

the State Govt and Central Govt and has requested the Commission to extend the reliefs as announced by the Govt. of Kerala to the electricity consumers in the State. The petitioner has prayed the Commission

- (i) To pass 25% waive off in Fixed Charges / Demand Charges for the months of March 2020, April 2020, May 2020 and May 2021.
 - (ii) Allow pass on the financial impact due to waive of 25% Fixed Charge / Demand Charge for industrial and commercial consumers during the Truing Up 2020-21 and 2021-22.
3. In the said petition the petitioner stated that, the Hon'ble Chief Minister of Kerala had on 21.04.2020 announced various reliefs to the electricity consumers in the State for reducing the impact of the restrictions on account of the lockdown which was imposed to curb the spread of COVID -19 pandemic. The State Government of Kerala had also declared reliefs in the Fixed Charges / Demand Charges applicable to industrial / commercial consumers for the month of May 2021 and relief packages to the domestic consumers vide G.O. No. (RT) 84/2021 dated 28.06.2021. The petitioner has sought a waiver of 25 % on the fixed charges applicable to Industrial and Commercial consumers for the month of March 2020, April 2020, May 2020 and May 2021.
 4. The petitioner further stated that KSEB Ltd had filed a petition before the Hon. Commission on 12.06.2020 for the approval of the various reliefs extended to the consumers for reducing the impact of the restrictions on account of the countrywide lockdown imposed by the Government to curb the spread of Covid-19 pandemic. The petitioner also submitted that M/s KPUPL had taken part in the hearings conducted by the Hon'ble Commission on 30/06/2020 and 19/08/2020 and had requested to extend the reliefs applicable to the consumers of KSEB Ltd to the consumers in the licensed area of M/s KPUPL.
 5. Commission had on 31.12.2020 vide Order in OP 19/2020, stated that the Commission is of the view that the current Government Order shall specifically for KSEB Ltd. consumers only and directed that the distribution licensees other than KSEB Ltd., if they so desire, may file a petition for extending relief to their consumers also.

6. The petitioner submitted that requests have been received from various industrial and commercial consumers of M/s KPUPL to allow rebates in the Fixed Charges similar to KSEB Ltd consumers. The consumers have also requested the same during the public hearing on the Truing Up petition of KINESCO for the year 2018-19 conducted on 27.08.2021. The consumers have pointed out that industrial units working in other KINFRA Parks where KSEB Ltd is power supply provider have already received various rebates as declared by the State Government.
7. The Commission vide Order dated 02.09.2021 had subsequently allowed 25% rebate in fixed charges / demand charges for the month of May 2021 for industrial and commercial consumers of KSEB Ltd.
8. In the petition, M/s KPUPL has mentioned that the 54th meeting of Board of Directors of KINESCO chaired by MD, KINFRA held on 28.09.2021 has accorded sanction to waive off 25% in Fixed / Demand charges for industrial and commercial consumers for the month of March 2020, April 2020, May 2020 and May 2021. The details of total financial commitment as per the petition are summarised below.

Table-1

Summary of the total financial commitment for 25% waive off in
Fixed Charge for industrial / commercial consumers

Sl. No.	Consumer Category	No. of Consumers	25% Fixed Charge March 2020	25% Fixed Charge April 2020	25% Fixed Charge May 2020	25% Fixed Charge May 2021	Total (Rs.)
1.	HT Category	49	17,77,570.00	17,42,550.00	17,38,895.00	17,50,232.27	70,09,247.27
2.	DHT Category	51	3,98,765.00	3,98,255.00	3,73,010.00	3,58,625.00	15,28,655.00
3.	LT Category	272	2,05,506.25	2,01,282.50	2,02,787.50	1,98,682.50	8,08,258.75
TOTAL		372	23,81,841.25	23,42,087.50	23,14,692.50	23,07,539.77	93,46,161.02

Analysis and Decision of the Commission.

9. The Commission has carefully examined the prayers of the petitioner. According to the petition, the total financial commitment is Rs.93.46 lakh. The proposal is to pass 25% waive off in Fixed Charges / Demand Charges for the months of March 2020, April 2020, May 2020 and May 2021. The category wise summary of the total financial commitment for 25% waive off in Fixed Charge for industrial / commercial consumers is tabulated below.

Table-2

Category wise summary of the total financial commitment for 25% waive off in Fixed Charge for industrial / commercial consumers

Sl. No.	Consumer Category	No. of Consumers	25% Fixed Charge March 2020	25% Fixed Charge April 2020	25% Fixed Charge May 2020	25% Fixed Charge May 2021	Total (Rs.)
1.	HT I A	26	4,90,110.00	4,73,620.00	4,91,045.00	6,11,812.27	20,66,587.27
2.	HT I B	21	12,04,960.00	11,86,430.00	11,65,350.00	10,87,490.00	46,44,230.00
3.	HT IV A	1	16,500.00	16,500.00	16,500.00	5500.00	55,000.00
4.	HT IV B	1	66,000.00	66,000.00	66,000.00	45,430.00	2,43,430.00
5.	DHT I A	1	0.00	0.00	0.00	6120.00	6120.00
6.	DHT I B	47	3,69,835.00	3,69,325.00	3,44,080.00	3,36,005.00	14,19,245.00
7.	DHT IV A	3	28,930.00	28,930.00	28,930.00	16,500.00	1,03,290.00
8.	LT IV A	60	46,278.75	45,471.25	45,513.75	54,488.75	1,91,752.50
9.	LT IV B	182	1,47,412.50	1,45,291.25	1,46,753.75	1,29,641.25	5,69,098.75
10.	LT VII A	30	11,815.00	10,520.00	10,520.00	14,552.50	47,407.50
TOTAL		372	23,81,841.25	23,42,087.50	23,14,692.50	23,07,539.80	93,46,161.02

10. Commission notes that the petitioner has sought for waive off in Fixed Charges / Demand Charges for the entire month of March 2020, April 2020, May 2020 and May 2021. It is to be seen that the Government of Kerala has extended the concessions on account of the Covid-19 lockdowns and subsequent slowdown of the economy. The lockdown in the State of Kerala had commenced only from 24.03.2020. Thus the Commission is of the considered opinion that since this rebate is on account of the Covid-19 lockdown, which commenced only from 24.03.2020, this rebate too should be extended only from the date of commencement of the lockdown i.e., from 24.03.2020 and not from 01.03.2020.

11. The Government Order dated 01-06-2020, reads as follows:

“rebate of 25% of the fixed charges is allowed for the industrial, commercial and private hospitals for the months of March, April and May 2020 (for the lockdown period).” (approximate English translation)

12. Thus the petitioner can consider extending the rebate on the fixed charges only for the lockdown period; ie from 24.03.2020 and not from 01.03.2020. As per the said G.O, the Government has given sanction for allowing rebates/concessions to the consumers of KSEB Ltd only. So far Government has not issued any specific licensee wise Orders enlarging the scope of the said Orders to allow concessions to consumers of licensees other than KSEB Ltd.
13. In the mean time Government has conveyed to the Commission vide letter **No. A1/179/2020/PD dated 27-04-2021, that steps to be taken for implementing all orders pertains to various concessions allowed as per the respective Orders issued by the Government in full and the resulting liabilities to licensees including KSEB Ltd to be settled as and when the final accounts are available.**
14. In this background and based on the request of the licensee, the Commission is of the view that giving due consideration to the spirit of the Hon'ble Chief Minister's announcement allowing relief to consumers of KSEB Ltd is to be extended to the consumers of KINESCO Power and Utilities Private Limited (KPUPL) also especially considering the letter No. A1/179/2020/PD dated 27-04-2021 of the Government addressed to the Commission.
15. In this context, the Commission notes that the Board of Directors of KINESCO have already accorded sanction to waive off 25% in Fixed / Demand charges for industrial and commercial consumers for the month of March 2020, April 2020, May 2020 and May 2021. However, it is not clear as to whether this sanction has been implemented by KPUPL before seeking formal approval of the Commission. If this decision has already been implemented, then the Commission is of the strong view that such Suo motu / unilateral decision of the licensee without seeking prior approval of the Commission is incorrect and should not be encouraged. Further, the Commission does not intend to set unhealthy precedents by providing post facto approval.
16. The financial impact of this relief shall be from the licensee's accumulated surplus/own source of funds and cannot be accounted for in their truing up petitions for the relevant years as an expense. It is also worthwhile to note that any rebate extended cannot be recouped from the licensee's consumers, since such an action

will tantamount only to a deferral of the relief extended by the State Government and will be contrary to the spirit of such 'relief'.

Orders of the Commission

17. Based on the above deliberations, the Commission hereby Orders as follows:

- a. The Commission has noted that Board of Directors of KINESCO have already accorded sanction to waive off 25% in Fixed / Demand charges for industrial and commercial consumers for the month of March 2020, April 2020, May 2020 and May 2021 to the tune of Rs.93.46 lakh.
- b. M/s KPUPL is permitted to extend the rebate on the fixed charges only for the lockdown period; ie from 24.03.2020 and not from 01.03.2020.
- c. The financial commitment on account of allowing the above rebates/relaxations will not be considered during the Truing up of 2020-21 and 2021-22, but will be adjusted from their own accumulated surplus/own funds.
- d. The Commission strongly advises the licensee not to resort to Suo motu / unilateral decision and thereafter approach the Commission for its post facto approval. Such approvals as a matter of principle will not be given.

18. Petition disposed of. Ordered accordingly.

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

Sd/-
Preman Dinaraj
Chairman

By Order of the Commission
Sd/-
C.R.Satheesh Chandran
Secretary