

**KERALA STATE ELECTRICITY REGULATORY COMMISSION  
THIRUVANANTHAPURAM**

**Present: Shri. R. Preman Dinaraj, Chairman  
Adv. A.J. Wilson, Member ( Law)**

**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 Sr.Advocate Joseph Kodianthara, Adv, Vijay Paul, Shri. Mohammed Bismith, Director, Shri. Mohammad Nawas, Shri. Sabu Mohan).

Respondents : M/s. Kerala State Electricity Board Ltd. (KSEB Ltd)  
VydhuthiBhavan, Thiruvananthapuram  
(represented by Shri. Suresh, Exe. Engineer, Shri.Rajesh R.,Asst.Executive Engineer, TRAC, KSEB)

First hearing on : 30-03-2021

Second Hearing : 19-05-2021-Postponed on petitioner's request

Next Hearing : 07-07-2021

**DAILY ORDER DATED 08-07-2021**

1. The Second Hearing on the Review Petition which was rescheduled on the petitioner's request was held on 07-07-2021 through video conference mode. Sr.Adv. Joseph Kodianthara appearing for the petitioner M/s Edayar Zinc Limited cited the Order of the Hon. High Court of Kerala dated 20-08-2015 directing KSEB Ltd to consider the request for revising the contract demand. However, the respondent KSEB Ltd as per the recommendation of the Technical Committee directed the petitioner to replace the metering system before allowing the request for reducing the contract demand. Learned Sr.Advocate pointed out that at present the petitioner's factory is closed and there exists minimum requirements of power.
2. Sr.Adv.Kodiyanthara pointed out that as per the Order of the Commission dated 11-02-2021 on OTS 2021, there cannot be any negotiated settlement on the demand charges of closed units and the same is to be based on the recorded maximum demand. KSEB Ltd is not allowing to settle the matter based on the recorded maximum demand pointing out the Order of the Commission dated 11-02-2021.
3. Siting the provisions in sub Regulation 10 of Regulation 100 of the Supply Code, 2014, Sr.Adv.Kodiyanthara further stated that the approval for the reduction in contract demand of the petitioner was deemed to have been granted by the KSEB Ltd, since the application was not decided by KSEB Ltd within the stipulated 15 days.

4. KSEB Ltd in their arguments before the Commission submitted that, the Daily Order dated 31-03-2021 stated that the scheme shall not in anyway extend beyond the period allowed or the conditions of the scheme approved in the Order dated 11-02-2021. Hence the matter is to be rejected.
5. Regarding the reduction in contract demand, KSEB Ltd could not reduce the contract demand for the reasons attributable to the petitioner alone. KSEB Ltd stated that the reduction in contract demand beyond a reasonable level without modification of the metering system has serious impact on the accuracy of the measurement of energy consumed by the petitioner. The onus of correcting the metering system rests with the petitioner, which could not be attributed to KSEB Ltd.
6. Shri. Nawas, representing the petitioner, replying to a query from the Commission on the accuracy of the metering system stated that, the company has installed 0.2 S class accuracy metering system which has an accuracy level even as below as 1% of the loading.
7. Shri. Bismith appearing for the petitioner requested for an early settlement of the matter since the Company has submitted a proposal before the Government for establishment of new park in the premises after settling the various dues of the Company. One of the major issues now pending is the dues with KSEB Ltd and accordingly the request for an early resolution of the issue.
8. During the hearing, the Commission pointed out that the matters sought in the petition is much beyond the scope of the Review petition. Further the impugned Order is a General Order and it is not proper to amend the Order for considering the individual cases.
9. Sr.Adv. Kodiyanthara requested permission for submitting a detailed written note including the chronology of events.Considering the request of the petitioner, the Commission directed the petitioner to submit the written note as requested by the petitioner by 21-07-2021 with a copy to the respondent KSEB Ltd. The remarks if any on the same shall be filed by KSEB Ltd by 06-08-2021.

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

**Sd/-**  
**Preman Dinaraj**  
**Chairman**

Approved for issue

C.R.Satheesh Chandran  
Secretary( i/c)