



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 . 146 /2021(KSEB/TRAC/CG/JPL case/2020-21 dtd. 19 -2-2021

Read: 1.Office Order (CMD)No. 1158/2020(KSEB/CG/TRAC/SHR Jhabua/2019-20/ dated 27 .08.2020

2. Office Order (DF) No.1225/2020(KSEB/CG/TRAC/SHR Jhabua/2019-20/ dated. 22 .09.2020.

3. Appeal DFR No.336 of 2020 filed by KSEBL before the APTEL.

4. Appeal DFR No.369 of 2020 filed by JITPL before the APTEL.

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

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

7. Office order (CMD) No.232/2021 (KSEB/TRAC/CG/DBFOO/2020-21 dtd.16-2-2021

8. Memo of fee of Adv.Prabhas Bajaj.

9. Note No. KSEB/TRAC/CG/JPL Case/2020-21 dated 16-2-2021 of the Deputy Chief Engineer (Commercial & Planning) with full powers of Chief Engineer (Agenda 70/2/2021).

ORDER

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.

The Jhabua Power Ltd. filed a petition before the CERC for adjudication of the issue. The CERC vide Order dated 25-05-2020 decided on the matter. The order of CERC has turned out to be in favour of Jhabua Power Ltd and will cause huge additional expenses for KSEBL. KSEBL as per the order read as 1st above decided to file appeal against the order of CERC and to engage Adv.Maninder Singh, Sr.Advocate, Supreme Court for dealing this case before the APTEL as per the terms and conditions specified in the annexure to the order and also to engage Adv.Prabhas Bajaj for assisting the Senior Advocate.

The Appeal - DFR No. 336 of 2020 filed by KSEBL was taken up for further hearing before the Hon'ble APTEL on 19.1.2021 , 21.1.2021, 28.01.2021 and 2-2-2021. Adv.Prabhas Bajaj had appeared on behalf of KSEBL . The pleadings are complete.

Adv. Prabhas Bajaj forwarded the memo of fee in connection with the appeal given below.

Sl.No.	Particulars	Amount (Rs)
Fee details of Adv.Prabhas Bajaj in appeal DFR no.336 of 2020		
1	Towards appearance (effective) on 19-1-2021	50,000
2	Towards appearance (effective) on 21-1-2021	50,000
3	Towards appearance (effective) on 28-1-2021	50,000

4	Towards appearance (effective) on 2-2-2021	50,000
5	Clerkage charges @10% of (1+2+3+4)	20,000
	Total	2,20,000

KSERC filed an appeal petition before Hon'ble Supreme Court (CA No.41 of 2021) against the interim order of APTEL. 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. To avoid any adverse orders against KSEBL on the first date of hearing, KSEBL decided to file caveat before Hon'ble Supreme Court. It was also decided to engage Adv.Prabhas Bajaj who is dealing this case before APTEL for dealing this case before Hon'ble Supreme Court. The matter came up for first listing on 27-1-2021. Adv.Prabhas Bajaj appeared on behalf of KSEBL before Hon'ble Supreme Court. Hon'ble Supreme Court stayed the interim order dated 20-11-2020 of APTEL. Adv. Prabhas Bajaj has forwarded the memo of fee for his appearance before Hon'ble Supreme Court as shown below.

Sl.No.	Particulars	Amount (Rs)
Fee details of Adv.Prabhas Bajaj in CA 41/2021		
1	Towards appearance (effective) on 27-1-2021	50,000
2	Clerkage charges @10% of (1)	5,000
	Total	55,000

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

Sl.No.	Particulars	Amount (Rs)
Fee details of Adv.Prabhas Bajaj		
1	In appeal DFR no.336 of 2020	2,20,000
2	In CA 41/2021	55,000
	Total	2,75,000

The Deputy Chief Engineer (Commercial & Planning) with full powers of Chief Engineer as per the note read as 9th 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. 2,75,000/- (Rupees Two Lakh Seventy Five Thousand only). The matter was placed before the Full Time Directors as per the note read as 9th above.

Having considered the matter in detail, the Full Time Directors in its meeting held on 17-2-2021, Resolved to approve the:

1. Fee and other charges claimed by Adv.Prabhas Bajaj amounting to Rs. 2,75,000/- (Rupees Two Lakh Seventy Five 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

AS
Asst: Exe.Engineer