

BEFORE THE HONOURABLE KERALA STATE ELECTRICITY REGULATORY
COMMISSION

Petition No. 1 2020

Indus Towers Ltd

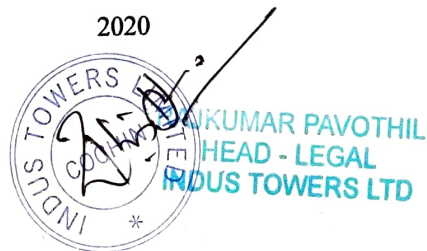
-Vs- Petitioner / Applicant

W/ Kerala State Electricity
Board Ltd and
Another

Respondents

do hereby appoint Sri.P.Sathisan, Krishna G.Nath, Sindhya A.K and Dona Augustine, Advocates, to appear for me/us in the above Suit (appeal or petition) and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect to my/our application for execution of any decree or order passed therein. I/We empower the said advocates to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted and to produce in court any money, document or valuable security on my/our behalf, to apply for their return and to receive back the same, to apply for and obtained copy of all documents in the record of the proceedings, to any moneys that may be payable to me/us in the above suit or matter and I/We do further empower my/our Advocates to accept on my/our behalf service of notice of all or any appeals or petitions filed in any court of appeal, reference or revision with regard to the said suit or matter before the disposal of the same in this Honourable Court I/We shall personally ensure my/our personal appearance in court on all posting dates and shall duly instruct the counsel on all postings in writing, On this assurance I/We entrust the Vakkalath. I/We do hereby agree that everything lawfully done or made by the said advocates in the conduct of the suit or matter shall be as valid and binding on me/us in person.

Signed this the day of 2020



Duly executed before me

Witness: 1.

2.

I know the Party/ Parties personally who executed the Vakkalath in my presence.

Accepted

Accepted

Accepted

Accepted

P.Sathisan
Advocate
K./386/92

Krishna G.Nath
Advocate
K/283/2017

Sindhya A.K.
Advocate
K/399/2018

Dona Augustine
Advocate
K/180/2016

Address for services
P.Sathisan, Advocate,
Patel complex, Basin Road, Ernakulam, Kochi-31.

**BEFORE THE HON'BLE KERALA STATE ELECTRICITY
REGULATORY COMMISSION, THIRUVANANTHAPURAM**

Petition No: of 2020

IN THE MATTER OF:

1. Extension of relief and concessions to the petitioner as offered by Kerala State Electricity Board Limited via B.O.(FTD) No.363/2020 (KSEB/TRAC-D/Covid Pandemic- Tariff Concession/2020-21) dated 30.05.2020 dealing with relief in fixed charge applicable to industrial/commercial consumers and private hospitals and allowing instalment facility for domestic consumers for the month of March, April and May 2020.
2. The status of petitioner being entitled for industrial tariff as per tariff orders of the Hon'ble commission may also be declared in the light of inclusion of telecom as an essential service under Essential Services Maintenance Act, Disaster Management Act and the like and further as per latest judicial pronouncements defining industry.
3. Applying industrial tariff to Telecom Service and Telecom Infrastructure Service providers at reduced rates.

Petitioner/Applicant:

Indus Towers Limited,
Circle Office at Vankarath Towers 8th Floor,
NH 47 Palarivattom Cochin-24
rep. by its Authorized officer Head Legal,
Rajkumar Pavothil, aged 42 years,
S/o. P.Narendran, residing at Midhila,
Thamaramulangara, Tripunithura P.O.
Vs.

Respondents:

1. Kerala State Electricity board Limited,
Vydhyuthi Bhavanam, Pattom P.O.,
Thiruvananthapuram- 695 004.
2. Chief Engineer, Tariff, Kerala State Electricity board Limited,
Vydhyuthi Bhavanam, Pattom P.O.,
Thiruvananthapuram- 695 004.



**RAJKUMAR PAVOTHIL
HEAD - LEGAL
INDUS TOWERS LTD**

The Petitioner respectfully submits as follows:-

Statement of Facts

1. Petitioner is a telecom infrastructure provider having due IP-1 registration with Central Government. The copy of relevant extract of the certificate of registration is produced herewith and marked as **Exhibit P1** and relevant extract of certificate of incorporation of petitioner is produced herewith and marked as **Exhibit P2**. Petitioner provides infrastructure to M/s Bharti Airtel Limited, Vodafone Idea Limited, Reliance Jio Infocom Limited and the like. The telecom plays a key role in the communication segment and in the industrial and economical growth in the country. The petitioner is a classified telegraph authority as per Sec 19B of Indian Telegraph Act. The relevant notification in that regard is self-explanatory.
2. It is submitted that during the days of Covid-19 pandemic the services rendered by petitioner and telecom service providers became the backbone in the fight against the pandemic. Locating of infected patients, the rendition of prompt and timely health services and the like including tracing patients of Covid-19 and other dreaded diseases needing emergent medical attention are being effected by the government and governmental agencies using the telegraph network. For the above purposes petitioner promptly and impeccably provides timely services to government departments. The locating of the absconding patients or the like are done through the prompt service rendered by the petitioner.
3. It is further submitted that telecom is classified as an essential service as per Disaster Management Act 2005 and Essential Services Maintenance Act by the Legislature and Parliament. The period from March 15/2020 is notified as disaster regime under the Disaster Management Act. During this period, identification and locating of patients, rendering of prompt health service and the like are monitored and controlled taking recourse to telecom network. Even the ArogyaSethu App is also reliant primarily on telecom network. The prompt provision of telecom network had been a core essence of the telecom regime during this pandemic hit lockdown era. Above par services were mostly provided by telecom segment ensuring prompt support to health workers and further extended concessional packages to many subscribers in huge number. These are enabled through telecom infrastructure provided by the infrastructure providers like the petitioner.



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4. It is submitted that on account of Covid-19 pandemic lockdown the company had lost substantial business as well due to hazards confronted for the fresh roll outs.

5. It is submitted that the activities of petitioner is to be termed as an industrial activity or telecom service. It is submitted that petitioner uses electricity energy from 1st respondent and the tariff applied is as per tariff orders issued by the board approved thereof by 3rd respondent. Presently installations of cellular mobile communications are classified under LTVI General (F) category. It is submitted that the petitioner has the asserted case that it is an industry entitled for lesser charges than what is applied as on date. The definition of industry is quite extensive to take within its ambit telecommunication industry as well. Through a cryptic application of the word 'industry' the consideration and benefits available for an industry as per the tariff orders cannot be denied to the petitioner.

6. The order of government is not based on any classification in any manner whatsoever either as Industry or commercial entity or the like. It is submitted that the earlier Order passed by in relation to telecom as of application of industrial tariff had seen sea of changes thereafter. It is submitted that production and manufacturing is not an essential part of industry. Industry takes in massive activity either of production/ manufacturing or exclusively rendition of service massively as well. The plethora of judgments based on which telecom can be treated as an industry are substantially glaring and need a reconsideration of the previous tariff Order/ Order by KSERC in the matter of treating Telecom not as an industry. Likewise the special industrial categorization for telecom had been upheld in other states across India. The latest orders by Maharashtra Electricity regulatory commission is conspicuous and vivid in this regard.

7. It is submitted that the present petition is filed primarily aggrieved against the palpable and sinister discrimination against the petitioner in spite of its extensive and expansive supports to the sphere-headed fight against the pandemic Covid-19 by the government. The insalubrious order passed by KSEB neglecting telecom from the benefit of waivers and concessions as given to other industrial, commercial and domestic consumers is non sequitur of the above services rendered by telecom during the era of Covid 19 pandemic.



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8. However without due application of mind and in a most partisan manner the 1st respondent had issued an Order subject to the approval of KSERC whereby it had extended substantial benefits to industrial and commercial consumers and domestic consumers, hospitals and the like. As per the Order the 1st respondent waived of 25% fixed charges of the above consumers for the months of March, April and May 2020 and deferred the payment of balance 75% of fixed charges till December 2020 and the deferred amount will not be carrying any interest as well. The copy of the Government Order is produced herewith and marked as **Exhibit**

P3.

9. It is submitted that petitioner is a telecom infrastructure provider inter alia in the business of providing telecom infrastructure to telecom service providers and the electricity consumption and service connection is exclusively for the benefit of telecom service providers (TSPS) having due license under Section 4 of India Telegraph Act, 1885. The telecom service providers having Section 4 license from central government and petitioner herein are designated Telegraph Authority as per Section 19B of India Telegraph Act, 1885. Therefore the infrastructure service provider provides either IT enabled service which is being conducted and effected by telecom service providers who are the only users of the electricity in the telecom towers site conspicuously shows that the end user rather the only user is telecom service provider which is to be classified as IT enabled industry whereupon the tariff as per HTI(B) for the least needs to be applied in the case of petitioner herein as well. However petitioner submits that it is coming within the ambit of Industrial Tariff as per LT-IV(A) or LT- IV(B) and the term industry is defined as per Industrial Disputes Act and the like which clearly affirms that

"2.

(j) "Industry" means any business, trade, undertaking, manufacture or calling of employers and includes any calling service, employment, handicraft or industrial occupation or avocation of workmen"

Further as per Wharton's Law Lexicon defines industry as

"Industry, A Particular form or branch of productive labour; an aggregate of enterprises employing similar production and marketing facilities to produce items having markedly similar characteristics."



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Further in Black's Law Dictionary industry is defined as

"Industry (15c)

1. *Diligence in the performance of a task. 2. Systematic labor for some useful purpose; esp., work in manufacturing or production. "*

Likewise in Thesaurus Law Lexicon the industry is defined as production, fabrication, construction."

Thus petitioner complies all the characteristics of an industry for the purpose of said Tariff whereby industrial tariff needs to be applied to petitioner particularly as it is rendering an essential service of telecom as per Essential Services Maintenance Act and Disaster Management Act, 2005. Therefore the present tariff may be revisited and petitioner may be given the privilege of enjoying the tariff under LT-IV(A), LT-IV(B) or HTI(B). Further the concessions and waivers granted to domestic consumers and industrial consumers as of deferment of fixed charges for the months of March, April, May 2020 up to December 2020 and waiver of 25% of the fixed charges for these months may also be extended as on the order passed by KSEB to petitioner as well.

10. It is submitted that the petitioner seeks the applicability of tariff for industries with reference to usage of electricity alone as being applied to industries and in no way refers the same to create a different context in other matters regarding status of petitioner otherwise than as industry.

11. It is submitted that the discrimination while treating petitioner and other consumers in the same pedestal in spite of petitioner having rendered substantial services to the required government organs is extremely irrational, irregular and inappropriate.

For redressal of the grievances of the petitioner, there are no other recourses than to approach this Hon'ble Commission on the following mainly among other,

GROUNDS

- A. It is submitted that telecom business is also to be treated as an industry. The KSERC Order classifying telecom not an industry needs reconsideration in the light of innumerable judgments as to how an industry is to be classified



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so. Petitioner rendered telecom infrastructure to telecom service providers and is rendering massive service akin to tourism and the like industries. The petitioner is entitled for classification of telecom and the area of its operation as of Telecom Infrastructure as an industry. Further it is submitted that the Telecom is classified as essential service as per Essential Services Maintenance Act which augments the contention of the petitioner that it is rendering service under the classification 'industry'. Based on this as well petitioner is entitled for tariff under the classification of industry from 1st respondent which is denied on irrational grounds by respondents 1 and 2.

- B. It is submitted that in spite of petitioner rendering substantial services as suggested by the government the grievances of the petitioner were met with closed eyes by the respondents whereby the benefits extended to other consumers both under industrial and commercial categories were denied to the petitioner in a most erratic manner. Petitioner is either entitled to get benefits of those given to industrial consumers or at least those extended to commercial consumers. The benefits extended to industrial and commercial consumers had been refused to petitioner without due regard to the special services rendered by the petitioner.
- C. It is submitted that the concession as of 25% waiver of fixed charges and the deferment of 75% of charges upto December 2020 for the months of March, April and May 2020 that too without interest needs to be extended to the petitioner as well and petitioner is entitled for non-discriminatory treatment.
- D. It is submitted that the Telecom Infrastructure provider is playing the key role in the development of the entire nation. Keeping that in view Central Government conferred the status of Telecom Authority upon Telecom Infrastructure Provider as well. It is further submitted that the Telecom Service is classified as Essential service as per the Essential services Maintenance Act, which is read as follows:-

"2.

(1) *Definitions. In this Act,-*

(a) "essential service" means-

(i) any postal, telegraph or telephone service;"

Further under Disaster Management Act as well Telecom Infrastructure Provider is classified as Essential service. If such an extensive service like



Telecom service is not considered as an Industry as many other ordinary ventures, which are considered as industry, the logic applied against telecom is quite grotesque and insensible since Telecom is massively used for sustenance of every business community, educational institutions, health missions etc. Likewise the Telecom is to be considered as an Industry or venture essentially requiring concessional and subsidized tariff application as extended to other industries. If the essential service of telecom fulfilling social responsibilities and very backbone of national growth is not given the concessions / subsidies or better concessions / subsidy, the very approach is discriminatory and illegal.

- E. It is submitted further that the status of petitioner as entitled for industrial tariff as per tariff orders of the Hon'ble commission may also be declared in the light of inclusion of telecom as an essential service under Essential Services Maintenance Act, Disaster Management Act and the like and further as per latest judicial pronouncements defining industry.

Therefore petitioner submits that petitioner herein complies all the characteristics of an industry for the purpose of said Tariff whereby tariff needs to be applied to petitioner particularly as it is rendering an essential service of telecom as per Essential Services Maintenance Act and Disaster Management Act, 2005. Therefore the present tariff may be revisited and petitioner may be given the privilege of enjoying the tariff under LT-IV(A), LT-IV(B) or HTI(B). Petitioner is an affected party in the matter and is entitled for equitable treatment as the beneficiaries under the orders of KSEB. Further the status of petitioner being entitled for industrial tariff as per tariff orders of the Hon'ble commission may also be declared in the light of inclusion of telecom as an essential service under Essential Services Maintenance Act, Disaster Management Act and the like and further as per latest judicial pronouncements defining industry. Therefore petitioner seeks for hearing in the matter and may be permitted to appear through due authorized person or through counsel for hearing in the matter.

It is further submitted that in the above matter, different stake holders are having interest and one such stake holder namely, M/s Vodafone Idea Ltd moved Hon'ble High Court of Kerala against KSEB and asked for consideration of their grievances



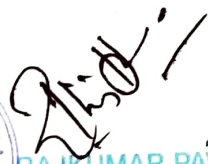
PA. NIMAR PAVOTHIL
HEAD - LEGAL
INDUS TOWERS LTD

and arguments akin to the one stated above by Hon'ble KSERC. In the above Writ Petition No 11960/2020, the Hon'ble High Court of Kerala directed consideration of their grievances similar to the one projected by us by Hon'ble KSERC. The petition filed by M/s Vodafone Idea Cellular Ltd is pending before KSERC. Therefore, both the matters may be heard together.

In the circumstances, it is humbly prayed that the petitioner may be heard and in order to avoid multiplicity of proceedings and to save time and cost, it is requested that both the matters may be heard together in the interest of Justice.

Dated this the 10th day of August, 2020.




RAJKUMAR PAVOTHIL
HEAD - LEGAL
INDUS TOWERS LTD

**BEFORE THE HON'BLE KERALA STATE ELECTRICITY
REGULATORY COMMISSION, THIRUVANANTHAPURAM**

Petition No: of 2020

IN THE MATTER OF :

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3. Applying industrial tariff to Telecom Service and Telecom Infrastructure Service providers at reduced rates.

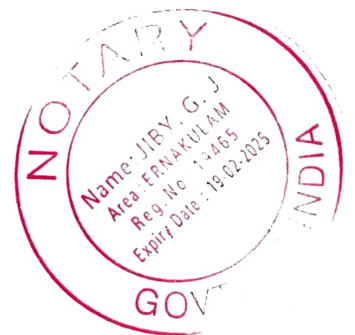
Petitioner/Applicant :

Indus Towers Limited,
Circle Office at Vankarath Towers 8th Floor,
NH 47 Palarivattom Cochin-24
rep. by its Authorized officer Head Legal,
Rajkumar Pavothil, aged 42 years,
S/o. P.Narendran, residing at Midhila,
Thamaramulangara, Tripunithura P.O.

Vs.

Respondents:

1. Kerala State Electricity board Limited,
Vydhuthi Bhavanam, Pattom P.O.,
Thiruvananthapuram- 695 004.
2. Chief Engineer, Tariff, Kerala State Electricity board Limited,
Vydhuthi Bhavanam, Pattom P.O.,
Thiruvananthapuram- 695 004.



AFFIDAVIT VERIFYING THE PETITION

I, Rajkumar Pavothil, aged 42 years, S/o. P.Narendran, residing at Midhila, Thamaramulangara, Tripunithura P.O., Head Legal, Indus Towers Limited, Circle


JIBY G. J.
ADVOCATE & NOTARY
CHAMBER No: 237
KHOAA CHAMBER COMPLEX
HIGH COURT BUILDINGS
KOCHEE - 682 031, Mob: 9846180595




RAJKUMAR PAVOTHIL
HEAD - LEGAL
INDUS TOWERS LTD

Office at Vankarath Towers 8thFloor,NH 47 Palarivattom Cochin-24, do hereby solemnly affirm and state as follows;

1. I am the petitioner/applicant in the above matter. I know the facts of the case and I am competent to swear to this affidavit and I am duly authorized to make this affidavit on its behalf.
2. The statements made in paragraphs 1-9 of the above petition/application are true to my information, knowledge and belief. I believe that no part of it is false and no material has been concealed there from.

Solemnly affirmed at Ernakulam on this the 10th day of August 2020 that the contents of the above affidavit are true to my knowledge, no part of it is false and nothing material has been concealed therefrom.



Petitioner/Applicant

RAJ KUMAR PAVOTHIL
HEAD - LEGAL
INDUS TOWERS LTD

Identified before me (Notary)

Jiby
10/8/2020

JIBY. G. J
ADVOCATE & NOTARY
CHAMBER No: 237

KHCAA CHAMBER COMPOUND
HIGH COURT BUILDINGS

KOCHI - 682 031, Mob: 9846180595



Exhibit: P1

10-87/2007-CS-III
Government of India
Ministry of Communications & IT
Department of Telecommunications
Sanchar Bhawan, 20, Ashoka Road
New Delhi-110001

Registration Certificate No.: 177 / 2008

Date: 10 .01. 2008

Registration Certificate For Infrastructure Provider Category I (IP-I)

This is to certify that M/s INDUS INFRA TEL LIMITED with registered office at THE GRAND HOTEL, NELSON MANDELA MARG, VASANT KUNJ, PHASE-II NEW DELHI-110070 is registered as Infrastructure Provider Category I (IP-I) to establish and maintain the assets such as Dark Fibres, Right of Way, Duct Space and Tower for the purpose to grant on lease/rent/sale basis to the licensees of Telecom Services licensed under Section 4 of Indian Telegraph Act, 1885 on mutually agreed terms and conditions.

2.0 In no case the company shall work and operate or provide telegraph service including end to end bandwidth as defined in Indian Telegraph Act, 1885 either to any service provider or any other customer.

3.0 The company shall submit a copy of an Agreement entered into with the other service providers including Infrastructure Provider Category II (IP-II) within 15 days of signing of such agreement.

4.0 The company shall provide the said infrastructure in a non-discriminatory manner.

5.0 In the event of any question, dispute or difference arising under this Registration, or in connection thereof, except as to the matter, the decision of which is specifically provided elsewhere under this Registration, the same shall be referred to the sole Arbitrator appointed and nominated by the Director General Telecommunications or by whatever designation Director General Telecom may be called, hereinafter called the "ARBITRAL TRIBUNAL".

5.1 This Registration Certificate and any dispute thereof shall be governed by the substantive provisions of Indian law.

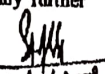
5.2 The venue of Arbitration shall be New Delhi or as may be fixed by the ARBITRAL TRIBUNAL anywhere in India.

5.3 The arbitration proceedings shall be conducted in accordance with the provisions of the Indian Arbitration and Conciliation Act, 1996 and rules framed thereunder or any modifications or re-enactment thereof made from time to time.

Exhibit P1/2

- 6.0 The Registered company can provide the infrastructure as stated above to any licensee of Telegraph services Licensed under section 4 of the Indian Telegraph Act 1885. The company shall, in no case, grant in any manner the infrastructure to any erstwhile Licensee whose licence is either terminated or suspended or not in operation at given point of time. In the event of any infrastructure allowed before hand, then the Registered company shall be obliged to withdraw the grant of infrastructure and to disconnect or sever connectivity immediately without loss of time and further, upon receipt of any reference from the Licensor in this regard, disconnection shall be made effective within an hour of receipt of such reference. On the question of disconnectivity the decision of the Director General Telecom shall be final.
- 7.0 The Registered company shall provide necessary facilities depending upon the specific situation at the relevant time to the Government to counteract espionage, subversive act, sabotage or any other unlawful activity.
- 7.1 The Registered company shall make available on demand to the agencies authorized by the Government of India, full access to the network for technical scrutiny and for inspection which can be visual inspection or any operational inspection.
- 7.2 All foreign personnel likely to be deployed by the Registered company for installation, operation and maintenance of the Registered company network shall be security cleared by the Government of India prior to their deployment. The security clearance will be obtained from the Ministry of Home Affairs, Government of India, who will follow standard norms in the matter.
- 7.3 The Registered company shall ensure protection of privacy of communication and ensure that unauthorized interception of messages does not take place.
- 7.4 The Government shall have the right to take over the equipment and networks of the Registered company or revoke/terminate/suspend the Registration of the company either in part or in whole as per directions if any, issued in the public interest by the Government in case of emergency or war or low intensity conflict or any other eventuality. Provided any specific orders or direction from the Government issued under such conditions shall be applicable to the Registered company and shall be strictly complied with. Further, the Government reserves the right to keep any area out of the operation zone of the service if implications of security so require.
- 7.5 Government reserves the right to modify these conditions or incorporate new conditions considered necessary in the interest of national security and public interest.
- 7.6 The Registered company will ensure that the Telecommunication installation carried out by it should not become a safety hazard and is or in contravention of any statute, rule or regulation and public policy.
- 8.0 Any breach of the above terms will lead to cancellation of the registration without any further notice.

To
M/s INDUS INFRATEL LIMITED
THE GRAND HOTEL, NELSON MANDELA MARG,
VASANT KUNJ, PHASE-II,
NEW DELHI-110070


 (S.T. Abbas)
DIRECTOR (CS-III)
 पंचम मं. अ.स. ३ T. ABBAS
 निदेश (सी.एस.-III)
 DIRECTOR (CS-III)
 दूरसंचार विभाग/DIRECTOR OF TELECOM
 संचार भवन, नई दिल्ली-110011
 9A, CH-IV BLDG, N.W. DELHI-110001

This is the true copy of document produced and marked in the above case as Exhibit-P

Advocate

Exhibit P2

File No. 10-87/2007-CS-III
Government of India
Ministry of Communications & IT.
Department of Telecommunications
Sanchar Bhawan, 20 Ashoka Road, New Delhi - 110 001.

Dated : 24.07.2008
25

✓ M/s India Towers Limited,
The Grand Hotel,
Vasant Kunj,
Phase-II, Nelson Mandela Road,
New Delhi - 110 070.

(Attn : Mr. Akhil Gupta, Director)

Subject : Change of name of M/s Indus Infratel Limited to M/s Indus Towers Limited on record for IP-I registration certificate.

With reference to your letter dated 18.04.2008 on the above subject, the undersigned is directed to inform that as per the Fresh Certificate of Incorporation Consequent Upon Change of Name, issued by the Registrar of Companies, National Capital Territory of Delhi & Haryana on 28.03.2008, the following change in the name of the company in the registration certificate No. 177/2008 dated 10.01.2008, issued to M/s Indus Infratel Limited has been noted and taken on record with immediate effect :

M/s Indus Towers Limited

In place of

M/s Indus Infratel Limited

Except for the name change, all the other conditions of the registration certificate shall remain unchanged.


25.7.2008
(S.T. Abbas)
Director(CS-III)

This is the true copy of document produced and marked in the above case as Exhibit-P

Advocate



KSEB
Kerala State Electricity Board Limited

Dated: 13

KERALA STATE ELECTRICITY BOARD LIMITED

(Incorporated under the Companies Act, 1956)

CIN:U40100KL2011SGC027424

Registered office: Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-695001
Phone (01) 91 471 2514617, 2514650 E-mail: info@kseblimited.com www.kseblimited.com

ABSTRACT

Relief in fixed charge applicable to Industrial / Commercial consumers and Private Hospitals and allowing installment facility for domestic consumers for the month of March, April and May-2020- sanction accorded -orders issued

CORPORATE OFFICE (Planning)

B.O. (FTD) No. 363 /2020 (KSEB/TRAC-D/Covid Pandemic - Tariff Concession/2020-21) dated, Tppm30.05.2020

- Read: 1. B.O. (FTD) No. 320 /2020 (KSEB/TRAC-D/Covid Pandemic -Tariff Concession / 2020-21) dated 11.05.2020.
2. B.O. (FTD) No.323 /2020 (KSEB/TRAC-D/Covid Pandemic -Tariff Concession / 2020-21) dated 12.05.2020.
3. Note No. KSEB/TRAC-D/Covid Pandemic - Tariff Concession/2020-21 dated 29.05.2020 of the Deputy Chief Engineer (Commercial & Planning) with full powers of Chief Engineer (Agenda item No. 92/5/20)

ORDER

KSEB Ltd, as per order read as 1st above, has accorded sanction to authorize the Chief Engineer (IT&CR) to make necessary modification in the billing software for LT consumers and for HT & EHT consumers to provide an option to the Industrial and Commercial Consumers for the deferred payment of fixed charges for the months of March, April and May - 2020 up to 15.12.2020, by levying an interest rate of 12% on deferred fixed charges till 15.12.2020.

Later, Board as per order read as (2) above has accorded sanction to extend the options already granted to Industrial and Commercial consumers in the State to Private Hospitals also, as per the directions of State Government.

The Hon'ble Chief Minister, Government of Kerala during the daily press conference on 22.05.2020 announced that directions were issued to KSEB Ltd. to provide relief in fixed charges for the periods of lockdown and waiver of interest for the deferred fixed charges.

The Hon'ble Minister for Electricity, Government of Kerala in the meeting held on 28.05.2020 reviewed the exemption /relief already granted to various categories of consumers to combat Covid-19 pandemic and considered further reliefs to be extended in view of The Chief Minister's directions.

Ext: P3/2

Having considered directions of Hon'ble Chief Minister, it was decided in the meeting to waive 25% of the fixed charge applicable to Industrial/Commercial consumers and Private Hospitals for the months of March, April and May-2020 and to defer the payment of balance fixed charge (75%) up to December-2020, without levying interest.

The meeting also noted the hardship being faced by domestic consumers due to higher than normal bills received during the lockdown period. This is due to high consumption owing to gathering of the family members at their home during the lockdown period. The Hon'ble Minister also instructed to examine all the complaints in detail in this regard. Having considered the difficulties in paying the amount in lump sum, the meeting decided to provide an option to remit half of the bill amount at first and to allow two installments for the balance amount. It was also decided that Govt. will instruct the Kerala State Electricity Regulatory Commission to grant approval on the reliefs provided to Industrial/Commercial consumers and Private hospitals.

In light of the direction of the Government as above, the Deputy Chief Engineer (Commercial & Planning) with full powers of Chief Engineer as per note read as (3) above has recommended to pass on the relief to the consumer, in anticipation of a favorable order from KSERC and to make suitable modification in the LT and HT & EHT billing software.

Having considered the matter in detail, the Full Time Directors in it's meeting held on 30.05.2020, resolved to accord sanction to authorize the Chief Engineer (IT&CR)

1. To make necessary modification in the billing software for LT consumers and for HT & EHT consumers to allow a rebate of 25% on fixed charge applicable to Industrial/Commercial consumers and Private Hospitals for the months of March, April and May-2020 and to defer the payment of balance fixed charge (75%) of these months, up to 15.12.2020, without levying interest during the deferred period.
2. To make necessary modification in the billing software to provide the above rebates to monthly billed consumers in the bills to be issued in July 2020 and for bi-monthly billed consumers, in the bills to be issued in the months of July and August- 2020. Similarly, interest paid/accrued against deferred fixed charges of these months shall be waived by providing credit in subsequent bills.
3. To make necessary modification in the 'billing software for LT consumers,' to provide an option to domestic consumers based on their written request to remit at least half of the bill amount in the bills issued in the months of April, May and June-2020 before 15.06.2020 or due date of the bill, whichever is later, and to allow two equal installments for the balance

amount in subsequent monthly/bi-monthly bills without collecting application fees for processing the written request.

Ext. P3/3

Orders are issued accordingly.

By Order of Full Time Directors

Sd/-

Lekha.G

Company Secretary -in -charge

To

Chief Engineer (IT & CR),
Deputy Chief Engineer (Commercial & Planning) with full Powers of
Chief Engineer
Special Officer (Revenue)

Copy to

All Chief Engineers (Electrical) & (Civil)
Legal Advisor & Disciplinary Enquiry Officer
The Financial Advisor
Chief Internal Auditor
Deputy Chief Engineer (TRAC)
All Deputy Chief Engineers (Ele) Circles
TA to (Chairman & Managing Director), TA to Director (Distribution,
IT&HRM)/ Director (Trans., System Operation & Safety)/ Director
{Generation (Electrical) & SCM}/
Director (Gen- Civil), PA to Director (Finance),
All Executive Engineers (Ele.) Divisions
Sr. CA to Secretary (Admn.)/Company Secretary
CA to IGP (CVO, KSEB), Chief Public Relations Officer, All RAO's
Fair Copy Superintendent / Library

Forwarded by order

Assistant Executive Engineer

This is the true copy of document produced and
marked in the above case as Exhibit-P

Advocate