



KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

Reg. Office: Vydyuthi Bhavanam, Pattom, Thiruvananthapuram – 695 004, Kerala

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ABSTRACT

Execution of pole rental agreement with M/s Asianet based on the number of poles ascertained in the joint inspection – sanctioned - orders issued.

CORPORATE OFFICE (ADMINISTRATION)

B.O (FTD) No.257/2020 (Estt.XI/Asianet/2019-20)

Dated, Thiruvananthapuram, 31.03.2020.

- Read:-
1. Minutes of the meeting convened by the Chairman & Managing Director dated 23.05.2019, 09.12.2019 & 11.03.2020
 2. BO (FTD) No.2456/2014 (LA II/Asianet/PLP 6639/13 dated 19.09.2014.
 3. Note No. Estt.XI/Asianet Pole Rental/2019-20 dated 20.03.2020 of the Secretary (Administration) submitted to Full Time Directors (Agenda Item No.85/3/20).

ORDER

M/s Asianet Satellite Communications Limited had entered into an agreement with KSE Board on 20.11.1992 to draw cables through the electric poles of KSEB for a period of 10 years. Thereafter the agreement was renewed up to 31.03.2011. After the expiry of agreement on 31.03.2011, fresh agreement was not executed between M/s Asianet and KSE Board and M/s Asianet continued to utilize the poles of KSE Board Limited and the payment of pole rental for the period from 01.04.2011 to 31.03.2015 had been made by M/s Asianet as per the demands raised by the Electrical Division Offices of KSEB Limited. Later the matters relating to the invoicing, collection etc., of pole rental for the period from 01.04.2015 was entrusted to the office of the Secretary (Administration) at the Corporate Office. Accordingly the payments were made by M/s Asianet at the Corporate Office from April 2015 onwards.

The system of executing individual agreements at Electrical Division level was discontinued and M/s Asianet has to execute a single agreement with KSE Board Limited having state wide effect as per order read as 2nd above.

In order to address various issues relating to rental of poles, a meeting was convened by the Chairman & Managing Director with M/s Asianet on 22.05.2018. In the meeting it was decided to conduct a joint inspection along with the representatives of M/s Asianet for ascertaining the actual number of poles used by M/s Asianet. It was also decided that a fresh consolidated agreement shall be executed with M/s Asianet.

Accordingly, the joint inspection for ascertaining the actual number of poles used by M/s Asianet was held during August 2018 and December 2018 and field offices were asked to enter the number of poles in the Oruma Software. Based on the joint inspection held in the field offices the number of poles entered by the field offices in the Oruma Software is ascertained as 6,33,378 (Urban – 4,03,790 and Rural 2,29,588).

M/s Asianet have raised some apprehensions in the meeting held by the Chairman and Managing Director on 24.01.2019 regarding the total number of poles entered and reported in the Oruma Software of KSEB Limited. Hence in the meeting convened by the Chairman & Managing Director on 23.05.2019 with M/s Asianet it was decided to sort out the issues by the field offices of KSEBL along with the representative of M/s Asianet to address the apprehensions raised by M/s Asianet. Accordingly joint verifications were conducted in the places where M/s Asianet raised objections regarding counting of duplication of poles, supporting poles and where urban rural problem exists and again submitted the reports. After examining the joint verification report submitted by the field offices the number of poles being used by M/s Asianet across the state is ascertained as below.

Urban Poles	3,83,418
Rural Poles	<u>2,27,033</u>
	<u>6,10,451</u>

It was decided in the meeting held by the Chairman and Managing Director with the representatives of M/s Asianet that fresh agreement shall be executed with retrospective effect from 01.01.2019 as the joint inspection was conducted by the end of the year 2018.

The pole rental charges applicable for the period from 2018-19 to 2020-21 as per the award dated 08.08.2014 of the District Legal Services Authority, Thiruvananthapuram in PLP No.6639/2013 which are shown below has been incorporated in the revised agreement.

Period	Urban	Rural	Annual increase
01-04-2018 to 31-03-2019	353	177	5%
01-04-2019 to 31-03-2020	371	186	5%
01-04-2020 to 31-03-2021	390	195	5%

A draft agreement and the statement showing the details of poles was forwarded to M/s Asianet on 24.12.2019 for their comments and concurrence. M/s Asianet have submitted the draft agreement after incorporating their views and suggestions on 21.01.2020. The KSEB Limited have accepted some of the additions/deletions/changes proposed by M/s Asianet except those which are detrimental to the interest of KSEB Limited. The views and remarks of KSEB Limited was communicated to M/s Asianet on 31.01.2020 and in reply they have agreed to go ahead with the finalization of agreement. As such a modified final draft agreement was prepared and submitted to the Legal Adviser and Disciplinary Enquiry Officer for legal vetting and a copy of the same was also sent to M/s Asianet for their concurrence. The Legal Adviser and Disciplinary Enquiry Officer as per Note No.LA&DEO/6/139/2019 dated 02.03.2020 has advised that no illegality is noticed and the same seems sufficient for the purpose. Now M/s Asianet expressed their willingness to execute the agreement at an earlier date.

Hence a tripartite agreement has to be executed between KSEB Limited, M/s Asianet Satellite Communication Private Limited and Asianet Digital Network Private Limited for renting of poles for the drawal of cables as per the pole counts based on the joint inspection held in 2018, with effect from 01.01.2019 for the period upto 31.03.2021.

The matter was placed before the Full Time Directors, as per Note read as 2nd above.

Having considered the matter in detail, the Full Time Directors in its meeting held on 20.03.2020, resolved to authorize the Secretary (Administration) to execute a

Tripartite Agreement between Kerala State Electricity Board Limited, M/s Asianet Satellite Communication Private Limited and Asianet Digital Network Private Limited for renting of poles for drawal of cables as per the pole counts based on the joint inspection held in 2018, with effect from 01.01.2019 for the period upto 31.03.2021.

Orders are issued accordingly.

By Order of the Full Time Directors
Sd/-
LEKHA.G
COMPANY SECRETARY IN-CHARGE

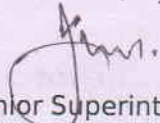
To

The Secretary (Administration), KSEB Limited.

Copy to:

1. The Chief Engineer (Distribution – South), Thiruvananthapuram.
2. The Chief Engineer (Distribution – Central), Ernakulam.
3. The Chief Engineer (Distribution – North), Kozhikode.
4. The Chief Engineer (Distribution – North Malabar)
5. The Chief Internal Auditor
6. The TA to Chairman and Managing Director
7. The TA to Director (Distribution, IT & HRM)
8. PA to Director (Finance).
9. Stock file.

Forwarded / By Order


Senior Superintendent