

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

Present: **Shri. Preman Dinaraj, Chairman**  
**Shri. S. Venugopal, Member**  
**Shri. K.Vikraman Nair, Member**

**OA 18/2017**

In the matter of **Determination of Tariff applicable to LPG bottling plant in pursuant to the directives of the Hon'ble Supreme Court in Civil Appeal No. 11150/2016**

Petitioner : Hindustan Petroleum Corporation Limited.,  
Represented by the Duly Constituted Attorney,  
& Sr. Regional Manager,  
Kochi LPG Regional Office,  
Irumpanam P.O., Kochi – 682309

Respondent : Kerala State Electricity Board Limited  
Vydhuthi Bhavanam, Pattom  
Thiruvananthapuram

KSEB Ltd. represented by Sri. Bipin Sankar, Deputy CE (TRAC)  
Sri. K G P Namboodiri, EE, TRAC  
Sri. Rajesh R, AEE, TRAC

Respondent represented by Sri E K Nanda kumar, Advocate  
Sri. Jai Mohan, Advocate  
Sri A S Kannan, Sr. Legal Advisor, HPCL  
Sri. Tajeb Sait, Chief Plant Manager, HPCL

**Daily Order dated 28.03.2018**

1. Hindustan Petroleum Corporation Limited (HPCL), Kochi, (herein after referred to as the petitioner or HPCL) has filed a petition before the Commission on 03.11.2017, in pursuant to the directions of the Hon'ble Supreme Court dated 09.12.2016 in Civil Appeal No. 11150/2016 with following prayers;

*a. Allow the petition and set aside the Order dated 14.8.2014 to the extent challenged in the present Petition.*

- b. *Direct that the Petitioner ought to be classified as an industrial consumer and not a commercial consumer for its LPG Plants.*
- c. *Direct that the Petitioner ought to be classified as an industrial consumer and not a commercial consumer for its Petroleum Terminal and Depot.*
- d. *Such other relief which are just and equitable may also be granted in favour of the Petitioner.*
2. The Commission admitted the petition and posted for hearing on 30.01.2018. However, as requested by the petitioner, the hearing is rescheduled to 20.03.2018.
3. During the hearing, Adv. Sri. A.K.Nandakumar, presented the matter before Commission. He submitted that, Hon'ble Supreme Court vide the order dated 09.12.2016 in Civil Appeal No. 1150/2016, filed against the Tariff Order dated 14.08.2014, issued the following directions.
- “2. In view of the aforesaid additional documents we are of the view that the matter should be reconsidered in the light of the said documents by the primary fact finding authority, i.e., Kerala State Electricity Regulatory Commission. Hence, without expressing any opinion on merits we leave the said body to go into the matter afresh on an approach being made by the appellant along with the documents and information filed before this Court.”*
- During the hearing, the petitioner clarified that, all the documents placed before the Hon'ble Supreme Court in Civil Appeal No. 11150/2016 are submitted before the Commission. The petitioner further clarified that, they are not paying any excise duty on their activities in bottling plant and at terminal.
- During hearing, the petitioner submitted additional documents in support of their claims, with a copy to the respondent KSEB Ltd.
4. Sri Bipin Sankar, Deputy Chief Engineer presented the arguments of KSEB Ltd and KSEB Ltd also submitted its written comments.
5. Based on the deliberations, the Commission hereby directs that, the petitioner HPCL and the respondent KSEB Ltd can file remarks and additional submissions with supporting documents if any, latest by 09.04.2018, with a copy to either side.

Sd/-  
**K.Vikraman Nair**  
Member

Sd/-  
**S.Venugopal**  
Member

Sd/-  
**Preman Dinaraj**  
Chairman

**Approved for Issue**

Sd/-  
**Santhosh Kumar. K.B**  
Secretary