



## 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 . 621 /2021(KSEB/TRAC/CG/Advocate fee/2021-22

dtd. 16 -8-2021

Read: 1.Petition No.317/MP/2019 filed by BALCO before the CERC.

2. IA in Petition No.169/MP/2019 filed by KSEBL before the CERC.

3. B.O. (FTD)No . 397 /2021(KSEB/TRAC/CG/JPL Case/2021-22 dated. 26-5-2021

4. Note No:TRAC/ CG/JPL Case/2021-22 Dated 28.06.2021 of the Chief Engineer(Commercial & Tariff) submitted to Full Time Directors (Agenda 92/6/21).

5. Memo of fee of Adv.Prabhas Bajaj.

6. Note No. KSEB/TRAC/CG/Advocate fee/2021-22 dated 5-8-2021 of the Chief Engineer (Commercial & Tariff) (Agenda 80/8/2021).

### ORDER

KSEBL has entered into long term PPA with BALCO for 100MW under DBFOO for supplying power to KSEBL from the power plant situated in Chattisgarh, based on the DBFOO (Design, Build, Finance, Own and Operate) guidelines issued by Ministry of Power dated 8th November 2013. The PSA for 100 MW was executed on 26th December 2014 with start date of supply as 1st October 2017. BALCO has filed a petition before CERC to direct KSEBL to make payment for an amount of Rs.13.27 Cr towards fixed charge by considering the normative availability on annual basis . Since the matter is of great significance, KSEBL decided to engage Adv.Prabhas Bajaj, Supreme Court for dealing this case. The matter came up for hearing on 4-6-2021. Adv.Prabhas Bajaj appeared before CERC on that day on behalf of KSEBL and based on the deliberations held in the hearing he has filed a written submission before CERC on behalf of KSEBL. Adv. Prabhas Bajaj has forwarded the memo of fee for filing the written submission before CERC as shown below.

Sl.No.	Particulars	Amount (Rs)
<b>Fee details of Adv.Prabhas Bajaj In 317/MP/2019</b>		
1	Towards filing written submission	40,000
2	Clerkage charges @10% of (1)	4,000
	<b>Total</b>	<b>44,000</b>

The order dated 25th May, 2020 passed by the Central Commission in Petition No. 169/MP/2019 has been set aside by APTEL. As per the order of APTEL, the matter is remitted back to the Central Commission with the direction to consider the matter afresh keeping in view the opinion expressed in this Judgment and a direction to CERC to issue appropriate orders in accordance with law. KSEBL filed a fresh petition before CERC to implement the order of APTEL and decided to engage Adv.Prabhas Bajaj for dealing the petition filed by Jhabua Power Ltd. before CERC as per his memo of fee. The matter came up for hearing on 13-7-2021 and the advocate appeared before CERC. Adv.Prabhas Bajaj has forwarded the memo of fee for the same as below.

Sl.No.	Particulars	Amount (Rs)
<b>Fee details of Adv.Prabhas Bajaj in filing IA 44/2021 in 169/MP/2019</b>		
1	Towards appearance on 13-7-2021	50,000
2	Clerkage charges @10% of (1)	5,000
	<b>Total</b>	<b>55,000</b>

Jhabua Power Ltd. has filed an appeal (1815/2021) before the Hon'ble Supreme Court against the judgment of APTEL dated 13-5-2021 in SHR case. 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 in it KSEB Ltd. as per B.O. read 3 above decided to engage Sr. Advocate Maninder Singh of Supreme Court and Adv.Prabhas Bajaj for dealing this matter in Supreme Court. Adv.Prabhas Bajaj has forwarded an invoice of Rs.2648/- (Rupees Two Thousand Six Hundred and Forty Eight only) as Miscellaneous Expenses incurred by him for printing, photocopying, preparing Paperbooks of Appeal filed by Jhabua Power before the Hon'ble Supreme Court in the SHR Case including for the office of Sr.Adv. Maninder Singh.

The total fee claim of Adv.Prabhas Bajaj is submitted below.

Sl.No.	Particulars	Amount (Rs)
<b>Fee details of Adv.Prabhas Bajaj</b>		
1	In 317/MP/2019	44,000
2	IA 44/2021 in 169/MP/2019	55,000
3	CA 1815 of 2021	2648
	<b>Total</b>	<b>1,01,648</b>

The Chief Engineer (Commercial & Tariff) with full powers of Chief Engineer as per the note read as 6<sup>th</sup> above placed the memo of fee before the Full Time Directors and recommended to approve the fee claimed by Adv.Prabhas Bajaj amounting to Rs. 1,01,648/- ( Rupees One Lakh One Thousand Six Hundred and Forty Eight only).

Having considered the matter in detail, the Full Time Directors in its meeting held on 12-8-2021, resolved to approve the

1. fee and other charges claimed by Adv.Prabhas Bajaj amounting to Rs. 1,01,648/- ( Rupees One Lakh One Thousand Six Hundred and Forty Eight only) for arranging payment.
2. Further, resolved to authorize the Deputy Secretary (Administration) to release the Advocate Fee in favour of 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