

KERALA STATE ELECTRICITY REGULATORY COMMISSION

THIRUVANANTHAPURAM

Present: **Shri. T. K. Jose, Chairman**

Adv. A. J. Wilson Member (Law)

OP No. 05/2021

In the matter of: Petition under Section 86(1) (b) and Section 63 of the Electricity Act, 2003 seeking final orders with respect to 115 MW of power from Jhabua Power Ltd (L-2 of Bid-1) vide amendment petition and to drawal of 350 MW of contracted power under DBFOO Bid-2 (Jindhal Power Limited – 150 MW, Jhabua Power Limited -100 MW, and Jindhal India thermal Power Limited -100 MW --reg

Petitioner : : The CMD, Kerala State Electricity Board Limited,
Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram

Respondents : 1. Jhabua Power Limited
Unit No.307, Third Floor, ABW Tower, M.G Road,
Gurugram, Haryana- 122 002
2. Jindhal India Thermal Power Limited
Plot No.2, Pocket-C, Second Floor, Nelson Mandela Road,
Vasanth Kunj, New Delhi-110 070
3. Jindhal Power Limited,
Jindhal Centre,
12, Bhikaji Cama Place, New Delhi 110 066.
4. The Kerala High Tension & Extra High Tension Industrial
Electricity Consumer Association, Productivity House, HMT
Road, Kalamassery, Cochin-683104
(Additional Respondent-1- IA No. 4/2021)
5. Dejo Kappen, Chairman, Democratic Human Rights &
Environment Protection Forum, Kodimatha, Kottayam.
(Additional Respondent-2- IA No. 7/2021)

Date of hearing :1. 09-02-2021 at Ernakulam (Public hearing)
2. 28.03.2023 at Kozhikode (Public hearing)
3. 29.03.2023 at Ernakulam (Public hearing)
4. 11.04.2023 at Thiruvananthapuram (Public hearing)

Daily order dated 12 .04.2023

1. The petitioner KSEB Ltd filed this petition dated 12.11.2020 before this Commission for adoption of tariff of the PSAs signed by them, seeking

following final orders with respect to drawal of 350MW of power (Jindal Power Ltd-150MW, Jhabua Power Ltd.-100MW and Jindal India Thermal Power Ltd – 100MW) contracted by the Petitioner through the Bid-2 invited under DBFOO guidelines during 2014 in the light of various orders issued by this Commission.

2. The Hon'ble Supreme Court, in Civil Appeal No. 41/2021 filed by this Commission, on 10.02.2023 has issued a direction to the Commission that *the Commission will take a call and decide O.A. No. 5 of 2021 as expeditiously as possible but in no case later than three months and both the parties shall cooperate in getting expeditious disposal of the pending O.A.* It was also clarified *that the present interim arrangement shall continue up to the date of the disposal of O.A. No. 5 of 2021 and for a further period of two weeks thereafter.* It was also directed *that the parties to appear before the Commission on 20.02.2023 at 10.30 a.m.*
3. In compliance of the Order dated 10.02.2023 of the Hon'ble Supreme Court, the Commission issued a "Schedule of appearance" dated 17.02.2023, intimating the date and time of appearance of parties as 20.02.2023 at 10.30 AM and published in the Official website. Accordingly, a meeting was convened at the Office of the Commission by e-hearing mode on 20.02.2023 at 10.30 a.m. During the meeting, the Commission considered and agreed to the suggestions of the parties and allowed Thirty days' time to all the parties to file objections and suggestions and directed to communicate the same to other parties also.
4. In the meanwhile, the petitioner filed an IA on 24.03.2023 before this Commission seeking approval for amending the relief portion of the petition OP No. 05/2021 seeking final orders with drawal of power from the PSAs for 115 MW of contracted power under Bid-1 from Jhabua Power Ltd in view of the Order dated 25.06.2022 in OP No.11/2022 of the Commission. The Commission allowed the application and hence the relief portion contained in the OP No. 05/2021 pending before this Commission stands amended to issue final orders with respect to drawal of power from the following PSAs:
 1. 115 MW of power from Jhabua Power Ltd (L-2 of Bid-1)
 2. 150 MW of power from Jindal Power Ltd (Bid-2)
 3. 100 MW of power from Jindal India Thermal Power Ltd (Bid-2)
 4. 100 MW of power from Jhabua Power Ltd (Bid-2)

5. Accordingly, Public hearings were conducted on 28.03.2023 at Kozhikode and 29.03.2023 at Ernakulam. The final public hearing was held on 11.04. 2023 at Head Quarters, Thiruvananthapuram. During the hearing held on 11.04.2023, the petitioner presented the case in detail seeking final approval of the four PSAs as prayed in the IA filed by the petitioner dated 24.03.2023 and the respondents have supported the petitioner. The Additional respondents and other stake holders also presented their arguments with power point presentation. On conclusion of the hearing, the Commission directed the Petitioner to present their final submission with their sworn affidavit within seven days, ie, on or before 17th April, 2023. The Commission also directed other respondents and stake holders who participated and presented the arguments, to submit their argument notes, objections and suggestions with duly authenticated data along with their sworn affidavit within seven days positively, in view of the time limit fixed by the Hon'ble Supreme Court.
6. Hence, the Commission hereby issues the following directions:

- 1. Allowed Seven days' time to the petitioner to file their final submission with their sworn affidavit on or before 17th April, 2023. Copies of the same shall be served to the respondents and additional respondents.***
- 2. Also allowed Seven days' time to other respondents and all stake holders who participated and presented the arguments, to submit their argument notes, objections and suggestions with soft copies of their presentation, if any, with duly authenticated data along with their sworn affidavit on or before 17th April, 2023. The time limit fixed by the Commission shall not be extended in any manner.***

**Sd/-
Adv. A.J. Wilson
Member (Law)**

**Sd/-
T. K. Jose
Chairman
Approved for issue
Sd/-
Secretary**