



**Chhattisgarh State Electricity Regulatory Commission**  
**Vidhyut Niyamak Bhawan**  
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**Review Petition No. 01 of 2017(M)**

**In the Matter of**

**“Review petition against order dated 25.10.2016 in petition no. 88 of 2015(M) filed for modalities for supply of electricity to Raipur Development Authority (RDA) for town development scheme No. 4, Kamal Vihar regarding supply to multi consumer complex and housing colony more than 10,000 KW.”**

Raipur Development Authority  
Through its Chief Executive Officer,  
New Rajendra Nagar,  
Raipur – 492 003

Review petitioner

**V/s**

Chhattisgarh State Power Distribution Co. Ltd.  
Through Superintending Engineer  
Nayapara, Raipur, Chhattisgarh,

Respondent

**PRESENT** : **Narayan Singh, Chairman**  
: **Arun Kumar Sharma, Member**

**APPEARANCE** : Shri A. Khan, SE for petitioner.  
: Shri R.A. Pathak, SE for respondent.

**ORDER**

**(Passed on 21.02.2017)**

1. The instant review petition is filed by the Chief Executive Officer of Raipur Development Authority (RDA), in the matter of order dated 25.10.2016 in petition no. 88 of

2015(M) filed for modalities for supply of electricity to the respondent Raipur Development Authority (RDA) for town development scheme No. 4, Kamal Vihar regarding supply to multi consumer complex and housing colony more than 10,000 KW under clause-5(vii) of Supply code, 2011 and amendments in the code dated 01.01.2014 and 01.09.2015.

2. The review petitioner's main grievances are related to 50% cost of 132 KV double circuit line and 3\*6MVA substation, which, as per mutual understanding shall be borne by both CSPDCL and RDA, and further, regarding 120 MVA, 133/11 KV transformer to keep in spare, for which, as pleaded, at present there is no need of the transformer. It is submitted that order regarding spare transformer may be deferred for 5 years as it also creates technical losses in the system when ever installed idle.
3. In reply the respondent CSPDCL objected that the review petition does not fulfill the criteria as mentioned in order 47 rule 1 of the Code of Civil Procedure. There is a delay of more than 15 days for submission of this review petition and the petition is barred by limitation.
4. Heard the parties on admission.
5. We peruse the provisions of the order 47 Rule 1 of the Code of Civil Procedure, which provides that:  
***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, 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, or for any other sufficient reason, desire to obtain a review of the decree passed or order made against him, may apply for a review of judgment of the Court which passed the decree or made the order.*

*(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellant Court the case on which he applies for the review.*

**Explanation,-** *The fact that the decision on a question of law on which the judgment of the Court is based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment.*

- 6.** The scope of review petition is limited only to an error apparent on the face of record or the discovery of new facts which could not be produced by the party despite due diligence and the fact is important for decision of the case or any other sufficient reason. We do not find any ground in this case.
- 7.** The present review applications filed by the applicants could not fulfill the criteria mentioned in order 47 rule 1 of the code of civil procedure.
- 8.** Hence, we dismiss the petition at the stage of admission only. Both parties shall bear their own costs.

**Sd/-**  
**(Arun Kumar Sharma)**  
**MEMBER**

**Sd/-**  
**(Narayan Singh)**  
**CHAIRMAN**