

KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

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

IA.No. 15/2021

In the matter of : Condonation of delay in filing the petition for Truing up of
 Accounts for the financial year 2017-18.
Petitioner : M/s Smart City (Kochi) Infrastructure Pvt. Ltd

Order dated 06.08.2021

1. The instant petition is filed by M/s Smart City (Kochi) Infrastructure Pvt. Ltd (hereinafter referred to as Smart City or the Petitioner or the licensee), for the condonation of delay in filing of the truing up petition for the Financial year 2017-18.
2. The licensee, after commencing the commercial operations had filed their first truing up petition on 04-12-2020 for the year 2018-19. While scrutinizing the said petition it was noticed that, the licensee has not filed any petitions for the year 2016-17 and 2017-18 even though the commercial operations of Phase -1 commenced in the year 2016. Further, as per proviso to Regulation 11 (2) of KSERC (Terms and Conditions for Determination of Tariff) Regulations, 2014, every distribution licensee shall file the petition for the Truing up of the Aggregate Revenue Requirement for each year of the control period on or before the 30th day of November of the subsequent year. The licensee was therefore directed to file all the pending truing up petitions by 19-05-2021.
3. In compliance of the Commission's direction, the petitioner has filed the petition for the truing up of accounts for the year 2017-18 on 02-08-2021 and also filed the instant petition for the condonation of delay in filing the truing up petition.
4. The petitioner has submitted that the delay in filing the truing petition was due to the following reasons.
 - a) While preparing the formats for the truing up petition, lockdown on account of Covid-19 pandemic was announced from the first week of

May 2021 and the office was remain closed till 30th May 2021. After the lifting of lock down, the office of the licensee has been functioning with limited staff strength. This resulted in delay in finalizing the truing up petition and its filing.

- b) The filing of truing up petition is again delayed as two of the licensee's employees were affected with Covid-19 and the office was shut for two more weeks. The authorization as signatory of the newly joined Company Secretary also got delayed till last week of June 2021 due to the pandemic.
 - c) The Smart City is running with limited staff and they were completely engaged during these time. This also contributed to the delay in filing the petition.
5. The licensee further requested to condone the delay caused by above and also requested for the truing up of income and expenditure as per the audited accounts for the year 2017-18. The licensee also remitted the prescribed filing fee for the petition.
 6. The Commission has examined the matter and the reasons given by the licensee for the delay. The Commission noted the fact that the licensee is new, started its operations only in the year 2016-17 and were having only very few consumers in the first two years of operation. The Commission also notes that, being a new licensee, the petitioner was not fully accustomed with the regulatory process and the truing up requirements. Hence, the Commission is of the view that, considering the above position of the licensee and the reasons for delay submitted by them, the delay in filing the truing up petition for the financial year 2017-18 can be condoned, as a special case.

Orders of the Commission

7. After examining the matter in detail, the Commission hereby condones the delay of 976 days in filing the Truing up petition for 2017-18 and admits the petition for further processing.

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

Sd/-
Preman Dinaraj
Chairman

Approved for Issue

Secretary