

Record of proceedings dated 16.06.2021

R. P. (SR) No. 4 of 2019 in O. P. No. 8 of 2017	M/s. Shree Cement Limited	TSSPDCL & Vedanta Limited (Previously known as Sesa Sterlite Limited)
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Review petition filed seeking review of the order dated 01.11.2018 passed in O. P. No. 8 of 2017

Sri P. Vikram, Advocate for the review petitioner, Sri D. N. Sarma, OSD (Legal & Commercial) alongwith Sri Mohammad Bande Ali, Law Attachee for respondent No. 1 and Sri Hemanth Singh, Sri Lakshyajit Singh Bagwal and Sri Harshit Singh, Advocates alongwith Miss Shreya Sanal, Representative for the respondent No. 2 have appeared through video conference. The counsel for petitioner stated that the present review petition is filed seeking review of the order passed by the Commission in the original petition giving partial relief in respect of one of the claims. He stated that the principle adopted in allowing the claim No. 3 in the original petition has to be applied to the claim No. 1 also. This is the short issue for the review of the order. While applying the principle for the claim No. 1 in the original petition, the Commission allowed only 50% relief instead of allowing in its entirety as has been done in respect of the claim No. 3. The review petition is maintainable as no new facts or submissions are being made except correct the principle applied in deciding the matter accordingly.

The counsel for respondent No. 2 stated that no claim can be made against the respondent No. 2 and the issue rests between the original petitioner and respondent No. 1. Therefore, the respondent No. 2 has no case in the review petition, though the prayer in the review petition is made against the respondent No.2. He has sought permission of the Commission not to be present on the next date of hearing in view of the said submission.

The representative of the respondent No. 1 stated that he should be discharged from the review petition as the issue for consideration in the review is being agitated between petitioner and respondent No. 2. At this stage, the counsel for the petitioner clarified that the review petition is intended and filed against the respondent No. 1 and not against the respondent No. 2 as the claim was originally made against the respondent No. 1 only. Upon such submission, the representative

of the respondent No. 1 stated that unless a proper amendment in the prayer is made, the petition cannot be proceeded with and the petitioner in the review petition has to take steps accordingly. He further stated that in support of his submissions, he is relying on the judgments reported in AIR 1963 SC 235, 2001 (6) SCC 633 and 2009 (10) SCC 84.

The counsel for petitioner agreed to file a memo to modify the prayer in the review petition as there was a mistake. The representative of the respondent No. 1 insisted upon taking leave of the Commission for amending the prayer properly, then only the Commission may consider the review petition. The counsel for petitioner submitted that the judgments relied upon by the respondent No. 1 may be placed on record and upon such filing he would advert to all the aspects and filed a memo.

In view of the submissions, the Commission directed the Respondent No. 1 to file the relevant judgments before the Commission by duly serving copies to the review petitioner. The counsel for petitioner shall file a memo on or before the next date of hearing. Accordingly the matter is adjourned.

Call on 28.06.2021 at 11.30 A.M.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

O. P. No. 3 of 2021 & I. A. No. 29 of 2017	M/s. REI Power Bazaar Private Ltd.	TSTRANSCO, TSDISCOMs & TSGENCO
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Petition filed seeking to establish power market (power exchange) in the State of Telangana u/s 86 (1) (k) r/w section 66 of the Act, 2003.

I. A. filed seeking to receive additional documents for consideration of the original petition.

Sri. P. Vikram, Advocate for the petitioner and Sri. D. N. Sarma, OSD (Legal & Commercial) and Sri Mohammad Bande Ali, Law Attachee for the respondents have appeared through video conference. The counsel for the petitioner stated that he needs further time to make submissions in the matter. The representative of the respondent No. 1 stated that though counter affidavit had been filed in the year 2016, certain developments have taken place which have to be brought on record. Accordingly, he needs further time to make additional submissions in the matter.

The Commission directed the parties to complete the pleadings expeditiously and adjourned the matter.

Call on 11.08.2021 at 11.30 AM.

Sd/-
Member

Sd/-
Member

Sd/-
Chairman

