

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

**Present: Shri. Preman Dinaraj, Chairman
Shri. Adv. AJ Wilson, Member**

IA.No. 12/2020

In the matter of : Petition for Condonation of delay in submitting the Review petition in the Capital Investment Approval Order in OP 16/2020 dated 04-09 2020

Petitioner : M/s Technopark

Order dated 18-12-2020

- 1) Instant petition is for condoning delay in filing the Review petition in the Capital Investment Approval Order in OP 16/2020 dated September 04, 2020 by M/s Technopark. As per Regulation 67(1) of the KSERC (Conduct of Business) Regulations 2003, the review petition for the Order dated 04-09-2020 was to be filed by the licensee on or before 18-10-2020. The petitioner states that the delay that prevailed occurred on account of the following reasons:
 - a) The special circumstances relating to current COVID-19 pandemic affected day to day operation of Park centre.
 - b) Operation of the Park Centre and Head Office of Technopark had to be curtailed during the period as directed by the State Government.
 - c) There was also no transportation facility for the employees and officers to attend the Office.
 - d) In one occasion, the office operation was suspended as one of the employees was detected COVID-19 positive.
 - e) It is further stated that, the licensee has filed Truing Up petition for the year 2018-19 on 16-09-2020 and the Commission sought clarification on the petition on 08-10-2020 and this had to be submitted before the hearing scheduled on 20-10-2020. Due to this reason some of employees were engaged for the above submissions.
- 2) The Commission examined the matter and the reasons given by the licensee for condoning the delay. As per Regulation 67(1) of the KSERC (Conduct of Business) Regulations 2003, *any person or party affected by a decision, direction or order of the Commission may, within forty five days from the date of making such decision, direction or order apply for the review of the same.* The licensee filed the review

petition on 03-11-2020. Since the petition was defective on account of delay in filing the petition, the Commission notified the licensee of the fact vide letter dated 09-11-2020. The Commission further informed to the licensee vide letter dated 27-11-2020, if the Condonation of delay petition is not received by the Commission by 04-12-2020 and the Commission will be constrained to dismiss the review petition. Thereafter, the licensee filed the petition for Condonation of delay vide letter dated 01-12-2020.

- 3) The Commission also examined the reasons furnished by the licensee. There is a delay of 16 days in filing the petition. It is to be noted that, the licensee day to day operations were affected through the COVID 19 pandemic. The Commission after considering the matters relating to COVID 19 facts is of the view that the delay can be condoned.

Orders of the Commission

- 4) After considering the matter in detail, the Commission hereby condones the delay of 16 days in the filing and admit the review petition on the Capital Investment Approval Order in OP16/2020 dated 04-09-2020 of the licensee for further processing. Issue notice to the petitioner.

Sd/-

**Adv. AJ Wilson
Member**

Sd/-

**Preman Dinaraj
Chairman**

Approved For Issue

Sd/-

Secretary (i/c)