

**UTTAR PRADESH ELECTRICITY REGULATORY COMMISSION
LUCKNOW**

Review Petition No. 511/2008

In the matter of : Review of order dated 10.10.2007 passed in Review petition no.464/07.

AND

In the matter of :

1. Uttar Pradesh Rajaya Vidyut
Utpadan Nigam Ltd.(UPRVUNL)
ShaktiBhawan
14Ashok Marg
LucknowPetitioner

Vs.

1. Managing Director,U.P. Power Corporation Ltd.,
Shakti Bhawan,14, Ashok Marg, Lucknow
- 2.Managing Director, Madhayanchall Vidyut Vitran
Nigam Ltd.,PryagNarain Road Lucknow.
3. Managing Director, Poorvanchal Vidyut Vitran
Nigam Ltd.,132KV S/S Bhikharipur Vidyut Nagar
Varanasi
4. Managing Director, Paschimanchal Vidyut Vitran
Nigam Ltd.,Victoria Park, Meerut (U.P.)
5. Managing Director, Dakshinanchal Vidyut Vitran
Nigam Ltd. Galana Road, Agra.
6. Kanpur Electricity Supply Company Ltd.,
KESA House, Kanpur.
7. Noida Power Company Ltd. Commercial
Complex- H-Block, Alpha-II, Sector, Grater Noida
City.

. . . . Respondents

ORDER

(Date of hearing 14.2.08)

The following were present:

1. Shri S.N. Dubey, CE (PPA) UPPCL.
2. Shri S.P.Panday, EE (PPA) UPPCL.
3. Shri Mahesh Kumar, CE, Commercial, UPRVUNL.
4. Shri A.K.Agrawal, G.M. (F), UPRVUNL.
5. Shri U.S. Gupta, EE (Com.), UPRVUNL
6. Shri P.Chodhary, SE (R&M), UPRVUNL.
7. Executive Engineer (R&M) UPRVUNL.
8. Shri H.Asalam, Senior AE (Com), UPRVUNL.
9. Shri Naveen Kumar, Consultant,UPRVUNL

The Petitioner is seeking review of review order dt.10.10.07 so far as it concerns with proration of the capacity charge on account of R&M in a the generating station. It is stated that, the Petitioner has suffered a loss of Rs.80280 in Harduaganj and gained Rs.1,46,065 in Obra-A during April,07 to Oct,07 due to the provision made in the said review. The Petitioner is praying to delete '*The capacity charges specified in the tariff order shall be prorated to the effective capacities.*', from the said order.

UPPCL, vide letter no 194/RAU/Rev.Pet (Pet464/2007) dated 12.2.08, has objected to the prayer of the Petitioner stating that the Petitioner can not be allowed to take benefit of calculation of plant load factor at reduced capacity on R&M and recover full capacity charges at the same time. UPPCL has suggested that the Petitioner should be asked to make efforts to improve the performance.

Through this petition, the Petitioner is again seeking review of the matter, which has already been reviewed in order dt.10.10.07.

On query by the Commission whether it is empowered to review its earlier review order Shri Amarjeet Singh Rakhra learned counsel of UPPCL submitted that the scope of review, in itself, is very specific and narrow as such an order made on a review petition can not be subject to review again. The petitioner has not forwarded any argument opposed to the submissions made by Sri. Rakhra.

Under section 94(f) of the Electricity Act,03, the Commission has power to review its decision, direction and orders. We do not find any provision under the Act that any decision which has once been reviewed could further be subject to review again. In light of the observations made, submissions of the parties and provisions of the Act, we find that the present petition is not maintainable under law. Therefore, the petition is dismissed.

(R.D.Gupta)
Member

(P.N. Pathak)
Member

(Vijoy Kumar)
Chairman

Lucknow, Dated 22.2.2008