

No.N/74 & 75/2021

**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

RP No.03/2021
(In OP No.68/2019)

BETWEEN:

M/s Clean Wind Power (PIPLODA) Private Limited,
A Company Registered under the
Companies Act, 2013 having its registered
office at 201, 3rd floor,
Okhla Industrial Financial Estate,
Phase-III, New Delhi –110 020

... Review Petitioner

[Represented by Shri Avjeet Lala, Advocate]

AND:

Hubli Electricity Supply Company Limited,
Navanagar, P.B. Road,
Hubli–580 025, Karnataka.

... Respondent

(Represented by Shri Shahbaaz Husain, Advocate]

RP No.04/2021
(In OP No.69/2019)

BETWEEN:

M/s Clean Wind Power (BABLESHWAR) Private Limited,
A Company Registered under the
Companies Act, 2013 having its office
At 201, 3rd Floor,
Okhla Industrial Financial Estate,
Phase – III, New Delhi – 110 021.

... Review Petitioner

[Represented by Shri Avjeet Lala, Advocate]

AND:

Hubli Electricity Supply Company Limited,
Navanagar, P.B. Road,
Hubli-580 025, Karnataka.

... Respondent

(Represented by Shri Shahbaaz Husain, Advocate]

COMMON ORDERS

1. These two Review Petitions, involve common question of law and facts between the same parties, thereby this Common Order is being passed.
2. The Review Petitioners have entered into separate PPAs with the respondent (HESCOM) for supply of wind energy as per the terms and conditions mentioned therein.
 - a) The petitioners have filed OP No.68/2019 and OP No.69/2019 respectively claiming certain amounts due towards tariff invoices as well as certain amounts due towards Late Payment Charges (LPS) for the delay in payment of tariff invoices within the due dates.
 - b) The disputes in both cases mainly related to the arithmetical calculations of the amounts becoming due towards LPS in each of the cases. By a Common Order dated 11.06.2011 after noting the submissions of the parties in para 19 of the said Order, this Commission disposed of both the petitions. The contents of para 19 of the Common Order are as follows:

“Para 19 – On the perusal of relevant document (Annexure-R1) along with statement of objection submitted by respondent, which establishes that dues payable up to 23.07.2019 to the petitioner has

been paid but late payment surcharge yet to be paid to the petitioner. However, during the course of hearing on 08.04.2021, the Counsels for both the parties have orally agreed to reconcile the amount of late payment charge once again and sort out the issue at their end. This submission is taken on record by this Commission. In view of above, the prayer made for payment of late payment surcharge does not survive."

3. Subsequent to the disposal of OP No.68/2019 & OP NO.69/2019, the petitioners have filed the present RP No.03/2021 & RP No.04/2021. During the pendency of the Review Petitions, the respondent (HESCOM) has filed interest calculations for the period from April 2017 to 04.08.2020 in RP No.03/2021 (OP No.68/2019) and also the interest calculations for the period from April 2017 to 31.07.2020 in RP No.04/2021 (OP No.69/2019). Along with calculation sheets, the General Manager (Admin & HRD) of HESCOM filed affidavit sworn on 16.11.2021 before this Commission undertaking prompt payment as stated in para 8 of the said affidavit which reads as follows:

" Para 8 – I undertake to make the payment of Rs.8,33,25,890/- in RP 03/2021 and Rs.7,98,10,265/- in RP 04/20221 within a period of 45 days in appropriate instalments. I pray that this Hon'ble Commission be pleased to consider the Respondent's request for time period of 45 days to remit the payment. I state that as the Respondent is facing severe shortage of funds, the payment is proposed to be

made in a phased manner within 45 days as prayed for."

4. The learned counsel for the petitioner appearing in both cases is satisfied regarding the correctness of the calculation of the LPS as produced by the respondent (HESCOM) and submitted that he has no objection for disposal of the Review Petitions provided the respondent (HESCOM) abides by the undertaking stated in para 8 of the affidavit noted above.

5. For the above reasons, we pass the following:

ORDER

a) For the reasons stated above, the respondent (HESCOM) in both the RP No.03/2021 (OP No.68/2019) & RP No.04/2021 (OP No.69/2019) is directed to abide by the undertakings stated in para 8 of the affidavit sworn on 16.11.2021, as noted above.

b) The original Order be kept in RP No.03/2021 and copy of it be kept in RP No.04/2021.

sd/-
(SHAMBHU DAYAL MEENA)
Chairman

sd/-
(H.M. MANJUNATHA)
Member

sd/-
(M.D. RAVI)
Member