

ಕರ್ನಾಟಕ ವಿದ್ಯುಚ್ಛಕ್ತಿ ನಿಯಂತ್ರಣ ಆಯೋಗ
ಬೆಂಗಳೂರು - 560 052.

ಸಾರ್ವಜನಿಕ ವಿಚಾರಣಾ ನೋಟೀಸ್

ಎನ್/81/2020/

ದಿನಾಂಕ: 24.11.2021

ವಿಷಯ: ಅಧಿಕ ಬ್ಯಾಂಕ್ಡ್ ಎನರ್ಜಿಯನ್ನು ಕೋವಿಡ್ ಕಾರಣದಿಂದ ಮುಂದೂಡುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: ಡಬ್ಲ್ಯು.ಪಿ. ಸಂಖ್ಯೆ: 147674/2020 (ಬಿ.ಎಂ.-ಕೆ.ಇ.ಬಿ.)ಯಲ್ಲಿ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯವು 23.09.2021ರಂದು ಹೊರಡಿಸಿದ ಆದೇಶ.

ಹೊಸ ಮತ್ತು ನವೀಕರಿಸಬಹುದಾದ ಇಂಧನ ಮೂಲಗಳ ಮಂತ್ರಾಲಯವು 16.04.2020ರಂದು ಹೊರಡಿಸಿದ ಸಲಹೆಯ ಮೇರೆಗೆ, ಆಯೋಗವು 25.06.2020ರಂದು ಅಧಿಕ ಬ್ಯಾಂಕ್ಡ್ ಎನರ್ಜಿಯನ್ನು ಕೋವಿಡ್ ಕಾರಣದಿಂದ ಮುಂದೂಡುವ ವಿಷಯದ ಬಗ್ಗೆ ಆದೇಶವನ್ನು ಹೊರಡಿಸಿತು. ಶ್ರೀ ಕೇಶವ್ ಸಿಮೆಂಟ್, ಬೆಳಗಾವಿ ಇವರು ಮೇಲಿನ ಆದೇಶವನ್ನು ಕರ್ನಾಟಕದ ಉಚ್ಚ ನ್ಯಾಯಾಲಯ, ಧಾರವಾಡ ಪೀಠದ ಮುಂದೆ ರಿಟ್ ಅರ್ಜಿ ಸಂಖ್ಯೆ: 147674/2020 (ಬಿ.ಎಂ.-ಕೆ.ಇ.ಬಿ.)ಯಲ್ಲಿ ಪ್ರಶ್ನಿಸಿದ್ದರು. ಮಾನ್ಯ ನ್ಯಾಯಾಲಯವು 23.09.2021ರಂದು ಆದೇಶ ಹೊರಡಿಸಿ, ಆಯೋಗದ ಮೇಲಿನ ಆದೇಶವನ್ನು ತಳ್ಳಿ ಹಾಕಿತು. ಮಾನ್ಯ ನ್ಯಾಯಾಲಯವು ಮೇಲಿನ ವಿಷಯದ ಬಗ್ಗೆ ಸೂಚನೆ ಹೊರಡಿಸಿ ಮತ್ತು ಅರ್ಜಿದಾರನು ಹಾಗೂ ಇತರೆ ಭಾದಿತ ವ್ಯಕ್ತಿಗಳನ್ನು ಆಲಿಸಿ, ವಿಷಯವನ್ನು ಹೊಸದಾಗಿ ಪರಿಗಣಿಸಲು ಆದೇಶ ನೀಡಿತು.

ಮೇಲೆ ತಿಳಿಸಿದ ಮಾನ್ಯ ಉಚ್ಚ ನ್ಯಾಯಾಲಯದ ಆದೇಶದ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಆಯೋಗವು ಸಾರ್ವಜನಿಕ ವಿಚಾರಣೆಯನ್ನು ದಿನಾಂಕ: 10.12.2021ರಂದು ಬೆಳಿಗ್ಗೆ 11.00 ಘಂಟೆಗೆ ಆಯೋಗದ ನ್ಯಾಯಾಲಯ ಸಭಾಂಗಣದಲ್ಲಿ ನಡೆಸಲು ತೀರ್ಮಾನಿಸಿದೆ.

ಎಲ್ಲಾ ಬಾಜಿದಾರರು / ಭಾದಿತ ವ್ಯಕ್ತಿಗಳು ಮೇಲೆ ತಿಳಿಸಿದ ದಿನದಂದು ಆಯೋಗದ ಮುಂದೆ ಹಾಜರಾಗಿ ತಮ್ಮ ಸಲಹೆ / ಅಭಿಪ್ರಾಯ / ಆಕ್ಷೇಪಣೆಗಳೇನಾದರೂ ಇದ್ದಲ್ಲಿ, ಸಲ್ಲಿಸಬಹುದಾಗಿರುತ್ತದೆ. ಮೇಲೆ ತಿಳಿಸಿದ ವ್ಯಕ್ತಿಗಳು ಸಾರ್ವಜನಿಕ ವಿಚಾರಣೆ ದಿನಕ್ಕೂ ಮುಂಚಿತವಾಗಿ ಮೇಲಿನ ವಿಷಯದ ಬಗ್ಗೆ ತಮ್ಮ ಅನಿಸಿಕೆಗಳನ್ನು ಲಿಖಿತ ರೂಪದಲ್ಲಿ ಆಯೋಗಕ್ಕೆ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

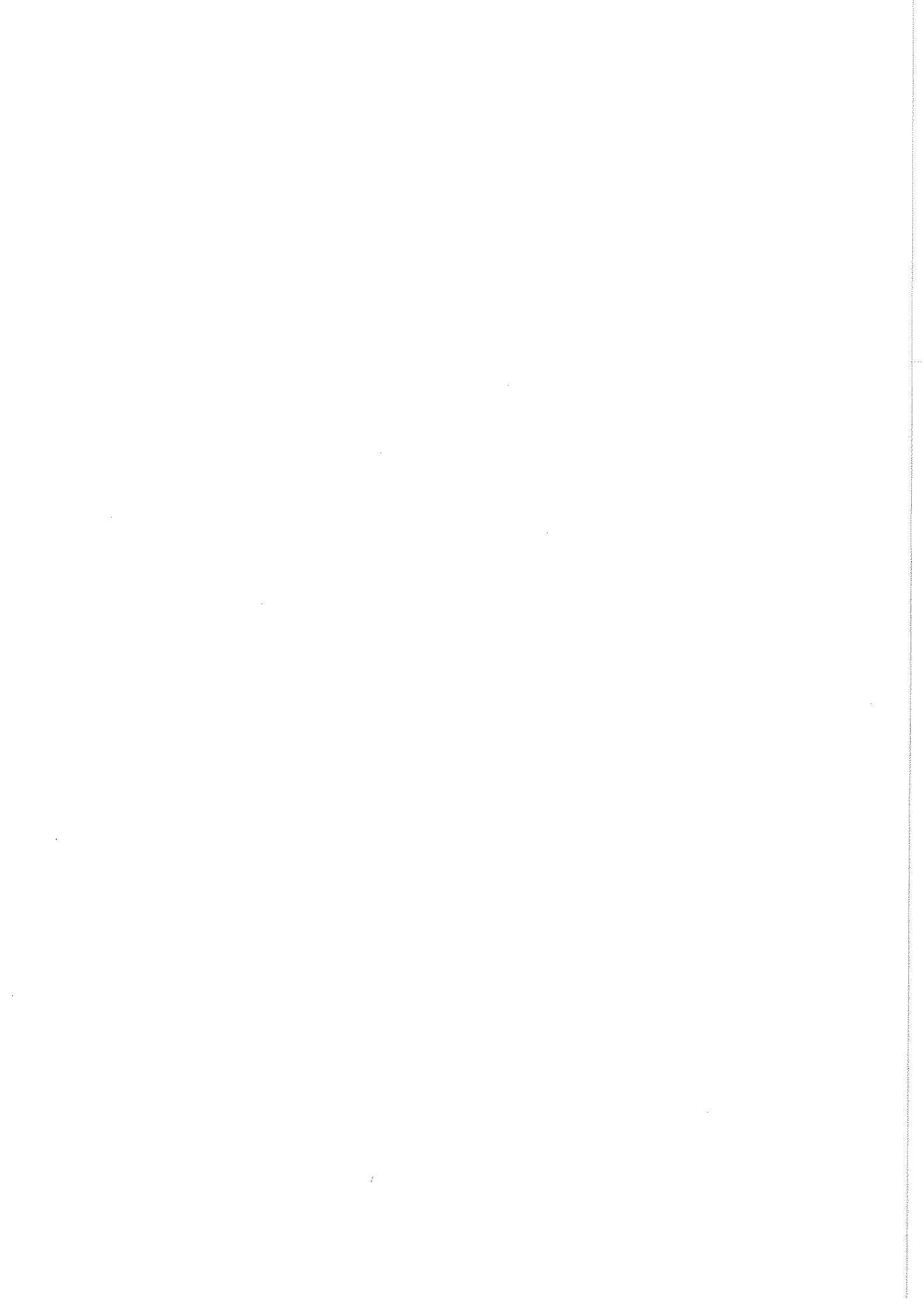
ಈ ನೋಟೀಸನ್ನು ಬಾಜಿದಾರರು / ಭಾದಿತವ್ಯಕ್ತಿಗಳು ವೈಯಕ್ತಿಕ ನೋಟೀಸ್ ಎಂದು ಪರಿಗಣಿಸತಕ್ಕದ್ದು.

ಆಯೋಗದ ಜಾಲತಾಣ: www.karunadu.karnataka.gov.in/KERC ಯಲ್ಲಿ ಮೇಲಿನ ವಿಷಯದ ಬಗ್ಗೆ ಹಿನ್ನೆಲೆ ಟಿಪ್ಪಣಿಯು ಲಭ್ಯವಿದೆ.

Sd/-

ಕಾರ್ಯದರ್ಶಿ

ಕರ್ನಾಟಕ ವಿದ್ಯುಚ್ಛಕ್ತಿ ನಿಯಂತ್ರಣ ಆಯೋಗದ ಪರವಾಗಿ,



KARNATAKA ELECTRICITY REGULATORY COMMISSION
BANGLAORE 560 052

PUBLIC HEARING NOTICE

N/81/2020/

24.11.2021

Sub: In the Matter of carry forward of the excess banked energy on account of Covid-19.

Ref: Hon'ble High Court of Karnataka Order dated 23.09.2021 in WP No. 147674/2020 (GM-KEB).

The Commission consequent to the advice of Ministry of New & Renewable Energy vide OM Official Memorandum(OM) dated 16.04.2020, had passed Order on 25.06.2020, regarding allowing carry forward of excess banked energy on account of Covid-19. The above Order was challenged by Sri Keshav Cement, Belgaum, in writ Petition No. 147674/2020 (GM-KEB). The Hon'ble High Court passed Order on 23.09.2021, quashing the above Order of the Commission. The Hon'ble Court also directed the Commission to re-consider the matter afresh after notifying and hearing the Petitioner as well as all affected parties / stakeholders.

In view of the above directions of the Hon'ble High Court, the Commission has decided to hold Public Hearing in the Court Hall of the Commission at 11 AM on 10.12.2021.

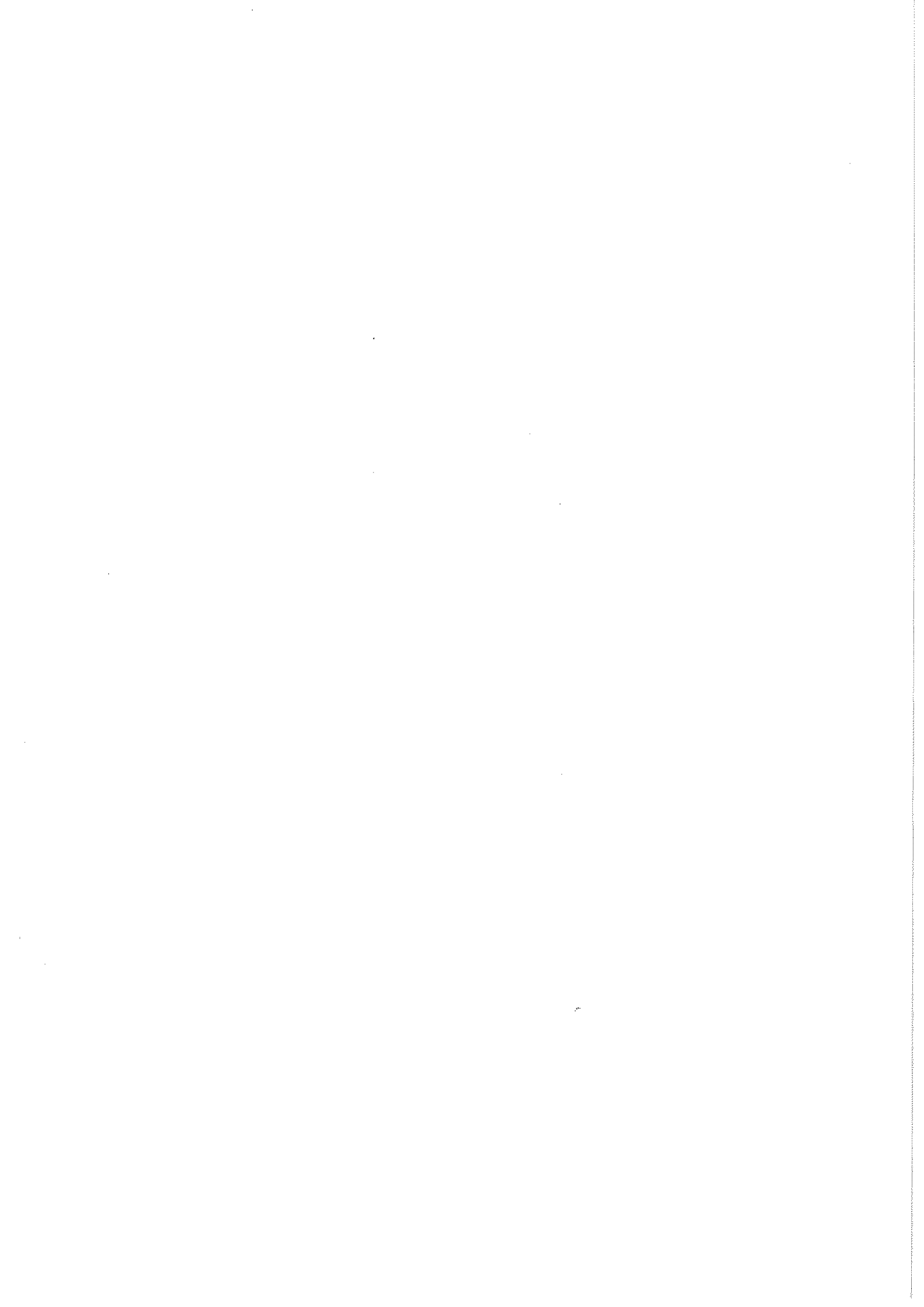
All the stakeholders/ affected parties may appear before the Commission on the afore mentioned date and submit their views / comments / objections, if any. The parties are also requested to make written submission in the matter to the Commission, before the date of the Public Hearing.

This notice may be treated as individual notices to the affected parties' / Stakeholders.

A background note in the matter is made available in the KERC's Website: www.karunadu.karnataka.gov.in/KERC.

Sd/-
Secretary

for Karnataka Electricity Regulatory Commission

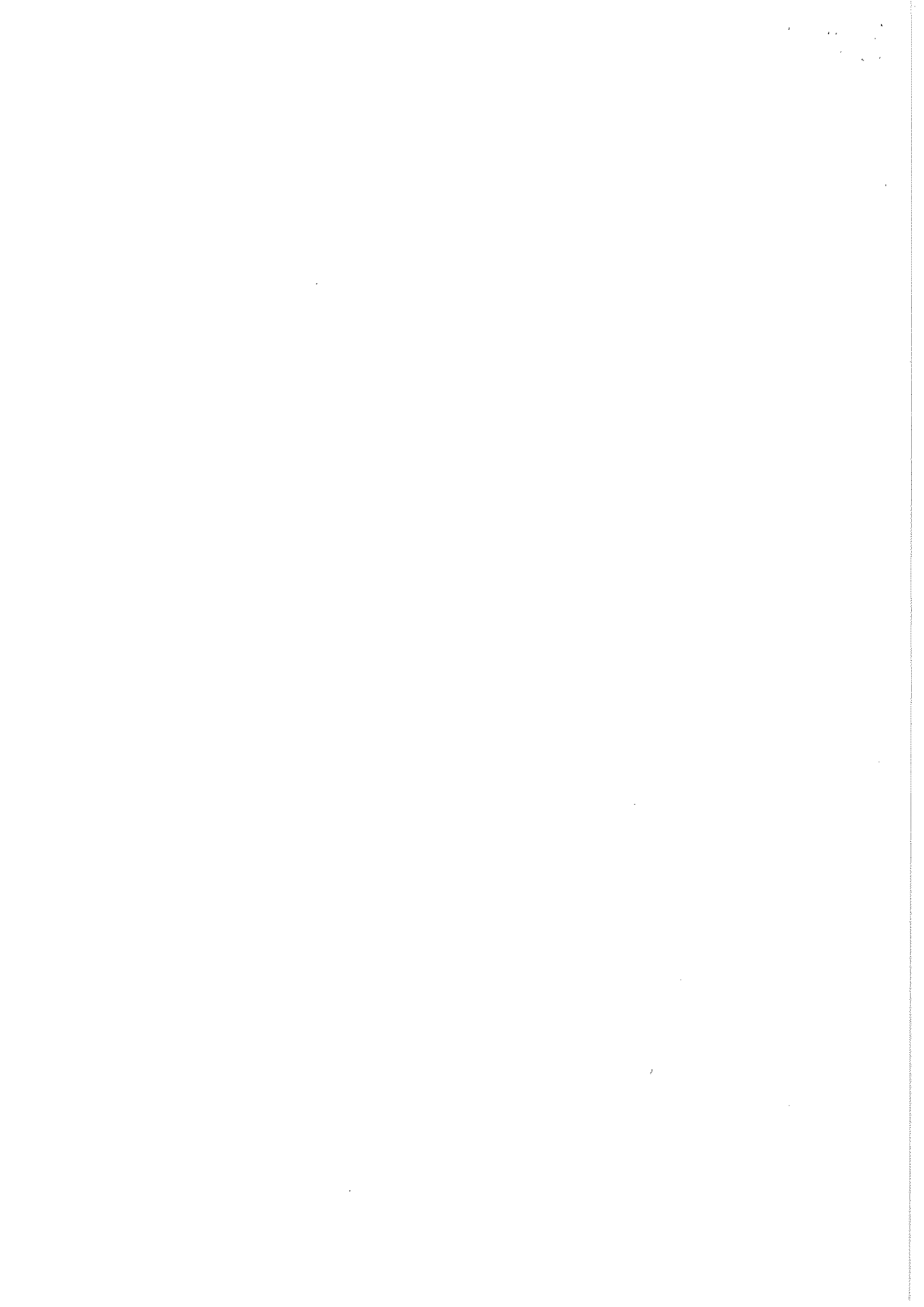


THE KARNATAKA ELECTRICITY REGULATORY COMMISSION
No.16 C-1, Miller Tank Bed Area, Vasanihanagar, Bengaluru-560052

Back Ground Note

In the Matter of carry forward of the excess banked energy on account of Covid-19.

1. MNRE had issued an advisory vide Official Memorandum(OM) dated 16.04.2020 to the States of Andhra Pradesh, Karnataka and Tamil Nadu, MNRE and had conveyed that these States may consider permitting rollover of banked electricity (from Solar PV Rooftops Projects and Open Access Renewable Energy Generating Stations under Captive and Third-Party Sale) of FY 2019-20 and FY 2020-21 to FY 2021-22.
2. Meanwhile few generators citing the above OM, had approached and requested the Commission in writing to carry forward the banked energy.
3. The Commission had sought the opinion of the KPTCL & ESCOMs and the Government of Karnataka. BESCO, MESCOM and GESCOM, who have submitted their responses in the matter. Further, the GoK vide letter dated 06.06.2020 has informed that, it has consulted KPTCL and ESCOMs in the matter and as per the opinion expressed by them, the GoK has requested the Commission to extend the banking period for two months from the date of opening of lockdown. GoK has also requested to allow ESCOMs to use the banked energy remaining un-utilised at the end of above two months, free of cost.
4. In this regard, the Commission considering the representation of generators and the opinion of GoK, KPTCL & ESCOMs passed orders on 25th June, 2020, allowing carry forward of the remaining unutilized banked energy as on 31.05.2020 up to 31.07.2020, in respect of mini hydel generators who have executed wheeling and banking agreement, subject to the condition that any banked energy allowed to be carried forward and remaining unutilized till 31.07.2020, shall be deemed to have been supplied to the concerned ESCOM at no cost. Further, the Commission ordered that no carry forward of banked energy is allowed to Renewable projects under REC route and to the Renewable projects under non-REC route other than the mini hydel



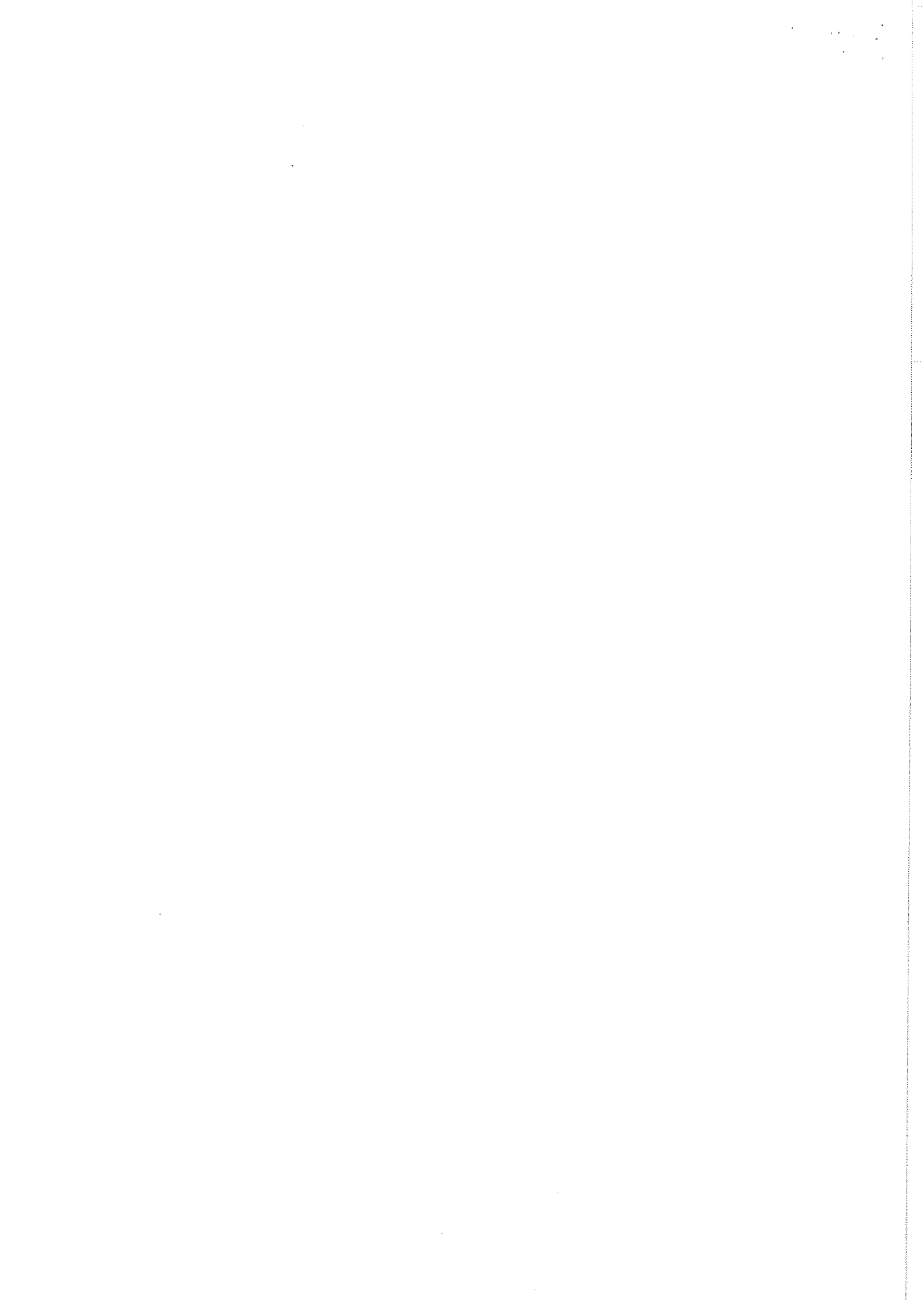
projects. The above order of the Commission is available in the Commission's Website, [www. Karunadu.karnataka.gov.in/kerc](http://www.Karunadu.karnataka.gov.in/kerc).

5. The above order of the Commission, was challenged by Shri Keshav Cements and Infra Limited, Belgaum in W.P. NO.147674/2020(GM-KEB) before the Hon'ble High Court of Karnataka, Dharwad bench and the Hon'ble High Court has quashed the above order of the Commission, remitting back the matter to the Commission for reconsideration of the matter afresh after notifying and hearing the petitioner as well as all affected parties/stakeholders by providing them with opportunity of hearing and in accordance with law as well as after notifying and hearing the petitioner as well as all affected parties/stakeholders by providing them with opportunity of hearing and in accordance with law as well KERC Rules within a period of two months from the date of the receipt of copy of the order.
6. The Commission also notes that Bhoruka Power Corporation has challenged the impugned order in Appeal No. 124/2020 and the matter is pending before the Hon'ble Appellate Tribunal for Electricity.
7. In the above circumstances, as per the directions of the Hon'ble High Court, the Commission has decided to hold a hearing on 10.12.2021, keeping in view the time limit specified the Hon'ble High Court.

Approved by the Commission


Secretary

for Karnataka Electricity Regulatory Commission.



BEFORE THE KARNATAKA ELECTRICITY REGULATORY COMMISSION
No.16 C-1, Miller Tank Bed Area, Vasanthanagar, Bengaluru-560052

Dated 25th June, 2020

Present:

Sri. Shambhu Dayal Meena	- Chairman
Sri. H.M. Manjunatha	- Member
Sri. M.D. Ravi	- Member

In the Matter of carry forward of the excess banked energy on account of Covid-19.

Preamble:

1. MNRE has issued an Official Memorandum(OM) on 16.04.2020 wherein, MNRE quoting the Nationwide lock down in the wake of Covid-19 and anticipating the continuation of the pandemic for few more months in FY- 21 and based on the representations received by MNRE to issue advisory to the States of Andhra Pradesh, Karnataka and Tamil Nadu, MNRE has conveyed that these States may consider permitting Rollover of banked electricity (from Solar PV Rooftops Projects and Open Access Renewable Energy Generating Stations under Captive and Third-Party Sale) of FY 2019-20 and FY 2020-21 to FY 2021-22.
2. Meanwhile few generators citing the above OM, have approached and requested the Commission in writing to carry forward the banked energy.
3. The Commission had sought the opinion of the KPTCL & ESCOMs and the Government of Karnataka. BESCOM, MESCOM and GESCOM, who have submitted their responses in the matter. Further, the GoK vide letter dated 06.06.2020 has informed that, it has consulted KPTCL and ESCOMs in the matter and as per the opinion expressed by them, the GoK has requested the Commission to extend the banking period for two months from the date of opening of lockdown. GoK has also requested to allow



ESCOMs to use the banked energy remaining un-utilised at the end of above two months, free of cost.

4. In this regard, the Commission after considering the above views, has observed the following:
 - i. In respect of REC route-based Renewable projects, as per the orders of the Commission, the banking is on a monthly basis and thus, the question of carry forward of banked energy does not arise;
 - ii. For Non-REC RE power projects, banking is provided only to Solar, Wind and Mini-Hydel projects.
 - iii. In case of Solar and Wind power projects which are under Non-REC route, annual banking is provided and for this purpose the financial year [Commencing on 1st April of a calendar year and ending on 31st March of the following calendar year] is considered. As Covid Lock-Down started from 25th of March,2020, these projects are affected by Lock-Down only for seven days and the impact would be very marginal. As such for these projects, the need for roll over of banked energy will not arise.
 - iv. In case of Mini-hydel Power projects which are under Non-REC route, annual banking is provided and for this purpose the Water Year [Commencing on 1st June of a calendar year and ending on 31st May of the following calendar year] is considered. As Covid Lock-Down started from 25th of March,2020, these projects are affected by Lock-Down for about two months and hence, the banked energy is allowed to be carried forward for two months i.e. up to 31.07.2020. Any banked energy allowed to be carried forward, remaining unutilised, at the end of two months, shall be deemed to have been supplied to the concerned ESCOM at no cost.



5. The Commission also notes that the Commission's Order dated 09.01.2018, reducing the banking period from one year to six-months and that the energy banked by the Non-REC route based RE projects, during the peak Time of Day (ToD) hours (as specified by the Commission in its Tarff Orders), alone can be drawn during the peak ToD hours, and not otherwise, was challenged by the generators before the Hon'ble ATE. The APTEL passed an Order 29.03.2019, setting aside the Order of the Commission and remitted back the case to the Commission, directing it to pass appropriate orders, keeping in view the observations made in the said order of the APTEL. Subsequently, the generators filed an interim appeal before the Hon'ble APTEL and APTEL has passed an Order on 13.05.2019 in IA No: 962 of 2018 in appeal No. 42 of 2018 & Ors., directing the Commission not to proceed with the hearing in terms of remand order till the next date of hearing. The Hon'ble ATE vide its Order dated, 5th August, 2019, has deleted the Paragraph in the Order portion remanding the matter to the Commission for fresh consideration, stating that, the modification to the Terms & Conditions of Banking arrangement in the concluded contracts is not appropriate and such modifications could be applied to future contracts, as decided in the Order dated, 09.01.2018. The Order passed by Hon'ble ATE is challenged before the Hon'ble Supreme Court of India by BESCO in DFR – 26531/2019 and the matter is pending before the Hon'ble Supreme Court.

Thus, for the purpose of this order the Commission has considered the Annual banking, as there is no stay granted on APTEL's Order by the Hon'ble Supreme Court.

6. In this regard, the Commission further notes that, as per the standard WBA Article-9, in the event of Force Majeure conditions, the KPTCL/ ESCOMs are not obligated to bank and wheel energy and if normalcy is not restored within thirty days, the agreement is to be temporarily suspended for the period of such Force Majeure and KPTCL/ESCOMs are not liable to pay any compensation or damage or any claims whatsoever for any direct or indirect loss suffered by the Generating company. However, considering Covid-19 as a special case, the



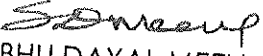
Commission decides to allow carry forward of the banked energy for a period of two months i.e., up to 31.07.2020 for Mini-Hydel Projects only, as the Order dated 08.07.2014 of the Commission approving the standard WBA empowers the Commission to add, vary, alter, modify or amend any of clause or clauses of the standard WBA or the entire agreement, suo-motu.

7. Hence, the following order. -

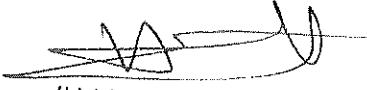
ORDER

- (i) The Commission, hereby orders to allow carry forward the banked energy remaining unutilized as on 31.05.2020 up to 31.07.2020, in respect of mini hydel generators who have executed wheeling and banking agreement, subject to the condition that any banked energy allowed to be carried forward and remaining unutilized till 31.07.2020, shall be deemed to have been supplied to the concerned ESCOM at no cost;
- (ii) No carry forward of banked energy is allowed to Renewable projects under REC route and to the Renewable projects under non-REC route other than the mini hydel projects; and
- (iii) Accordingly, Article - 9 of the WBA is amended for mini hydel projects.


This Order is signed and Issued by the Karnataka Electricity Regulatory Commission on this 25th day of June, 2020.


(SHAMBHU DAYAL MEENA)
25/6/2020

Chairman


(H.M. MANJUNATHA)
25/6/2020

Member


(M.D. RAVI) 25/6/2020

Member

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

DATED THIS THE 23RD DAY OF SEPTEMBER, 2021

BEFORE

THE HON'BLE MR.JUSTICE S.R. KRISHNA KUMAR

W.P. No. 147674/2020 (GM-KEB)

BETWEEN:

SHRI KESHAV CEMENTS AND INFRA LIMITED,
A COMPANY INCORPORATED AND REGISTERED
UNDER THE PROVISIONS OF THE COMPANIES
ACT, 1956, HAVING ITS REGISTERED OFFICE
AT "JYOTI TOWERS" 215/2, KARBAR GALLI,
VADGAON, BELGAUM-590 005 (REPRESENTED
BY ITS AUTHORISED SIGNATORY)

PETITIONER

(BY SRI SHRIDHAR PRABHU, ADVOCATE)

AND:

1. KARNATAKA ELECTRICITY REGULATORY
COMMISSION, NO. 16, C-1,
MILLER TANK BED AREA,
VASANTH NAGAR, BENGALURU-560 052
(REPRESENTED BY ITS CHAIRMAN)
2. GULBARGA ELECTRICITY SUPPLY
COMPANY LIMITED, A COMPANY
INCORPORATED UNDER THE
COMPANIES ACT, 1956, HAVING
ITS REGISTERED OFFICE AT
STATION MAIN ROAD,
KALABURAGI-585 101 (REPRESENTED
BY ITS MANAGING DIRECTOR)

3. HUBLI ELECTRICITY SUPPLY COMPANY LIMITED, A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956, HAVING ITS REGISTERED OFFICE AT NAVANAGAR, P.B. ROAD, HUBBALI-580 025 (REPRESENTED BY ITS MANAGING DIRECTOR)
4. KARNATAKA POWER TRANSMISSION CORPORATION LIMITED, A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956, HAVING ITS REGISTERED OFFICE AT CAUVERY BHAVAN, K.G. ROAD, BENGALURU-560 009 (REPRESENTED BY ITS MANAGING DIRECTOR)
5. UNION OF INDIA, MINISTRY FOR NEW AND RENEWABLE ENERGY (MNRE), BLOCK-14, CGO COMPLEX, LODHI ROAD, NEW DELHI-110 003 (REPRESENTED BY ITS SECRETARY)

- RESPONDENTS

(BY SRI B.S. KAMATE, ADVOCATE FOR R1,
SRI SHABAAZ HUSSAIN, ADVOCATE FOR R2 TO R4,
SRI G.I. GACHCHINAMATH, ADVOCATE FOR R4,
NOTICE TO R5 IS SERVED)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 25.06.2020 VIDE ANNEXURE-A & ETC.

THIS WRIT PETITION COMING ON FOR ORDERS THIS DAY, THE COURT, MADE THE FOLLOWING:

ORDER

In this petition, petitioner has sought for the following

reliefs :

- i. *Issue a writ in the nature of certiorari or any other appropriate writ, order or direction to quash the order dated 25th June 2020 "in the matter of carry forward of the excess banked energy on account of Covid - 19" (Annexure-A) passed by the Karnataka Electricity Regulatory Commission insofar as the said order does not allow for rollover of banked energy to the projects such as the petitioner.*
- ii. *Issue a writ of mandamus or any other appropriate writ order or direction to the respondents to permit the petitioner to, in respect of the energy generated by the petitioner and banked (unutilised) with the 2nd respondent during the financial year 2019-2020, rollover such banked (unutilised) energy to the financial year 2020-21.*
- iii. *Consequently, issue a writ of mandamus or any other appropriate writ order or direction to the respondents to permit the petitioner to sell, during the financial year 2020-21, energy banked (unutilised) with the 2nd respondent in the financial year 2019-2020 to the petitioner's open access customers.*
- iv. *Issue a writ of mandamus or any other appropriate writ order or direction to the respondents to permit the petitioner, in respect of the energy generated by the petitioner and*

banked (unutilised) with the 2nd respondent during the financial year 2020-2021, rollover of such banked (unutilised) energy to the financial year 2021-22.

- v. Consequently, issued a writ of mandamus or any other appropriate writ order or direction to the respondents to permit the petitioner to sell, during the financial year 2021-22, energy that may be banked (un-utilised) by the petitioner with the 2nd respondent in the financial year 2020-2021 to the petitioner's open access customers.*

2. Heard learned counsel for the petitioner and learned counsel for the respondents and perused the material on record.

3. In addition reiterating the various contentions urged in the petition and referring to the documents produced by the petitioner, learned counsel for the petitioner submits that the impugned order insofar as it relates to refusing/declining to allow carry forward of banked energy to renewable projects under REC route and to renewable projects under non-REC route other than mini hydel projects is illegal, arbitrary and discriminatory on various grounds including non-compliance of the

mandatory procedure and requirements as contemplated under the KERC (General and Conduct of Proceedings) Regulations, 2000 (for short, 'the KERC Regulations') in as much as the petitioner and similarly situated persons were neither notified nor heard and no opportunity was provided to them before passing the impugned order which is also violative of principles of natural justice particularly when the impugned order directly and substantially affects the rights of the petitioner and similarly situated persons and consequently the impugned order deserves to be quashed.

4. Per Contra, the learned counsel for the respondents, in addition to reiterating the various contentions urged in the statements of objections and referring to the documents produced by them submit that there is no merit in the petition and the same is liable to be dismissed.

5. I have given anxious consideration to the rival submissions and perused the material on record impugning the impugned order.

6. Though several contentions have been urged by both sides in support of their respective claims in relation to the impugned order, a perusal of the impugned order will indicate that the subject matter before the KERC was with regard to carry forward of banked energy remaining unutilized on account of the Covid-19 pandemic in respect of which the Ministry of New and Renewable Energy (MNRE), Union of India has issued circulars and directions. While considering the matter, the KERC took into account that various types of projects including projects relating to mini hydel generators, renewable projects under REC route, renewable projects under non-REC route other than mini hydel projects etc., had been affected and impacted by the Covid-19 pandemic and accordingly, appropriate orders in this regard require to be passed. Accordingly, the KERC

proceeded to pass the impugned order allowing carry forward of banked energy only in respect of mini hydel project under non-REC route while declining to allow carry forward of banked energy to renewable projects under REC route and renewable projects under non-REC route other than mini hydel projects referred to supra.

7. As rightly contended by the learned counsel for the petitioner, having regard to the undisputed fact that the impugned order would impact all types of projects including the projects in respect of which carry forward banked energy has been disallowed/refused in the impugned order, it was absolutely essential and imperative for the KERC to comply with the mandatory procedure and requirements as contemplated in the KERC regulations and notify and hear all affected parties/stakeholders including the petitioner and similarly situated persons by conducting public hearing as required under the rules. Learned counsel is also right in contending that non-providing of an opportunity to the

petitioner and similarly situated persons and hearing them prior to passing of the impugned order is also violative of principles of natural justice and the impugned order deserves to be quashed on this ground alone.

8. Under these circumstances, without expressing any opinion on the merits/demerits of the rival contentions I am of the view that the impugned order passed by the respondent No.1-KERC insofar as it relates to disallowing/refusing carry forward of banked energy to renewable projects under REC route and to renewable projects under non-REC route other than mini hydel projects deserves to be quashed and the matter remitted back to the respondent No.1-KERC for reconsideration afresh after notifying and hearing the petitioner as well as all affected parties/ stakeholders by providing them an opportunity and in accordance with the KERC rules within a stipulated timeframe.

9. In the result, I pass the following :

ORDER

- I. petition is hereby allowed;
- II. The impugned order dated 25.06.2020 passed by the respondent No.1-KERC insofar as it relates to disallowing/refusing carry forward of banked energy to renewable projects under REC route and to renewable projects under non-REC route other than mini hydel projects is hereby quashed;
- III. Matter is remitted back to the respondent No.1-KERC for reconsideration afresh after notifying and hearing the petitioner as well as all affected parties/ stakeholders by providing them an opportunity of hearing them and in accordance with law as well as the KERC Rules within a period of two months from the date of receipt of a copy of this order;
- IV. All rival contentions are kept open and no opinion is expressed on the same.

SD/-
JUDGE

