

No.N/49/2021

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**BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION,  
No.16, C-1, Millers Tank Bed Area, Vasanth Nagar, Bengaluru-560 052.**

**Dated: 14.12.2021**

**Present**

**Shri Shambhu Dayal Meena : Chairman**  
**Shri H.M. Manjunatha : Member**  
**Shri M.D. Ravi : Member**

**Review Petition No.01/2021**  
**(In OP Nos.108/2017 & 109/2017)**

**BETWEEN:**

1. Sri M.R.C. Chouhan,  
S/o late L. Rupala Naik,  
Aged about 59 years,  
R/at No.439/1, Sri Sai Nivas,  
12<sup>th</sup> Cross, Bhuvaneshwarinagar,  
Hebbal, Kempapura,  
Bengaluru-560 024.
2. Smt. Jyothi Chouhan,  
W/o M.R.Chouhan,  
Aged about 49 years,  
R/at No.439/1, Sri Sai Nivas,  
12<sup>th</sup> Coss, Bhuvaneshwarinagar,  
Hebbal, Kempapura,  
Bengaluru-560 024.

**.... REVIEW PETITIONERS**

(Represented by Sri Ganapati Bhat Vajralli,  
Advocate for Kumar & Bhat Advocates)

**AND:**

1. M/s Bangalore Electricity Supply  
Company Limited (BESCOM),  
Office at: K.R. Circle,  
Bengaluru-560 001.  
(Represented by its Managing Director)

2. The Karnataka Renewable Energy Development Limited (KREDL)  
Shanthi Gruha, No.39,  
Bharath Scouts and Guides Building,  
Opposite The Chief Post Master General Office,  
Palace Road,  
Bengaluru-560 001.
3. The Government of Karnataka,  
Represented by its Principal Secretary  
Department of Energy,  
Vikasa Soudha,  
Bengaluru-560 001.

**... RESPONDENTS**

(1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> Respondents represented by  
Sri S. Sriranga, Advocate,  
Ms. Sumana Naganand, Advocate,  
Ms. Medha M. Puranik, Advocate &  
Ms. C.R. Deepthi, Advocate,  
for M/s Justlaw, Advocates)

### **ORDERS**

1. This is a Review Petition filed under Section 94 (1) (f) of the Electricity Act, 2003, praying for the review of Common Order passed by this Commission in OP No.108/2017 & OP No.109/2017 dated 21.12.2017 and to grant extension of time for another ten months from the date of the Order to be passed in this Review Petition for commissioning the two Solar Power Projects at the agreed tariff of Rs.8.40 per unit as per the two PPAs dated 26.06.2015 & 14.07.2015 executed between the Review Petitioners and the 1<sup>st</sup> respondent (BESCOM) and for such other reliefs.
2. The 1<sup>st</sup> & 2<sup>nd</sup> Review Petitioners had entered into PPAs dated 26.06.2015 & 14.07.2015 respectively with 1<sup>st</sup> respondent (BESCOM) with the terms & conditions stated in the PPAs. The tariff agreed was Rs.8.40 per unit for the energy supplied from the Solar Projects, provided the commissioning of the

projects had taken place within the time stipulated in the PPAs or at the reduced tariff applicable as on the date of commissioning of the projects as per Article 5.1 of the PPA.

3. For one or the other reason, the Review Petitioners could not start/complete the Solar Power Projects within the time stipulated. They respectively filed OP No.108/2017 & OP No.109/2017 praying for extension of time for commissioning the projects retaining the tariff of Rs.8.40 per unit agreed in the PPAs. It can also be noted that the 1<sup>st</sup> respondent (BESCOM) had granted six months' time for completion of the projects and even within that extended period, the Review Petitioners had not completed the project. Considering all the relevant facts, this Commission by a Common Order dated 21.12.2017 disposed of both the original petitions with the following Order:

**ORDER**

*(a) The petitioners are not entitled to extension of six months' time from the date of this Order, for commissioning of the Projects at the tariff of Rs.8.40 (Rupees Eight and Paise Forty) only per unit as per the PPAs dated 26.06.2015 and 14.07.2015; and*

*(b) The petitioners are at liberty to commission the projects, subject to the entitlement of tariff prevalent on the date of commissioning of the projects, as per Article 5.1 of the PPAs."*

4. The present Review Petition was filed before this Commission on 01.06.2021. The office has noted that there was delay of 1166 days in filing this Review Petition. The Review Petition is accompanied with two interim applications,

one for permission to dispense with production of certified copy of the impugned order and the other for condoning the delay in filing the Review Petition.

5. In the application requesting for condonation of delay in filing the Review Petition, it is stated that by the time the original petitions were disposed of on 21.12.2017, the petitioners had lost areca-nut and coconut plantations which were the source of livelihood of the petitioners and they also lost their houses at Shivamogga which was mortgaged to the State Bank of India and the equipment brought and kept at Chennai Port Authority were brought to auction and the financier Karnataka State Finance Corporation (KSFC) cancelled the loan facilities etc., Further that since there was enormous pressure, the petitioners were constrained to move out of the State in 2019 and they went to Mumbai and gathered some funds from the well-wishers and repaid the private lenders who were harassing continuously and thereafter they approached their Advocate in the month of February, 2020 and in the meanwhile, the COVID-19 crisis had spread over the country and also world-wide, thereby they could not pursue the matter as there was lock-down and also they had suffered COVID-19 and they were also facing other crisis for quite some time. Further that the children of the petitioners left them and they were in search of jobs for their livelihood.
6. The Review Petition was posted for hearing on the application filed for condonation of delay in filing the Review Petition, after issuing notices to

the respondents. The respondents appeared through their counsel. The contesting respondent (BESCOM) filed statement of objections denying all the averment made in the application filed for condonation of delay. It is contended that the averments made in the application for condonation of delay are not supported by any cogent evidence and the said averments are an after-thought.

7. When the case was posted for hearing on 09.12.2021, the learned counsel for the Review Petitioners filed Memo, the contents of which are as follows:

**MEMO**

*The petitioners submit that, in view of the earlier order dated 21.12.2017 in OP Nos.108 and 109 of 2017 the petitioners may be permitted to withdraw the petition by granting liberty to file fresh petition after completion of the project without implication of delay in the interest of justice and equity."*

8. The said Memo is taken on record. The Counsel for 1<sup>st</sup> & 2<sup>nd</sup> Respondents stated no objection for withdrawal of the Review Petition by the Petitioner.
9. Hence the following:

**ORDER**

The Review Petition is disposed of accordingly.

sd/-  
(SHAMBHU DAYAL MEENA)  
Chairman

sd/-  
(H.M. MANJUNATHA)  
Member

sd/-  
(M.D. RAVI)  
Member