

**KERALA STATE ELECTRICITY REGULATORY COMMISSION**  
**THIRUVANANTHAPURAM**

**Present: Shri. R. Preman Dinaraj**

**OP.No.22,24 &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. Sathisan, Advocate).

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

**Date of hearing: 26-11-2020 (Third hearing)**

**Daily Order dated 30.11.2020**

1. The petitioners filed separate petitions for extending the reliefs offered by KSEB ltd. to certain category of consumers in view of the Covid-19 lockdown. With the following prayers
  - I. Extending the concession of 25% waiver of fixed charges for the period from March 2020 to May 2020 and deferment of payment of balance 75% without interest up to 15.12.2020
  - II. Changing the status/ category of the petitioner as industrial consumers to make them entitled for the reliefs announced.
  
2. As the matter was same in all the three petitions the petitions were first heard in a combined hearing on 15.09.2020. As per the directions by the Commission during the first hearing the petitioners filed written additional submissions substantiating their claim for the reliefs sought. The respondent KSEB Ltd also filed a counter affidavit after the first hearing. The arguments in the submission by the petitioners were mainly on importance of the telecommunication services provided by the Company during the lock down period and their loss in revenue due to lock down. The petitioners also pointed out that the present classification under LT VI (F) which made them ineligible for the reliefs is not correct as the State Government rightly classified the telecom sector under IT and IT enabled industries in the IT policy 2017. Petitioners further argued that denying the benefits based on the present classification is a pure case of discrimination. The respondent KSEB Ltd. in its counter affidavit submitted that the reliefs were extended only to consumers who lost their income due to the closure of their

units during lock down. The respondent also argued that the present classification of the petitioner is appropriate and correct and hence the classification of the petitioners as “Industrial” cannot be justified.

3. During the second hearing held on 28.10.2020, the counsel appeared for the petitioners, Shri. P. Sathisan requested the Commission to allow time to submit a detailed submission quantifying the loss suffered by the petitioners due to lockdown. Accordingly, the Commission decided to adjourn the matter till 26.11.2020 with a direction to the petitioners to submit the revenue loss details and to the respondents to clarify the issues involved in view of the Ministry of Power (MoP), Gol directive.
4. Accordingly, the matter was heard on 26.11.2020. During the Hearing, the Commission mentioned that as per the directions of Hon. High Court of Kerala, the present matter is to be disposed of within 2 months from the date of receipt of certified copy. However, as per the direction of the State Election Commission, final orders on these petitions can be issued only after the cessation of the model code of conduct which is now operational due to ensuing Kerala Local Body Elections.
5. Shri. P. Sathisan, the counsel representing the petitioners requested that the first prayer, ie., inclusion of the petitioner as ‘industrial category’ may be closed with the liberty to take up the issue during the next tariff hearing proceedings.
6. Learned counsel for the petitioner further stated that already submissions showing the losses suffered by the petitioner representing the telecom infrastructure have been filed. The losses suffered are due to delay in energisation of towers during lockdown period and the free talk time given to the subscribers. Further the petitioners have extended all support to the government machinery for handling the pandemic. As per the provisions of Disaster Management Act, telecom is treated as essential service. Though as contented by KSEB Ltd, the rebates and concessions are allowed by the Government, the final approval of such concessions are to be issued by the Commission. Hence it is fit to approach the Commission for rebates. Further the rebates are given not from the public money, but from the reliefs extended by the central generating companies. The counsel further submitted that the petitioners should be considered as “end consumers” mentioned in the MoP, Gol letter and thus entitled for the concessions specified in the said letter. He further added that extending the benefits only to certain category of consumers will amount to discrimination and a clear violation of Article-14 of the Constitution of India.
7. The petitioner also mentioned that penalty was imposed by KSEB Ltd for the late payment even though bills were not issued on time.
8. The Commission directed the respondent, M/s. KSEB Ltd. to furnish the detailed calculation showing the actual financial implication for extending the 25% rebate in fixed/demand charges and deferment of balance 75% of fixed /demand charges up to 15.12.2020 for consumers other than domestic category having fixed charge component in their tariff. Further, the rate of rebate that can

be extended to among all such 'end consumers', if the benefit received from the central generating companies/transmission licensees is to be distributed among the said category.

9. KSEB Ltd represented by Shri. K.G.P. Namboothiri, Exe. Engineer submitted that already written remarks of KSEB Ltd was submitted and the concessions/reliefs are extended to the industrial/ commercial consumers and private hospitals, as per the directions of Government of Kerala. KSEB Ltd also agreed to examine the penalty imposed on the petitioners during the lock down period. He further submitted that the comments/remarks of the Commission are noted and will be placed before the Board of Directors of the KSEB Ltd. A final reply will be submitted to the Commission after taking the opinion of the BoD on these comments/remarks. KSEB Ltd agreed to furnish the details by 21-12-2020.
10. Hearing concluded. Allowed the petitioner to withdraw the prayer for changing the tariff category with the permission to take up the matter during the next tariff hearings. KSEB Ltd shall furnish details as mentioned in para 8 & 9 above and the petitioner may furnish the details of penalty paid to KSEB Ltd. The above details may be furnished latest by 21.12.2020 by the parties.
11. Reserved for Orders.

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

Approved for Issue

Secretary (i/c)