

KERALA STATE ELECTRICITY REGULATORY COMMISSION

THIRUVANANTHAPURAM

Present: **Shri. R. Preman Dinaraj**
Adv. A.J. Wilson

Petition RP No.2/2021

In the matter of : Review petition filed by M/s Edayar Zinc Limited against the Order dated 11-02-2021 in OP 40/2020 on the OTS Scheme 2021.

Petitioners : M/s. Edayar Zinc Limited, Binanipuram, Ernakulam-3
(represented by Advocate Josheph Kodianthara
Shri. Mohammed Bismith, Director, Shri. Mohammad Nawas, Shri.
Sabu Mohan, Shri. Roy Kurien, Asst.Vice President).

Respondents : M/s. Kerala State Electricity Board Ltd. (KSEB Ltd)
(represented by Shri. Suresh, Exe. Engineer, TRAC,
Shri. Vydhyuthi Bhavan, Thiruvananthapuram).

Date of hearing : 30-03-2021 (First hearing)

DAILY ORDER DATED 31-03-2021

1. M/s Edayar Zinc Ltd, (Erstwhile M/s Binani Zinc Limited) filed the instant review petition against the order in OP 40/2020 on OTS Scheme 2021 of the Commission dated 11-2-2021.
2. The matter was heard through video conference mode on 30-03-2021. Adv. Joseph Kodianthara appearing for the petitioner M/s Edayar Zinc Limited initially sought time for furnishing additional documents before the Commission. Advocate stated that there are several cases pending before the Hon. High Court of Kerala and such details were not properly placed in the petition filed before the Commission. The company had closed down in the year 2014 and the request for reduction in contract demand from 18000kVA to 300kV is pending before KSEB Ltd. On approaching the High Court, and as per the directions of the Hon. High Court, KSEB Ltd has given two options for the petitioner. However, both these options did not materialise due to the huge cost involved.
3. In the mean time KSEB Ltd issued the bills based on the contracted demand for the closed down unit. Aggrieved by the issue of bills, the petitioner approached the Hon. High Court and as per the directions of the Hon. High Court paid an amount of Rs.5.29 crore before 30-03-2021. The matter is pending before the Hon. High Court. Shri. Kodianthara requested for clarification that the OTS

scheme approved by the Commission in the impugned order is not a general direction having universal applicability but instead pertains specifically to the OTS scheme order only. Further, this order will not in any way affect the ongoing settlement of the matter of the Company with KSEB Ltd on the basis of recorded maximum demand.

4. Shri.Bismith, Director, Edayar Zinc stated that they are trying to settle the matter amicably with KSEB Ltd so that once the issues are settled, new investment for an industrial park can move forward. If the fixed charges are based on the actual maximum demand, the matter can be settled amicably. Shri.Nawas, former Asst. Vice President and now the consultant to M/s Edayar Zinc, stated that the reduction in contract demand was delayed due to metering issues. Even though the metering system of company was changed in the year 2013 itself and conform to 0.2S class accuracy and is having error percentage within the limits even with current loading of 1%, KSEB Ltd is not willing to accept the request of the company to reduce the contract demand as per the provisions of the Supply Code. Shri. Roy Kurien, representing the company also requested for an early settlement of the matter considering the recorded contract demand.
5. Shri. Suresh, Executive Engineer, TRAC representing KSEB Ltd stated that there was not sufficient time for preparing the detailed counter affidavit on the petition filed by M/s Edayar Zinc. According to him, the matter will not come under the purview of review and hence to be rejected. He sought time for furnishing detailed reply on the petition.
6. Based on the request of the parties, the Commission hereby grant time for the petitioner to furnish the additional documents and KSEB Ltd for furnishing detailed reply. Accordingly, the parties shall furnish the details by 23-04-2021 before the Commission with a copy to the other party. However, this shall not in anyway extend the period of the OTS Scheme 2021 or the conditions of the scheme approved in the Order dated 11-02-2021. The Commission also hereby clarifies that all conditions mentioned in the OTS 2021 Order dated 11-02-2021 shall be applicable only for that scheme and shall not apply either to the petitioner's plea before the Hon'ble High Court or to any other specific cases.

Sd/-
A.J.Wilson
Member (Law)

Sd/-
Preman Dinaraj
Chairman

Approved for issue

Sd/-
Secretary