

No./N/199/2019

BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION,
No.16, C-1, Millers Tank Bed Area, Vasanth Nagar, Bengaluru-560 052.

Dated: 20.01.2022

Present

Shri H.M. Manjunatha : Officiating Chairperson

Shri M.D. Ravi : Member

Review Petition No.11/2019

In

(OP No.47/2018)

BETWEEN:

Smt. A Jayamma,
W/o, T. Prakash Murthy, Aged about 46 years,
Mogalahalli Village, Kondlahally post,
Molakalmuru Taluk,
Chitradurga District – 577 529.

... PETITIONER

(Represented by, Sri Shankar Bhat on behalf of
Sri Santosh S Nagarale Advocate)

AND:

1. State of Karnataka,
Department of Energy,
2nd Floor, Vikasa Soudha,
Bengaluru – 560 001.
(Represented by its Secretary)
2. Bangalore Electricity Supply Company Limited,
C.O and M Division, Hiriyur,
Chitradurga – 577 598.
(Represented by Executive Engineer)
3. Bangalore Electricity Supply Company Limited,
Corporate Office, K.R. Circle,
Bangalore - 560 001.
[Represented by General Manager (DSM)]

4. Bangalore Electricity Supply Company Limited,
Corporate Office, K.R. Circle,
Bangalore – 560 001.
(Represented by Managing Director)

... Respondents

(Respondent No.1 Represented by Smt Latha
for Sri Murugesh V Charathi, Advocate,
Respondent No.2, 3, & 4 Represented by
Sri H. Shanthi Bhushan, Advocate)

ORDERS

1. The Review Petitioner has filed the Review Petition under Section 86 (1) (f) and 94 of Electricity Act, 2003 and R/w Order 47 Rule 1 of Civil Procedure Code 1908, R/w Regulation 8 of KERC (General & Conduct of Proceedings) Regulations, 2000 for the following relief:
 - a) Review the Common Judgement/Order dated 15.10.2019, in so far as it pertains to Judgement in OP No.47 of 2018, and set aside/modify the order in terms of the Government Circular dated 10.12.2015, by allowing the OP No.47 of 2018 as prayed for, by setting aside the revocation/cancellation/withdrawal order of the PPA dated 17.12.2015 by the respondent No.2.
 - b) Grant the benefit of Rs.9.56 per Unit as per the Power Purchase Agreement dated 17.12.2015 instead of Rs.3.57 per unit during the relevant point of time.
 - c) Pass such other and further order/s, judgement/s, direction/s that this Commission may deem fit and proper on facts and circumstances of the case to secure the ends of justice and equity.
2. The Counsel for Review Petitioner filed an application in support of affidavit of the review petitioner dated 12.01.2022 for an advancement of hearing from 08.02.2022 (wrongly mentioned as 11.02.2022) to 12.01.2022

along with a memo for withdrawal of the petition with liberty. The contents of the memo are as follows:

“Memo for withdrawal with liberty

In the above matter, the undersigned advocate for petitioner on instruction is seeking the leave to withdraw the instant Review Petition with liberty to avail such other remedies available in law. Hence, the instant Review Petition may be permitted to be withdrawn.”

3. In view of the petitioner's application and memo, the Review Petition listed on 18.01.2022 through Video Conferencing by issuing notice to the respective parties. Counsel for review petitioner Sri Shankar Bhat on behalf of Sri Santhosh S Nagarale present. Counsel for R-1 Smt. Latha present, Counsel for R-2, 3 & 4 Sri H Shanthi Bushan present.
4. The memo of petitioner is taken on record. The counsel for R-1 and counsel for R - 2, 3 & 4 have stated no objection for withdrawal of the review petition by the petitioner.
5. Commission heard the counsels of respective parties. Hence the following:

ORDER

Review Petition is disposed accordingly

sd/-
(H.M. MANJUNATHA)
Officiating Chairperson

sd/-
(M.D. RAVI)
Member