



Review order against petition submitted by India Power Corporation Limited for review of TP order for the year 2017 – 2018 issued by the Commission vide dated 28.01.2021 in case no. TP-74/16-17.



- o) Disallowance of Coal and Ash Handling charges and Water charges twice along with other uncontrollable fixed cost items of 12 MW DPS (New) by virtue of Capacity Charge disallowance;
- p) Computation of Depreciation;
- q) Capacity Charge disallowance of 12 MW DPS (new);
- r) Interest on working capital, T&D Gains, interest credit, capacity charge etc. due to changes as mentioned above;

OBSERVATIONS OF THE COMMISSION

3. The Commission observed that, after filing the review petition before the Commission, IPCL has preferred an appeal before the Hon'ble Appellate Tribunal for Electricity (APTEL) in Appeal No. 255 of 2022. Under Section 114 and Rule 1(2) of Order 47 of the Code of Civil Procedure, review of the issues is not allowed on which an appeal has been filed before the higher Court.
4. Issues raised in appeal before the Hon'ble APTEL are same as are raised in the review petition pending before this Commission both in terms of letters and spirit. Therefore, the Commission is not in a position to take up the review as appeal is pending before a higher court.

ORDER OF THE COMMISSION

5. In view of the above, the Commission dispose of the review petition in the negative.
6. IPCL is to take note of this order.
7. IPCL shall download the copy of the order from the website of the Commission and act on it. Certified copy of the order, if applied for, be given to the parties on completion of formalities laid down in the West Bengal Electricity Regulatory Commission (Conduct of Business) Regulations, 2013, as amended and on submission of necessary fees.

Sd/-

(MALLELA VENKATESWARA RAO)
CHAIRPERSON

Dated: 01.10.2024

Sd/-
(SECRETARY)