

**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION,
BENGALURU**

Dated : 28th April, 2016

Present:

- | | |
|----------------------------------|----------|
| 1) Shri M.K. Shankaralinge Gowda | Chairman |
| 2) Shri H.D. Arun Kumar | Member |
| 3) Shri D.B. Manival Raju | Member |

OP No.12 / 2016

BETWEEN:

- 1) Essel Bagalkot Solar Energy Private Limited,
Essel House, B-10,
Lawrence Road,
Industrial Area,
NEW DELHI – 110 035.
- 2) Essel Infraprojects Limited,
135, Continental Building,
Dr. Annie Beasant Road,
Worli,
MUMBAI – 400 018.
- 3) Essel Green Energy Private Limited,
Essel House, B-10,
Lawrence Road,
Industrial Area,
NEW DELHI – 110 035.

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PETITIONERS

[Represented by Navayana Law Offices, Advocates]

AND:

Hubli Electricity Supply Company Limited,
Navangar, P.B. Road,
Hubballi – 580 025.

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RESPONDENT

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OP No.13 / 2016**BETWEEN:**

- 1) Essel Gulbarga Solar Energy Private Limited,
Essel House, B-10,
Lawrence Road,
Industrial Area,
NEW DELHI – 110 035.
- 2) Essel Infraprojects Limited,
135, Continental Building,
Dr. Annie Beasant Road,
Worli,
MUMBAI – 400 018.
- 3) Essel Green Energy Private Limited,
Essel House, B-10,
Lawrence Road,
Industrial Area,
NEW DELHI – 110 035.

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PETITIONERS*[Represented by Navayana Law Offices, Advocates]***AND:**

Hubli Electricity Supply Company Limited,
Navangar, P.B. Road,
Hubballi – 580 025.

..

RESPONDENT

COMMON ORDERS

- 1) The above Petitions involve similar questions of facts and law, the parties are the same and represented by the same learned counsel. In both the Petitions, the Petitioners have sought for the following reliefs:

- (A) To pass such order(s) / directions and approve the transfer of the 1st Petitioner's Equity Shares held by Essel Infraprojects Limited (2nd Petitioner) to Essel Green Energy Private Limited (3rd Petitioner), a wholly-owned subsidiary of the 2nd Petitioner; and
- (B) To pass such other order as may be appropriate in the facts and circumstances of the case.
- 2) The above Petitions were heard for admission. While hearing, the learned counsel for the Petitioners filed I.A.No.1/2016 in each of the above cases, seeking deletion of paragraph-A of the Prayer and to insert the prayer, as proposed in the I.A., as follows:

“Proposed Amendments :

1. To delete Para-A of the Prayer

- A. *Pass such other directions and approve the transfer of 1st Petitioner Equity Shares held by Essel Infraprojects Limited (2nd Petitioner) to Essel Green Energy Private Limited (3rd Petitioner) a wholly owned subsidiary of Essel Infraprojects Limited.*

And to insert as below in the Prayer:

- A. *To set aside the communication dated 19th June, 2015 of HESCOM and direct HESCOM to continue PPA dated 31st August 2012 with new entity (Essel Green Energy Private Limited) and enter into fresh supplemental agreement in the name of the new entity (Essel Green Energy Private Limited).”*

- 3) The learned counsel for the Petitioners submitted in the above cases that this Commission is not the competent authority to approve the transfer of 1st Petitioner's Equity Shares held by the 2nd Petitioner in favour of the 3rd Petitioner. Therefore, he submitted that there was a need for filing the present amendment applications. Further, he submitted that the Petitioners would approach the Hon'ble High Court of Karnataka for getting approval of the transfer of the 1st Petitioner's Equity Shares in favour of the 3rd Petitioner and till then the present Petitions along with the I.As. for amendment may be kept pending.
- 4) If the Petitioners are approaching the Hon'ble High Court of Karnataka for getting approval of the transfer of the 1st Petitioner's Equity Shares in favour of the 3rd Petitioner, we are of the considered opinion that these Petitions need not be kept pending, awaiting the outcome of the Petitions to be filed before the Hon'ble High Court. The Petitioners are always at liberty to file fresh Petitions before this Commission, if need be, seeking appropriate reliefs as may be advised.
- 5) For the foregoing reasons, we pass the following :

ORDER

- (1) Both the above Petitions are dismissed at the stage of admission, with liberty to the Petitioners to file fresh Petitions, if need be, at a later date, seeking appropriate relief(s); and

- (2) The Office is directed to keep this Order in OP No.12/2016 and a copy thereof in OP No.13/2016.

Sd/-

(M.K. SHANKARALINGE GOWDA)
CHAIRMAN

Sd/-

(H.D. ARUN KUMAR)
MEMBER

Sd/-

(D.B. MANIVAL RAJU)
MEMBER