

KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

Present : **Shri Preman Dinaraj, Chairman**
Shri K.Vikraman Nair, Member
Shri S.Venugopal, Member

OP No. 1/2018

In the matter of : Petition under section 86(1) (f) of the Electricity Act, 2003 seeking kind intervention and appropriate direction in adjudicating the dispute between KSEBL and Maithon Power Ltd. – reg.

Petitioner : KSEB Ltd

Respondent : Maithon Power Limited

Petitioner represented by : Sri. B Pradeep, Dy CE with full powers of CE, KSEBL
Sri. Bipin Sankar, Dy CE, KSEBL.
Smt.Latha S V, AEE, KSEBL.

Respondent represented by: Abhay Kumar, Legal Head, TATA Power
S Venkatesh, Advocate

Order dated 26.06.2018

1. KSEB Ltd on 5.12.2017 has filed a petition before the Commission under Section 86(1) (f) of the Electricity Act, 2003 for adjudicating the dispute on the issue of first day of the month becoming holiday for provisional bill payment as per the clause 9.2 of the Power Purchase Agreement (PPA) signed between the KSEB Ltd and Maithon Power Limited (MPL).
2. The Commission held the admissibility hearing on the petition on 12.02.2018. During the hearing, both the petitioner KSEB Ltd and the respondent M/s Maithon Power Ltd expressed their desire to settle the dispute through consensus, and the Commission permitted them to discuss and to arrive at a consensus, and report the matter to the Commission.
3. KSEB Ltd, vide the submission dated 21.04.2018, has reported that, MPL offered to accept the request of additional rebate to the extent of 0.10% over and above 2.15% already claimed by KSEB Ltd for the period under dispute and also offered that if such peculiar circumstances reoccurs in future, the same will be considered in good faith and on a case to case basis and resolve

it to mutual satisfaction. Since the dispute is settled between the parties, KSEB Ltd requested the Commission to withdraw the petition.

4. The Commission considered the facts of the case in detail and observed that the rebate as proposed by the distribution licensee, K S E B Ltd. is agreed to by M/s MPL and both parties came to consensus. Commission also observed that due to this consensus reached between the parties, there will be no adverse financial implication to the consumer.
5. Commission further observed that Article 15 of the Power Purchase Agreement (PPA) provides for the dispute resolution. Article 15.2.3 of the PPA is as follows;

Within fifteen (15) days of receipt of notice / reply issued by the Party pursuant to Article 15.2.1 or article 15.2.2 respectively, both the parties to the Dispute may meet to settle such dispute amicably.

As per the above provision of the PPA and further instructions issued by the Commission mentioned at para 4 above, the petitioner has amicably settled the dispute through mutual consensus.

6. Considering all the above facts, the Commission allows K S E B Ltd. to withdraw the petition. Accordingly, the Commission disposed the matter as withdrawn.

Ordered accordingly.

Sd/-
K.Vikraman Nair
Member

Sd/-
S.Venugopal
Member

Sd/-
Preman Dinaraj
Chairman

Approved for Issue

Sd/-
Santhosh Kumar. K.B
Secretary