

Current report 37/2010

Subject: Ruling of the Superior Administrative Court on the return of excise

Pursuant to Art. 56, Clause 1, Sub-clause 1 of the Act on offers, the Board of KOGENERACJA S.A. informs that on December 23, 2010, KOGENERACJA S.A. obtained information that on December 21, 2010, the Superior Administrative Court dismissed the final appeal of Director of Custom Chamber in Wrocław (File # I GSK 54/10) concerning the positive for KOGENERACJA S.A. ruling of the Provincial Administrative Court in Wrocław concerning the determination of and return of the overpaid excise levied in relation to the sale of electric power by the Company in the period between January 2006 and July 2008.

As a result of this ruling the tax authorities are obliged to return to the Company PLN 63 887 426.00 with statutory interest covering the period from the day of the motion asking for the declaration of overpayment to the day of its return.

Legal basis: Art. 56, Clause 1, Sub-clause 1 of the Act on offers – confidential information