



TELANGANA ELECTRICITY REGULATORY COMMISSION

5th Floor, Singareni Bhavan, Red Hills, Lakdi-ka-pul, Hyderabad 500 004

R. P. (SR) No. 40 of 2016

in

I. A. No. 2 of 2016

in

O. P. No. 10 of 2015

Dated 01.08.2024

Present

Sri. T. Sriranga Rao, Chairman
Sri. M. D. Manohar Raju, Member (Technical)
Sri. Bandaru Krishnaiah, Member (Finance)

Between:

M/s Sundew Properties Limited,
Mindspace, Cyberabad,
Sy.No.64 (Part), APIIC Software Layout,
Madhapur, Hyderabad 500 081.

... Review Petitioner/Petitioner

AND

Southern Power Distribution Company of Telangana Limited,
Corporate Office, H.No.6-1-50, Mint Compound,
Hyderabad 500 063.

... Respondent/Respondent

The review petition came up for hearing on 20.06.2017 and 22.07.2024. Sri. P. Sri Ram, Advocate for review petitioner appeared on 20.06.2017 and Sri. V. Sivaramakrishna Murthy, Assistant Vice President for review petition appeared on 22.07.2024. Sri. Y. Rama Rao, standing counsel for the respondent along with Sri. B. Vijaya Bhaskar, Advocate appeared on 20.06.2027 and Sri. Mohammad Bande Ali, Law Attaché for respondent appeared on 22.07.2024. The matter having heard and having stood over for consideration to this day, the Commission passed the following:

ORDER

M/s Sundew Properties Limited/deemed distribution licensee (review petitioner/petitioner) has filed the review petition under section 94(1)(f) of the Electricity

Act, 2003 (Act, 2003) seeking review of the order dated 04.08.2016 passed in I.A No.2 of 2016 in O.P.No.10 of 2016.

2. The review petitioner has sought the following prayer in the review petition.
- a) To review order dated 04.08.2016 to the extent that:
 - i) I.A.No.2 of 2016 in O.P.No.10 of 2016 is not limited to seeking extension of time qua equity infusion.
 - ii) No concession has been given by SPL/its counsel qua limiting its I.A.No.2 of 2016 in O.P.No.10 of 2016 for only seeking extension of time.
 - iii) The deadline of 30.09.2016, as set out in the order dated 04.08.2016 does not apply to continuation of supply of power by the respondent.
 - b) To permit SPL to make submission in relation to the relief sought in I.A.No.2 of 2016 in O.P.No.10 of 2016 and thereafter grant the same.
 - c) To direct the respondent to continue supply of power beyond 30.09.2016 till the time STU/SLDC grants transmission open access and SPL commences its distribution operations.”
3. The Commission has heard the counsel for petitioner and the representative of the respondent and also considered the material available to it. The submissions on various dates are noticed below, which are extracted for ready reference.

Record of proceedings dated 20.06.2017:

“... .. The counsel for the petitioner stated that the review petition is filed for reviewing the order dated 04.08.2016 in I. A. No. 2 of 2016. The review petitioner has already filed appeal against the order of the Commission in the origin petition and the same is pending consideration before the Hon’ble ATE. Therefore, he requested for adjournment of the present petition. The standing counsel for DISCOMs, while confirming the filing of appeal in Appeal No. 3 of 2017, stated that the petitioner cannot pursue two remedies at a time and that too in respect of same case. The Commission is of the view that since the appeal is pending the matter cannot be proceeded with and therefore adjourned the matter without any date.”

Record of proceedings dated 22.07.2024:

“... .. The representative of the review petitioner stated that though the matter was referred to the review petitioner’s counsel, he did not turn up. However, the review petitioner is not pressing the matter now and would file a memo by tomorrow to that effect. The representative of the respondent has no objection for the same. Considering the submissions of the representative of the review petitioner, the matter is disposed of as not pressed.”

4. The review petitioner has filed a memo in respect of not pressing the review petition and the contents of the same are extracted below:

“1. That the captioned review petition was filed seeking review of this Commission’s order dated 04.08.2016 in I.A.No.2 of 2016 in O.P.No.10 of 2015 filed by Sundew. Hon’ble Supreme Court judgment dated

17.05.2024 in C.A.No.8978 of 2019 set aside order dated 15.02.2016 to the extent challenged.

2. Hence Sundew is seeking withdrawal of the present review petition with liberty to file afresh should the need arise.
3. Hence, this Commission may be pleased to allow such withdrawal of the present matter with liberty to file afresh if the need so arises.”

5. Considering the submission made and the memo filed on behalf of the review petitioner, the Commission is of the view that nothing survives in the review petition to be decided in the light of the decision of the Hon'ble Supreme Court as stated above. Accordingly, the Commission is inclined to grant liberty to the review petitioner to withdraw the review petition. The review petition is dismissed as not pressed with liberty to the review petitioner to file any fresh proceedings if so advised based on any further developments on the subject matter, but in the circumstances without any costs.

This Order is corrected and signed on this the 1st day of August, 2024.

Sd/- (BANDARU KRISHNAIAH) MEMBER	Sd/- (M.D.MANO HAR RAJU) MEMBER	Sd/- (T.SRIRANGA RAO) CHAIRMAN
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