



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. 474/2021(KSEB/TRAC/CG/Advocate fee/2021-22

dtd. 23-06-2021

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

2. Petition No.584/MP/2020 filed by JPL before CERC.

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

4. B.O. (FTD)No. 273 /2021(KSEB/TRAC/CG/JPL 584 MP 2020/2020-21 dated 30 -4-2021

5. Note No: TRAC/ CG/CERC Petition/ BALCO DBFOO/2020-21/Dated: 30.07.2020 of the Deputy
Chief Engineer (Commercial & Planning)

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

7. Memo of fee of Adv. Prabhas Bajaj.

8. Note No. KSEB/TRAC/CG/Advocate fee/2020-21 dated 15-6-2021 of the Chief Engineer (Commercial
& Tariff) (Agenda 45/6/2021).

ORDER

The 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 the 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 started supplying power with effect from 1st October 2017.

BALCO has filed a petition before CERC with the following prayers:

- to direct KSEBL to make payment to BALCO for an amount of Rs. 13.27 Crores towards Fixed Charge by considering the Normative Availability on annual basis, along with applicable interest for the power supplied during FY 17-18 and FY18-19;
- direct KSEB to make payment to BALCO for an amount of Rs. 46,79,000/- incurred by BALCO towards the Transmission Losses attributable to supply of power beyond the Normative Availability, along with applicable interest;
- direct KSEB to make future payments of the Fixed Charges and Transmission losses in view of the present petition and in the manner as may be decided by this Hon'ble Commission; and

Since the matter is of great significance to KSEBL, it was 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. Adv. Prabhas Bajaj has forwarded the memo of fee for his appearance before CERC as shown below.

Sl.No.	Particulars	Amount (Rs)
Fee details of Adv.Prabhas Bajaj In 317/MP/2019		
1	Towards appearance (effective) on 4-6-2021	50,000
2	Clerkage charges @10% of (1)	5,000
	Total	55,000

M/s. Jhabua Power Ltd. (JPL) has filed a petition before the Central Electricity Regulatory Commission (CERC) for adjudication of the various issues arising out of the Power Supply Agreements executed between the JPL and KSEBL dated 26.12.2014 (PSA-II) for 100 MW & 31.12.2014 (PSA-I) for 115 MW.

Since the matter is highly significant to KSEBL considering the huge financial stake involved, KSEBL as per BO read as 4th above decided to engage Adv. Prabhas Bajaj for dealing this case before CERC. Adv. Prabhas Bajaj has prepared counter to the petition and forwarded the memo of fee for the same as shown below.

Sl.No.	Particulars	Amount (Rs)
Fee details of Adv.Prabhas Bajaj in 584/MP/2020		
1	Towards drafting reply affidavit	40,000
2	Clerkage charges @10% of (1)	4,000
	Total	44,000

Also, KSEB Limited in the dispute in respect of 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.

KEBL as per BO read as 6th above decided to engage Adv. Prabhas Bajaj for dealing the petition filed by Jhabua Power Ltd. before CERC as per his memo of fee. The advocate has forwarded the memo of fee for the same as submitted below.

Sl.No.	Particulars	Amount (Rs)
Fee details of Adv.Prabhas Bajaj in filing IA in 169/MP/2019		
1	Towards drafting Application	40,000
2	Clerkage charges @10% of (1)	4,000
	Total	44,000

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

Sl.No.	Particulars	Amount (Rs)
Fee details of Adv.Prabhas Bajaj		
1	In 317/MP/2019 (filed by BALCO before CERC)	55,000
2	In 584/MP/2020 (filed by JPL before CERC)	44,000
3	IA in 169/MP/2019 (filed by KSEBL before KSERC)	44,000
	Total	1,43,000

The Chief Engineer (Commercial & Tariff) placed the memo of fee before the Full Time Directors and recommended to approve the fee claimed by Adv. Prabhas Bajaj amounting to Rs. 1,43,000/- (Rupees One Lakh Forty Three Thousand only).

Having considered the matter in detail, the Full Time Directors in its meeting held on 17-6-2021, Resolved to accord sanction for the following:-

1. To approve the Fee and other charges claimed by Adv. Prabhas Bajaj amounting to Rs. 1,43,000/- (Rupees One Lakh Forty Three Thousand only) for arranging payment.
2. 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:

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

Forwarded by order



Asst: Exe. Engineer