



## Chhattisgarh State Electricity Regulatory Commission

Civil Lines, G.E. Road, Raipur – 492001

Tel: 0771-5073555, Fax-5073553

### Petition No. 15/2006(M)

**M/s Shri Bajarang Power and Ispat Ltd. .... Petitioner**

**V/s**

**Chhattisgarh State Electricity Board ..... Respondent**

### ORDER

(Passed on 04.05.2006)

Petitioner by Shri Narendra Goel, Managing Director of Bajarang Power & Ispat Ltd.  
Heard him on the issue of admission.

2. In this review application the petitioner has pleaded that he had earlier filed a petition before the Commission on 30.6.2005 for deciding power purchase and other related matters in respect of captive power plants which was registered as Petition No.11 of 2005 (M). However, the Commission clubbed it with another petition on the same subject [Petition No.17 of 2005(M)] in which order was passed on 6.2.2006 i.e., seven months after the petition aforementioned was filed. Although in this order certain dispensations relating to tariff, including in the matter of payment of minimum energy consumption charges have been granted, the petitioner had to incur huge losses in the intervening period during which the matter was pending before the Commission because of the operation of the tariff order. The petitioner further pleads that he was the only captive generator on 132 KV who had to sustain loss. In the case of the only other two companies similarly placed, viz. M/s BALCO and M/s Jayaswals Neco, the Commission considered reduction of minimum energy consumption charges. The prayer in the petition is therefore that the dispensation to the other two companies granted by the Commission, by way of reduction of load factor for the purpose of calculation of minimum monthly payment charges, should be made applicable to the petitioner also w.e.f. 30.6.2005, the date of their petition. This has been granted in the impugned order with effect from 1.3.2006.
3. Clearly this is not an application for review of the order passed by this Commission on 6.2.2006 in petition No.17 of 2005(M) relating to captive power plants. In fact, the petitioner is aggrieved by the tariff order passed by the Commission on 15.6.2005.

The other companies had filed review petitions against the tariff order and a provisional dispensation was granted to them on merit. The petitioner did not file any review application. If he was aggrieved by the tariff order he should have sought a remedy in respect of that order. The relief the petitioner seeks is to make the impugned order applicable to him with retrospective effect, i.e. the date he submitted his earlier application. Order dated 6.2.2006 is a general order which has been made applicable w.e.f. 1.3.2006. It can not be made applicable with retrospective date to an individual consumer. This is not a ground on which the Commission may review its order of 6.2.2006. There is no error apparent on the face of the record in the impugned order for which the review application may be admitted.

4. The petition is, therefore, rejected at this stage of admission only. The petitioner is informed of the order in court.
5. The case may be filed.

**Sd/-  
Member**

**Sd/-  
Chairman**

**True Copy**

**(N.K.Rupwani)  
Secretary**