

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No: W.A.No.73 of 2021

PROCEEDING SHEET

S. No	DATE	ORDER	OFFICE NOTE
	26.06.2023	<u>HCJ & BVR, J</u> <u>I.A.No.1 of 2022 & Review Petition No.2 of 2022</u> Heard Mr. Y.Rama Rao, learned counsel for the review petitioners and Mr. S.Rahul Reddy, learned counsel for respondent No.1/writ petitioner. I.A.No.2 of 2022 has been filed for review of the order dated 05.03.2021 passed by this Court in W.A.No.73 of 2021. I.A.No.1 of 2022 is filed for condoning the delay of 519 days in filing the related review petition. Respondent No.1 had filed W.P.No.16490 of 2020 seeking a direction to the review petitioners, who were arrayed as respondents in the writ proceedings to pay the amount due to it towards energy injected in the grid of the review petitioners. Learned Single Judge <i>vide</i> the order dated 18.01.2021 allowed the writ petition and directed the review petitioners to pay the amount due to respondent No.1/writ petitioner as per the joint meter reading dated 31.03.2020 in terms of the tariff fixed by the Telangana State Electricity Regulatory Commission. Review petitioners were also directed to consider the application moved by respondent No.1/writ petitioner for long term open access without insisting on	

	respondent No.1 to furnish undertaking that it would forego amounts already due for the energy injected into the grid. Review petitioners were further directed to continue making payments to respondent No.1/writ petitioner for the energy injected into the grid till such time open access was granted or an agreement was entered into between the parties. It is against this order that the review petitioners filed writ appeal No.73 of 2021. After hearing the matter and with the consent of the parties, this Court disposed of the writ appeal <i>vide</i> the order dated 05.03.2021 directing the review petitioners to process the application of respondent No.1/writ petitioner for long term open access on or before 05.04.2021. That apart, the amount due and payable to respondent No.1/writ petitioner was directed to be cleared by the review petitioners on or before 30.04.2021. It was clarified that the aforesaid direction of the appellate court was without prejudice to the right of the review petitioners to raise a demand for reimbursement for any inadvertent power pumped into the grid during the period of synchronization which as per the undertaking furnished would be free of cost to the review petitioners. Learned counsel for the review petitioners submits that it was contended before the Court on behalf of the review petitioners that the pending open access request of respondent No.1/writ petitioner would be processed without insisting on furnishing of undertaking by	
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		respondent No.1/writ petitioner in terms of the letter dated 18.12.2020. After hearing learned counsel for the parties and on due consideration, we are of the view that present is not a fit case for exercising our review jurisdiction to review the order dated 05.03.2021 passed in W.A.No.73 of 2021. However, we are of the view that the aforesaid order was passed by this Court in the facts and circumstances of W.A.No.73 of 2021. Each case would have to be decided on the facts of that case. No further order is called for. Subject to the above, both the delay condonation petition as well as the review petition are dismissed. HC J BVR, J LUR	
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