

**BEFORE THE HIMACHAL PRADESH ELECTRICITY
REGULATORY COMMISSION SHIMLA**

Review Petition No.	44 of 2026
Date of Institution:	17.03.2026
Arguments Heard on:	25.03.2026
Decided on:	01.04.2026

CORAM

YASHWANT SINGH CHOGAL
MEMBER (Law)-cum-Chairman

SHASHI KANT JOSHI
MEMBER

New Noorpur Surya Urja Solar Power Project,
Registered Office at Village and Post Office Baldun,
Tehsil Nurpur, Distt. Kangra, H.P-176202,
through its Authorized Signatory, Sh. Aniket Chaudhary.

.....Petitioner

Versus

The HP State Electricity Board Ltd. through
Chief Engineer (System Operation),
Vidyut Bhawan, Shimla, HP-171004.

.....Respondent

Review Petition under Regulation 70 of the HPERC (Conduct of Business) Regulations, 2024, for review of order dated 16.02.2026 passed by the Commission in Petition No. 21 of 2026 for the approval of the Power Purchase Agreement (Solar) in respect of New Noorpur Surya Urja Solar Power Project (1.0 MW).

Present:-

Sh. Raj Thakur, Ld. Counsel for the Petitioner.

Sh. Kamlesh Saklani, Authorised Representative for the Respondent.

ORDER

This Review Petition has been filed by the Petitioner seeking review of order dated 16.02.2026 in Petition No. 21 of 2026 for the

approval of the Power Purchase Agreement (PPA for short) in respect of New Noorpur Surya Urja Solar Power Project (1.0 MW) situated at Village and Post Office Baldun, Tehsil Nurpur, Distt. Kangra, H.P (Project for short).

2. The case of the Petitioners is that the Petitioner and the Himachal Pradesh State Electricity Board Ltd. (the Respondent or the HPSEBL for short) filed a Joint Petition being Petition No. 21 of 2026 (Annexure P-1) before the Commission seeking approval of the PPA in respect of the Project and the Commission vide order dated 16.02.2026 (Annexure P-2) allowed the Petition and approved the PPA.

3. It is averred that while filing the Joint Petition No. 21 of 2026, the location of the Project site was mentioned as rural area whereas the Project site falls within the jurisdiction of Urban Local body and forms part of an urban area, as certified by the competent Municipal Authority, Nurpur. A copy of certificate issued by the Municipal Council, Nurpur and a copy jamabandi of the land have been annexed as Annexure P-3 Colly.

4. It is averred that the Project falls within urban area and was mentioned as rural area due to an oversight while preparing the Joint

Petition, therefore, the description of the project location as rural in order dated 16.02.2026 in Joint Petition No. 21 of 2026 is required to be corrected to urban area.

5. It is averred that classification of the Project location has a direct bearing on the applicable tariff for the Project as according to the applicable tariff structure, Solar Power Projects upto 1.0 MW capacity located in rural areas have tariff of Rs. 3.45 per kWh whereas, the projects of the same capacity located in urban areas are subject to tariff of Rs. 3.50 per kWh but due to an inadvertent error in the description of the project location, the correct factual position regarding location of the Project could not be brought to the notice of the Commission at the time of adjudication of the Petition No. 21 of 2026. Thus, there is an error apparent on the face of record which is required to be corrected.

REPLY OF THE RESPONDENT

6. In reply to the Review Petition, the Respondent/ HPSEBL has not disputed the contents of the Petition. It is averred that in the Joint Petition, the classification of the Project site was mentioned as rural area on the basis of declaration of the Petitioner in Petition No. 21 of 2026 as the certificate from the competent authority confirming the

project location at Urban area was not available. It is averred that Petition No. 21 of 2026 was disposed off vide order dated 16.02.2026 and a tariff of Rs. 3.45 per kWh was allowed, as applicable for Project upto 1.0 MW capacity in rural area.

7. According to the HPSEBL, the Petitioner has placed on record copy of certificate/ letter issued by the Executive Officer, Municipal Council Nurpur confirming that the Project site falls in urban area and said certificate may be considered by the Commission.

POINTS FOR DETERMINATION

8. We have heard Sh. Raj Thakur, Ld. Counsel for the Petitioner and Sh. Kamlesh Saklani, Authorised Representative for the Respondent and have perused the entire record carefully. The following points arise for determination in the present Petition:-

Point No. 1: Whether the Order dated 16.02.2026 in Petition No. 21 of 2026 suffers from errors apparent on record, as alleged, and is liable to reviewed?

Point No. 2: **Final Order**

9. For the reasons to be recorded hereinafter in writing, our point wise findings are as under:-

Point No. 1: Yes.

Point No. 2: The Petition allowed per operative part of the Order.
(Final Order)

REASONS FOR FINDINGS

Points No. 1

10. It is well settled law that the power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated like an appeal in disguise. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced at the time when the order was made. It may also be exercised where some mistake or error apparent on the face of the record is found but may not be exercised on the ground that the decision was erroneous on merits which is the domain of a court of appeal. While exercising the review court does not sit in appeal over its own order. A rehearing of the matter is impermissible in law. In this regard, reliance may be placed in *Parsion Devi v. Sumitri Devi*, (1997) 8 SCC 715 wherein it is held as under:-

“9. Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be “reheard and

corrected". A review petition, it must be remembered has a limited purpose and cannot be allowed to be "an appeal in disguise."

11. Similarly in *Meera Bhanja v. Nirmala Kumari Choudhury*, (1995) 1 SCC 170 it has been held by the Hon'ble Supreme Court that the review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1, CPC. Para 8 of the aforesaid law is reproduced as under:-

"8. It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1, CPC. In connection with the limitation of the powers of the court under Order 47, Rule 1, while dealing with similar jurisdiction available to the High Court while seeking to review the orders under Article 226 of the Constitution of India, this Court, in the case of Aribam Tuleshwar Sharma v. Aribam Pishak Sharma [(1979) 4 SCC 389 : AIR 1979 SC 1047], speaking through Chinnappa Reddy, J., has made the following pertinent observations: (SCC p. 390, para 3)

"It is true as observed by this Court in Shivdeo Singh v. State of Punjab [AIR 1963 SC 1909], there is nothing in Article 226 of the Constitution to preclude the High Court from exercising the power of review which inheres in every Court of plenary jurisdiction to prevent miscarriage of justice or to correct grave and palpable errors committed by it. But, there are definitive limits to the exercise of the power of review. The power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits. That would be the province of a court of appeal. A power of review is not to be confused with appellate power which may enable an appellate court to correct all manner of errors committed by the subordinate court."

12. A similar view has been taken by the Hon'ble Supreme Court in Ram Sahu v. Vinod Kumar Rawat, (2021) 13 SCC 1.

13. The Petitioner has placed on record copy of order dated 16.02.2026 (Annexure P-2) in Petition No. 21 of 2026 which shows that the tariff of Rs. 3.45 per kWh was allowed for the Project based on the undertaking of the Petitioner that the Project was located in a rural area. However, the Petitioner has now placed on record a certificate/ letter issued by the Executive Officer, Municipal Council, Nurpur, Distt. Kangra dated 19.02.2026 that as per Notification No. UD-A (1)- 2/ 2025 dated 20.05.2025 and report of Patwari, Khata No. 25, Khasra No. 443/24, Mohal Baldun has been included in Municipal Council Nurpur and falls under the Urban Limit/ Municipal Council (MC) Limit of MC, Nurpur (HP) as mentioned in the certificate of Executive Officer, Municipal Council, Nurpur. It is, therefore, apparent that the Project is located in the urban area and is entitled for the tariff as applicable for the Projects situated in industrial and urban areas.

14. Since, the certificate regarding the location of the Project site was inadvertently not placed on record by the Petitioner when the Joint Petition was filed, the same constitutes an error apparent on the face of record and the Commission in exercise of the powers of

review has the jurisdiction to correct said error apparent on the face of record by taking the certificate issued by MC Nurpur.

15. The Commission vide Order dated 27.03.2025 in Suo Moto Petition No. 01 of 2025 has determined the generic levelised tariff for the Solar PV Power Projects for FY 2025-26 (for a period w.e.f. 01.04.2025 to 31.03.2026) as under :-

Sr. No.	Capacity	Generic levelised tariff (Rs. Per kWh)
1.	Projects to be set up in other than industrial areas and urban areas.	
(a)	Upto 1.00 MW	3.45
(b)	Above 1.00 MW & upto 3.00 MW	3.38
(c)	Above 3.00 MW & upto 5.00 MW	3.32
2.	Projects to be set up in industrial areas and urban areas	
(a)	Upto 1.00 MW	3.50
(b)	Above 1.00 MW & upto 3.00 MW	3.44
(c)	Above 3.00 MW & upto 5.00 MW	3.38

16. Since, the Project is situated in the urban area as per certificate/ letter dated 19.02.2026 issued by the Executive Officer, Municipal Council, Nurpur and the capacity of the Project is 1.0 MW, a tariff of Rs. 3.50 per kWh is applicable for the Project whereas, the Commission has allowed a tariff of Rs. 3.45 per kWh which constitutes an error on record and required to be corrected failing which a great prejudice shall occasion to the Petitioner. Thus, the Project is entitled to the tariff of Rs. 3.50 per kWh instead of Rs. 3.45 per kWh. Point No. 1 is accordingly decided in favour of the Petitioner.

FINAL ORDER

17. In view of the aforesaid discussion and findings, the Petition succeeds and allowed. It is ordered that Project i.e. M/s New Noorpur Surya Urja Solar Power Project (1.0 MW) is situated in the urban area within the limits of Municipal Council, Nurpur, Distt. Kangra and is entitled to the tariff of Rs. 3.50 per kWh being Project for 1.0 MW capacity.

18. The parties are directed to execute the PPA/ SPPA as per this order after carrying out the necessary additions and alterations within a period 30 days from today.

19. Other terms and conditions of order dated 16.02.2026 in Petition No. 21 of 2026 shall remain unchanged.

20. Three copies of the executed Power Purchase Agreement be submitted to the Commission for record.

21. Let a copy of this order be supplied to the parties forthwith.

The file after needful be consigned to records.

Announced
01.04.2026

-Sd-
(Shashi Kant Joshi)
Member

-Sd-
(Yashwant Singh Chogal)
Member(Law)-cum-Chairman