

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

**Dated : 6<sup>th</sup> August, 2015**

**Present:**

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

**RP No.4 / 2014**

**BETWEEN:**

- 1) Karnataka Power Transmission Corporation Limited,  
Cauvery Bhavan,  
Bengaluru – 560 009
- 2) State Load Despatch Centre,  
Ananda Rao Circle,  
Bengaluru – 560 009.
- 3) Gulbarga Electricity Supply Company Limited,  
Station Road,  
Kalaburagi – 585 102.
- 4) Bangalore Electricity Supply Company Limited,  
K.R. Circle,  
Bengaluru – 560 001
- 5) Hubli Electricity Supply Company Limited,  
P.B. Road,  
Navanagar,  
Hubballi – 580 029

- 6) Chamundeshwari Electricity Supply Corporation Limited,  
No.927, L.J. Avenue,  
New Kanrtharaj Urs Road,  
Saraswathiuram,  
Mysuru – 570 009

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**PETITIONERS**

*[Represented by Justlaw, Advocates]*

**AND:**

- 1) Ugar Sugar Works Limited,  
Unit-2,  
Mahaveernagar,  
Sangli – 416 416.
- 2) The Managing Director,  
Mangalore Electricity Supply Company Limited,  
Paradigm Plaza, 4<sup>th</sup> Floor,  
A.B. Shetty Circle,  
Mangaluru – 575 101.

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**RESPONDENTS**

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**ORDERS**

- 1) The Petitioners in the above Review Petition have prayed for review of the Order dated 29.5.2014 passed by this Commission on I.A.No.1/2013 in OP No.12/2012, modifying that the minimum generic tariff payable by the Petitioners herein, for the energy injected into the Grid by the first Respondent – Ugar Sugar Works Limited, for the periods from 1.2.2010 to 6.2.2010, 5.5.2011 to 8.5.2011 and 11.11.2011 to 18.11.2011, shall be Rs.3.59/- per unit, instead of Rs.3.90 per unit.
- 2) Before considering the grounds urged in the Review Petition, it is necessary to recapitulate certain facts of this case. The first Respondent

herein filed OP No.12/2012 against the Petitioners and the second Respondent herein, claiming compensation for the electricity injected into the Grid, and utilized by the Electricity Supply Companies (ESCOMs), without there being any schedule for such injection. The Petitioners and the second Respondent herein have not disputed the claim of the first Respondent herein, in view of the several orders passed by this Commission in similar cases, in the recent past. In the similar earlier cases, this Commission had allowed compensation for the electricity injected into the Grid, without any schedule and utilized by the ESCOMs at the minimum generic tariff that was prevailing at the relevant point of time.

- 3) In the present case, the first Respondent had injected certain quantity of electricity into the Grid, for the periods from 1.2.2010 to 6.2.2010, 5.5.2011 to 8.5.2011 and 11.11.2011 to 18.11.2011, without any schedule, and the same was utilized by the ESCOMs. Therefore, the minimum generic tariff applicable for the said periods should have been paid to the first Respondent. Admittedly, the generic Tariff Order dated 11.12.2009 for Renewable Energy was applicable to ascertain the minimum generic tariff that was applicable in the present case. The first Respondent's Plant being a Co-generation Plant, the minimum generic tariff applicable was Rs.3.59 per unit.

- 4) The generic tariff for Co-generation Projects determined by this Commission at Rs.3.59 per unit, as per the Order dated 11.12.2009, was revised to Rs.3.90 per Unit, as per the Order dated 29.3.2012 of this Commission, pursuant to the directions of the Hon'ble ATE in Appeal No.148/2010. The Commission had observed in the said Order that the revised tariff of Rs.3.90 per unit shall be adopted by the ESCOMs while executing the PPAs hereafter.
  
- 5) Subsequently, in OP No.46/2012, in the case of *Parrys Sugar Industries Ltd. - Vs- Hubli Electricity Supply Company Ltd.*, by majority Order dated 7.2.2013, this Commission has made it clear that the revised tariff of Rs.3.90 per Unit for the base year for Co-generation Projects was made applicable to the PPAs submitted for approval as per the Commission's earlier Order dated 11.12.2009. From the above developments, it can be said that the rates of generic tariff determined by this Commission for the Co-generation Projects by its Order dated 11.12.2009 are deemed to have been revised at the rates stated in the Commission's subsequent Order dated 29.3.2012. The other terms of the Order dated 11.12.2009 has remained unaltered.
  
- 6) The Petitioners and the second Respondent herein had contended in I.A.No.1/2013 in OP No.12/2012 that, for the energy injected into the State Grid during the above-said periods, the first Respondent was entitled to Rs.3.59 per unit for Co-generation Plants, as originally determined by this

- Commission, and that the revised rate of Rs.3.90 per unit was applicable only to the Power Purchase Agreements (PPAs) entered into subsequent to the date of the revised Order, viz., after 29.3.2012.
- 7) The above contention of the Petitioners and the second Respondent was negatived by the Commission, by its Order dated 29.5.2014 in I.A.No.1/2013 in OP No.12/2012.
- 8) At the time of filing the present Review Petition, the Order dated 7.2.2013 in OP No.46/2012, passed in the case of *Parrys Sugar Industries Ltd. –Vs- Hubli Electricity Supply Company Ltd.*, had been challenged by the Petitioners herein before the Hon'ble Appellate Tribunal for Electricity (ATE), in Appeal No.309/2013. It appears, for that reason, the Review Petitioners herein have again contended that the revised tariff of Rs.3.90 per unit, as per the Order dated 29.3.2012 of this Commission, is prospective in nature and applicable only to the PPAs entered into subsequent to the date of the said Order of the Commission.
- 9) However, during the course of arguments, the learned counsel for the Petitioners has admitted that the said Appeal has been dismissed by the Hon'ble ATE, confirming the Order passed by this Commission in OP No.46/2012. In view of this development, we are of the opinion that the present Review Petition does not have any merits for consideration. We also note that, it is an accepted principle that no application to review an

**RP No.4/2014**

Order made on an application for review shall be entertained. For this reason also, the present Review Petition is not maintainable.

10) For the foregoing, we pass the following :

**ORDER**

The Review Petition stands dismissed.

Sd/-

(M.K. SHANKARALINGE GOWDA)  
CHAIRMAN

Sd/-

(H.D. ARUN KUMAR)  
MEMBER

Sd/-

(D.B. MANIVAL RAJU)  
MEMBER