

KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM

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

OP No 01/2021

In the matter of : Determination of tariff of 8 MW SHP developed by
M/s Anakampoil Power Pvt Ltd.

Petitioner : M/s Anakampoil Power Pvt Ltd.
Petitioner represented by : Smt. Sikha Ohri, Counsel
Sri.Tanmay Das, Promoter of Company
Sri. Anand Sankar, M/s Anakampoil
Sri. Santosh, M/s Anakampoil

Respondents : 1. Kerala State Electricity Board Ltd.
2. Energy Management Center (EMC)

KSEB Ltd represented by : Smt. Latha S.V, Asst : Executive Engineer
Sri Shine Raj, Asst Engineer

First hearing on : 17-06-2021
Second hearing on : 08-09-2021
Third hearing on : 20-10-2021

Interim Order dated 25.10.2021

1. M/s Anakampoil Power Private Limited (herein after referred to as APPL or the petitioner) filed a petition before the Commission on 01.01.2021 with the following prayers:
 - a. *Direct KSEBL to comply with the Order dated 20.07.2018 passed by this Hon'ble Commission in OP No. 2/2018;*
 - b. *Pass an Order determining levelized tariff of Rs. 5.31/kWh for the SHP of the Petitioner for supply of electricity to the Respondent No. 1;*
 - c. *Pass an Order for provisional tariff, for supply of electricity during the pendency of the present petition, subject to adjustment after determination of final tariff for the SHP of the Petitioner*

- d. *Pass an Order for reimbursement of the fees for tariff determination, by the Respondent No. 1 to the Petitioner; and*
- e. *Pass such further order(s) which the Hon'ble Commission deems fit and just in facts of the present case.*

2. The Commission admitted the petition as OP 01/2021. First Hearing on the petition was conducted through video conference on 17.06.2021. Based on the request of the petitioner, the Commission adjourned the hearing.
3. Second hearing on the petition was held on 08.09.2021 through video conference. The respondent KSEB Ltd, during the hearing clarified that, KSEB Ltd is yet to receive a copy of the rejoinder and additional details submitted by the petitioner before the Commission on 27.07.2021. The Commission adjourned the second hearing with the direction to the petitioner M/s Anakampoil forward a copy of the rejoinder and other details to the KSEB Ltd by return.
4. Third hearing on the petition was held on 20.10.2021 through video conference. Smt. Sikha Ohri, appeared before the Commission on behalf of the petitioner and Smt. Latha S.V, AEE, appeared on behalf of KSEB Ltd. KSEB Ltd, at the beginning of the hearing submitted that, few of the officers of the Commercial & Tariff wing of KSEB Ltd are affected by Covid 19 Pandemic, and their office is not fully functional now. Hence KSEB Ltd request before the Commission to adjourn the hearing by two weeks.

The representative of the petitioner also submitted that, the hearing may be adjourned as requested by KSEB Ltd due to the spread of the Covid-19 Pandemic among its officers. However, the petitioner raised the issue that, though the petitioner is supplying power to KSEB Ltd since 17.12.2020, KSEB Ltd yet to release any payment to the petitioner for the energy supplied to KSEB Ltd. The financials of the petitioner is badly affected even the day to day functions besides the loan repayment obligations etc. Hence the petitioner request before the Commission to grant an interim tariff so that KSEB Ltd can arrange the payment.

KSEB Ltd clarified that, the respondent has no objection in granting an interim tariff for the electricity generated and supplied to KSEB Ltd.

5. The Commission, examined in detail the request of the petitioner for an interim tariff for the electricity generated and supplied to KSEB Ltd, and noted the following.
 - (1) As per the original petition dated 01.01.2021, the tariff claimed by the petitioner is Rs 5.31/unit, however as per the rejoinder dated 27.07.2021, the petitioner revised the claim @Rs 5.58/unit.

- (2) The Commission vide the orders dated 06.09.2019 and its corrigendum dated 14.11.2019 in Petition OP No. 08/2018, approved the tariff for electricity generated from the 8MW Pathamkayam project in the same basin @ Rs 4.22/unit without the benefit of accelerated depreciation and Rs 3.94/unit with the benefit of accelerated depreciation. The 8MW Pathamkayam project was declared CoD on 14.08.2017, and the tariff was determined based on the cost and parameters applicable for the FY 2017-18.
 - (3) The project specific tariff of the 8MW Anankmpoil SHP can be determined only after the detailed appraisal of the cost and other details submitted by the petitioner, and the counter arguments of the respondent KSEB Ltd, and also after hearing the parties. Hence it may take at least two more months to determine the project specific tariff.
 - (4) The 8MW of the project was synchronised with the grid on 17.12.2020 and since then the petitioner has been generating electricity and supplying electricity to KSEB Ltd. The CoD of the project is on 14.07.2021.
 - (5) As per the Section 86(1)(b) of the Electricity Act, 2003, the respondent KSEB Ltd can release any payment to the petitioner M/s Anakampoil only at the tariff approved by this Commission.
 - (6) KSEB Ltd also submitted their no objection approving an interim tariff for making provisional payments till the Commission determine the project specific tariff of the project.
 - (7) Considering the above aspects in detail, the Commission decided to approve an interim tariff @Rs 4.00/unit for making provisional payments to the electricity generated and supplied to KSEB Ltd since the date of synchronisation of the project, on the condition that once the Commission approve the project specific tariff, it shall be applicable for the electricity generated and supplied to KSEB Ltd from the date of synchronisation, and the provisional payments made shall be adjusted based on the final tariff.
6. Based on the deliberations during the third hearing as detailed in paragraph-4 and paragraph-5 above, the Commission hereby orders the following.
- (1) Approve an interim tariff for the electricity generated and supplied to KSEB Ltd from the 8MW Anakampoil SHP @ Rs 4.00/unit, w.e.f 17.12.2020 and KSEB Ltd shall make provisional payments for the electricity generated and supplied to KSEB Ltd from the date of synchronisation of the project at this rate.
 - (2) Once the Commission approves the project specific tariff for the 8MW Anakampoil SHP, the provisional payments made, shall be adjusted to the project specific tariff, and the excess payment/ shortfall in payment, if any

shall be adjusted in the future bills, without any claim on the belated payments by both the parties.

- (3) The next date of hearing will be informed subsequently.

Sd/-

**Adv. A J Wilson
Member (Law)**

Sd/-

**Preman Dinaraj
Chairman**

Approved for issue

C R Satheeshchandran
Secretary (i/c)