



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

CIN: U40100KL2011SGC027424

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ABSTRACT

Payment of Advocate fee - Sanction accorded - Orders issued.

Corporate Office (Commercial & Tariff)

B.O. (FTD)No . 653 /2021(KSEB/TRAC/CG/Advocate fee/2021-22

dtd. 14 -9-2021

Read: 1. Civil Appeal No.1815 of 2021 filed by Jhabua Power Ltd. before the Hon'ble Supreme Court

2. B.O. (FTD)No . 566 /2021(KSEB/TRAC/CG/JPL Case/2021-22 datetd 5-8-2021

3. Memo of fee of Sr. Adv. Maninder Singh and Adv.Prabhas Bajaj.

4. Note No. KSEB/TRAC/CG/Advocate fee/2021-22/306 dated 24-8-2021 of the Chief Engineer (Commercial & Tariff) (Agenda 24/9/2021).

ORDER

KSEB Limited has entered in to a Power Purchase Agreement with M/s. Jhabua Power Limited on 26.12.2014 for procuring 115 MW RTC power for 25 years. The firm started supplying the power with effect from 22-12-2016. However, the claim of the firm for monthly bills including fixed and fuel charges were not in accordance with the provisions in the PSA in the matter of SHR. Hence KSEBL had not been admitting fully the claim of the firm citing discrepancies in the value of SHR and GCV.

M/s. Jhabua Power Ltd. filed a petition before CERC for adjudication of the issue. The order of CERC turned out to be in favour of Jhabua Power Ltd. Accordingly, KSEBL filed appeal before the Hon'ble APTEL (Appeal No.230 of 2020). The order of APTEL is in favour of KSEB Ltd. and the order of CERC dated 25th May, 2020 passed by the Central Commission in Petition No. 169/MP/2019 has been set aside.

M/s.Jhabua Power Ltd. has now filed an appeal (CA 1815/2021) before the Hon'ble Supreme Court against the judgment of APTEL. Jhabua Power Ltd. has also prayed for stay of the APTEL judgment. Since the matter is of great significance to KSEB Ltd. and considering the huge stake involved, KSEB Ltd. as per the order read as 2 above decided to engage Senior Advocate Maninder Singh of Supreme Court who has handled this matter successfully before APTEL, for dealing this matter before Hon'ble Supreme Court. It was also decided to engage Adv.Prabhas Bajaj for dealing this matter in Supreme Court and assisting the Sr. Advocate as he is an expert in this matter and has dealt with this case before CERC and APTEL.

The matter came up for hearing on 26-7-2021. Sr. Adv.Maninder Singh and Adv.Prabhas Bajaj appeared for KSEBL. The prayer for stay by JPL was objected by the counsel of KSEBL. No stay was granted to JPL by APTEL. Adv. Prabhas Bajaj has forwarded the memo of fee of Sr.Adv.Maninder Singh and Adv.Prabhas Bajaj for appearance on 26-7-2021 as shown below.

Sl.No.	Particulars	Amount (Rs)
Fee details of Sr.Adv.Maninder Singh in CA No.1815 of 2021		
1	Towards conference with Adv.Prabhas Bajaj on 24-7-2021	55,000
2	Towards appearance on 26-7-2021	5,50,000
3	Clerkage charges @10% of (1) and (2)	60,500
	Total	6,65,500

Fee details of Adv. Prabhas Bajaj in CA No.1815 of 2021		
1	Towards appearance on 26-7-2021	50,000
2	Clerkage charges @10%	5000
	Total	55,000

The Chief Engineer (Commercial & Tariff) as per the note read as 3rd above placed the memo of fee before the Full Time Directors and recommended to approve the fee claimed by Sr.Adv.Maninder Singh amounting to Rs. 6,65,500/- (Rupees Six Lakhs Sixty Five Thousand and Five Hundred only) and Adv.Prabhas Bajaj amounting to Rs. 55,000/- (Rupees Fifty Five Thousand only).

Having considered the matter in detail, the Full Time Directors in its meeting held on 10-9-2021, resolved to accord sanction for the following:

1. To approve the fee and other charges claimed by Sr. Adv.Maninder Singh amounting to Rs. 6,65,500/- (Rupees Six Lakhs Sixty Five Thousand and Five Hundred only) for arranging payment.
2. To approve the fee and other charges claimed by Adv.Prabhas Bajaj amounting to Rs. 55,000/- (Rupees Fifty Five Thousand only) for arranging payment.
3. To authorize the Deputy Secretary (Administration) to release the advocate fee in favour of Sr.Adv.Maninder Singh and Adv.Prabhas Bajaj after deducting statutory deductions through RTGS.

Orders are issued accordingly.

By order of the Full Time Directors,
Sd/
Lekha G.
Company Secretary I/C

To

1. The Deputy Secretary (Administration)

Copy to:

Financial Advisor. / Company Secretary/Deputy Chief Engineer (TRAC)/ Commercial
Stock file/Library

Forwarded by order

Asst: Exe.Engineer