

KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

Present: Shri. Preman Dinaraj, Chairman
Shri. A.J.Wilson, Member (Law)

Order No. 2261/Con (Legal)/KSERC/2020

In the matter of: "Petition for furnishing prior intimation in accordance with the provisions under Sections 41 and 51 of the Electricity Act,2003 and Regulation 8, Part III General conditions- 'Other Activities of the Licensee' of Kerala State Electricity Regulatory Commission (Licensing) Regulations, 2006, for optimum utilisation of assets of KSEB limited and formation of SPV, KFON"- reg

Order dated 31.03.2021

1. The KSEB Ltd had filed a Petition in the above matter before this Commission on 20.08.2020 and the Receiving Officer of this Commission had after due consideration declined to accept the petition and advised the Petitioner KSEB Ltd to rectify the defects as per Regulation 25 (2) of the KSERC (Conduct of Business) Regulations, 2003. He had also advised the Petitioner to file the petition as per the Commission's directions as per his letter No.1352/D(T)/2020/KSERC/798 dated 01.10.2020 in FORM3. In their reply No. KSEB/TRAC/C(T)/38/KFON/2020-21/1195 dated 17.12.2020, the KSEB Ltd had requested that the matter along with the petition presented on 19.08.2020 may be placed before this Commission for appropriate orders in accordance with Regulation 25 (3), of the KSERC (Conduct of Business) Regulations, 2003. Accordingly, the matter was placed before the Commission in the Meeting held on 02.03.2021.
2. *The Commission after carefully considering the entire matter in detail including the directions issued by this Commission in its Suo Motu Order No. 1129/D(T)/2018/KSERC dated 27.04.2020 concluded that the defects noted by the Receiving Officer has to be rectified by the Petitioner KSEB Ltd and the letter issued by him dated 01-10-2020 in Form 3 is in order.*
3. Hence, this Commission hereby reiterate its earlier decision and directions issued to the KSEB Ltd as shown below in its Suo-motu Order No. 1129/D(T)/2018/KSERC dated 27.04.2020 as extracted hereunder:
 - (i) As per the Section 14, 16, 17, 41 and 51 of the Electricity Act, 2003 along with the Licensing Regulations, 2006, KSEB Ltd has to get formal

- approval from the Commission, for sharing the transmission and distribution assets of KSEB Ltd by the Joint Venture Company KFON.
- (ii) KSEB Ltd shall file a proper petition for approval for sharing the transmission and distribution assets of it, by the Joint Venture Company KFON, along with the details as specified under paragraph-4 of this order, with all supporting documents.
 - (iii) The parties to the JV Company KFON, the Kerala State IT Infrastructure Ltd and IT department in Government of Kerala, shall be impleaded as party to the petition.
 - (iv) KSEB Ltd shall, enter into JV agreement for KFON, by sharing the transmission and distribution assets of KSEB Ltd, only after getting the formal approval of the Commission.

This Commission also hereby directs the KSEB Ltd to rectify the defects pointed out by the Receiving Officer as per his letter No.1352/D(T)/2020/KSERC/798 dated 01.10.20 in Form 3 and to file a proper petition for approval in tune with the Commission's Suo-motu Order No.1129/D(T)/2018/KSERC dated 27.04.2020.

A.J Wilson
Member (Law)

Preman Dinaraj
Chairman