

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

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

Petition RP No. 2 / 2019

In the matter of : Review on the Order dated 21-8-2018 on the Truing up of
Accounts of KSEB Ltd for the year 2015-16 (OP 6/2018)

Petitioner : Deputy Chief Engineer (Commercial & Planning)
With full powers of Chief Engineer,
Kerala State Electricity Board Limited

Petitioner represented by : Sri. Bipin Sankar , Deputy CE, TRAC
Sri. K G P Nampoothiri, EE TRAC
Sri Girish Kumar, F.O., TRAC,
Sri. Ajith Kumar, DA), TRAC
Sri. Anil Rosh, Dy CAO, KSEB
Sri. Abdul Naser, F.O. KSEB

Respondents present by : Sri, Dijo Kappen, Kottayam
Sri. Ratheesh Kumar, HT-EHT Association
Smt.Prini Peter, HT-EHT Association
Sri. Pradeep, HT-EHT Association
Sri.Ayyappan Nair, Thiruvananthapuram
Sri. Jayan Leiyseeyam, Thiruvananthapuram

Daily Order dated 01-04-2019

The petition above mentioned was filed by M/s Kerala State Electricity Board Limited against the Order on Truing up of Accounts for the year 2015-16 dated 21-8-2018. The matter was heard on 19-3-2019. Sri. Bipin Shankar, Dy Chief Engineer, representing KSEB Ltd presented the matter. The review was sought mainly on the following issues :

1. There is apparent error on the estimation of the normative loan for the year 2015-16 and accordingly the interest charges for the year is to be revised.
2. Disallowance of employee cost by Rs.202.37 crore without considering the business growth

3. Disallowance of electricity duty under Section 3(1) of the Kerala Electricity duty Act
4. Disallowance of depreciation of Rs.156.35 crore towards the assets created out of contribution and grants

Sri. Dijo Kappen, while objecting to the review petition raised the issue whether the petition can be taken up when the model code of conduct of General Elections are in place. He also stated that the issues raised in the review petition are akin to an appeal, which are beyond the scope of the review. Further, admission of the petition with such delay itself is not proper and hence the petition is to be rejected. He also demanded that KSEB Ltd should be treated at par as that of other licensees in the State and no special treatment should be provided.

Sri. Ratheesh Kumar, Joint Secretary, representing the Kerala HT-EHT Industrial Electricity Consumers stated that KSEB Ltd is seeking review for allowing an additional amount of Rs.780 crore. The petition itself cannot be maintainable with more than 170 days of delay. According to him, the basic principle and judicial practice is that review of an order is maintainable only if there is an error apparent on the face of record. KSEB Ltd could not point out any error apparent on the items such as disallowance of employee cost, disallowance of electricity duty and disallowance of depreciation. Hence the Commission may scrutinise and determine whether there is any error apparent in the issues. The Association also prayed that since there is exorbitant delay in filing the petition, henceforth public hearing should be conducted before admitting the delay condonation petition. Sri. Ayyappan Nair stated that written objections will be filed within two days after studying the issue.

Hearing concluded. It is hereby directed that KSEB Ltd may furnish additional details if any to substantiate the claim and any reply on the rejoinders furnished by the parties within 10 days.

Sd/-
K.Vikraman Nair
Member

Sd/-
S.Venugopal
Member

Sd/-
Preman Dinaraj
Chairman

Approved for issue
Sd/-
G.Jyothichudan
Secretary