



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

CIN: U40100KL2011SGC027424

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ABSTRACT

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

Corporate Office (Commercial & Tariff)

Board Order (FTD)No .764 /2020(KSEB/TRAC/CG/Sharing Regulations/2020-21 dtd. 21-12-2020

Read: 1.Notification No.L-1/250/2019/CERC dated 4-5-2020 of CERC

2. Note no.KSEB/TRAC/CG/CERC Regulations/2020-21 dtd.30-9-2020 of Deputy Chief Engineer (Commercial & Planning) with full powers of Chief Engineer.
3. Writ Petition (C) No.22566 of 2020 filed by KSEBL before the Hon'bleHigh Court of Kerala.
4. B.O. (FTD)No.675/2020(KSEB/TRAC/CG/CERC Regulations/2020-21 dtd. 6-11-2020.
5. Memo of fee dated 21-11-2020.
6. Note no. KSEB/TRAC/CG/Sharing Regulations/2020-21 dated 10-12-2020 of the Deputy Chief Engineer (Commercial & Planning) with full powers of Chief Engineer (Agenda 34/12/2020).

ORDER

The Central Electricity Regulatory Commission (CERC) as per notification read as 1st paper above has issued the Central Electricity Regulatory Commission (Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 for determining the methodology of sharing of transmission charges of ISTS among the Designated Inter State Customers. A huge increase in transmission charges is anticipated for States like Kerala with the new methodology.

The matter was discussed in the core committee meeting held on 12-8-2020 and the core committee decided to challenge the Regulation before the appropriate forum.

Since Regulation can be challenged only before Hon'ble High Court, it was suggested to file writ petition before the Hon'ble High Court challenging the Regulation.

The matter was placed before the Chairman and Managing Director as per note read as 2nd paper above and it was decided to file a writ petition before the Hon'ble High Court of Kerala challenging the Regulation. It was also decided to engage Adv.Harikumar for dealing the case before the Hon'ble HC as per the memo of fee given below.

Item	Amount (Rs)
Fee towards drafting and appearance	50,000/-
Filing expenses towards court fees, photocopying and clerkage	7500/-

Based on the above, the Writ Petition read as 3rd above was filed by KSEBL before the Hon'ble High Court on 15-10-2020.

Subsequently, considering the stake involved in the case and the urgent requirement of a stay of the impugned regulations , KSEBL as per order read as 4th above, ordered to engage Sr.Adv.Maninder Singh, former Addl. Solicitor General of India, New Delhi to appear before the Hon'ble High Court of Kerala on behalf of KSEBL in the writ petition filed by KSEBL challenging the Central Electricity Regulatory Commission

(Sharing of Inter-State Transmission Charges and Losses) Regulations, 2020 as per the memo of fee given below.

Sl.No.	Description	Amount (Rs.)
1	Fee for appearance before Kerala High Court (Through Virtual Hearing)(per appearance, per case)	7,50,000
2	Fee for conference (per hour)	55,000
3	Fee for settling per pleading	1,10,000
4	Clerkage	@10% of above

The matter came up for admission on 22-10-2020 before Hon'ble HC. Sr.Adv.Maninder Singh and Adv.Harikumar appeared on behalf of KSEBL on that date. The matter was posted for the next day and on 23-10-2020, the Judge posted the matter for detailed hearing on 16-11-2020 assuring an early judgment after detailed hearing.

The detailed hearing of the matter was held on 16-11-2020, 17-11-2020, 23-11-2020 and 25-11-2020. Prior to these hearing, discussions were also held by the Advocates with KSEBL officials. The Judgment on the Writ Petition is issued and the Hon'ble HC has dismissed the writ petition filed by KSEBL.

Now, Adv.Harikumar as per letter read as 5th above has forwarded the memo of fee of Sr.Adv.Maninder Singh for setting the rejoinder, conference and appearance before the High Court of Kerala on 22-10-2020, 23-10-2020, 16-11-2020 and 17-11-2020 as detailed below.

Sl.No.	Particulars	Amount (Rs)
Fee details of Sr. Adv.Maninder Singh in WP(C) No.22566 of 2020		
1	Towards conference with counsels and officials on 20-10-2020	55,000
2	Towards conference with counsels and officials on 21-10-2020	55,000
3	Towards appearance on 22-10-2020	7,50,000
4	Towards appearance on 23-10-2020	7,50,000
5	Towards conference with counsels and officials on 15-11-2020	55,000
	Towards settling rejoinder	1,10,000
6	Towards appearance on 16-11-2020	7,50,000
7	Towards appearance on 17-11-2020	7,50,000
8	Clerkage @10% of (1+2+3+4+5+6+7)	3,27,500
	Total	36,02,500

The Deputy Chief Engineer(Commercial & Planning) with full powers of Chief Engineer as per the note read as 6th above has 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.36,02,500/- (Rupees Thirty Six Lakh Two Thousand Five Hundred only) towards fee in respect of Writ Petition WP(C) No.22566 of 2020.

Having considered the matter in detail, the Full Time Directors in its meeting held on 16-12-2020, resolved to accord sanction for the following:

1. To approve the fee and other charges claimed by the Sr.Adv.Maninder Singh amounting to Rs.36,02,500/- (Rupees Thirty Six Lakh Two Thousand Five Hundred only) towards fee in Writ Petition WP(C) No.22566 of 2020 for arranging payment.
2. To authorize the Deputy Secretary (Administration) to release the Advocate Fee in favour of Sr.Adv.Maninder Singh after deducting statutory deductions through RTGS.

Orders are issued accordingly.

By order of the Full Time Directors,
Sd/
Lekha G.
Company Secretary

To

1. The Deputy Secretary (Administration)


Copy to:

Financial Advisor.

Deputy Chief Engineer (TRAC)/ Commercial

Stock file

Library

Forwarded by order

Asst: Exe.Engineer