



## KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

CIN: U40100KL2011SGC027424

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### ABSTRACT

Payment of Advocate fee in the Petitions filed by KSEBL - Sanction accorded - Orders issued.

#### **Corporate Office (Commercial & Tariff)**

B.O. (FTD)No. 226 /2021(KSEB/TRAC/CG/JPL case/2020-21

dtd. 29-3-2021

Read: 1. Appeal DFR No.369 of 2020 filed by JITPL before APTEL.

2. B.O. (FTD)No. 713/2020(KSEB/TRAC/CG/JITPL/2020-21/ dated 24.11.2020 .

3. CA No.41 of 2021 filed by KSERC before the Hon'ble Supreme Court

4. Office order (CMD)No. 232 /2021(KSEB/TRAC/CG/DBFOO/2020-21/ dated 16 .2.2021

5. Note No. KSEB/TRAC/CG/Advocate fee/2020-21 dated 23-3-2021 of the Deputy Chief Engineer (Commercial & Planning) with full powers of Chief Engineer (Agenda 73/3/2021).

### ORDER

Jindal India Thermal Power Limited had filed an appeal petition before APTEL (Appeal No. 369 of 2020) praying to

- a. set aside the Orders passed by Kerala State Electricity Regulatory Commission namely (i) dated 14-02-2020 in petition no OA 29 of 2019 (ii) dated 27-04-2020 in petition no OA 2 of 2020, both read with Common order dated 14-08-2020 passed in review petitions no. 2 of 2020 and 4 of 2020
- b. Declare the procurement of power of 100 MW capacity by Respondent No.2 from Appellant's power project stands approved and the tariff stated in Power Sale Agreement dated 29-12-2014 stands adopted in terms of Section 63 of Electricity Act 2003 and the guidelines issued there under and to pass such other or further orders as this Hon'ble Tribunal may deem appropriate.

Considering the importance of the case, KSEBL as per order read 2 above has engaged Adv.Prabhas Bajaj for dealing the case before the APTEL. The matter came up for hearing on 9-3-2021. Adv.Prabhas Bajaj appeared before APTEL on that day on behalf of KSEBL. He has forwarded the memo of fee for his appearance before APTEL as shown below.

Sl.No.	Particulars	Amount (Rs)
<b>Fee details of Adv.Prabhas Bajaj In appeal DFR no.369 of 2020</b>		
1	Towards appearance (effective) on 9-3-2021	50,000
2	Clerkage charges @10% of (1)	5,000
	<b>Total</b>	<b>55,000</b>

KSERC filed an appeal petition before Hon'ble Supreme Court (CA No.41 of 2021) against the interim order of APTEL dated 14-11-2020 in Appeal No.369 of 2020. The appeal has been filed raising several adverse

remarks on the bidding procedure carried out by KSEBL for the selection of these generators under DBFOO guidelines.

KSEBL has decided to engage Adv.Prabhas Bajaj who is dealing this case before APTEL for dealing this case before the Hon'ble Supreme Court. He has prepared counter to the appeal filed by KSERC and forwarded the memo of fee for the same as shown below.

Sl.No.	Particulars	Amount (Rs)
<b>Fee details of Adv.Prabhas Bajaj in CA 41/2021</b>		
1	Towards drafting reply affidavit on 10-3-2021	40,000
2	Clerkage charges @10% of (1)	4,000
	<b>Total</b>	<b>44,000</b>

**Petition No.532/MP/2020:** KSEBL has been procuring around 320MW of power from various generating stations of Neyveli Lignite Corporation of India Ltd. The energy charges of these stations depends on the lignite transfer price which is essentially the cost of the integrated mines of NLCIL power stations. Till 2019, the lignite transfer price is determined by NLCIL based on Ministry of Coal guidelines, which is subsequently approved by CERC. In Tariff Regulations, 2019, CERC stipulated that where the generating company has the arrangement for supply of coal or lignite from the integrated mine(s) allocated to it, for use in one or more of its generating stations as end use, the energy charge component of tariff of the generating station shall be determined based on the input price of coal or lignite, as the case may be, from such integrated mines computed in accordance with the regulations to be notified separately by the Commission. It is also stated that till the regulations for computation of input price of lignite is notified, the input price of lignite shall continue to be determined as per the guidelines specified by the Ministry of Coal, Government of India. Subsequent to this, Ministry of Coal vide letter No. 28012/1/2014-CA II dated 24th June,2019 gave authority to NLCIL's Board, to decide lignite pricing at such frequency as the situation may demand in consultation with the stakeholders. The direction was to decide the lignite price and not to formulate guidelines. However, NLCIL formulated its own guidelines for determining lignite transfer price for 2019-24 in deviation from the earlier Ministry of Coal guidelines and without due consultation with the beneficiaries. Since as per Regulation, CERC is the statutory authority to regulate the tariff of CGS and to resolve the disputes, KSEBL filed a petition before CERC for intervention. Considering the importance of the matter, KSEBL decided to file a petition before CERC and engage Adv.Prabhas Bajaj to deal with the petition. NLC filed counter to the petition of KSEBL and rejoinder to the counter was prepared by Adv.Prabhas Bajaj. The advocate has forwarded the memo of fee for the same as given below.

Sl.No.	Particulars	Amount (Rs)
<b>Fee details of Adv.Prabhas Bajaj in 532/MP/2020</b>		
1	Towards drafting Rejoinder on 10-3-2021	40,000
2	Clerkage charges @10% of (1)	4,000
	<b>Total</b>	<b>44,000</b>

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

Sl.No.	Particulars	Amount (Rs)
<b>Fee details of Adv.Prabhas Bajaj</b>		
1	In appeal DFR no.369 of 2020	55,000
2	In CA 41/2021	44,000
3	In 532/MP/2020	44,000
	<b>Total</b>	<b>1,43,000</b>

The Deputy Chief Engineer (Commercial & Planning) with full powers of Chief Engineer as per the note read as 5<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. 1,43,000/- ( Rupees One Lakh Forty Three Thousand only).

Having considered the matter in detail, the Full Time Directors in its meeting held on 26-3-2021, Resolved to accord sanction for the payment of

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

Forwarded by order

  
Asst: Exe.Engineer