

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

Dated : 26th February, 2015

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|-------------------------------|----------|
| 1. Sri M.R. Sreenivasa Murthy | Chairman |
| 2. Sri H.D. Arun Kumar | Member |
| 3. Sri D.B. Manival Raju | Member |

Complaint No.3 / 2012

BETWEEN:

BANGALORE ELECTRICITY SUPPLY COMPANY LIMITED,
Corporate Office,
K.R. Circle,
BENGALURU- 560 001.
[Petitioner represented by M/s. Justlaw, Advocates]

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COMPLAINANT

And

1. VBC FERRO ALLOYS LIMITED,
Registered Office,
No.6-2-913/914, 3rd Floor, Progressive Towers,
Khairathabad,
HYDERABAD – 500 004.
2. PROGRESSIVE CONSTRUCTIONS LIMITED,
Registered Office,
7th Floor, Raghava North Block,
Raghava Ratna Towers,
Chirag Ali Lane Abids,
HYDERABAD.
3. KONASEEMA GAS POWER LIMITED,
No.6-2-913/914, 3rd Floor, Progressive Towers,
Khairathabad,
HYDERABAD – 500 004

and others

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RESPONDENTS

[Respondents represented by M/s. Shridhar Prabhu Associates, Advocates]

ORDERS

- 1) This is a complaint filed by the Petitioner under Sections 142 and 146 of the Electricity Act, 2003, praying for imposition of penalty on, and awarding punishment to, the Respondents and others for having violated the Order dated 13.1.2012 passed by this Commission in OP No.48/2010.
- 2) In OP No.48/2010 filed by the Petitioner against the Respondents-1 to 3, there was a direction against the said Respondents to supply electricity in terms of the PPA dated 27.2.2009.
- 3) The Order dated 13.1.2012 passed in OP No.48/2010 was challenged by the Respondents-1 to 3 before the Hon'ble Appellate Tribunal for Electricity (ATE) in Appeal No.80/2012. The said Appeal was disposed of by the Order dated 7.10.2013 by the Hon'ble ATE, holding that the PPA in question was valid and allowing the Appellants therein (Respondents - 1 to 3 herein) to file a Petition before this Commission for an appropriate relief, if there existed any grounds to hold that the PPA had become impossible to be performed or acted upon. This Order of the Hon'ble ATE was confirmed by the Hon'ble Supreme Court of India.
- 4) Thereafter, this Commission, in OP No.48/2010, considered the question of impossibility to perform the terms of the PPA dated 27.2.2009 and the correctness of the directions issued against the Respondents - 1 to 3 for

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supply of energy. After hearing the parties, this Commission, by its Order dated 26.2.2015, has held that a case was not made out for issuance of directions for supply of electricity, though the PPA in question was not void on the ground of supervening impossibility.

- 5) In view of the above developments in OP No.48/2010, the present Complaint does not survive for consideration. Hence, we pass the following:

ORDER

The Complaint is dismissed.

Sd/-
(M.R. SREENIVASA MURTHY)
CHAIRMAN

Sd/-
(H.D. ARUN KUMAR)
MEMBER

Sd/-
(D.B. MANIVAL RAJU)
MEMBER