



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

CIN: U40100KL2011SGC027424

Regd Office:Vydyuthi Bhavanam Pattom Thiruvananthapuram Kerala 695 004 India

Phone (O) +912514617, 2514278

Email: trac@kseb.in website: www.kseb.in

ABSTRACT

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

Corporate Office (Commercial & Tariff)

B.O. (FTD)No . 123 /2021(KSEB/TRAC/CG/JPL case/2020-21 dtd. 10-2-2021

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. Memo of fee of Adv.Prabhas Bajaj.

7. Memo of fee of Sr.Adv.Maninder Singh.

8. Note No. KSEB/TRAC/CG/JPL Case/2020-21 dated 28-01-2021 of the Deputy Chief Engineer (Commercial & Planning) with full powers of Chief Engineer (Agenda 4/2/2021).

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 22.12.2020 , 24.12.2020, 7.01.2021, 12.01.2021 and 14-1-2021. Shri Maninder Singh, Senior Advocate along with Adv.Prabhas Bajaj had appeared on behalf of KSEBL . The pleadings are not complete.

Adv. Prabhas Bajaj has forwarded the memo of fee of Shri.Maninder Singh, Senior Advocate along with his memo of fee in connection with the appeal. The details of fee claimed by Shri.Maninder Singh and Adv.Prabhas Bajaj are submitted below.

| Sl.No. | Particulars | Amount (Rs) |
|---|--|-------------|
| Fee details of Adv.Prabhas Bajaj in appeal DFR no.336 of 2020 | | |
| 1 | Towards appearance (non –effective) on 22-12-2020 | 20,000 |
| 2 | Towards appearance (non –effective) on 24-12-2020 | 20,000 |

| | | |
|--|---|------------------|
| 3 | Towards appearance (non –effective) on 7-1-2021 | 20,000 |
| 4 | Towards appearance (non –effective) on 12-1-2021 | 20,000 |
| 5 | Towards appearance (non –effective) on 14-1-2021 | 20,000 |
| 6 | Clerkage charges @10% of (1+2+3+4+5) | 10,000 |
| 7 | Miscellaneous expenses for filing appeal | 15,377 |
| | Total | 1,25,377 |
| Fee details of Sr. Adv.Maninder Singh in appeal DFR no.336 of 2020 | | |
| 1 | Towards appearance on 22-12-2020 | 4,00,000 |
| 2 | Towards appearance on 24-12-2020 | 4,00,000 |
| 3 | Towards appearance on 7-1-2021 | 4,00,000 |
| 4 | Towards appearance on 12-1-2021 | 4,00,000 |
| 5 | Towards appearance on 14-1-2021 | 4,00,000 |
| 6 | Clerkage charges @10% of (1+2+3+4+5) | 2,00,000 |
| | Total | 22,00,000 |

Jindal India Thermal Power Ltd.(JITPL) one of the generator under bid-2 has filed an appeal before APTEL challenging the order of KSERC dated 14-2-2020 in Petition No.OA 29 of 2019 and order dated 27-4-2020 in OA 2 of 2020, read with common order dated 14-8-2020 passed in Review petition no.2 of 2020 and 4 of 2020. JITPL has also prayed that the procurement of power of 100MW capacity by KSEBL from the Appellant's power project stands approved in the PSA dated 29-12-2014 stands adopted in terms of section 63 of the EA,2003 and the guidelines issued thereunder. KSEBL is the second respondent in the appeal. KSEBL as per BO read 5 above has engaged Adv.Prabhas Bajaj for dealing this case before APTEL. Adv.Prabhas Bajaj prepared and filed a submission placing the subsequent events before APTEL. His memo of fee for the same has also been furnished as follows:

| Sl.No. | Particulars | Amount (Rs) |
|--|------------------------------|---------------|
| Fee details of Adv.Prabhas Bajaj in DFR No.369 of 2020 | | |
| 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 for the above petitions and Sr.Adv.Maninder Singh are submitted below:

| Sl.No. | Particulars | Amount (Rs) |
|--|----------------------------------|------------------|
| Total Fee details of Adv.Prabhas Bajaj | | |
| 1 | Appeal DFR no.336 of 2020 | 1,25,377 |
| 2 | Appeal DFR no.369 of 2020 | 44,000 |
| | Total | 1,69,377 |
| Fee details of Sr. Adv.Maninder Singh | | |
| 1 | Appeal DFR no.336 of 2020 | 22,00,000 |

The Deputy Chief Engineer (Commercial & Planning) with full powers of Chief Engineer as per the note read as 8th above placed the memo of fee before the Full Time Directors and recommended to approve the fee claimed by the Sr.Adv.Maninder Singh amounting to Rs.22,00,000/- (Rupees Twenty Two Lakh only) towards fee in Appeal petition and Adv.Prabhas Bajaj amounting to Rs. 1,69,377/- (Rupees One Lakh Sixty Nine Thousand Three Hundred and Seventy Seven only).

Having considered the matter in detail, the Full Time Directors in its meeting held on 4-2-2021, Resolved to accord sanction for payment of the following:

1. Fee and other charges claimed by the Sr.Adv.Maninder Singh amounting to Rs.22,00,000/- (Rupees Twenty Two Lakh only) towards fee in Appeal Petition DFR no.336 of 2020 .
2. Fee and other charges claimed by Adv.Prabhas Bajaj amounting to Rs. 1,69,377/- (Rupees One Lakh Sixty Nine Thousand Three Hundred and Seventy Seven only).

Further, resolved to authorize the Deputy Secretary (Administration) to release the Advocate Fee in favour of Sr.Adv.Maninder Singh and 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