

**Before the Appellate Tribunal for Electricity
(Appellate Jurisdiction)**

**Review Petition No. 6 of 2007 in Appeal No. 60 of 2006 &
I.A. No. 56 of 2007**

Dated the May 17, 2007

Present: **Hon'ble Mr. Justice Anil Dev Singh, Chairperson**
Hon'ble Mr. H.L. Bajaj, Technical Member

Monnet Ispat Limited,
Mandir Hasaud, Raipur-492 101,
CHHATTISGARH.

.... Review Petitioner

Versus

1. Chhattisgarh State Electricity Board,
Danganiya, Raipur-492013,
CHHATTISGARH.

2. Chhattisgarh State Electricity Regulatory Commission,
Civil Lines, Raipur-492013,
CHHATTISGARH.

.... Respondents

Counsel for the Petitioner: Mr. Jayant Bhushan, Sr. Advocate with
Mr. Manoj Sharma, Mr. V.K. Munshi &
Mr. Saurav Goel

Counsel for the Respondents: Ms. Suparna Srivastava for CSEB
Mr. Anand K. Ganesan for CSERC

ORDER

This is a Petition whereby the petitioner seeks review of the Order of this Tribunal dated November 23, 2006 in Appeal No. 60 of 2006.

2. By the order dated November 23, 2006, this Tribunal while dismissing the appeal filed by the petitioner against the order of the

Chhattisgarh State Electricity Regulatory Commission (for short 'CSERC) dated February 17, 2006 permitted the petitioner to intervene by means of an application in Review Petition filed by the Chhattisgarh State Electricity Board (for short 'CSEB'), being Petition No. 16 of 2006 (M), against the Order of the CSERC dated Feb. 6, 2006 for seeking determination of a reasonable tariff for start up power for its power generation plant. Even before passing of the aforesaid order by this Tribunal dated November 23, 2006 and the filing of the application by the petitioner in the Review Petition No. 16 of 2006, the CSERC had already disposed of the Review Petition No. 16/2006 by its Order dated September 29, 2006. The CSERC, therefore, rejected the application of the petitioner on January 6, 2007. While rejecting the application, the CSERC granted leave to the petitioner to submit a separate petition regarding his grievance relating to start-up tariff for the period September 29, 2004 to June 6, 2006.

3. The order of this Tribunal dated November 23, 2006 was passed on the assumption generated by the CSEB that the Review Petition No. 16 of 2006 was pending before the CSERC and the question relating to determination of tariff for start-up power required for the captive power plants (CPPs) was pending consideration by it. This assumption was not correct as is evident from the Order of the CSERC dated September 29, 2006. Therefore, in the interest of justice, we recall the order dated November 23, 2006 to the extent that the applicant was directed to urge

all its points, claims and contentions with respect to determination of tariff for start-up power in Petition no. 16 of 2006 (M) and direct the CSERC to determine afresh the tariff for the start-up power for the captive power plants for the period September 29, 2004 to June 6, 2006. The CSERC after hearing the parties and the owners of the CPPs and examining the matter shall decide the issue relating to the tariff for start-up power for the captive power plants for the period September 29, 2004 to June 6, 2006 in accordance with law.

4. With the aforesaid directions and observations, the Review petition is disposed of.

(Justice Anil Dev Singh)
Chairperson

Dated the May 17, 2007

(H.L. Bajaj)
Technical Member