



BEFORE THE VIDYUT OMBUDSMAN FOR THE STATE OF TELANGANA

First Floor 33/11 kV Substation, Beside Hyderabad Boat Club
Lumbini Park, Hyderabad - 500 063

**PRESENT : SRI MOHAMMAD NIZAMUDDIN
VIDYUT OMBUDSMAN**

MONDAY THE TWENTY FIFTH OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

Review C.M.P. No. 33 of 2023-24

in

Appeal No. 22 of 2021-22

Between

M/s. Vijayneha Polymers Private Limited, #8-3-332, Mailardevpally, Rajendra Nagar, Hyderabad - 500 005, represented by Sri Shiva Kumar Gupta, Managing Director, Cell: 9849014659.

.....Petitioner / Appellant

AND

1. The Assistant Divisional Engineer/Operation /Gaganpahad/ TSSPDCL/ Hyderabad.
2. The Divisional Engineer/Operation/Rajendranagar/TSSPDCL/Hyderabad.
3. The Senior Accounts Officer/Operation/Rajendra Nagar Circle/ TSSPDCL/ Hyderabad.
4. The Superintending Engineer/Operation/Rajendra Nagar Circle/ TSSPDCL/ Hyderabad.
5. The Divisional Engineer/DPE/HT/TSSPDCL/Hyderabad.
6. The Divisional Engineer/MRT/Rajendra Nagar Circle/TSSPDCL/Hyderabad.

..... Respondent / Respondents

This petition is coming on before me for final hearing on 23.09.2023 in the presence of Nagam Laxmi Srikanth Kumar - authorised representative of the petitioner/appellant and Sri B. Soma Sekhar - DE/MRT/Rajendra Nagar, Sri K. Ramachandirah - DE/Tech/Rajendranagar, Sri G. Pullaiah - DE/DPE/HT-I/Hyderabad and Sri K. Venkateswarlu - ADE/HT/Rajendra Nagar for the respondents/respondents and having stood over for consideration till

today, this Vidyut Ombudsman passed the following:

ORDER

This Review Petition is filed by the petitioner/appellant to review the Award passed by this Authority in Appeal No. 22 of 2022-23 dt.21.08.2023.

2. In the detailed Review Petition, it is, inter-alia, submitted that the appellant and respondents did not know about the settlement by mutual agreement during the hearing before this Authority, as such they lost such opportunity. Therefore it is prayed to review the impugned Award and to direct the respondents to revise the short billing limiting to the period from 28.04.2022 to 09.01.2023 etc.,

3. In the written reply and additional reply of respondent No. 5 and also the written reply on behalf of respondent No.6, filed separately, they stuck to their earlier pleas in the appeal. They did not specifically say about the Review Petition.

4. Heard both sides.

5. The points that arise for consideration are:-

- i) Whether there are sufficient grounds to Review the impugned Award? and
- ii) To what relief.

Point (i)

6. The right of review has been conferred by Section 114 C.P.C and Order 47 Rule 1 of Civil Procedure Code (in short 'the CPC').

7. In order to review the impugned Award, it is necessary to consider the following aspects:-

- i) Discovery of new and important matter or evidence.
- ii) Mistake or error apparent on the face of the record.
- iii) Any other sufficient reason.

8. This Authority after considering the material on record and after hearing both sides passed the impugned Award. Now the petitioner has submitted that the parties did not know about the settlement by mutual agreement before this Authority. In other words the appellant contends that this Authority has not specifically informed both parties about such settlement. In the appeal after considering the pleas of both parties the appeal was allowed in part by giving some relief to the appellant. Again this Authority cannot reconsider the grounds already urged by the appellant. This Authority during the course of hearing in the appeal orally asked the parties as to whether any settlement is possible for any relief in the appeal. The respondents expressed their inability for the same. When the respondents are unable to come for settlement, settlement is not possible. Further after the appeal was filed this Authority sent notices to both parties. In the notice instruction No. (2) there is mention about the settlement, it is as under:-

“Whereas in terms of Clause 3.23 of the Regulation No. 3 of 2015 of the Electricity Regulatory Commission, TELANGANA STATE the Vidyut Ombudsman is required to make an endeavour to promote settlement by mutual agreement between the parties;”

Thus already both sides noticed such instructions. Now the appellant cannot complain that it did not know about any possible settlement. Apart from the above factors, there is no new or important evidence discovered now.

9. Further there is no mistake or error apparent on the face of the record so as to review the impugned Award. Thus the petitioner has failed to establish the second ground also.

10. The last ground for review is any other reason. This means at least there must be some reason similar to the above two aspects. Even this ground is also not existing in the present petition to review the impugned Award.

11. Vidyut Ombudsman, Telangana is the quasi-judicial Authority. There is no express provision in the Electricity Act or in the relevant Regulation to review its own Award. Therefore the maintainability of Review its Award or Order itself is doubtful. Thus in the present case there are no sufficient grounds to review the Award in question. In view of these factors, I hold that there are no sufficient grounds to review the impugned Award as prayed for. This point is accordingly decided against the Review Petitioner and in favour of the respondents.

POINT No. (ii)

12. In view of the findings on point No. (i) the Review Petition is liable to be dismissed.

Result.

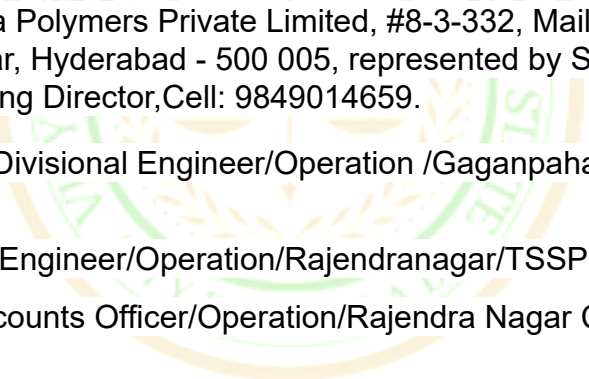
13. In the result, the Review Petition is dismissed.

A copy of this Award is made available at <https://vidyutombudsman-tserc.gov.in>.

Typed to my dictation by Office Executive-cum-Computer Operator, corrected and pronounced by me on this the 25th day of September 2023.

Sd/-

Vidyut Ombudsman

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1. M/s. Vijayneha Polymers Private Limited, #8-3-332, Mailardevpally, Rajendra Nagar, Hyderabad - 500 005, represented by Sri Shiva Kumar Gupta, Managing Director, Cell: 9849014659.
 2. The Assistant Divisional Engineer/Operation /Gaganpahad/ TSSPDCL/ Hyderabad.
 3. The Divisional Engineer/Operation/Rajendranagar/TSSPDCL/Hyderabad.
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