Hon'ble Supreme Court of India in the matter of Sh. Kamlesh Verma V. Mayawati & Ors (2013) 8 SCC 320 and Hon'ble High Court of Himachal Pradesh in their order dated 06.07.2017 in Petition No. 39/2016 & 40/2016.
- 10.3 The Hon'ble High Court of Himachal Pradesh observed that happening of some subsequent event or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.
- 10.4 The stakeholder also raised the concern that the petitioners have already executed the augmentation work at 132 kV Shekshar GSS without obtaining Transmission licence from the Commission.
- 10.5 Further, the Stakeholder submitted that, earlier, the Petitioners was granted Licence for specific work, instead of augmentation work.
- 10.6 In view of above, Stakeholder Sh. G. L. Sharma prayed to dismiss the present review petition.

Commission's view:

11. Commission has considered the submissions, reply, rejoinder, written submission and oral arguments made on behalf of the Petitioners, Respondents and Stakeholder.
12. Petitioners submitted that SCT's earlier recommendation dated 08.10.2024 is superseded by its fresh Minutes of Meeting dated 19.06.2025.
13. Petitioners, further submitted that in terms of the GoR's Order dated 26.05.2022, SCT cannot determine as to which entity would carry out the augmentation work. Further, Commission vide RoP dated 25.07.2024 had

only directed RVPN to take up the matter before SCT for fresh consideration for the determination of the 'mode'/ 'methodology' of execution of Intra-State Transmission Project i.e. either through RTM mode or Tariff based Competitive Bidding ("TBCB") mode. SCT has exceeded the scope of recommendation while directing RVPN to take up the augmentation works.

14. Further, Petitioners submitted that they had filed the Petitions for grant of a separate licence based on the directions of RVPN (i.e., the STU) vide its letter dated 23.02.2024 for implementation of augmentation of transformers at various substation locations under RTM mode.
15. Petitioners also submitted that in view of the repeated insistence from RVPN and JDVVNL it had deployed a significant amount of capital to complete the work expeditiously. Therefore, the Petitioners must be granted transmission licence to conclude the augmentation work under RTM mode.
16. Per contra, RVPN submitted that the review petition does not indicate any specific error apparent on the face of the record and could not state any sufficient reasons for the review.
17. RVPN, further submitted that review sought on the basis of 9th Meeting of SCT is not maintainable as it occurred after the passing of impugned order.
18. RVPN also submitted that the SCT in its meeting dated 08.10.2024 decided that the augmentation work shall be carried out by the RVPN. Considering this fact the Commission dismissed the petition filed by the Petitioner for grant of a separate transmission licence. Thus, the impugned order passed by the Commission is just and reasonable. Impugned order can't be reviewed based upon subsequent developments.

19. The Stakeholder submitted that as per judgement dated 06.07.2017 of Hon'ble High Court of Himachal Pradesh any subsequent development after issuance of order cannot be a ground for review petition.
20. Stakeholder also submitted that without obtaining a valid transmission licence from the Commission the Petitioner cannot justify the augmentation work carried out at various GSS under its control.
21. Commission observes that the review of an order may be considered by the Commission under Section 114 and Order No. XL VII Rule 1 of Civil Procedure Code, on the following grounds:
- a) Discovery of new and important matter or evidence which after exercise of due diligence was not in the knowledge of the applicant and could not be produced by him at the time when the decree or order was passed.
 - b) Some mistake or error apparent on the face of the record, and
 - c) For any other sufficient reason.
22. Commission, further, observes that Petitioners in the instant petitions while indicating the error in the Commission's order submitted that they had filed petitions based on the directions of RVPN instead of recommendation of SCT. Commission looked into its order dated 20.03.2025 in main petitions as below:-
- "17. The Commission observes that the present petitions have been filed for grant of separate Transmission licence for augmentation of transformer at various substation locations **as per direction of RVPN** which is based on decision of SCT dated 01.08.2023."*
23. From the above, it is clear that Commission has already noted in the main petition that petitions had been filed as per direction of RVPN. However, the recommendation of RVPN has been based on the

decision of SCT. Therefore, the decision of SCT is the soul of the main petitions filed by the petitioners.

24. Commission, further observe that the Petitioner conveyed its concurrence vide their letter dated 13.02.2024 to carry out augmentation work as approved by SCT in its meeting dated 26.05.2022, which reads out as under

"Adani Energy solution Limited(AESL) hereby conveys its concurrence to carry out augmentation work at PPP 8,9 and 10 transmission system as approved by SCT in its meeting dated 26.05.2022."

25. Further, Commission also observed following in the above letter dated 13.02.2024 which are as under:-

"Accordingly, we request RVPN to convey us to implement augmentation work through RTM mode. Pursuant to this we shall approach Hon'ble RERC for the following:

1) Issuance of new licenses for executing augmentation work as per the decision of SCT separately for three PPP projects 8, 9 and 10."

26. From the above it is evident that Petitioner had mentioned in aforesaid letter that they shall approach RERC for Issuance of new licenses for executing augmentation work as per the decision of SCT separately. Accordingly, it clear that the Petitioners itself recognise the authority of SCT and based on this, they filed the main petitions.

27. Therefore, the contention of Petitioners that the Commission has wrongly considered that the Petitioners had filed the petition based on the decision of SCT is not correct and there is no error apparent on the face of the record.

28. Commission observes that Petitioners in the instant petitions while indicating the error in the Commission's order submitted that SCT's earlier recommendation dated 08.10.2024 is superseded by its fresh Minutes of

Meeting dated 19.06.2025. Further, Petitioners submitted that SCT's Minutes of Meeting dated 19.06.2025 were not only a fact or evidence which came to subsequent to passing of impugned Order, but it is also a new matter/evidence which could have altered the decision/judgment rendered by the Commission.

29. It is settled law that while considering an application for review, court must confine its adjudication with regard to the material which was available at the time of initial decision. The happening of some subsequent event or development cannot be taken note of for declaring the initial order/decision as vitiated by an error apparent.
30. New facts and developments i.e. SCT meeting dated 19.06.2025 occurred after the passing of impugned order, can't be a ground for review. Therefore, the review of the impugned order on this ground, is not acceptable and there is no error apparent on the face of the record.
31. Petitioners, further, indicating the error in the impugned order submitted that SCT is bound to make its recommendations in compliance with the 'Terms of Reference of the SCT'. No where in Order dated 26.05.2022, GoR has stated that SCT can determine as to which entity would carry out the augmentation work. SCT has exceeded its jurisdiction in terms of the GOR's Order dated 26.05.2022.
32. For analysing the issue, Commission looked into the Guidelines issued by The Ministry of Power on 10.08.2021 for Encouraging Competition in Development of Transmission Projects. National Committee on Transmission (NCT) has been constituted in the above guidelines. Ministry of Power has also made a provision in the aforesaid guideline that as far as intra State projects are concerned the State Governments may adopt these guidelines and may constitute similar committees for facilitation of transmission projects within the State.

33. Accordingly, the State Government vide order dated 26.05.2022, had constituted the State Level Committee on Transmission (SCT). The "Terms of Reference" of SCT are reproduced below:

"Terms of Reference of the SCT:

The SCT shall examine and recommend on following:

- 1. Mode of execution of Intra-State Transmission Projects i.e. Tariff Based Competitive Bidding (TBCB) or Regulated Tariff Mechanism (RTM).*
- 2. Matters related to existing TBCB projects such as its augmentation requirements, cost estimate determination etc.*
- 3. Bid process Coordinator (BPC) for projects identified to be developed under TBCB mode.*

.....

The recommendation of SCT shall be placed before, Energy Department, GoR for decision."

34. From the 2 above, it is clear that the scope of work covers mode of execution of intra- State transmission projects. Since this work is intra-State transmission projects, therefore, SCT has jurisdiction to look into it. Further, SCT has also taken approval of it from State Government, therefore, no scope left for any ambiguity. Commission also vide its order 25.07.2024 directed RVPN to take up the matter before the SCT for fresh consideration of the issues.
35. Therefore, the petitioner's apprehension that SCT has exceeded its jurisdiction is baseless. State Government also vide its letter dated 25.10.2024 approved the SCT, Minutes of the Meeting held on 08.10.2024.
36. Petitioners also submitted that they had deployed a significant amount of capital to complete the work on insistence of RVPN/Discoms.
37. In our view as per Electricity Act, 2003, no person can take up the Transmission work without taking valid licence from Commission. However, as the same issue had already been agitated by the petitioner

in detail during the original proceedings and the Commission had considered the arguments while passing the main order. Hence, the issue is not new and cannot be ground of review.

38. It is observed from the impugned order that before passing the said order, Commission has taken into account all the facts and material placed before it and pleadings during the hearing of the petition. Looking to the arguments now made by the Petitioners, Commission is of the considered opinion that there is an attempt to re-argue the case. Same points cannot be argued again in the Review petition in different words.
39. Further, Petitioners could not point out any error apparent on the face of record or any other sufficient ground for review under Section 114 and Order No. XL VII Rule 1 of CPC in the Commission's Order. Hence, the Commission does not find any ground in the petitions which qualifies for review of the order dated 20.03.2025. The review petitions, therefore, can't be allowed.
40. The review petitions stands dismissed accordingly.

(Hemant Kumar Jain)
Member

(Dr. Rajesh Sharma)
Chairman