



Chhattisgarh State Electricity Regulatory Commission
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P. No. 26 of 2020

"Petition under section 94(1)(f) of the Electricity Act, 2003 read together with Order 47 Rule 1 of Civil Procedure Code, 1908 and clause 23 of CSERC (Conduct of Business) Regulations, 2009."

Chhattisgarh State Power Distribution Co. Ltd.
Vidhyut Sewa Bhawan, Daganiya
Raipur

... Petitioner

V/s

M/s NMDC Iron & Steel Plant.
Masab Tank, Castle Hills, 'Khanij Bhawan',
Hyderabad

... Respondent

PRESENT

:

D.S. Misra, Chairperson

Arun Kumar Sharma, Member

Vinod Deshmukh, Member (Judicial)

ORDER

(Passed on 16th October, 2020)

This review petition has been filed by CSPDCL against the order dated 11.12.20219 passed by the Commission in petition No. 34 of 2019, allowing respondent's residential colony to be covered under HV-4 tariff category.

2. Heard the parties. The petitioner's contention is that the tariff under category HV-4 is for residential and general use in the factory's premises and there is another tariff category *i.e.*, HV-6, which is applicable for bulk supply at one point for colonies, multistory residential buildings, townships including townships of industries having mixed load. In the respondent's case, the issue is of applicability of tariff for the residential colony of NMDC's steel plant at

Nagarnar and, therefore, tariff under HV-6 category will be applicable. The petitioner further argued that in case of NMDC's Kirandul and Bacheli residential colonies, HV-6 category of tariff has been made applicable.

The respondent's contention is that there is a separate category of tariff namely HV-4, exclusively for steel industries, covering all energy consumption in factory and consumption for residential and general use therein including offices, stores, canteen compound and lighting etc. Therefore, the Commission has rightly considered HV-4 for their residential colony.

3. Commission's views:

The Commission considered the contentions of both the parties. The Commission in its earlier order dated 11.12.2019, has taken a view that the tariff order provides for a separate treatment for steel industries wherein the tariff is meant to be applicable to 'energy consumption in factory, and consumption for residential and general use therein including offices, stores, canteen, compound lighting, etc.' The Commission interpreted this provision to include energy consumed in the residential colony of the respondent's steel plant at Nagarnar. However, HV-6 category in the tariff order, which is meant for residential colonies, including townships of industries in general, reads as follows:

"This tariff shall be applicable for bulk supply at one point to colonies, multi-storied residential buildings, townships, including townships of industries provided that"

On a simultaneous reading of both the aforesaid provisions contained in the tariff order, it emerges that one has to make a harmonious construction. As far as HV-4 category is concerned, on a plain reading of the provision, from the use of the word 'therein', one would reasonably interpret it as a tariff for the industrial unit for electricity consumed in the factory and its administrative office building as well as residential buildings, etc. which form part of the factory premises. This could include residences for security personnel

and other essential services. Besides, HV-6 category is exclusively meant for residential complexes or residential colonies in general and this provision does not exclude the steel industry as such. In other words, this provision makes no exception for the residential colony of steel industry.

Hon'ble Supreme Court in Rajendra Singh v. Lt. Governor Andaman Nikobar Island, AIR 2006 (75) has held as follows:

"16. The power, in our opinion, extends to correct all errors to prevent miscarriage of justice. The courts should not hesitate to review their own earlier order when there exists an error on the face of the record and the interest of justice so demands in appropriate cases. The grievance of the appellant is that though several vital issues were raised and documents placed, the High Court has not considered the same in its review jurisdiction. In our opinion, the High Court's order in the review petition is not correct which really necessitates our interference."

In the light of the aforesaid, the Commission feels that it would be just and fair to correct the interpretation taken in its earlier order dated 11.12.2019 and make HV-6 category of tariff applicable to the residential colony of the respondent's steel plant.

Accordingly, the review petition is allowed.

Sd/-
Vinod Deshmukh
Member (Judicial)

Sd/-
Arun Kumar Sharma
Member

Sd/-
D. S. Misra
Chairperson