

# Gridco Limited vs Vedanta Limited & Ors on 5 May, 2026

IN THE APPELLATE TRIBUNAL FOR ELECTRICITY  
(Appellate Jurisdiction)

REVIEW PETITION NO.28 OF 2025  
in  
APPEAL NOS.107 OF 2022 & 312 OF 2022

Dated: 05.05.2026

Present: Hon`ble Mr. Virender Bhat, Judicial Member  
Hon`ble Mr. Ajay Talegaonkar, Technical Member

In the matter of:

GRIDCO Limited  
Grid Corporation of Orissa Limited  
Through its Managing Director  
Janpath, Bhubaneswar, Odisha - 751022  
Email: cgm.pp@gridco.co.in

... Petitioner(s)

Versus

1. Vedanta Limited  
Through its Managing Director  
1st Floor, C Wind, Unit 103,  
Corporate Avenue, Atul Projects,  
Chakala, Andheri-East,  
Mumbai, Maharashtra - 400093  
Email: aditya.pyasi@vedanta.co.in/ninad.nigam@vedanta.co.in
2. State Load Despatch Centre, OPTCL  
Through its Chief Load Dispatcher  
PO- Mancheswar Railway Colony,  
Bhubaneswar, Odisha - 751017  
Email: cldsldc@sldcorissa.org.in/sldcgridco@yahoo.com
3. WESCO Utility  
[Now TP Western Odisha Distribution Limited (TPWODL)]

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Through its Chief Executive Officer  
District - Sambalpur, Burla - 768017, Odisha  
Email: ceo.tpwodl@tpwesternodisha.com

4. Department of Energy, Government of Odisha  
Through its Principal Secretary to Government

Secretariat Building, Bhubaneswar - 751001, Odisha  
Email: energy.dept@nic.in

5. Odisha Power Transmission Corporation Limited (OPTCL)  
Through its Chairman-cum-Managing Director  
Janpath, Bhubaneswar, Odisha - 751022  
Email: rtc.optcl@gmail.com
  
6. Odisha Electricity Regulatory Commission  
Through its Secretary  
Bidyut Niyamak Bhawan, Plot No. 4,  
Chunukoli, Saileshree Vihar,  
Chandrasekharapur, Bhubaneswar,  
Odisha - 751021  
Email: Orierc@gmail.com

... Respondent(s)

Counsel for the Petitioner(s)	:	Raj Kumar Mehta Himanshi Andley
Counsel for the Respondent(s)	:	Sajan Poovayya, Sr. Adv. Hemant Singh Mridul Chakravarty Biju Mattam Sourav Roy Supriya Rastogi Agarwal Ankita Bafna Lakshyajit Singh Bagdwal Harshit Singh Lavanya Panwar Alchi Thapliyal Sanjeev Singh Thakur Indrayudh Chowdhury Devansh Pundir Siddarth Shekhar Mahima Srivastava for Res. 1  Rutwik Panda

ORDER

PER HON'BLE MR. VIRENDER BHAT, JUDICIAL MEMBER

1. GRIDCO Limited, which is engaged in business of bulk purchase and sale of power for the four distribution licensees in the State of Odisha, has preferred this review petition seeking review of the judgment of this Tribunal dated 09.09.2025 passed in appeal nos.107 of 2022 & 312 of 2022. These two appeals had been filed by M/s Vedanta Limited and GRIDCO Limited respectively against the

order dated 22.06.2020 passed by Odisha Electricity Regulatory Commission (hereinafter referred to as the Commission) in case no.68/2018 which had been filed by GRIDCO Limited seeking direction against Ms. Vedanta Limited for execution of revised PPA between the parties in compliance with previous order of the Commission dated 27.01.2016 passed in case no.21/2015.

2. Vide the above noted common judgment dated 09.09.2025, appeal no.107 of 2022 filed by M/s Vedanta Limited was allowed while appeal no.312 of 2022 filed by GRIDCO Limited was dismissed. The case was remanded back to the Commission with the direction to call upon the parties

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to execute revised PPA as per their mutual agreement as per order dated 27.01.2016 passed in petition no.21/2015.

3. Review of the said judgment has been sought by GRIDCO Limited on the following grounds: -

(a) Detailed submissions made on behalf of GRIDCO Limited during the hearing and in the written submissions have neither been noticed nor considered in the judgment;

(b) the judgment is based merely on the premise that Minutes of Meeting dated 07.06.2019 are paramount and the same have the status/sanctity as that of PPA;

(c) finding of this Tribunal in the judgment that Commission had no jurisdiction to devise a protocol for computation of compensation suffers from patent error;

(d) observation of this Tribunal in Paragraph 38 of the judgment that none of the parties harped upon Minutes of Meeting (MOM) dated 01.11.2016 during proceedings of the petition before the Commission is contrary to the record; and

(e) finding of this Tribunal in Paragraph nos.37 to 41 and 44 of the judgment that since the petition filed by GRIDCO Limited was under

Section 86(1)(f) and not under Section 86(1)(b) of the Electricity Act,

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2003, there was occasion for regulatory intervention qua compensation mechanism to be incorporated in the PPA, is contrary to the observations in Paragraph 32 to 34 of the judgment.

4. Accordingly, it is contended on behalf of GRIDCO Limited that the judgment suffers from errors apparent on the face of record, and therefore, needs to be reviewed.

5. The review petition is vehemently opposed and contested on behalf of M/s Vedanta Limited.

6. We have heard Mr. R K Mehta, learned counsel appearing for the review petitioner as well as Mr. Sajan Poovayya, learned senior counsel appearing on behalf of M/s Vedanta Limited.

7. At the outset, we may note that Section 114 of CPC is the substantive provision dealing with scope of review and is quoted below:

"114. Review. --Subject as aforesaid, any person considering himself aggrieved--

(a) by a decree or order from which an appeal is allowed by this Code, but from which no appeal has been preferred.

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(b) by a decree or order from which no appeal is allowed by this Code, or

(c) by a decision on a reference from a Court of Small Causes, may apply for a review of judgment to the Court which passed the decree or made the order, and the Court may make such order thereon as it thinks fit."

8. The grounds on which review of a judgment / order can be sought, have been specified in Order XLVII of the CPC which are reproduced hereinbelow: -

"1. Application for review of judgment. -- (1) Any person considering himself aggrieved--

(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,

(b) by a decree or order from which no appeal is allowed, or

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(c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applied for the review.

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Explanation.--The fact that the decision on a question of law on which the judgment of the Court is

based has been reversed or modified by the subsequent decision of a superior Court in any other case, shall not be a ground for the review of such judgment."

(Emphasis supplied)

9. A bare reading of these relevant legal provisions would make it clear that an application for review of a judgment / order is maintainable upon (i) discovery of a new and important matter or evidence which, after exercise of due diligence, was not within the knowledge of the review applicant or could not be produced by him when the judgment / order was passed; or (ii) on account of some mistake or error apparent on the face of record; or (iii) for any other sufficient reason.

10. The expression "error apparent on the face of record" used in Order XLVII Rule 1 indicates an error which is self-evident and staring in the eye. Any error or mistake which is not self-evident and has to be deducted from a process of reasoning cannot be said to be an error apparent on the face of record justifying exercise of power of review. Power of review can be

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exercised only where a glaring omission or a patent mistake is found in the order under review. We may also note that the power of review can be exercised only for correction of a patent mistake but not to substitute a view for the reason that a review petition cannot be permitted to be an appeal in disguise.

11. In *Chhajju Ram v. Neki Ram* AIR 1922 PC 112, it was held that the words "any other sufficient reason" appearing in Order XLVII Rule 1 CPC must mean "a reason sufficient on grounds at least analogous to those specified in the rule". This interpretation was approved by the Supreme Court in later judgment in *Moran Mar Basselios Catholicos v. Most Rev. Mar Poulose Athanasium* 1955 1 SCR 520. In *Kamlesh Verma v. Mayawati & Ors.* (2013) 8 SCC 320, Hon'ble Supreme Court has succinctly summarized the principles for exercising review jurisdiction as under: -

"20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1 When the review will be maintainable:

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could

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not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason.

The words "any other sufficient reason" have been interpreted in *Chhajju Ram v. Neki* and approved by this Court in *Moran Mar Basselios Catholicos v.*

Most Rev. Mar Poulouse Athanasius to mean "a reason sufficient on grounds at least analogous to those specified in the rule". The same principles have been reiterated in *Union of India v. Sandur manganese & Iron Ores Ltd.*

20.2 When the review will not be maintainable:

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the record,

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undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated."

12. We also find advantageous to quote here following Paragraphs of the judgment of the Hon'ble Supreme Court in *S. Madhusudhan Reddy v. V. Narayana Reddy & Ors.* (2022) SCC OnLine SC 1034:-

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"31. As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that the Court's jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review under Order XLVII Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a

mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter. A judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite  
u n d e r t a k i n g a n

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exercise of due diligence. There is a clear distinction between an erroneous decision as against an error apparent on the face of the record.

An erroneous decision can be corrected by the Superior Court, however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order XLVII Rule 1 for reviewing a judgment has been described as "for any other sufficient reason". The said phrase has been explained to mean "a reason sufficient on grounds, at least analogous to those specified in the rule" (Refer: Chajju Ram v. Neki Ram and Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius)."

13. In a recent judgment dated 08.09.2025 passed in Malleeswari v. K. Suguna and Anr. SLP (C) No. 12787 of 2025 (2025 INSC 1080) Hon'ble Supreme Court has again reiterated that court's power to review its own previous order is strictly limited to correcting errors apparent on the face of

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the record and not to rehear or substitute a different view as if it were an appeal.

14. Keeping these legal principles in mind, we shall proceed to examine whether the judgment dated 09.09.2025 under review suffers from any error apparent on the face of record in the light of the grounds raised by the review petitioner in this petition.

(a) Detailed submissions made on behalf of GRIDCO Limited during the hearing and in the written submissions have neither been noticed nor considered in the judgment.

15. We are unable to countenance the contentions raised on behalf of the review petitioner that the submissions made on its behalf during the hearing of appeal and in the written submissions have not been noticed and considered in the judgment. Even though the submissions of CRIDCO Limited have not been specifically mentioned in detail in the judgment under review, yet, perusal of Paragraph Nos.25, 26, 29, 30, 31, 38, 39 44 and 49 of the judgment would reveal that all the contentions raised by GRIDCO Limited have been considered and found without any force. We may note here that even the arguments raised on behalf of M/s Vedanta during the hearing of the appeal  
a s w e l l a s i n t h e w r i t t e n s u b m i s s i o n s , a l s o h a v e n o t

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been noted specifically anywhere in the judgment. However, our detailed analysis which spans over 23 pages would reflect the views of this Tribunal on each and every contention raised on behalf of the parties during the hearing of the appeal.

16. It is evident from the perusal of analysis part of the judgment that this Tribunal has taken note of and discussed all the relevant factors, submissions and pleadings which were germane to the dispute between the parties before coming to a particular conclusion.

(b) the judgment is based merely on the premise that Minutes of Meeting dated 07.06.2019 are paramount and the same have the status/sanctity as that of PPA.

17. It is argued on behalf of the review petitioner that finding of the Tribunal in the judgment under review that the compensatory protocol as per MOM dated 07.06.2019 has to be considered as part and parcel of PPA, suffers from apparent error and requires reconsideration. We do not find any merit in these submissions on behalf of the review petitioner. It is one thing to say that a finding given in a judgment is erroneous but it is altogether different thing to say that the judgment suffers from any apparent error. We have given sufficient reasoning for holding that the compensation protocol for any short supply of power has to be governed by the MOM dated 07.06.2019

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between the parties in which said protocol was agreed upon in the presence of the Director (Regulatory Affairs) of the Commission. The case of the review petitioner, at best, could be that such reasoning/finding of this Tribunal is erroneous and for which only an appeal would lie to the Hon'ble Supreme Court. The fact remains that no error apparent on the face of record could be found on this aspect in the judgment under review.

(c) Finding of this Tribunal in the judgment that Commission had no jurisdiction to devise a protocol for computation of compensation suffers from patent error.

18. Similar can be said about the finding of this Tribunal in the judgment that the Commission had no jurisdiction to devise a protocol for computation of compensation. This finding has been returned by this Tribunal upon consideration of the relevant facts as well as legal principles, and therefore, the review petitioner cannot be heard to say that the judgment suffers from any apparent error in this regard. If, according to the review petitioner such a finding is contrary to the said legal principles on this aspect, same can be assailed by way of a statutory appeal before the Hon'ble Supreme Court and cannot be agitated in a review petition before this Tribunal.

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(d) Observation of this Tribunal in Paragraph 38 of the judgment that none of the parties harped upon Minutes of Meeting (MOM) dated 01.11.2016 during proceedings of the petition before the Commission is contrary to the record.

19. What led this Tribunal to observe in Paragraph 38 of the judgment that none of the parties appears to have harped upon the MoM dated 01.11.2016 during the proceedings of the petition before the Commission, has been explained in the said Paragraph itself. Therefore, the contention of the review petitioner that these findings are contrary to the record is not acceptable and the review petition must fail on this count also.

(e) Finding of this Tribunal in Paragraph nos.37 to 41 and 44 of the judgment that since the petition filed by GRIDCO Limited was under

Section 86(1)(f) and not under Section 86(1)(b) of the Electricity Act, 2003, there was no disability of regulatory intervention qua compensation mechanism to be incorporated in the PPA, is contrary to the observations in Paragraph 32 to 34 of the judgment.

20. Even if this contention on behalf of the review petitioner is accepted for the sake of arguments, then also it does not point out any error apparent on

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the face of record in the judgment dated 09.09.2025. This contention was to suggest that according to review petitioner, findings on this aspect are erroneous, which do not fall within the domain of review jurisdiction. Hence, the review petition is found to be sans any merit on this aspect also.

21. It was also argued by learned counsel for the review petitioner that this Tribunal has not considered the submissions of review petitioner in its appeal no.312 of 2022 with respect to incorporation of stringent penalty clause in the PPA in addition to compensation clause. In this regard, we may note that as per settled position of law a judgment cannot be assailed in review merely because every argument advanced by a party has not been expressly dealt with so long as final conclusion is based on consideration of issues arising in the matter.

22. We may also note that in the judgment under review, this Tribunal has examined in detail as to whether the regulatory Commission can interfere in a PPA or in the agreement arrived at between the parties in the meeting dated 07.06.2019 in the presence of Director (Regulatory Affairs) of the Commission and whether the Commission can rewrite the contract. This Tribunal has taken a view that the regulatory Commission cannot rewrite the contract even under the garb of regulatory powers, and therefore, the

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contention raised by review petitioner in appeal no.312 of 2022 were found to be having no sanctity in law.

23. From the above discussion, it is manifest that by way of instant review petition, the review petitioner wanted this Tribunal to rehear the two appeals. The review petition is clearly an appeal in disguise whereby this Tribunal was called upon to take a view different to that taken in the judgment under review and obviously not to correct any apparent error in the judgment.

24. Hence, we do not find any merit in the review petition. The same is hereby dismissed.

Pronounced in the open court on this the 05th day of May, 2026.

(Ajay Talegaonkar)  
Technical Member (Electricity)

(Virender Bhat)  
Judicial Member

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REPORTABLE / NON-REPORTABLE

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