

KERALA STATE ELECTRICITY REGULATORY COMMISSION

Present : Shri. T.M. Manoharan, Chairman
Shri. P. Parameswaran, Member
Shri. Mathew George, Member

O.P No. 33/2012
Dated : 14.05.2013

In the matter of

Petition filed by M/s. Tata Global Beverages Ltd. and M/s. Kanan Devan Hills Plantations Company Ltd., under Section 86(1) (f) of the Electricity Act 2003 read with judgment dated 01.06.2012 of the Hon'ble High Court of Kerala in W.P.C No.139/2010

Petitioners : 1) M/s. Tata Global Beverages Limited, Kolkatta
2) M/s. Kanan Devan Hills Plantations Company Limited, Munnar

Respondent : Kerala State Electricity Board

Petitioners represented by : Shri. P.M. Srikrishnan, KDHPCL, Munnar
Adv. Joseph Kodianthara

Opposite Party (s) represented : Shri. D. Dinesh, Chief Engineer (C&T), KSEB
Shri. B. Pradeep, Exe. Engineer (TRAC), KSEB
Shri. Anil Kumar, AEE, TRAC, KSEB
Shri. Gopinathan P.K, SO (R), KSEB

INTERIM ORDER

Heard Adv. Joseph Kodianthara representing the petitioners and Sri. B. Pradeep, Executive Engineer, TRAC, KSEB representing the Kerala State Electricity Board on 08.05.2013. Sri. Joseph Kodianthara briefly presented the important facts of the case for recapitulation and thereafter presented his arguments to establish that the action of the Board in having issued the BO (CM) 3048/2009(LA.I/11029/2000) dated

30.11.2009 is not legally sustainable. Sri. Pradeep presented the case of the Board and argued that the action of KSEB in having issued the said BO dated 30.11.2009 is perfectly legal and valid.

After hearing the counsel for the petitioner and the representative of KSEB the Commission directed as follows:

1. In view of the fact that dispute is mainly in respect of Clause 5 of BO (FB) No. 3621/2005 (Planning.com 3545/48) dated 20.12.2005 the parties to the case may re-examine the issue with a view to working out mutually acceptable solution.
2. Since M/s. KDHPCL is the new licensee, the terms and conditions of the PPA to be executed between KSEB and KDHPCL have to be negotiated and concluded between them. Therefore KDHPCL and KSEB may discuss the terms and conditions of the proposed PPA and submit the same for approval by the Commission.
3. The discussion on the items (1) and (2) above may be conducted on or before 10.07.2013 and the result may be submitted to the Commission on or before 31.07.2013.

Sd/-

**P.Parameswaran
Member**

Sd/-

**Mathew George
Member**

Sd/-

**T.M. Manoharan
Chairman**

Approved for Issue

Secretary