

Reg. No. ER.772/86

# THE KERALA HIGH TENSION AND EXTRA HIGH TENSION INDUSTRIAL ELECTRICITY CONSUMERS' ASSOCIATION

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No. HT-EHT/2022/142

23 July 2022

The Secretary  
Kerala State Electricity Regulatory Commission  
K.P.F.C Bhavanam  
C.V. Raman Pillai Road  
Vellayambalam  
Thiruvananthapuram

## REVIEW PETITION AGAINST THE ORDER ON OP 11/2022

Dear Sir,

Review Petition under section 94(f) of the Electricity Act, 2003 read with Regulation 67 of KSERC (Conduct of Business) Regulations, 2003 seeking review of the order dated 25-6-2022 in OP 11/2022 In the Petition filed by KSEBL for the approval of ARR, ERC and Tariff Proposal for the control Period 2022-23 to 2026-27, with respect to limited ground on revising the Tariff of 66 kV and 110 kV EHT Industrial Tariff as ordered by Hon'ble Commission in the said order.

We enclose herewith the following documents.

1. 6 sets of Petition on above subject.
2. Affidavit duly notarized by a Notary Public.
3. Receipt (Transaction details) of fund transferred for Rs. 10,000/- in favour of Secretary, KSERC.

We would pray to the Hon'ble Commission to take up our petition for necessary action and intimate us the further actions on this matter.

Thanking you,

Yours very truly,

  
M Pradeep

General Secretary

Encls: Copy of Petition, Affidavit duly notarised, Details of fee remitted



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

**REVIEW PETITION NO                      on Order of O.P of 11of 2022**

**IN THE MATTER OF**

Review Petition under section 94(f) of the Electricity Act, 2003 read with Regulation 67 of KSERC (Conduct of Business) Regulations, 2003 seeking review of the order dated 25-6-2022 in OP 11/2022 In the Petition filed by KSEBL for the approval of ARR , ERC and Tariff Proposal for the control Period 2022-23 to 2026-27,with respect to limited ground on revising the Tariff of 66 kV and 110 kV EHT Industrial Tariff as ordered by Hon'ble Commission in the said order.

**Petitioner:-**

The Kerala High Tension and Extra High Tension Industrial Electricity Consumers' Association, Productivity House, Jawaharlal Nehru Road, Kalamassery - 683102, Ernakulam District, Kerala, represented by The General Secretary.

**STATEMENT OF FACTS**

**The Kerala High Tension and Extra High Tension Industrial Electricity Consumers' Association most humbly state that**

1. The petitioner is a registered Association of High Tension and Extra High Tension Industrial Consumers of Electricity in Kerala. The petitioner submits this petition





before the Hon'ble Commission as the representative of High Tension and Extra High Tension Industrial Consumers of Electricity in Kerala.

2. The instant petition is filed seeking a review of the order dated 25-06-2022 in OP 11/2022 with respect to limited ground on revising the Tariff of 66 kV and 110 kV EHT Industrial Tariff as ordered by Hon'ble Commission in the said order.

A brief background of the matter is submitted below.

1. Hon'ble Kerala State Electricity Regulatory Commission notified KSERC Terms and Conditions for Determination of Tariff) Regulations, 2021 in accordance with the provision of Section 181 of the Electricity Act, 2003 (Central Act 36 of 2003), read with Section 61
2. In accordance with the provisions of the above regulation, Kerala State Electricity Board Limited submit a petition vide OP No.11/2022 before the Honorable commission for the Approval of ARR,ERC and Tariff Proposals for the control period 2022-23 TO 2026-27.
3. Hon'ble Commission vide its order dated 25.06.2022 released the approved ARR & ERC for the control period 2022-23 to 2026-27 along with the retail tariff for the period 2022-23.
4. Hon'ble Commission has made a detailed analysis and maintained great care in framing up and following the tariff philosophy.
5. The analysis and decisions of the Tariff revision for EHT 66 kV and 110 kV Industrial consumers are prescribed in section 7.86 and 7.87 respectively.
6. An inadvertent error seems to have occurred while concluding the tariff revision for 66 kV and 110 kV category. We would like to bring the same to the kind attention of Hon'ble Commission.
7. Hon' Commission's analysis on Tariff proposal for 110 kV category is

*"The existing tariff for the EHT 110 kV is below the average cost of supply with cost coverage at 95.90%. Considering the importance of promoting industrial consumption, maintaining the system stability, employment generation, **the Commission does not approve the excessive increase***

*J. Pradeep*





**in electricity tariff as proposed by KSEB Ltd.** However, duly considering the increase in ACoS and overall increase in inflation since the last tariff revision, the Commission hereby approves a moderate increase in tariff for EHT 110 kV category for the year 2022-23. The details are given below”

8. Unfortunately, the Hon’ Commission missed to reflect the concluded analysis while drafting the revised tariff. The approved tariff has come out exactly same as the tariff proposed by KSEBL as shown in table 7.86 below.

**Table 7.86**  
Existing tariff, proposed tariff and approved tariff of EHT 110 kV for the year 2022-23

Tariff	Existing Tariff	Proposed by KSEB L	Approved by the Commission
Demand charge (Rs/ kVA/ month)	330	390	390
Energy charges (Ruling) (Rs/ kWh)	5.40	5.90	5.90

9. Similarly, Hon’ble Commission’s analysis on Tariff proposal for 66 kV category is  
*“The Commission has carefully examined the tariff proposed by KSEB Ltd for EHT 66 kV Industrial category. KSEB Ltd has proposed an overall increase in tariff of 10.4% on this category. During the public hearing on the tariff proposals, the HT&EHT Electricity Industrial Consumers Association and other stake holders has raised serious concern on the excessive increase in demand charges proposed by KSEB Ltd.*

*The Commission noted these aspects in detail. Over the years, the Commission has been bringing down the tariff of EHT-66kV category at the average cost of supply. As per the prevailing tariff, the cost coverage of the EHT-66kV category was 100.87%. The Commission also noted the increase in average cost of supply by 13.61% and inflation by 19.05% since the last tariff revision. Considering all these factors, the Commission approves a moderate increase in tariff for EHT-66 kV category for the year 2022-23.”*

KSEBL’s proposal for this category was as per the table below.

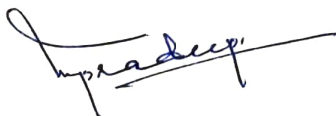



Table 7.83  
Existing tariff and the tariff proposed by KSEB Ltd

Particulars	Existing	KSEBL proposal				
		2022-23	2023-24	2024-25	2025-26	2026-27
Demand charge (Rs/ kVA/month)	340	400	420	420	420	420
Energy charge (Rs/ kWh)	5.50	6.00	6.00	6.00	6.00	6.00

10. Unfortunately, the Hon'ble Commission missed to reflect the concluded analysis while arriving at the revised tariff. The approved tariff has come out exactly same as the tariff proposed by KSEBL as s in 7.84 shown below.

Table 7.84  
Existing tariff, proposed tariff and approved tariff for EHT 66 kV

Tariff	Existing Tariff	Proposed by KSEB L	Approved by the Commission
Demand charge (Rs/ kVA/ month)	340	400	400
Energy charges (Ruling) (Rs/ kWh)	5.50	6.00	6.00

This is a clear apparent error from the concluded decision of Hon'ble Commission.

11. This is a clear apparent error in the concluded decision of Hon'ble Commission.
12. The above tables 7.84 and 7.86 on tariff revision of EHT 66 kV and 110 kV consumers have come out with serious error against the concluded and emphasized decisions of the Hon'ble Commission.
13. This error will have a huge impact of Tariff shock to all major industries in the State which are struggling for the survival.
14. Order 47 Rule 1 of the Code of Civil Procedure dealing with review of the orders and decisions of a Civil court is quoted below:

*"Application for review of judgment.-(1) Any person considering himself aggrieved,—*  
*(a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred, (b) by a decree or order from which no appeal is allowed, or (C) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any*

*Pradeep*



*other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order. (2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.*

*Explanation : The fact that the decision on a question of law on which the judgment of the court is based has been reversed or modified by the subsequent decision of a superior court in any other case, shall not be a ground for the review of such judgment."*

15. It is amply clear from the detailed analysis and emphasized conclusions made by the Hon' Commission that, the Commission did not intend to approve the tariff revision as such proposed by KSEBL for EHT 66 kV and 110 kV category. This being the fact, the order has come out with an apparent error in tariff revision shown in Table 7.84 and Table 7.86 for EHT 66 kV and 110 kV category. Considering the huge impact and tariff shock to all the major industrial community of the State, Kerala HT & EHT Industrial Electricity consumers' Association humbly requests Hon'ble Commission to review the order dated 25-6-2022 in OP 21/2022 with respect to limited ground on the tariff revision of EHT 66 kV and 110 kV consumers.
16. The Association has remitted the requisite fee of Rs.20,000/- for the review petition

### **Prayer**

1. Kerala HT EHT Industrial Electricity Consumers Association humbly request Hon'ble Commission to review the order dated 25-6-2022 in OP 11/2022 with respect to limited ground on the tariff revision of EHT 66 kV and 110 kV consumers in line with Hon'ble Commission's concluded analysis on Tariff for the above categories of consumers.

*Pradeep*



THE KERALA HIGH TENSION AND EXTRA HIGH  
TENSION INDUSTRIAL ELECTRICITY  
CONSUMERS' ASSOCIATION  
PRODUCTIVITY HOUSE  
KALAMASSERY - 683 104



BEFORE THE HON'BLE KERALA STATE ELECTRICITY  
REGULATORY COMMISSION

REVIEW ON OP No: 11 OF 2022

IN THE MATTER OF:-

Review petition under section 94(f) of the Electricity Act, 2003 read with Regulation 67 of KSERC (Conduct of Business) Regulations, 2003 seeking review of the order dated 25-6-2022 in OP 11/2022 In the Petition filed by KSEBL for the approval of ARR, ERC and Tariff Proposal for the control Period 2022-23 to 2026-27, with respect to limited ground on the directions for revising the Tariff of 66 kV and 110 kV EHT Industrial Tariff as ordered by Hon'ble Commission in the said order.

**Petitioner:**

The Kerala High Tension and Extra High Tension Industrial Electricity Consumers' Association, Productivity House, Jawaharlal Nehru Road, Kalamassery 683104 Ernakulam, Kerala - represented by The General Secretary, The Kerala High Tension and Extra High Tension Industrial Electricity Consumers' Association.

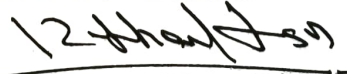
**AFFIDAVIT**

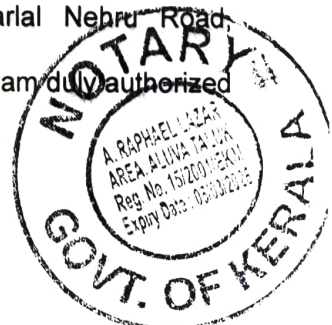
I, Pradeep. M, son of M Gopalakrishnan Nair aged 56 years, residing at Nirvrithi, West Desom, Aluva – 683 102 Kerala do solemnly affirm and state as follows:

1. I am General Secretary of The Kerala High Tension and Extra High Tension Industrial Electricity Consumers' Association, Productivity House, Jawaharlal Nehru Road, Kalamassery 683104, Ernakulam, petitioner in the above matter and am duly authorized by the said petitioner to make this affidavit on its behalf.





  
A. RAPHAEL LAZAR  
ADVOCATE & NOTARY  
ALUVA



2. The statements made in the petition herein are true to my knowledge and belief.

Solemnly affirmed at Kalamassery on this day of 23<sup>rd</sup> July 2022 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.



*[Handwritten signature]*  
Petitioner



Solemnly affirmed and signed before me by the deponent on this day of the 23<sup>rd</sup> JULY 2022 in my office at Aluva and who is known to me personally

*[Handwritten signature]*  
A. RAPHAEL LAZAR  
ADVOCATE & NOTARY  
ALUVA



**Find Transactions**

Transaction Details

**Account Number** 00000030037062213  
**Branch** KALAMASSERRY  
**From date** 23/Jul/2022  
**To date** 23/Jul/2022  
**Amount from** 10000  
**To** 10000

[Return to Find Transactions Page](#)

<b>Date (Value Date)</b>	<b>Narration</b>	<b>Debit</b>	<b>Credit</b>
23-Jul-22 (23-Jul-2022)	BY TRANSFER INB KSERC Review Petition		10,000.00
23-Jul-22 (23-Jul-2022)	TO TRANSFER INB HT EHT Review Petition	10,000.00	

