



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

CIN: U40100KL2011SGC027424

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ABSTRACT

Petition filed by Jhabua Power Limited before the CERC - Engaging Adv.Prabhas Bajaj - Sanction accorded - Orders issued.

Corporate Office (Commercial & Tariff)

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

dtd. 30 -4-2021

Read: 1.Petition No.584/MP/2020 filed by Jhabua Power Ltd. before CERC.

2.. Note No. KSEB/TRAC/CG/ JPL 584 MP 2020/2021-22 dated 21-4-2021 of the Deputy Chief Engineer (Commercial & Planning) with full powers of Chief Engineer (Agenda 58/4/2021).

ORDER

M/s. Jhabua Power Ltd. (JPL) has filed a petition before the Central Electricity Regulatory Commission(CERC) for adjudication of the following 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:

- **Deductions/Non-Payment of Fuel Charge in violation of PSAs:**

- 1.1 Method of Derivation of Cost of Fuel forming part of the landed Cost.
- 1.2 Method of Derivation of Cost of Transportation forming part of the landed fuel cost.
- 1.3 Method of Derivation of Final Fuel Charge.
- 1.4 Non-Consideration of GCV of received Coal on As Received Basis (ARB).

- **Deductions / Non-Payment of Fixed Charges in violation of the PSAs:**

- 2.1 Deductions on account of wrong interpretation of Deemed Availability relief provided against shortage of fuel.
- 2.2 Non-Consideration of Annual Reconciliation of the Cumulative monthly availability.

- **Other Issues:**

- 3.1 Deduction of RLDC Fees and Charges of Southern Region.
- 3.2 Non-Reimbursement of Electricity Duty and Cess by the Respondent.
- 3.3 Non-Establishment of Letter of Credit as required under PSA-II dated 26.12.2014 for supply of 100 MW Power.

The claim made by JPL under this petition under various heads for the period from 2016-17 to 2019-20 are:

- Deductions/Non-Payment of Fuel Charge in violation of PSAs:Rs.79.96 Cr
- Deductions / Non-Payment of Fixed Charges in violation of the PSAs: Rs. 68.28 Cr
- Other issues: Rs.16.61 Cr

The Deputy Chief Engineer(Commercial & Planning) with full powers of Chief Engineer as per note read as 2nd above placed the matter before the Full Time Directors. It was reported that the matter came for admissibility hearing on 13-4-2021. The CERC has admitted the petition and has directed to serve notice to KSEBL and counter on the petition has to be filed by 6-5-2021. Since the matter is highly significant to KSEBL considering the huge financial stake involved, it was recommended to engage an expert counsel for dealing the case before the CERC. Adv.Prabhas Bajaj, who has dealt with the PSA of Jhabua Power before CERC and presently before APTEL is well studied and has dealt with the cases of KSEBL before CERC and APTEL. His schedule of fees approved by KSEBL is as below.

FEE SCHEDULE OF MR. PRABHAS BAJAJ, ADVOCATE		
No.	Description	Amount
1	Towards drafting petitions/appeals/special leave petitions/Statement of claim	Rs.60,000/-
2	Towards drafting counter/rejoinder/applications/affidavits etc	Rs.40,000/-
3	Towards conference (per hour)	Rs.15,000/-
4	Towards appearance before CERC/APTEL/Delhi High Court/Supreme Court Effective Hearing Non effective hearing	Rs.50,000/- Rs.20,000/-
5	Clerkage	@10%
6	Miscellaneous Expense	On actual basis
7	For cases outside Delhi, the terms shall be agreed separately	

The Deputy Chief Engineer(Commercial & Planning) with full powers of Chief Engineer suggested that KSEBL may engage Adv.Prabhas Bajaj for dealing this case before APTEL.

Having considered the matter in detail, the Full Time Directors in its meeting held on 23-4-2021, Resolved to engage Adv.Prabhas Bajaj as an expert counsel for dealing the petition filed by Jhabua Power Ltd. before Hon'ble CERC as per his memo of fee.

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. / Deputy Chief Engineer (TRAC)/ Commercial
Stock file/Library

Forwarded by order

[Signature]
Asst: Exe.Engineer