

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 31 of 2005

In the matter of
Petition filed by Maharashtra State Electricity Distribution Company Limited
seeking a review of Commission's Order dated February 23, 2005 passed in Case
No. 19 of 2004.

Dr. Pramod Deo, Chairman
Shri. A. Velayutham, Member
Shri. S. B. Kulkarni, Member

ORDER

Dated: November 12, 2007

Maharashtra State Electricity Distribution Company Limited ("MSEDCL") had filed a Petition before the Commission on October 3, 2005 seeking a review of an Order dated February 23, 2005 passed by the Commission in Case No. 19 of 2004 (in the matter of "Amendment" / "Supplementary" Bills).

2. An admissibility hearing was held on December 13, 2005. Shri. Gaurav Joshi, Counsel appearing for MSEDCL, had suggested that the Commission may keep the review petition pending till the disposal of an Appeal No. 30 of 2005 (filed by Reliance Energy Limited) by the Hon'ble Appellate Tribunal for Electricity whereunder the said Order dated February 23, 2005 was challenged. The Review Petition filed by MSEDCL was therefore adjourned considering the pendency of the said appeal before the Hon'ble Appellate Tribunal.

3. Subsequently, the Petitioners herein preferred Appeal No. 25 of 2006, alongwith Reliance Energy Limited (Appeal No. 30 of 2005) and Brihan Mumbai Electric Supply and Transport Undertaking (Appeal No. 164 of 2005), before the Hon'ble Appellate Tribunal for Electricity challenging *inter alia* the impugned order passed by the Commission and review order in case No. 2 of 2003. Appeal Nos. 30 of 2005 and No.164 of 2005 as well were preferred against the very same impugned order in case No.19 of 2004 dated February 23, 2005 while Appeal No.25 of 2006 was preferred against identical order / direction issued in Case No. 2 of 2003 dated February 22, 2005.

4. Thereafter, by its common Judgment dated March 29, 2006 in Appeal Nos. 30 of 2005, 164 of 2005 and 25 of 2006, the Hon'ble Appellate Tribunal allowed the three appeals and *inter alia* set aside the impugned Order dated February 23, 2005.

5. An appeal under Section 125 of the Electricity Act, 2003, bearing Civil Appeal No. 2846 of 2006, was preferred before the Hon'ble Supreme Court by the Commission against this common Judgment dated March 29, 2006 passed by the Tribunal.

6. Subsequently, the Hon'ble Supreme Court has decided Civil Appeal No. 2846 of 2006 by its judgement dated August 14, 2007.

7. A further hearing was held before the Commission on October 23, 2007 with regard to the pendency of the present Review Petition filed by MSEDCL. Shri. Kiran Gandhi, Advocate, appearing for MSEDCL submitted that he has instructions from his client (MSEDCL) to withdraw the Review Petition in view of the judgment passed by the Hon'ble Supreme Court dated August 14, 2007 in Civil Appeal No. 2846 of 2006.

In view of the above, the matter stands dismissed as withdrawn.

Sd/-
(S.B. Kulkarni)
Member

Sd/-
(A. Velayutham)
Member

Sd/-
(Dr. Pramod Deo)
Chairman

(P.B. Patil)
Secretary, MERC