

KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

Present: Shri. R. Preman Dinaraj

OP.No.22,24 &25/2020

In the matter of : Extension of the relief and concessions to the petitioner as offered by KSEB Ltd. to industrial/commercial consumers and private hospitals and changing the status of petitioners as Industrial consumer.

Petitioners : 1. M/s. Vodafone Idea Ltd.
2. M/s. ATC Telecom Infrastructure Pvt. Ltd.
3. M/s. Indus Towers Ltd.
(Petitioners 1 to 3 represented by Shri. Sathisan, Advocate).

Respondents : M/s. Kerala State Electricity Board Ltd. (KSEBL)
represented by Shri. K.G.P. Namboothiri, Exe. Engineer

Daily Order dated 30.10.2020

1. The Petitioners 1 to 3 above had filed separate petitions for extending the relief and concessions offered by KSEB Ltd. to industrial/commercial consumers and private hospitals in view of the Covid-19 pandemic to the petitioners as well. They had also requested for changing their status as Industrial consumers so as to make them entitled for industrial tariff and the concessions offered to Industrial consumers.
2. As the matter was the same in all the three petitions, a common hearing was conducted on 15.09.2020 and after the hearing; the petitioner was directed to furnish additional submissions, if any, along with the references/copies of judgements classifying Telecom as an industry.
3. The petitioners represented by Advocate Shri. P. Sathisan has submitted a brief argument note dated 15th Sep 2020 as per the direction and in support of their claim to classify Telecom as Industry. The respondent KSEB Ltd also submitted their written comments vide submission dated 14.09.2020.
4. The matter was again heard on 28.10.2020 at 11.00 AM. During the hearing the counsel for the petitioners submitted that the letter issued by the Ministry of Power, Govt. of India specifically requires KSEB Ltd to extend the benefit from the Central Generating Station/ Central transmission utility to the Distribution companies to be transferred to the end consumers irrespective of the category. Accordingly, being an end consumer, the petitioners are also eligible for the

reliefs/concessions offered by KSEB Ltd in view of the Covid-19 pandemic. The petitioner also requested to allow time to submit their detailed submission and to quantify and detail the loss suffered during the lockdown before the Commission.

5. KSEB Ltd represented by Shri. K.G.P. Namboothiri, Exe. Engineer submitted that the concessions/reliefs are extended to the industrial/ commercial consumers and private hospitals, as the rebate form CGS/CTU is based on the unscheduled power and the reduction in the power consumption due to the closure of these establishments during the lock-down period. KSEB Ltd also did not object to the adjournment sought for by the petitioner.
6. The Commission however directed KSEB Ltd. to clarify as to why such consumers do not qualify as “end consumers” and whether the present proposal of extending the benefit only to some consumers will not amount to discrimination between the consumers of KSEB Ltd and contrary to Ministry of Power (MoP) , Gol directive.
7. The Commission also pointed out that the MoP, Gol order dated 10.06.2020 dealt with two issues –
 - (a) Deferment of capacity charges for power not scheduled.
 - (b) Rebate to the DISCOMs on power billed (fixed cost) and inter-state transmission charges.

However, KSEB Ltd has treated these separate issues together as one. The Commission opined that capacity charges and fixed costs are two separate issues and while the first issue deals with capacity charges for unscheduled power, the second is for power availed. The Commission directed KSEB Ltd. to examine the issue in this context and give their clarification before the next hearing.

8. The Commission after hearing the parties decided to adjourn the matter till 26.11.2020 and also directed the petitioner/s to submit immediately the additional written submissions with a copy to the respondents.

Sd/-
Preman Dinaraj
Chairman

Approved for issue

Secretary