

COURT-II
IN THE APPELLATE TRIBUNAL FOR ELECTRICITY
(Appellate Jurisdiction)

APPEAL NO. 157 OF 2018 &
IA NO 672 OF 2018

Dated : 4th April, 2019

Present: Hon'ble Mr. Justice N.K. Patil, Judicial Member
Hon'ble Mr. Ravindra Kumar Verma, Technical Member

APPEAL NO. 157 OF 2018 &
IA NO 672 OF 2018

In the matter of:

Clean Solar Power (Bellary) Pvt. Ltd. ... Appellant(s)

Vs.

Karnataka Electricity Regulatory Commission & Ors. ... Respondent(s)

Counsel for the Appellant (s) : Ms. Shikha Pandey

Counsel for the Respondent(s) : Mr. Anand K. Ganesan
Ms. Ritu Apurva for R-1

Mr. Siddhant Kohli
Mr. Balaji Srinivasan for R-2,4,6 & 7

APPEAL NO. 158 OF 2018 &
IA NO. 669 OF 2018

In the matter of:

Clean Wind Power (Manvi) Pvt. Ltd. ... Appellant(s)

Vs.

Karnataka Electricity Regulatory Commission & Ors. ... Respondent(s)

Counsel for the Appellant (s) : Ms. Shikha Pandey

Counsel for the Respondent(s) : Mr. Anand K. Ganesan
Ms. Ritu Apurva for R-1

Mr. Siddhant Kohli
Mr. Balaji Srinivasan for R-2,4,6 & 7

APPEAL NO. 177 OF 2018 &
IA NO. 867 OF 2018

M/s Amplus KN Solar Private Limited & Anr. Appellant(s)

Vs.

Karnataka Electricity Regulatory Commission Ors. Respondent(s)

Counsel for the Appellant (s) : Mr. Amit Kapur
Mr. Rahul Kinra
Mr. Aditya Gupta

Counsel for the Respondent (s) : Mr. Siddhant Kohli
Mr. Balaji Srinivasan for R-2 to R-5 & R-7

Mr. Amith J.
Mr. Ashok Bannidinni for R-6

APPEAL NO. 266 OF 2018 &
IA NO. 1154 OF 2018

M/s Bhuruka Gases Limited & Anr. Appellant(s)
Versus
Karnataka Electricity Regulatory Commission & Ors. Respondent(s)

Counsel for the Appellant(s) : Mr. Parinay Deep Shah
Ms. Ritika Singhal

Counsel for the Respondent(s) : Mr. Siddhant Kohli
Mr. Balaji Srinivasan for R-2

JUDGMENT

PER HON'BLE MR. JUSTICE N.K. PATIL, JUDICIAL MEMBER

APPEAL NO. 157 OF 2018 & IA NO 672 OF 2018

1. **The Appellant has presented the instant Appeal seeking the following reliefs:**
 - a. Allow the present appeal and set aside the Impugned Order dated 14.05.2018 passed by the Commission in Case No.S/03/2017 to the extent the same has been challenged in terms of the facts and grounds indicated above;
 - b. Pass such further or other order(s) as this Tribunal may deem fit and proper in the facts and circumstances of the case.

APPEAL NO. 158 OF 2018 & IA NO. 669 OF 2018

2. The Appellant has presented the instant Appeal seeking the following reliefs:

- a. Allow the present appeal and set aside the Impugned Order dated 14.05.2018 passed by the Commission in Case No.S/03/2017 to the extent the same has been challenged in terms of the facts and grounds indicated above;
- b. Pass such further or other order(s) as this Tribunal may deem fit and proper in the facts and circumstances of the case.

APPEAL NO. 177 OF 2018 & IA NO. 867 OF 2018

3. The Appellant has presented the instant Appeal seeking the following reliefs:

- a. Admit the Appeal; and
- b. Set aside the Impugned Order dated 14.05.2018 passed by the Karnataka Electricity Regulatory Commission bearing File No.S/03/2017 in the matter of revision of 'Wheeling and Banking Charges for Renewable Power Projects'.
- c. Pass any such other or further orders as this Tribunal may deem fit and proper in the facts and circumstances of the case.

APPEAL NO. 266 OF 2018 & IA NO. 1154 OF 2018

4. The Appellant has presented the instant Appeal seeking the following reliefs:

- a. Allow the appeal and set aside the Impugned Order dated 14.05.2018 passed by the State Commission to the extent challenged;

- b. Direct that the Wind Energy Generators, commissioned on or before 31.03.2018, will be liable to pay wheeling and banking charges in accordance with Order dated 04.07.2014, for a period of 10 years from the date of commissioning of the plant; and
 - c. Pass such further order/order(s) as this Tribunal may deem fit and proper in the facts and circumstances of the case.
5. The learned counsel appearing for the Appellants at the outset submitted that these Appeals filed by the Appellants may kindly be disposed of in view of the order dated 13th March, 2019 passed by High Court of Karnataka at Bengaluru in W.P. Nos. 23162/2018 and connected cases in the matter of Renew Power Limited Vs. Bangalore Electricity Supply Company Ltd. & Ors. on the file of the High Court of Karnataka, Bengaluru. These Appeals filed by the Appellants may kindly be disposed of in the interest of justice and equity.
6. **Per contra**, the learned counsel appearing for the Distribution Companies *inter alia* contented and not disputed the common order passed in W.P. Nos. 23162/2018 and connected cases in the matter of Renew Power Limited Vs. Bangalore Electricity Supply Company Ltd. & Ors. on the file of the High Court of Karnataka, Bengaluru wherein the order impugned in these Appeals has been set aside.
7. The submissions made by the learned counsel appearing for the Appellants and the Respondents, as stated supra, are placed on record.

8. In the light of the order dated 13th March, 2019 passed by High Court of Karnataka at Bengaluru in W.P. Nos. 23162/2018 and connected cases in the matter of Renew Power Limited Vs. Bangalore Electricity Supply Company Ltd. & Ors. on the file of the High Court of Karnataka, Bengaluru, the instant Appeals being Appeal No. 157 of 2018, Appeal No. 158 of 2018 and Appeal No. 177 of 2018 & Appeal No. 266 of 2018 is hereby stand disposed of.

9. In view of the disposal of the above Appeals, the relief sought in the IA Nos. 669, 867, 1154 & 416 of 2019 do not survive for consideration and accordingly stand disposed of.

(Ravindra Kumar Verma)
Technical Member
mk/bn

(Justice N.K. Patil)
Judicial Member