



**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 . 566 /2021(KSEB/TRAC/CG/Advocate fee/2021-22

dated 5 -08-2021

Read: 1. Civil Appeal (1815/2021) filed by JPL before Hon'ble Supreme Court

2. APTEL Judgement dated 13.05.2021 in Appeal No. 230 of 2020

3. Memo of fees of Adv. Maninder Singh, Supreme Court

4. Memo of fee of Adv. Prabhas Bajaj

5. Note No. KSEB/TRAC/CG/JPL case/2021-22 dated 28-6-2021 of the Chief Engineer (Commercial & Tariff) (Agenda 92/6/21).

**ORDER**

The KSEB Limited has entered into 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 the CERC for adjudication of the issue. Since the matter involved in the petition has huge financial implication to KSEBL, special engagement was made by entrusting Adv. Prabhas Bajaj, who had dealt with the cases of KSEBL successfully, for conducting the case before CERC during the deliberations.

The CERC vide order dated 25.05.2020 decided on the matter which turned out to be in favour of M/s. Jhabua Power Ltd and would cause huge additional expenses for KSEBL. Considering the importance of the matter, KSEBL decided to file appeal against the order of CERC. Also, considering the huge financial adverse impact of the order, KSEBL engaged Adv. Maninder Singh, Sr. Advocate, Supreme Court for dealing this case before APTEL and Adv. Prabhas Bajaj who is well versed with the matter and has dealt with the case before CERC, for assisting the Senior Advocate.

Accordingly, KSEBL filed appeal before the Hon'ble APTEL (Appeal No.230 of 2020) and presented the matter in detail. Several hearings were held on the matter. After detailed deliberations, the Hon'ble APTEL issued orders which were 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 (1815/2021) before the Hon'ble Supreme Court against the judgment of APTEL. M/s. 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, it was suggested that KSEB Ltd. may engage Senior Advocate for dealing this case before Hon'ble Supreme Court. Since Sr. Advocate Maninder Singh of Supreme Court has handled this matter

successfully before APTEL, it is recommended to engage him for dealing this matter before the Hon'ble Supreme Court. It was also recommended to engage Adv. Prabhas Bajaj for dealing this matter in Hon'ble Supreme Court and assisting Sr. Advocate as he is an expert in this matter and has dealt with this case before CERC and APTEL.

(a) The memo of fee of Sr. Adv. Maninder Singh for dealing the matter before the Hon'ble Supreme Court is given below.

Sl.No.	Particulars	Amount
1	Fee for appearance before Supreme Court (per appearance, per case) (Misc. Hearing)	Rs.5,50,000/-
2	Fee for appearance before Supreme Court (per appearance, per case) (Final Hearing)	Rs.7,50,000/-
3	Fee for Conference (per hour)	Rs.55,000/-
4	Fee for settling per pleading	Rs.1,10,000/-
5	Clerkage	@10% of above

(b) The memo of fee of Adv. Prabhas Bajaj already approved by KSEBL and also approved in this case for filing caveat is given below.

1.	Towards Drafting Petitions / Appeals / Special Leave Petitions / Statements of Claim	Rs. 60,000/-
2.	Towards Drafting Counter / Rejoinder / Applications / Affidavits etc.	Rs. 40,000/-
3.	Towards Conference (per hour)	Rs. 15,000/-
5.	Towards Appearance before CERC / APTEL / Delhi High Court / Supreme Court	
	Effective Hearing	Rs. 50,000/-
	Non-Effective Hearing	Rs. 20,000/-
5.	Clerkage	@ 10%
6.	Miscellaneous Expense	On Actual Basis
7.	For cases outside Delhi, the terms shall be agreed separately	

The Chief Engineer (Commercial & Tariff) placed the memo of fee before the Full Time Directors and recommended to approve the fee claimed by Sr. Advocate Maninder Singh and Adv. Prabhas Bajaj as per above.

Having considered the matter in detail, the Full Time Directors in its meeting held on 29.06.2021, Resolved to accord sanction for the following:

1. To engage Sr. Adv. Maninder Singh, Supreme Court of India to deal with the appeal filed by Jhabua Power Ltd. (Appeal No. 1815/2021) before Supreme Court at the memo of fee given as (a) above.

2. To engage Adv. Prabhas Bajaj to assist Sr. Advocate in the appeal filed by Jhabua Power Ltd. (Appeal No. 1815/2021) before Supreme Court at the memo of fee already approved by Board given as (b) above.

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:

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

Forwarded by order

  
Asst: Exe. Engineer