

KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

Present: Shri. R. Preman Dinaraj

OP.No.23,24 &25/2020

In the matter of : Extension of the relief and concessions to the petitioner as offered by KSEB Ltd. to industrial/commercial consumers and private hospitals and changing the status of petitioners as Industrial consumer.

Petitioners : 1. M/s. Vodafone Idea Ltd.
2. M/s. ATC Telecom Infrastructure Pvt. Ltd.
3. M/s. Indus Towers Ltd.
(Petitioners 1 to 3 represented by Shri. Sathish, Advocate).

Respondents : M/s. Kerala State Electricity Board Ltd. (KSEBL)
represented by Shri. K.G.P. Namboothiri, Exe. Engineer

Daily Order dated 18.09.2020

1. The Petitioners 1 to 3 above filed separate petitions for extending the relief and concessions offered by KSEB Ltd. to industrial/commercial consumers and private hospitals in view of the Covid-19 pandemic to the petitioners as well and changing the status of petitioners as Industrial consumers to make them entitled for industrial tariff and the concessions offered to Industrial consumers.
2. As the matter is same in all the three petitions, a common hearing was conducted and heard the petitions through video conference on 15.09.2020 at 11 AM.
3. Advocate Shri. Sathish appeared on behalf of the petitioners, submitted that the petitioner (1) is a telecom service provider and petitioner (2) & (3) are telecom infrastructure providers to the leading telecom service provider companies. He further submitted that presently these companies are classified under LT VI General (F) category for the tariff purpose and denial of reliefs and concessions in tariff during the Covid-19 period extended to industrial/commercial consumers and private hospitals based on this classification is a case of pure discrimination and to be looked in to. He also added that these companies are providing telecom services which are classified as an essential service under the Essential Service maintenance Act. He further added that the telecom sector should be categorized as industrial and several judicial pronouncements are available categorizing telecom as an industry and requested the Commission to consider this aspect also while disposing of the

petition. Advocate also brought to the notice of the Commission the judgement dated 12.02.2020 of Hon. APTEL in Appeal No. 337 of 2016 in a batch of petitions classifying Telecom as “industrial”.

4. KSEB Ltd represented by Shri. K.G.P. Namboothiri, Exe. Engineer submitted that the concessions/reliefs are extended to the industrial/ commercial consumers and private hospitals to ease the financial burden, as these establishments were remained closed during the lock-down period. He further submitted that all these concessions are extended after considering the Government directions issued in this regard.
5. The advocate representing the petitioner in reply to the comments by KSEB Ltd. submitted that the telecom companies also faced a dip/reduction in revenue due to the concessional schemes launched by them during the lock down period and requested the Commission to extend the reliefs/concessions by considering them at par with category LT IV (A)/(B) .
6. The Commission after hearing the parties directed the petitioner/s to submit immediately the additional written submissions, if any, with regard to the classification of telecom as industry along with the references/copies of judgements in this regard.
7. Hearing concluded. Reserved for Orders.

Sd/-
Preman Dinaraj
Chairman

Approved for issue

Secretary