



THE WESTERN INDIA PLYWOODS LTD.

Baliapatam, Cannanore - 670 010

Regd. Office : BALIAPATAM, KERALA, INDIA



Tel : 0497 2778151 (4 line)

Email : westemply@gmail.com / mail@wipltd.in

Web : www.wipltd.in, CIN - L20211 KL 1945PLC001708

GST IN : 32AAACT8520H1ZL

BEFORE THE HON'BLE KERALA STATE ELECTRICITY REGULATORY COMMISSION, THIRUVANANTHAPURAM

REVIEW PETITION on Order of O.P No 11 of 2022

IN THE MATTER OF

Review Petition under section 94(f) of the Electricity Act, 2003 read with Regulation 67 of KSERC (Conduct of Business) Regulations, 2003 seeking review of the order dated 25-6-2022 in OP 11/2022 in the Petition filed by KSEBL for the approval of ARR, ERC and Tariff Proposal for the control period 2022-23 to 2026-27, with respect to limited ground on revising the Tariff of 110 kV EHT Industrial Tariff as ordered by Hon'ble Commission in the said order.

Petitioner:-

The Western India Plywoods Limited., Baliapatam, Kannur District, Kerala, represented by CFO & Company Secretary.

STATEMENT OF FACTS

The Western India Plywoods Limited most humbly states that

1. The petitioner is a 110kV Industrial consumer of KSEBL.
2. The instant petition is filed seeking a review of the order dated 25-06-2022 in OP 11/2022 with respect to limited ground on revising the Tariff of 110 kV EHT Industrial Tariff as ordered by the Hon'ble Commission in the said order.

A brief background of the matter is submitted below.

1. Hon'ble Kerala State Electricity Regulatory Commission notified KSERC Terms and Conditions for Determination of Tariff Regulations, 2021 in accordance with

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P. Balakrishnan



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the provision of Section 181 of the Electricity Act, 2003 (Central Act 36 of 2003), read with Section 61

2. In accordance with the provisions of the above regulation, Kerala State Electricity Board Limited submit a petition vide OP No.11/2022 before the Hon'ble Commission for the Approval of ARR,ERC and Tariff Proposals for the control period 2022-23 to 2026-27.
3. Hon'ble Commission vide its order dated 25.06.2022 released the approved ARR& ERC for the control period 2022-23 to 2026-27 along with the retail tariff for the period 2022-23.
4. Hon'ble Commission has made a detailed analysis and maintained great care in framing up and following the tariff philosophy.
5. The analysis and decisions of the Tariff revision for 110kV Industrial consumers are prescribed in sections 7.87.
6. An inadvertent error seems to have occurred while concluding the tariff revision for 110 kV category. We would like to bring the same to the kind attention of the Hon'ble Commission.

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R. Balakrishnan
CFO & Company Secretary



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7. KSEBL's proposal for this category was as per the table below.

Table 7.85
Existing tariff and the tariff proposed by KSEB Ltd for EHT 110 kV category

Particulars	Existing	KSEBL proposal				
		2022-23	2023-24	2024-25	2025-26	2026-27
Demand charge (Rs/ kVA/month)	330	390	400	410	415	420
Energy charge (Rs/ kWh)	5.40	5.90	5.90	5.90	5.95	6.00

8. Hon' Commission's analysis of the Tariff proposal for the 110 kV category is

*"The existing tariff for the EHT 110 kV is below the average cost of supply with cost coverage at 95.90%. Considering the importance of promoting industrial consumption, maintaining the system stability, employment generation, **the Commission does not approve the excessive increase in electricity tariff as proposed by KSEB Ltd.** However, duly considering the increase in ACoS and overall increase in inflation since the last tariff revision, the Commission hereby approves a moderate increase in tariff for EHT 110 kV category for the year 2022-23. The details are given below"*

9. Unfortunately, the Hon'ble Commission missed to reflect the concluded analysis while drafting the revised tariff. The approved tariff has come out exactly same as the tariff proposed by KSEBL as shown in table 7.86 below.

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[Signature]
K. Balakrishnan
CFO & Company Secretary



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Table 7.86

Existing tariff, proposed tariff and approved tariff of EHT 110 kV for the year 2022-23

Tariff	Existing Tariff	Proposed by KSEB L	Approved by the Commission
Demand charge (Rs/ kVA/ month)	330	390	390
Energy charges (Ruling) (Rs/ kWh)	5.40	5.90	5.90

This is a clear apparent error in the concluded decision of Hon'ble Commission.


10. The above tables 7.86 on tariff revision of EHT - Industrial 110 kV consumers have come out with serious error against the concluded and emphasized decisions of the Hon'ble Commission.

11. This error will have a huge impact of Tariff shock to our industry which is struggling for the survival.

12. Order 47 Rule 1 of the Code of Civil Procedure dealing with the review of the orders and decisions of a Civil court is quoted below:

"Application for review of judgment.-(1) Any person considering himself aggrieved,— (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred, (b) by a decree or order from which no appeal is allowed, or (c) by a decision on a reference from a Court of Small Causes, and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

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R. Balakrishnan
CEO & Company Secretary



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(2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the appellant, or when, being respondent, he can present to the Appellate Court the case on which he applies for the review.

Explanation: The fact that the decision on a question of law on which the judgment of the court is based has been reversed or modified by the subsequent decision of a superior court in any other case, shall not be a ground for the review of such judgment."

13. It is amply clear from the detailed analysis and emphasized conclusions made by the Hon'ble Commission that, the Commission did not intend to approve the tariff revision as such proposed by KSEBL for EHT – Industrial 110 kV category. This being the fact, the order has come out with an apparent error in tariff revision shown in Table 7.86 for EHT - Industrial 110 kV category. Considering the huge impact and tariff shock to our industry, **The Western India Plywoods Limited** is humbly requests Hon'ble Commission to review the order dated 25-6-2022 in OP 11/2022 with respect to limited ground on the tariff revision of EHT - Industrial 110 kV consumers.

14. **The Western India Plywoods Limited** has remitted the requisite fee of Rs.1,00,000/- for the review petition.

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R. Balakrishnan
CFO & Company Secretary



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Prayer

The Western India Plywoods Limited humbly request the Hon'ble Commission to review the order dated 25-6-2022 in OP 11/2022 with respect to limited ground on the tariff revision of EHT - Industrial 110 kV consumers in line with the Hon'ble Commission's concluded analysis on Tariff for the above category of consumers.

Petitioner For THE WESTERN INDIA PLYWOODS LTD.


R. Balakrishnan
CFO & Company Secretary

Date : 05-08-2022
Place : Kannur