

No.N/16/08

**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION  
BANGALORE**

**Dated this 26<sup>th</sup> March 2009**

- |                            |          |
|----------------------------|----------|
| 1. Sri K.P. Pandey         | Chairman |
| 2. Sri Vishvanath Hiremath | Member   |
| 3. Sri K. Srinivasa Rao    | Member   |

**Case No. OP 14/2008**

**Between**

M/s. Indowind Energy Ltd.  
M.R. Guraddi Building, Adarshanagar  
G A D A G – 582 103  
(Represented by its Advocate Sri Sridhar Prabhu)

.... **Petitioner**

**And**

1. Karnataka Power Transmission Corpn. Ltd.  
Represented by its Chief Engineer - Electricity  
State Load Despatch Centre  
Bangalore – 560 009

2. The Managing Director  
HESCOM, Navanagar  
H U B L I  
(Represented by its Advocate Sri Sriranga)

.... **Respondents**

1. In this petition, the petitioner has prayed as follows ;
  - (A) Direct the Respondents to provide the Wheeling and Banking facility as per the Agreement by and between the First Respondent and the Petitioner dated 25.04.1998 (Annexure P-1) and collect 10 % as Wheeling charges and 2 % as Banking charges without any other levy of charges and by extending the tenure of the Wheeling and Banking Agreement dated 25.04.1998 by and between the Petitioner and the First Respondent for a further period of 30 years from the date of the Final Order of this Hon'ble Commission;

- (B) Direct the Respondents not to apply the provisions and charges as contained in June 2005 Order to the Petitioner's project; and
- (C) Direct the Respondents not to substitute, replace, supplement any other agreement in place of the existing Agreement dated 25.04.1998;
- (D) Pass any order/s in the interest of justice and equity.

2. The matter was heard for sometime. During the course of hearing it was brought to the notice of the petitioner's counsel that the Hon'ble High Court of Karnataka in its Order dated 1.9.2006 has observed that the petitioner and the 2<sup>nd</sup> Respondent has to send a draft agreement to the Commission for approval. However from the material placed before the Commission, it is observed that no agreement is placed before the Commission for approval and instead a petition is filed seeking a direction to the respondents for extending the agreement dated 25.4.1998.

3. In the light of the directions of the Hon'ble High Court, the Petitioner's counsel fairly submitted that the Petitioner's Company will enter into a dialogue now with the respondents and arrive at an agreement and submit the same for approval of the Commission. The counsel for the respondents has no objection for this suggestion..

4. Accordingly a direction is issued to the petitioner and the respondents to discuss and arrive at an agreement and approach the Commission for further orders within a period of six (6) months from today.

5. During the above period of negotiations, the Respondent shall allow the petitioner Banking and Wheeling facility subject to payment of Wheeling, Banking and other statutory charges by the petitioner as per the orders of the Commission issued from time to time.

6. The petition is disposed off in terms of the above.

Sd/-  
(K.P. PANDEY)  
CHAIRMAN

Sd/-  
(VISHVANATH HIREMATH)  
MEMBER

Sd/-  
(K. SRINIVASA RAO)  
MEMBER