

N/36/06

**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION
BANGALORE**

Dated this 27th day of September 2007

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

Case No.OP 36 / 06

Between

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| Sri Indra Power Energies Ltd.,
Chikkajentakal, Gangavathi,
Koppal District | .. | Petitioner |
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And

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|---|----|-------------|
| 1. State of Karnataka,
Represented by its Secretary,
Department of Energy,
M.S.Buildings, Dr.B.R.Ambedkar Veedhi,
Bangalore-560001 | | |
| 2. The Karnataka Power Transmission
Corporation Limited(KPTCL)
Cauvery Bhavan,
Bangalore-560009 | | |
| 3. Gulbarga Electricity Supply
Company Limited,
GULBARGA | | |
| 4. The General Manager(Technical)
Karnataka Power Transmission Corporation Limited,
Kaveri Bhavan, Bangalore | | |
| 5. The Superintendent Engineer (Electrical)
Karnataka Power Transmission Corporation Limited,
4 th Floor, A Block, Kaveri Bhavan,
Bangalore | .. | Respondents |

The Petitioner Company has filed a Petition praying for the following relief:

- a) To set aside the action of the 2nd Respondent in terminating the agreement (approved by this Hon'ble Commission) vide Annexure A dated 5.7.2003 No.KPTCL/B35/SEE(P&M)/AEEE4/4462.
- b) To declare that the Power Purchase Agreement entered into between the Petitioner and the Respondents dated 27.11.2001 vide Annexure B is valid and subsisting;
- c) To grant such other and further reliefs in the ends of justice.

Notices were issued to the Petitioner as well as the Respondents and the Counsels for both the parties were heard. In the course of the hearing, the parties informed the Commission that the dispute would be settled after discussion and a Joint Memo would be filed. Accordingly, a Joint Memo has been filed, which reads as under:

“ JOINT MEMO

1. Both the parties to the above petition have negotiated and deliberated upon the subject matter of the dispute and have agreed upon the following terms:

- (i) That for the period from 06.07.2004 to 31.03.2007, the tariff to be paid to the Petitioner Company will be as per the Power Purchase Agreement dated 27.11.2001 (now revived) and the difference, if any, shall be paid by the respondent company.

(ii) That the Petitioner Company shall be paid for the electricity supplied to the respondent from 01.04.2007 at the following rate per unit with 2% non cumulative escalation for the base tariff for the base year of 2006-07.

Period	Tariff in Rs/Unit
06.07.2004 to 31.03.2005	3.66
01.04.2005 to 31.03.2006	3.84
01.04.2006 to 31.03.2007	4.03
01.04.2007 to 31.03.2008	4.1106
01.04.2008 to 31.03.2009	4.1912
01.04.2009 to 31.03.2010	4.2718
01.04.2011 to 26.11.2011	4.4330

(iii) That the respondent further agrees that the arrears arrived at on account of difference of tariff as agreed upon would be paid to the petitioner Company expeditiously but not later than (2) months from the date of signing of this Joint Memo.

2. Both the parties also agree that recording the aforementioned terms, a supplemental Power Purchase agreement shall be signed and executed and shall be submitted to KERC for its approval.

3. WHEREFORE it is respectfully prayed that this Hon'ble Court be pleased to approve the above terms of settlement arrived at between the parties and be

pleased to dispose of the present petition in terms stated above in the ends of justice.

Advocate for Petitioner for Sri Indra Power Energies Ltd.,

Advocate for Respondents for Karnataka Power Transmission Corporation Ltd.

for Gulbarga 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