

**N/04/07**

**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION  
BANGALORE**

**Dated this 16<sup>TH</sup> day of August 2007**

1. Shri K.P.Pandey	..	Chairman
2. Shri H.S.Subramanya	..	Member

**Case No.OP 06 / 07**

**Between**

M/s.Enercon Wind Farms (India)Limited,  
Enercon Tower, 2<sup>nd</sup> Floor,  
Plot No.A-9, Veera Industrial Estate,  
Veera Desai Road, Andheri (West),  
**MUIMBAI-400053**

**And**

1. Karnataka Power Transmission Corporation Limited,  
Cauvery Bhavan,  
**Bangalore-560009**
2. Bangalore Electricity Supply Company Limited  
Corporate Office, K.R.Circle,  
**BANGALORE-560001**

The Petitioner, a wind power generator has filed Petition on 25.02.2007 with the following prayer.

1. To pass orders directing the First and Second Respondents to make the full payments at the rate agreed under the Power Purchase Agreement by honouring the terms of the PPA (Annexure A)

2. Order the First and Second Respondents to remit the balance payments from the date of Commissioning of the project to the present date with interest charges as agreed under the Power Purchase Agreement.
3. To pass such other Order/s to meet the end of justice and equity.

Notices were issued to the Petitioner as well as the Respondents and representatives of both the parties were heard. In the course of hearing, it was stated by the Counsels of both the parties that the issue raised by the Petitioner is being discussed between them and a Joint Memo would be filed before the Commission accordingly. The parties have filed a Joint Memo on 26.07.2007 which is reproduced below:

“ The parties have discussed and agreed to the follows:

1. For the period from the date of signing of agreement i.e. 23.11.01 to 31.8.2006, the tariff to be paid to the Petitioner will be as per Power Purchase Agreement Dated 23.11.2001.
2. For the period between 01.09.2006 to 22.11.2011 the petitioner shall execute a Supplement Agreement with the Respondents, agreeing to the following.
3. The Petitioner Company shall be paid for the electricity supplied from 01.09.2006 at Rs.3.32 per unit from the base year of 2002-2003 with 2% escalation non-cumulatively every year till the 22.11.2011.
4. In view of the above understanding the tariff to be paid for the periods will be as per the table below:

<b>Period</b>	<b>Tariff in Rs/unit</b>
23.11.2001 to 31.03.2002	3.16
01.04.2002 to 31.03.2003	3.32
01.04.2003 to 31.03.2004	3.49
01.04.2004 to 31.03.2005	3.66
01.04.2005 to 31.03.2006	3.84
01.04.2006 to 31.08.2006	4.03
01.09.2006 to 31.03.2007	3.5856
01.04.2007 to 31.03.2008	3.6520
01.04.2008 to 31.03.2009	3.7184
01.04.2009 to 31.03.2010	3.7848
01.04.2010 to 31.03.2011	3.8512
01.04.2011 to 22.11.2011	3.9176

5. The parties agree that Respondents shall pay the difference to be arrived at as at the end of 30.06.2007 to the petitioner as per this Joint Memo within one month from today.
  
6. In all other respects except the above the terms of the agreement continues to bind the parties.
  
7. It is most respectfully prayed before this Hon'ble Commission that the above understanding may kindly be recorded and the petition may kindly be disposed off in terms of the same.

Representative of Petitioner

for Enercon Wind Farms (Indian) Ltd

Advocate for Respondents

for Karnataka Power Transmission Corporation Ltd.

for Bangalore Electricity Supply Company Limited"

The joint Memo has been signed by the representatives of the Petitioner as well as the Respondents

Since the parties have settled the matter after mutual discussions, the Petition is disposed off with direction that effect shall be given in terms of the Joint Memo by the Respondents. The Respondent 2 shall file the supplementary PPA for approval of the Commission.

Sd/-  
(K.P.Pandey)  
Chairman

Sd/-  
(H.S.Subramanya)  
Member