Chhattisgarh State Electricity Regulatory Commission
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Review Petition No. 04 of 2026

In the matter

"Review petition under section 94(1) (f) of the Electricity Act, 2003 read with regulations 23 of CSERC (Conduct of Business) Regulations 2009."

M/s Bharat Aluminium Company Limited (BALCO)
Balco Nagar, Balco, Korba (Chhattisgarh), 495684
Raipur (C.G.) ... Petitioner

Versus

Chhattisgarh State Power Distribution Co. Ltd. (CSPDCL)
Vidyut Sewa Bhawan, Danganiya, Raipur (C.G.) ... Respondent

PRESENT : **Vivek Ganodwale, Member (Law)**
Ajay Kumar Singh, Member (Technical)

Appearance : Shri Sanjay Sen, Sr. Advocate, Shri Hemant Singh, Shri Mridul Chakravarty and Ms. Lavanya Panwar, counsels for the Petitioner M/s BALCO.

Shri Abhinav Kardekar and Shri Pranav Khandelwal, counsels along with Shri Biplab Dutta for the Respondent CSPDCL.

ORDER

(September 23, 2026)

The Petitioner, M/s Bharat Aluminium Company Ltd. (BALCO), has filed the present Review Petition under Section 94(1)(f) of the Electricity Act, 2003 (36 of 2003), read with Regulation 23 of the CSERC (Conduct of Business) Regulations, 2009, seeking review of the Order dated 12.12.2025 (the impugned order) passed in Original Petition No. 70 of 2020, which was also filed by this petitioner.

In the original petition, the petitioner had challenged the bills regarding Cross Subsidy Surcharge (CSS), which was computed using average cost method as prescribed in CSERC (Connectivity and Intra-State Open Access) Regulations, 2011 (hereafter, refereed as the Open Access Regulations, 2011). The petitioner further prayed for determination of CSS on the basis of data achieved from trueing up process for the relevant years.

2. Vide impugned order, the Commission resolved the matter as follows:

> *"Accordingly, we dismiss the petition and direct the petitioner: -*
>
> *i. To pay the amount of CSS, which is at the time of filing of petition Rs. 104,47,83,578/- to the respondent No.1 CSPDCL within 30 days from the date of this order.*
>
> *ii. To pay simple interest at the rate of 0.04% for each day of delay on Rs. 104,47,83,578/- from the date of filing of the petition till today.*
>
> *iii. In case of default in payment within 30 days from the date of the order, the petitioner is liable to pay further simple interest at the rate of 0.04% for each day of delay till the date of actual payment.*
>
> *iv. The petitioner is also liable to pay Rs. 1,00,000/- towards costs of the litigation to the respondent."*

3. M/s BALCO prayed for review of the said order submitting that, the order suffers from an error apparent on the face of the record, alleging that the Commission travelled beyond the scope of the prayers and pleadings made by the parties in original petition. The petitioner contended that no opportunity was provided to it to make submissions regarding the computation of CSS. According to the petitioner, there is no clarity regarding adjustment of the amount of Rs. 59,82,10,917/- paid by it, particularly whether the same was adjusted towards interest or principal. On 21.02.2026 at the time of hearing the petitioner M/s BALCO further deposited Rs. 30,37,11,031/, with request to adjust the said amount towards the principal CSS.

4. Final hearing in this matter was held on 20.04.2026. In which, the petitioner objected to the incorrect rate of Delayed Payment Surcharge (DPS) levied by the respondent CSPDCL i.e. 1.5% per month, instead of 1.2% per month, as prescribed under Regulation 34(3) of the Open Access Regulations, 2011. Thereafter, both parties were directed to arrange a mutual meeting to settle the grievances regarding rate of surcharge in one (1) week and were given opportunity to file their written submissions within 2 weeks.

5. The respondent CSPDCL filed written submissions after the meeting accepting that on the date of filing of original petition, the amount of CSS claimed in the original petition i.e., Rs. 104,47,83,578/- was actually Rs. 92,77,09,997/-. Therefore, the parties were recalled on 02.07.2026, where the petitioner requested time to submit its computation of CSS and case was reserved for order. On 08.07.2026, the petitioner requested some more time to file their submissions stating that they found some discrepancies in the CSPDCL's calculation, for which reconciliation with the Respondent CSPDCL is required.

6. The petitioner filed written submissions on 29.07.2026 and the respondent filed on 14.08.2026. The petitioner submitted their letter dated 20.07.2026 to CSPDCL giving their computation, where they did not account the DPS for several period during 2014-2017, 2020, and 2023-2025, stating that, demand was not raised by the respondent for the period.

7. Another meeting for reconciliation was held on 23.07.2026, but no consensus has been made out. According to the respondent CSPDCL Rs. 128,25,69,625/- is due upon the petitioner till 23.07.2026 including the revised delayed payment surcharge, considering the rate at 1.2% per month from the bill due date. This calculation has been made according to the provisions of regulation 34(3) of the Open Access Regulations, 2011. While, the petitioner claims that pending principal amount of CSS was Rs. 90,90,21,951/- out of which Rs. 59.73 Crores had been paid earlier and rest amount Rs. 30,37,11,031/- had been paid on 21.02.2026. On the basis of these payments, the petitioner seeks the outstanding numbers ought to be reworked after correctly deducting principal amount towards CSS and thereafter computing any interest liability.

8. From the above submissions made by the petitioner, it is clear that the petitioner is not fair in its computation. The principal amount of CSS had been billed in FY 2014-15 and FY 2015-16. As per petitioner's own statement, the last payment was made on 21.02.2026. The petitioner has kept silence regarding the payment of DPS on CSS. Therefore, it can be understood that, the petitioner was deliberately causing delay in payment of CSS. As per its own admission, on the date of order of original petition i.e. 12.12.2025, a huge amount, more than 30 crores excluding the amount of DPS was due, then how can it be believed that the computation given by the respondent CSPDCL is wrong?

9. We do not agree with the arguments of the Petitioner that, the Commission travelled beyond the scope of the prayers and pleadings made by the parties in original petition. In fact, the amount of CSS as mentioned in order dated 12.12.2025 has been taken from the pleadings made by the petitioner themselves. Though, the petitioner's prayer was in different line, but from pleadings there was no doubt in the mind of the Commission, that the petitioner was trying to avoid payment of CSS determined as per Commission's Tariff Orders. In these circumstances any quasi-judicial body like this Commission, cannot ignore its duties or cannot remain silent on such deliberate violations of regulations relying upon superfluous pleadings.

10. Section 94(1)(f) of the Electricity Act, 2003 permits review according to Order XLVII Rule 1 of the CPC, which is reproduced below (emphasis implied):

> *" Application for review of judgment—*
>
> *(1) Any person considering himself aggrieved— (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,*
>
> *(b) by a decree or order from which no appeal is allowed, or*
>
> *(c) by a decision on a reference from a Court of Small Causes,*
>
> *and who,* <u>from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, *or on account of some mistake or error apparent on the face of the record of for any other sufficient reason, desires to obtain a review of the decree passed or order made against him*</u>*, may apply for a review of judgment to the Court which passed the decree or made the order."*

11. From the above provisions it can be said that a review can be entertained only on those grounds as mentioned in the above. To allow a review, there may be an error apparent on the face of the record means an error self-evident beyond doubt without relying further arguments. The petitioner failed to indicate any such error on the face of record. However, upon objection raised by the petitioner, the respondent admitted an error in applying the rate of DPS and rectified the error stating that at the time of filing of the original petition, the amount claimed Rs. 104,47,83,578/- was actually Rs. 92,77,09,997/-. There is no documents or evidence on record which indicate contrary to the statement of the respondent. Hence, agreeing with the computation given by the Respondent, we modify the amount mentioned in the para 27 (i) and (ii) from Rs. 104,47,83,578/- to Rs. 92,77,09,997/-.

12. (a) In view of the above discussion, the relief granted in para 27 of petition no. 70 of 2020 be substituted by the following:

i) To pay the amount of CSS, which at the time of filing of the original petition is Rs. 92,77,09,997/- to the respondent No.1 CSPDCL within 30 days from the date of this order.

ii) To pay simple interest at the rate of 0.04% for each day of delay on Rs. 92,77,09,997/- from the date of filing of the original petition till today.

iii) In case of default in payment within 30 days from the date of the order, the petitioner is liable to pay further simple interest at the rate of 0.04% for each day of delay till the date of actual payment.

iv) The petitioner is also liable to pay Rs. 1,00,000/- towards costs of the litigation to the respondent.

(b) However, it is proper to direct that calculating the due amount of CSS, the amount paid on 21.02.2026 should be deducted appropriately.

The Review Petition is disposed of accordingly.

Sd/-	**Sd/-**
Ajay Kumar Singh	**Vivek Ganodwale**
Member (Tech.)	**Member (Law)**