

No.N/13/12

**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION  
BANGALORE**

**Dated : 17 May, 2012**

- |                               |          |
|-------------------------------|----------|
| 1. Sri M.R. Sreenivasa Murthy | Chairman |
| 2. Sri Vishvanath Hiremath    | Member   |
| 3. Sri K. Srinivasa Rao       | Member   |

**OP No. 6/2012**

**BETWEEN**

M/s. Chamundeshwari Sugars Limited  
No.76, Ulsoor Road  
BANGALORE – 560 042  
*[Represented by M/s. Kesvy & Co., Advocates]*

... **Petitioner**

**AND**

1. The Government of Karnataka  
Represented by its Principal Secretary  
Department of Energy  
Dr. Ambedkar Veedhi  
BANGALORE – 560 001
2. Karnataka Power Transmission  
Corporation Limited  
Represented by its Managing Director  
Cauvery Bhavan  
BANGALORE – 560 009
3. The Chamundeshwari Electricity Supply  
Corporation Limited  
No.927, L.J. Avenue  
New Kantharaj Urs Road  
MYSORE – 560 009  
*(Represented by M/s. Just Law, Advocates)*

... **Respondents**

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1. This Petition has been filed by the Petitioner praying for directions to:
  - (a) Respondents to pay the tariff for the power generated and supplied by using Bagasse under the PPA, vide Annexures A and B, to be determined by the Commission vide OP No.50/2011; and
  - (b) Respondents to pay Rs.5.92 per Unit for generating and supplying of power by using the imported coal to optimize the power generation as per the Government Order dated 27.01.2012, vide Annexure-K.
2. The Respondents have put in appearance through their Counsel, M/s. Just Law.
3. As the directions sought by the Petitioner are based on the Government Order dated 27.1.2012 (Annexure-K), the Commission desired to know from the Petitioner's Counsel whether the Petitioner, who has a Power Purchase Agreement with the Respondents, is covered by the Government Order relied upon, in view of Clause (c) of the Government Order dated 27.1.2012, which specifically states that:

*"The above proposal shall not be applicable for the Intra-State Generators who are having valid PPA's with the Distribution Licensees in the State of Karnataka."*
4. Further, the Commission directed the Counsel appearing for the Respondent also to verify and inform the Commission whether the Government Order dated 27.1.2012 applies to the Petitioner. In response,

a Memo has been filed by the Counsel that the direction in the said Government Order does not apply to the unit of the Petitioner.

5. It is clear from Clause (c) of the Government Order dated 27.1.2012 that for the Generators, who have a Power Purchase Agreement (PPA), the Government Order has no application.

6. From the records produced by the Petitioner itself, it is observed that the Petitioner has a PPA with the 3<sup>rd</sup> Respondent and the said PPA is still in force. Therefore, the Government Order dated 27.1.2012, on which the reliance is placed by the Petitioner, has no application. In the Memo dated 29.3.2012 filed on behalf of the Government, this is made further clear.

7. Accordingly, the Petitioner is not entitled for any direction, as sought, and hence the Petition is dismissed.

Sd/-	Sd/-	Sd/-
(M.R.SREENIVASA MURTHY)	(VISHVANATH HIREMATH)	(K.SRINIVASA RAO)
CHAIRMAN	MEMBER	MEMBER