



**The Appellant has sought the following reliefs in Original Petition No. 04 of 2018:**

- (a) Direct the records of the Karnataka Electricity Regulatory Commission to be placed before the Hon'ble Tribunal for issue of necessary directions to decide the petition being OP No. 21 of 2018 and the Interim Application 1 of 2018 pending before the State Commission as given above;
- (b) Direct the Karnataka Electricity Regulatory Commission to immediately decide the petition being OP No. 21 of 2018 pending before the State Commission as listed above on an urgent basis;
- (c) Pending the decision as per (a) and (b) above, direct the Respondent No. 1 – Bangalore Electricity Supply Power Company to pay provisional tariff to the Petitioner at the rate of 3.74 per unit for the period from the date of commercial operation of the plant i.e. from 28.03.2017 till the generation of last joint metering reading in Form-B along with the delayed payment surcharge of 1.25% amounting to 14,16,01,876 and
- (d) pass any such further order or orders as this Hon'ble Tribunal may deem just and proper in the circumstances of the case.

## **ORDER**

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

1. M/s AIKYAM Holdings Private Limited, Petitioner herein, has filed the instant Petition, being OP No. 04 of 2018, on the file of the Appellate Tribunal for

Electricity, New Delhi, praying for appropriate directions, as stated above, to be issued to the Karnataka Electricity Regulatory Commission, first Respondent herein.

2. We have heard the learned counsel, Mr. M.G. Ramachandran, appearing for the Petitioner and the learned counsel, Mr. Balaji Srinivasan, appearing for the second Respondent.

3. The learned counsel, Mr. M.G. Ramachandran, appearing for the Petitioner submitted that, the instant Petition, being OP No. 04 of 2018, on the file of the Appellate Tribunal for Electricity, New Delhi, may kindly be dismissed as withdrawn in the light of the Order dated 29.05.2018 passed in OP No. 28 of 2018 read with the Wind Tariff Order dated 04.09.2017 vide No. S/01/17 on the file of the Karnataka Electricity Regulatory Commission, Bangalore reserving liberty to the Petitioner to redress their grievance before the appropriate Forum.

4. The learned counsel, Mr. Balaji Srinivasan, appearing for the second Respondent/BESCOM submitted that, in the light of the submissions made by the learned counsel appearing for the Petitioner, as stated above, the same may please be taken on record and the instant Petition may be disposed of.

5. Submissions made by the learned counsel appearing for the Petitioner and the learned counsel appearing for the second Respondent/BESCOM, as stated supra, are placed on record.

6. In the light of the submissions made by the learned counsel appearing for the Petitioner and the learned counsel appearing for the second Respondent/BSECOM and in view of the Order dated 29.05.2018 passed in OP No. 28 of 2018 read with the Wind Tariff Order dated 04.09.2017 vide No. S/01/17 on the file of the Karnataka Electricity Regulatory Commission, Bangalore, the instant Petition, being OP No. 04 of 2018, on the file of the Appellate Tribunal for Electricity, New Delhi, is dismissed as withdrawn reserving liberty to the Petitioner to redress their grievance before the appropriate Legal Forum, if they so advised or the need arises.

7. With these observations, the instant Petition, being OP No. 04 of 2018, on the file of the Appellate Tribunal for Electricity, New Delhi, stands disposed of.

**(S. D. Dubey)**  
**Technical Member**

**(Justice N. K. Patil)**  
**Judicial Member**

*tpd/vt*