

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

**Present : Shri T K Jose, Chairman
Adv. A.J Wilson, Member
Shri B Pradeep, Member**

OP No 72/2022

In the matter of : Petition for Single Point Supply and Sharing of Electricity Charges for M/s. Lulu Cyber Park Pvt. Ltd under Regulation 56, sub regulation (2) of Kerala State Electricity Supply Code 2014.

Petitioner : KINESCO Power and Utilities Private Limited

Respondent : Kerala State Electricity Board Ltd (KSEB Ltd)

M/s KPUPL represented by : Shri T. M. Ajithkumar, CEO
Shri Sajeev, Resident Engineer

KSEB Ltd represented by : Shri. M.P.Rajan, Deputy Chief Engineer
Shri Rajesh AEE, TRAC, KSEB

Date of hearing : 19.01.2023,12.00 Noon

Venue : e-hearing through video conferencing

Order dated 18.01.2024

1. KINESCO Power and Utilities Private Limited (hereinafter referred as KPUPL or petitioner) has filed a petition on 19.08.2022, for the approval for Single Point Supply and Sharing of Electricity Charges for M/s. Lulu Cyber Park Pvt. Ltd (hereinafter referred as Developer), with the following prayers;
 - (1) *Hon'ble Commission may allow Single Point Supply and Sharing of Electricity Charges for M/S. Lulu Cyber Park Pvt. Ltd Infopark, Kakkanad for their building, Lulu Cyber Tower No. 1 under Regulation 56, sub regulation (2) of Kerala State Electricity Supply Code 2014.*
 - (2) *Hon'ble Commission may fix at least to the existing Bulk Supply Tariff (BST) applicable for KPUPL as ToD tariff of the Single Point Consumer plus wheeling charges and electricity duty u/s – 3 for the units consumed by the single point consumer at the prevailing rates as per the latest tariff order and Kerala Electricity Duty Act 1963 through the monthly bill issued from KPUPL.*
 - (3) *Hon'ble Commission may grant permission to collect, on a no profit no loss basis, the cost of energy consumed by the individual beneficiaries*

(tenants) as per the retail tariff fixed by the Commission from time to time.

- (4) Single Point Consumer shall pay the electricity duty under section-4 according to the energy charges instead of units consumed to avoid duty loss to Government.*
- (5) Single Point Consumer shall pay monthly, electricity duty under section – 3 on the energy consumed as per Kerala Electricity Duty Act 1963, since they are distributing the energy in their premises.*
- (6) Single Point Consumer shall collect the electricity duty under section-4 from its consumers and remit the same to distribution licensee monthly in accordance with the provisions of the Kerala Electricity Duty Act-1963 and the rules made thereunder.*
- (7) Hon'ble Commission authorize the distribution licensee KPUPL to inspect the Single Point Supply premise to ensure that any misuse of tariff, any unauthorized extension of load etc. are not happening at the Single Point Supply premises.*
- (8) Hon'ble Commission may direct M/s. Lulu Cyber Park to adhere with the Indian Electricity Act-2003 and Kerala Electricity Supply Code–2014 for Single Point Supply and Sharing of Electricity Charges to its tenants.*

2. The summary of the petition filed by M/s KPUPL Ltd is given below;

- (1) M/s. Lulu Cyber Park Pvt. Ltd, Infopark, is an HT Consumer (Consumer No. 110) of KINESCO Power and Utilities Pvt. Ltd. (KPUPL) under HT 1(B) tariff applicable to IT and IT Enabled Services.

The power connection was effected on 23.01.2018 with a contract demand of 2900 KVA, but it was reduced to 1800 KVA vide agreement No. 21/2020-21 dated 23.07.2020.

- (2) M/s KPUPL had filed a petition on 09.05.2017 for Single Point Supply and sharing of electricity charges for Lulu Cyber Park Pvt. Ltd, Infopark. The Commission vide Order dated 21.12.2017 in OP No:06/2017 has directed KPUPL to approach the Commission for approval of tariff for single point supply with proper tariff proposal after the infrastructure in the premises were made suitable for availing single point supply.
- (3) Now, M/s. Lulu Cyber Park had created necessary distribution infrastructure for availing Single Point Supply and obtained scheme approval from Electrical Inspectorate, vide the Order dated 08.05.2019. The energization sanction order from Electrical Inspectorate has also been obtained vide Letter No. B1-22917/18/EIE dated 15.09.2020 from Electrical Inspectorate.

- (4) The developer M/s LULU Cyber Park Ltd has submitted the details of the individual beneficiaries in the park and its summary is given below.
- 25 beneficiaries- with a total billing demand of 568 KW in 2020-21.
 - 5 connections for bank & coffee shops (3 bank connections and 2 coffee shops) with a total load of 37.2 KVA in 2020-21.
 - 10 common connections (Lift, parking area, fire pumps etc)- with a total load of 744.00 kVA.

Total connections- 40 individual metered supply with a total recorded maximum demand of 1350kVA.

- (5) The details of contract demand and its percentage share is as shown below:

Details of Contract Demand and percentage share

Sl. No.	Type of Business	Total Contract Demand	% Share on Recorded Demand	RMD in 2020-21	(% of RMD with Contract demand)
		(KVA)		(kVA)	
1	IT Companies	758	42.11%	567	75%
2	Banking & Restaurant Service	50	2.78%	37	74%
3	Common Facility Loads	992	55.11%	744	75%
	Total	1800		1349	

- (6) The details of the energy consumption for the years 2017-18 to 2020-21 is given below.

Details of Energy Consumption for the years from 2017-18 to 2020-21

Sl. No.	Type of Business	% Share on Energy Consumption				
		2017-18	2018-19	2019-20	2020-21	Average
1	IT Companies	52.45%	50.79%	47.97%	52.43%	50.91%
2	Banking & Restaurant Service	2.57%	2.35%	2.48%	1.34%	2.19%
3	Common Facility Loads	44.98%	46.85%	49.54%	46.23%	46.90%

- (7) The petitioner licensee M/s KPUPL recommend to accord sanction to M/s Lulu Cyber Park Ltd for availing Single Point Supply.

3. M/s KPUPL suggested the following points while fixing the single point supply tariff for M/s Lulu Cyber Park.

- (1) As per the prevailing tariff Order dated 25.06.2022, the existing tariff (HT-1(B), applicable to M/s Lulu Cyber Park is given below.
- Demand charge- Rs. 410 per KVA/ month
 - Energy charge- Rs 6.60/unit.

- (2) As per the details submitted by M/s LULU Cyber Park for the period from 2017-18 to 2020-21, 42.11% of the demand is shared by the IT companies, and balance 57.89% load is shared by Common Facility, Banking and Restaurant Services. Further, about 50.91% of the total energy consumption is shared by in-house IT companies and balance 49.09% of the total energy consumption is shared by Common Facility, Banking and Restaurant Services.
- (3) As per the prevailing tariff Order, BST applicable to KPUPL is;
 - Demand charge- Rs 380/kVA/month,
 - Energy charge- Rs 6.15/unit.
- (4) As an HT consumer, the developer M/s LULU Cyber Park is remitting electricity duty under Section-4 of the Kerala Electricity Duty Act, 1963 @ 10 paise per unit of the energy consumed. If the electricity duty is payable by the individual tenants, the same will be charged @10% of the energy charges. If the Single Point Consumer remits the electricity duty, there will be loss of revenue to the Government. Hence the petitioner M/s KPUPL submitted the following;
 - (i) The beneficiaries may remit electricity duty under Section-4 according to the energy charges.
 - (ii) Section-3 duty may be levied from the single point consumers.
- (5) At present all the beneficiaries are billed under HT-1(B) irrespective of the fact that majority 48 out of 50 connections are LT connections
- (6) The tariff for the sale of power by the Single Point Consumer to its consumers (tenants) within the single point area shall not exceed the tariff fixed by the Commission.
- (7) The Single Point Consumer is bound to supply electricity to all the tenants of the building. The licensee (KPUPL) shall have the right to use the building network to supply to a tenant in the building if the Single Point Consumer denies the connection to that particular tenant.
- (8) M/s KPUPL further requested before the Commission to allow M/s KPUPL to collect demand charge at a rate of Rs. 380/- per KVA (BST of KPUPL) and energy charges at a rate of Rs. 6.15/- per KWh (BST of KPUPL) on ToD tariff from Single Point Consumer. It was also requested to allow M/s KPUPL to collect wheeling charges @ 0.61 Rs. /KWh and electricity duty under section-3 @0.06 Rs. /KWh for the units consumed by the single point consumer at the prevailing rates as per tariff order and Kerala Electricity Duty Act 1963 through the monthly bill issued from KPUPL.

4. KSEB Ltd vide the submission dated 18.01.2023 submitted the following;

- (1) The Commission vide Order dated 21.12.2017 in petition OP No 06/2017, had directed the petitioner to submit the proposal for single

point supply tariff after the infrastructure in the premise is made suitable for availing single point supply.

- (2) Subsequently, M/s KPUPL in the instant petition submitted that M/s Lulu Cyber Park have modified their installation suitable for availing Single Point Supply and obtained scheme approval and energization sanction from Electrical Inspectorate.
- (3) Haryana Electricity Regulatory Commission (HERC) has issued a new regulation on 22.04.2020 laying down the provisions/procedure for having single point supply. The issues which have been considered by the HERC while notifying the regulation is detailed below,
 - The developer had not constructed adequate infrastructure for getting uninterrupted and quality power supply.
 - The Common area charges had been linked with electricity.
 - Faulty meters are not replaced,
 - Suspect in meter accuracy,
 - Wrong tariff charged on the beneficiaries by the SPS consumer

In order for address all these issues, the HERC had notified the new Regulation on 22.04.2020.

- (4) UPERC as per the 13th amendment on Electricity Supply Code Regulation had issued orders to the effect that all new connections domestic/non-domestic multi storied Buildings/ Multiplex/ marriage Halls/ Co-operative Group Housing Societies/ Colonies shall be released only on Multiple point for supply of power to individual owners /occupants from licensee.
- (5) As per Regulation 56(6) of the Supply Code 2014, developer shall collect electricity charge from the individual beneficiaries at no profit no loss basis. Hence the entire electricity charges collected from the individual beneficiaries have to be passed on the licensee at the single point tariff.
- (6) KSEB Ltd further submitted that while scrutiny of the DPR, it is observed that following details are not submitted by the petitioner, which is essential for the determination of the single point supply tariff;
 - (i) The purpose of usage, tariff and connected load of each beneficiary.
 - (ii) The metering arrangement provided in the premises.
 - (iii) Whether connected load billing or contract load billing is done on the beneficiaries
 - (iv) Whether clubbed spaces are used by the beneficiaries such that two or more meter recording the consumption of the beneficiaries

Since as per the regulation 56 (4) of the Supply Code, 2014 all the individual beneficiaries and common service of the single point supply has to be given supply by installing sub meters and further as per regulation 56(7) of KESC, 2014 the individual beneficiaries shall under no circumstances exceed the tariff specified by the Commission for the

respective tariff of consumers, the details of all the individual beneficiaries of the single point supply are to be provided to the licensee for complying with the Regulation.

- (7) The petitioner had randomly recommended for BST of the licensee as the tariff of the Single Point Consumer. This methodology cannot be accepted, as per Regulation 56(6) of Supply Code states that the developer should collect electricity charge from the individual beneficiaries at no profit no loss basis.
- (8) KSEB Ltd further submitted that the Single Point Consumer tariff should be fixed such that Regulation 56(6) has been complied with. If it is found that Single Point Consumer tariff is less, then there are chances that all the consumers having multi-storeyed building will go for availing single point connections.
- (9) As per the Regulation 56 (10), the licensee has the responsibility of giving direct supply to any beneficiary of the Single Point Supply upon demand. Provision for the smooth implementation of the same has to be ensured at the time of giving single point supply itself. If no independent cable is provided for each beneficiary from the transformer point, the direct connection to any beneficiary by the licensee can be given only using the cables used by the rest of the beneficiaries. Hence licensee needs to be empowered to use the internal network laid by the single point consumer for giving direct connections as envisaged in Supply code 2014.
- (10) The developer shall raise monthly invoices to individual beneficiaries at the building, at the applicable LT tariff as per the tariff order notified by the Commission from time to time. The developer shall remit any excess amount collected from the individual beneficiaries in excess of the HT bill raised by the Licensee during the financial year.
- (11) KSEB Ltd submitted that in connection with the implementation of Regulation 56 of Supply Code 2014, the following points are also needs to be addressed.
 - (i) The dispute resolution mechanism between beneficiaries and single point consumer needs to be addressed
 - (ii) Reconciliation mechanism of billing of beneficiaries and single point consumer to achieve the no profit no loss criteria.

With the above observations and suggestions, KSEBL submitted that, single point supply can be provided to M/s Lulu Cuber Park after complying with all conditions of Regulation 56 of the Supply Code, 2014.

5. The Commission admitted the petition as OP 72/2022. Shri Sajeev, Resident Engineer, KPUGL presented the matter on behalf of the Petitioner. Sri. Rajesh, AEE, presented the comments on behalf of the respondent KSEB Ltd. Shri Jimmy George, General Manager, LULU Cyber Park Pvt Ltd presented the

comments on behalf of LULU Cyber Park Pvt Ltd. The summary of the deliberations during the hearing is given below.

- (1) M/s KPUPL submitted the following;
 - (i) M/s. Lulu Cyber Park Pvt. Ltd at Infopark, Kakkanad is one of the HT Consumers of KPUPL, under HT 1B (IT & ITES) tariff. The beneficiaries of M/s. Lulu Cyber Park include 25 IT/ITES companies, 3 Banking Services, 2 Canteen Services and 10 common facilities inside their premises.
 - (ii) M/s KPUPL had earlier filed a petition dated 09.05.2017 (OP No. 6/2017) for availing Single Point Supply and sharing of electricity charges under Regulation 56 (2) of Kerala State Electricity Supply Code 2014 based on the application submitted by M/s. Lulu Cyber Park Pvt. Ltd. The Commission vide Order dated 21.12.2017 had directed KPUPL to approach the Commission after the infrastructure in the premises made suitable for availing single point supply.
 - (iii) Accordingly, M/s. Lulu Cyber Park have modified their installation suitable for availing Single Point Supply and obtained scheme approval and energization approval from Electrical Inspectorate.
 - (iv) 97.22% of the power requirement of M/s Lulu Cyber Park is shared by the load requirement of the IT companies and common utility loads, and balance 2.78 % of the power requirement is shared by Commercial establishments like banking and restaurants inside the Lulu Cyber Park.
 - (v) Commission may fix the single point supply tariff of M/s LULU Cyber Park, at least to the Bulk Supply Tariff (BST) applicable for KPUPL plus wheeling charges and rate of section 3 duty as per the prevailing rates to M/s. Lulu Cyber Park Ltd for Single Point Supply, considering the transmission and distribution loss incurred by the licensee.
- (2) M/s KSEB Ltd submitted the following;
 - (i) KSEB Ltd submitted that the Regulation 56 of the Kerala Electricity Supply Code, 2014 envisages Single Point Supply to a premises with multiple beneficiaries and the sub-Regulation 1 to 10 of the Reg 56 provides the condition for availing supply at Single Point and sharing of electricity charges.
 - (ii) The Commission as per Order dated 24.04.2020 in OP No 01/2020, and Order dated 17.03.2022 in OP No 08/2021, has determined the tariff to be provided to the single point supply of M/s Vadakke Madham Brahmaswam and M/s South Asian Plywood Mills (P) Ltd respectively.

- (iii) The Regulation 56 (6) stipulates the developer/single point consumer to collect electricity charges from individual beneficiaries at no profit no loss basis and the tariff of single point supply is determined based on the amount realized from the beneficiaries.
 - (iv) The DPR submitted by the petitioner lacks the following details which are required for assessing the realization amount from the beneficiaries;
 - a. The purpose of usage, tariff and connected load of each beneficiaries.
 - b. The metering arrangement provided in the premises. (whether dual meters are provided for recording consumption from Generator and Licensee separately)
 - c. Whether connected load billing or contract load billing is done on the beneficiaries.
 - d. Whether clubbed spaces are used by the beneficiaries such that two or more meter recording the consumption of the beneficiaries.
 - e. The anticipated revenue to be received from the individual beneficiaries at applicable tariff.
 - (v) The proviso the Regulation 56(10) states that, the licensee has the responsibility of giving direct supply to any beneficiary of the Single Point Supply on demand.
 - (vi) The dispute resolution mechanism between beneficiaries and single point consumer needs to be addressed.
- (3) M/s Lulu Cyber Park submitted before the Commission that while determining the tariff to be provided to the single point supply, the Commission shall take it into consideration that the tariff determined will not bring about any additional financial burden on the individual beneficiaries of Lulu Cyber Park.
- (4) The Commission during the hearing has directed to the developer to clarify, whether the developer has provided separate provision for accounting energy from both supply from licensee to the beneficiaries and also backup Generator supply to the beneficiaries.

The developer during the hearing clarified that they had provided Dual Source Energy Meter(DEM), which is capable of energy accounting from both supply to the beneficiaries and Generator supply. The petitioner KPUGL further submitted that they had verified the provision provided by the developer.

Analysis and Decision of the Commission:

6. The Commission having examined in detail the petition filed by M/s KPUPL for the approval for Single Point Supply and Sharing of Electricity Charges for M/s. Lulu Cyber Park Pvt. Ltd as per the provisions of the Electricity Act, 2003, Kerala Electricity Supply Code, 2014 and decides as follows;
7. The Regulation 56 of Supply Code 2014 deals with single point supply and sharing of electricity charges. The relevant Regulation is extracted below:

“56. Single point supply and sharing of electricity charges. -

(1) The licensee may give single point supply to the following premises with multiple beneficiaries subject to the conditions specified in the sub regulations hereunder:-

- (i) multi-storeyed buildings;*
- (ii) colony developed by any development authority or private builder or promoter or developer;*
- (iii) domestic, commercial or industrial complex;*
- (iv) residential complex constructed by any employer for his employees or by a panchayat or a cooperative society*

(2) The development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries shall submit an application to the licensee for availing single point supply with a detailed project report (DPR) on the scheme for giving supply to all beneficiaries and such other necessary particulars.

(3) The development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries shall bear the expenditure for the augmentation or upgradation or uprating of the distribution system, exclusively required for the supply of electricity to the entire premises included in the detailed project report (DPR) and shall also construct at his cost the internal distribution network within the project area as per the standards and specifications stipulated in this Code.

Provided that the expenditure to be borne by the development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries shall be governed by the relevant provisions in regulation 36.

(4) Supply may be provided by the development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries to the individual beneficiaries and for common service by installing sub-meters.

(5) The development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries shall remit the charges for the entire electricity availed at such single point of supply as per the bill preferred by the licensee within such time as indicated in the bill.

(6) The development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries shall collect, on a no profit no loss basis, the cost of energy consumed by individual beneficiaries.

(7) The tariff charged from the individual beneficiaries shall under no circumstances exceed the tariff specified by the Commission for the respective category of consumers.

(8) Providing of connection to individual beneficiaries in such premises with multiple consumers and sharing of expenses of consumption of electricity as per the above provisions shall not be construed as unauthorised extension of supply or resale of energy.

(9) The maintenance of internal distribution network and providing services to individual beneficiaries shall be the responsibility of the development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries.

(10) The tariff applicable to the single point supply shall be as determined by the Commission:

Provided that the provisions of this regulation shall not in any way affect the right of a person residing in the housing unit sold or leased by such development authority or promoter or builder or developer or panchayat or cooperative society or registered association of beneficiaries, to demand supply of electricity directly from the distribution licensee of the area.”

8. M/s KPUPL is one of the small distribution licensee in the State, availing power from KSEBL for distributing electricity within their licensed areas.
9. Earlier, the petitioner M/s KPUPL had filed a petition before the Commission on 09.05.2017 for the approval of the Single Point Supply and sharing of Electricity charges for M/s LULU Cyber Park Pvt Ltd at Kakkand as per Regulation 56, of the Kerala State Electricity Supply Code, 2014. After detailed deliberations, the Commission vide Order dated 21.12.2017 disposed the petition as follows;

“9. The Commission hereby orders that

- (1) The licensee shall ensure that no illegal activity / misuse of electricity is happening in the consumer premises. If any misuse of electricity is detected action as per the relevant Section of Electricity Act 2003 should be taken.*
 - (2) The licensee may approach the Commission for approval of tariff for single point supply with proper tariff proposal after the infrastructure in the premises is made suitable for availing Single Point Supply”*
10. The instant petition was filed by the petitioner M/s KPUPL for granting approval for availing single point supply to the developer M/s LULU Cyber Park Private Ltd. The developer M/s LULU Cyber Park had created necessary distribution infrastructure for availing Single Point Supply and obtained scheme approval from Electrical Inspectorate, vide the Order dated 08.05.2019. The energization sanction Order from Electrical Inspectorate has also been obtained vide Letter No. B1-22917/18/EIE dated 15.09.2020 from Electrical Inspectorate.

11. The Commission has examined the petition filed by M/s KPUPL for providing single point supply to the developer M/s LULU Cyber Park Private Limited within the license area of M/s KPUPL and noted the following;

- (1) M/s. Lulu Cyber Park Pvt. Ltd, Infopark, is an HT Consumer (Consumer No. 110) of KINESCO Power and Utilities Pvt. Ltd. (KPUPL) under HT 1B tariff, the tariff is applicable to IT and IT Enabled Services.
- (2) The IT Building " Lulu Cyber Tower – 1" is having 10 Floors (Ground + 9 Floors) and the total leasable area of the building is 3,85,406 Square Feet. The entire Leasable area from 1st Floor to 9th Floor (3,62,054Sq Ft) is exclusively occupied by IT / ITES Companies and there are no commercial establishments operating on these floors. In the Ground Floor, some portion of the leasable area has been allocated to Banks and Food Courts.
- (3) The power connection was effected on 23.01.2018 with a contract demand of 2900 KVA. Subsequently, owing to the reduction in electricity consumption, the contract demand was reduced to 1800 KVA vide agreement No. 21/2020-21 dated 23.07.2020.
- (4) The details of the beneficiaries within the park are given below.

Sl. No.	Type of Business	Number of connections	Total Contract Demand	% Share on Recorded Demand	RMD in 2020-21	(% of RMD with Contract demand)
		(Nos)	(kVA)		(kVA)	
1	IT Companies	25	758	42.11%	567	75%
2	Banking & Restaurant Service	5	50	2.78%	37	74%
3	Common Facility Loads	10	992	55.11%	744	75%
	Total	40	1800		1348	

As detailed above, there are 40 individual connections at LULU Cyber Park Pvt Ltd with a total contract demand of 1800 kVA. The recorded maximum demand during the year 2020-21 is 1348 kVA.

- (5) The annual energy consumption of the beneficiaries during the years 2017-18 to 2020-21 is given below.

Details of Energy Consumption for the years from 2017-18 to 2020-21

Sl.No.	Type of Business	% Share of Energy Consumption				Average
		2017-18	2018-19	2019-20	2020-21	
1	IT Companies (in kWh)	2717995	2792921	2535184	1704907	2437752
		52.45%	50.79%	47.97%	52.43%	50.91%

2	Banking & Restaurant Service(in kWh)	133179	129226	131066	43574	109261
		2.57%	2.35%	2.48%	1.34%	2.19%
3	Common Facility Loads(in kWh)	2330895	2576262	2618158	1503297	2257153
		44.98%	46.85%	49.54%	46.23%	46.90%
4	Total units(in kWh)	5182069	5498409	5284408	3251778	4804166

- (6) As detailed above, out of the total contract demand of 1800kVA, the CD of the IT companies and common facilities account for 97.22% of the total contract demand (CD). Similarly, the total energy consumption of the IT companies and common facilities account for 97.81% of the total energy consumption of the M/s LULU Cyber Park.
- (7) The developer, M/s LULU Cyber Park Pvt Ltd proposed to provide electricity to the individual beneficiaries by availing single point supply as per the Regulation 56 of the Kerala Electricity Supply Code, 2014 (hereinafter referred to as Supply Code, 2014), from the distribution licensee M/s KPUPL. The developer had created necessary distribution infrastructure for availing single point supply including installation of submeters for each beneficiary.
- (8) Out of the 25 connections of IT companies, the billing demand of all the companies is less than 100 kVA. The total billing demand during the year 2020-21 is 567 kVA as against the contract demand of the 758 kVA. However, the petitioner M/s KPUPL or the developer M/s LULU Cyber Park Pvt Ltd has not submitted the contract demand of the individual connections within the park.

Since the billing demand of all the IT companies is less than 100kVA, these connections can avail LT supply as per the provisions of the Supply Code, 2014.

- (9) As per the details submitted before the Commission, three beneficiaries are banks including SBI, ICICI and HDFC. The billing demand of these connections are also much less than 100kVA. Similarly, two connections are for restaurants within the LULU Cyber Park. The contract demand of these connections also much less than 100kVA.

The total billing demand of these five connections together is only 37.20 kVA during the year 2020-21. Considering the above, all the five connections of the banks (3 connections) and restaurants (2 connections) can be given at LT as per the provisions of the Supply Code, 2014.

- (10) There are ten (10) connections of common facilities including lift, common area lighting, fire panels etc within the LULU Cyber Park. Out of the ten connections, the billing demand of two connections are more than 240 kVA during the year 2020-21. Hence, electricity supply of these two connections has to be availed at HT level as per the provisions of the Supply Code, 2014. The electricity connections of other eight connections may be given at LT supply.
12. As discussed above, the developer M/s LULU Cyber Park Pvt Ltd had created necessary internal distribution system within the park for providing individual electricity connection to each beneficiaries. The scheme for availing single point supply was approved by the Deputy Chief Electrical Inspector vide the letter dated 08.05.2019. Further, vide the proceedings dated 15.09.2020, the Deputy Chief Electrical Inspector had granted approval for the energization of the single point supply scheme developed by M/s LULU Cyber Park Pvt Ltd.
13. The petitioner licensee, M/s KPUPL after verification of the scheme including the metering arrangements, recommended to grant approval for the Single Point Supply to the developer M/s LULU Cyber Park Pvt Ltd.
14. **The Commission after examining the entire aspects in detail, is of the considered opinion that the developer M/s LULU Cyber Park is eligible to avail Single Point Supply from the licensee KPUPL as per the Regulation 56 of the Supply Code, 2014.**

Tariff applicable to the developer M/s LULU Cyber Park and the individual beneficiaries within the park.

15. As discussed earlier, there are 40 connections within the LULU Cyber Park Pvt Ltd at Kakkanad. Out of it 25 connections is for IT companies and 10 connections for common facility loads and the remaining five connections are for restaurants and banks.

As per the prevailing Tariff Order dated 31.10.2023, the tariff of the IT companies availing supply at LT is LT-IV (B) tariff applicable to the IT and IT enabled services. Similarly, the tariff of the IT companies availing supply at HT is HT- I(B) tariff.

The retail tariff applicable to banks is LT-VI(C) tariff for the consumers availing supply at LT and HT-II(B) tariff for the consumers availing supply at HT. The retail tariff applicable to restaurants is LT-VII(A) Commercial tariff at LT.

Further, as per the prevailing tariff orders in force, the power supply to common facilities such as fire control, common lighting, lifts, water pumping, sewage treatment, waste disposal etc is to be charged at the respective tariff of the majority of the category of consumption within the building.

16. By invoking the provisions of the Regulation 56(6) and 56(7) of the Supply Code, 2014, the Commission hereby permit the developer M/s LULU Cyber

Park Pvt Ltd to raise the bills and collect the electricity charges from each beneficiary/ individual connection at the retail tariff approved by the Commission from time to time. Accordingly, as per the prevailing Tariff Order dated 31.10.2023 in petition OP No. 18/2023, the IT companies within the park availing supply at LT, shall be charged at LT-IV (B) Tariff and HT-1(B) Tariff for those who avail supply at HT.

The electricity consumption of the banks shall be charged at LT- VI(C) tariff and the restaurants within the park shall be charged at LT-VII(A) Commercial tariff.

As discussed in the previous paragraphs, the majority of the electricity consumption within the IT park is by the IT companies, hence the electricity connection for the common facility loads may be billed at the tariff applicable to IT enabled services. i.e, the LT connections of the common facility loads may be charged at LT-IV (B) tariff and HT connections may be charged at HT-1(B) tariff.

17. In addition to the collection of electricity charges as explained in the previous paragraphs 15 and 16 above, the developer shall also collect Electricity Duty under Section-4 of the Kerala Duty Act, 1963, from the beneficiaries including common loads, as per the provisions of the Kerala Electricity Duty, 1963 and its amendments from time to time.

The electricity duty collected on monthly basis by the developer from the beneficiaries shall be remitted to the licensee M/s KPUGL for onward transmission to the State Government along with the duty collected by the licensee from its other consumers within their licensed area.

18. As discussed earlier, the majority of the electricity consumption within the IT park of the developer M/s LULU Cyber Park Pvt Ltd is of IT companies.

Hence, till further orders, the Commission hereby permits the licensee M/s KPUGL to raise the monthly invoices of the developer at HT-I(B) tariff applicable to IT and IT enabled services.

Since the entire electricity availed by the developer at HT level is for distributing electricity to the individual beneficiaries including common loads within the park, and the developer is authorized to collect the section-4 duty directly from the individual beneficiaries and to remit the same to the licensee KPUGL, the KPUGL shall not collect Section-4 duty along with the monthly invoice raised to the KPUGL. However, the licensee shall ensure that, the developer is collecting the section-4 duty and remitting the same to the licensee promptly on monthly basis.

19. The developer M/s LULU Cyber Park Pvt Ltd shall keep the monthly records of the details of the electricity charges and duty collected from each individual connections within the park and submit a consolidated monthly report to the licensee by 15th of the succeeding months, along with HT bills raised by the licensee to the developer.

Further, within one month after the end of each financial year, the developer shall submit the consolidated report of the electricity charges including the duty collected from the individual connections and the HT bills raised by the licensee KPUPL to the developer during the immediately preceding financial year.

The developer shall also separately submit to the licensee the details of the excess/ shortfall in revenue collected (difference in amount (excluding duty) collected from the individual connections and the HT bills raised by the licensee KPUPL to the developer during the financial year).

The excess amount, if any, collected by the developer shall be remitted by the developer to the licensee within one month from the end of the financial year.

If there is shortfall in revenue collected from the individual connections (excluding the electricity duty) when compared to the HT bills raised by the licensee, the developer may brought the same to the attention of the Commission through the licensee within two months from the end of the financial year concerned.

20. The petitioner M/s KPUPL has prayed before the Commission to allow the licensee to levy Section-3 duty from the developer. The Commission has examined the request of the petitioner with the Section 3 of the Kerala Electricity Duty Act, 1963 and noted that this section is applicable only to the distribution licensees in the State of Kerala.

The Commission hereby clarify that, the developers availing single point supply as per Regulation 56 of the Supply Code, 2014 is also the consumers of the distribution licensee within the area where the developer is situated. Such developer cannot be granted licensee status as per the provisions of the Electricity Act, 2003, though they are permitted to distribute electricity to the individual connections within the buildings/ area developed by them. Hence this prayer of the petitioner M/s KPUPL is rejected.

21. The petitioner also requested to fix the tariff of the single point supply applicable to the developer at the existing BST of KPUPL plus wheeling charges. As detailed in paragraph-18 above, the Commission orders to the licensee M/s KPUPL to raise the monthly invoices of the developer at HT-I(B) tariff applicable to IT and IT enabled services. Further, as discussed in previous paragraph, the developer availing the single point supply is also the consumer of the licensee. The entire cost for maintaining the infrastructure of the licensee for providing supply to its consumers is included in the ARR of the licensee approved by the Commission. Hence, separate approval for the wheeling charge is not required.
22. KSEBL during the hearing has submitted that, while granting permission for availing single point supply and to permit the developer to distribute electricity among its beneficiaries, there shall be proper mechanism to address the dispute between the individual beneficiary and single point consumer.

The Commission hereby clarify that, the individual beneficiaries of the developer availing the single point supply are also the electricity consumers of

the State as per the provisions of the Electricity Act, 2003. Hence the individual beneficiaries have all rights as a consumer as provided in the Electricity Act, 2003 and hence can approach the CGRF and Ombudsman for adjudicating the dispute with the developer.

Order of the Commission

23. The Commission, after detailed examination of the petition filed by M/s KPUPL, the comments of the developer M/s LULU Cyber Park Private Ltd, the incumbent licensee KSEB Ltd, and the deliberations of the subject matter during the hearing, the provisions of the Electricity Act,2003 and Kerala Electricity Supply Code 2014, and other Rules, Regulations and prudent practices, hereby orders the following;
- (1) Permit the developer M/s. Lulu Cyber Park Pvt. Ltd, Infopark, Kakkanad to avail Single Point Supply from M/s KPUPL to their commercial project “LULU Cyber Tower-1” at Infopark, Ernakulam and to provide electricity to the individual beneficiaries within the building.
 - (2) Till further orders, M/s KPUPL shall raise the monthly invoices for availing Single Point Supply to the developer at HT I (B) tariff applicable to IT and IT enabled services as per the Tariff schedule notified by the commission from time to time, as discussed in paragraph 18 of this Order.
 - (3) The developer shall raise the monthly invoices to individual beneficiaries/ connections at the park, at the applicable tariff as per the Tariff schedule notified by the Commission from time to time, as discussed in paragraphs 15 and 16 of this Order.
 - (4) The developer shall also collect the Section-4 Electricity Duty from the beneficiaries/ individual connections as per the provisions of Kerala Electricity Duty Act, 1963 and remit the same to M/s KPUPL Ltd on monthly basis for onward transmission to State Government along with the duty collected by the licensee from its other consumers within the licensed area.
 - (5) The developer shall keep the monthly records of the details of the electricity charges collected and duty from each individual connections within the park and submit a consolidated monthly report to the licensee by 15th of the succeeding months, along with HT bills raised by the licensee to the developer.
 - (6) The developer shall also submit a consolidated report of the details of the electricity charges collected from the beneficiaries and the HT bill raised by the M/s KPUPL, to M/s KPUPL within one month after the end of each financial year.

- (7) The developer shall remit any excess amount collected from the individual beneficiaries in excess of the HT bill raised by M/s KPUPL during the financial year. The excess amount shall also be remitted within one month from the end of the financial year.
- (8) If there is shortfall in revenue collected from the individual connections (excluding the electricity duty) when compared to the HT bills raised by the licensee, the developer is permitted to bring the same to the attention of the Commission through the licensee within two months from the end of the financial year concerned.
- (9) The beneficiaries shall have all the right of a consumer as provided in Electricity Act 2003 and hence can approach CGRF and Ombudsman for adjudicating the dispute, if any with the developer/ Licensees.

The petition is disposed of. Ordered accordingly.

Sd/-
T K Jose
Chairman

Sd/-
Adv. A J Wilson
Member

Sd/-
B Pradeep
Member

Approved for issue

Sd/-
C R Satheesh Chandran
Secretary