

RP 01 of 2019 and (ii) the interlocutory application petition filed on 21.03.2019 w.r.t the Hon'ble Commission order dated 03.10.2018 in OP No. 8/2017; and

- c) *Pass such other order or orders as this Hon'ble Commission may wish to pass for doing substantial justice in the matter and to uphold the provisions of the Act of 2003.*

2. The background of the petition is as follows,

- (i) The Commission vide the Order dated 03.10.2018 in OP No 08/2017, approved the levelised tariff for the electricity generated from the 16 MW WEG established by M/s INOX at KINFRA Park, Kanjikode, Palakkad at Rs. 4.09/unit.
- (ii) M/s. Damodar Jagannath Malpani(M/s DJ Malpani), the strategic investor of M/s INOX, filed a petition before the Commission on 05.04.2019 for the approval of the PPA to be signed with KSEBL for selling the electricity generated from 16MW WEG established by M/s INOX at KINFRA Park, Kanjikode, Palakkad. However, M/s DJ Malpani was not a party to the Original Petition No. 08/2017 filed by M/s INOX for the approval of levelised tariff for WEG at Kanjikode.
- (iii) The Commission vide the Daily order dated 31.05.2019 on the Review Petition filed by M/s INOX on the order dated 03.10.2018 has issued the following direction to M/s INOX regarding the approval of the PPA to be signed with KSEBL for the sale of the electricity generated from the 16MW WEG established by M/s INOX.

“The petitioner shall file separate petition for approval of the PPA to be signed with KSEB Ltd, instead of filing petition through a third party. The Commission further clarified that, any person authorized by the petitioner INOX can sign PPA with KSEB Ltd for selling power from the 16 MW WEG installed at Kanjikode, Palakkad.”

3. In compliance of the direction of the Commission dated 31.05.2019, M/s INOX filed this petition and Commission admitted the same as OP No 58/2019. The petition was heard at the court hall of the Commission on 27.11.2019. Shri Ravi Sinha presented the petition on behalf of M/s INOX and Smt. Latha S.V, Asst: Executive Engineer presented the counter arguments on behalf of the respondent KSEB Ltd.

4. During the hearing, M/s INOX submitted that, the draft initialled PPA by KSEB Ltd was already submitted before the Commission.

5. During the deliberations of the subject petition, the Commission noted the following.

- (1) The draft initialled PPA is proposed to be signed between KSEB Ltd and M/s Damodar Jagannath Malpani and not with M/s INOX.
- (2) Further, in the draft initialled PPA, M/s Damodar Jagannath Malpani is referred to as 'developer' of the project.

However, as per the details submitted before the Commission during the deliberations of the original petition OP No.08/2017, M/s INOX Renewable Ltd is the developer of the 16 MW WEG established at the KINFRA park at Palakkad. Further, M/s KINFRA allotted the land for establishing the wind plant to M/s INOX Renewable Limited. M/s Damodar Jagannath Malpani is not a party to the original petition OP No. 08/2017 before the Commission. Hence the Commission cannot approve the proposed PPA to be signed between the KSEB Ltd and a third party M/s Damodar Jagannath Malpani for purchasing the electricity generated from the 16 MW WEG established by M/s INOX Renewables Limited at KINFRA park at Palakkad.

The Commission may consider approving only the PPA to be signed between KSEB Ltd and M/s INOX Renewables Limited for the purchase of electricity generated from the 16 MW WEG established by the petitioner at KINFRA park at Palakkad, if such a PPA is submitted before the Commission.

6. Under these circumstances, the Commission hereby direct the petitioner M/s INOX Renewables Limited to submit the revised petition for approval of the PPA to be signed between KSEB Ltd and M/s INOX Renewables Ltd for the purchase of electricity generated from the 16 MW WEG established at KINFRA park at Kanjikode.

Sd/-

**S. Venugopal
Member**

Sd/-

**Preman Dinaraj
Chairman**

Approved for issue

**G Jyothichudan
Secretary**