

**KERALA STATE ELECTRICITY REGULATORY COMMISSION
THIRUVANANTHAPURAM**

**PRESENT: Shri C.Balakrishnan, Chairman
Shri M.P.Aiyappan, Member**

11th May, 2006

Petition DP No.22	Dy No. 00566 dated 11-05-2006	Baby Marine Exports, Calicut	Petitioners
Petition DP No.23	DY No. 00563 dated 10-05-2006	Geo Seafoods, Palluruthy, Cochin	
Petition DP No.24	DY No. 00565 dated 11-05-2006	Bharat Seafoods, Aroor, Alappuzha.	
		Secretary, Kerala State Electricity Board, Thiruvananthapuram Chief Engineer (Distribution North), Kerala State Electricity Board, Kozhikode Special Officer (Revenue), Kerala State Electricity Board, Thiruvananthapuram.	Respondents

ORDER

1. Background

1.1 The petitioner, Baby Marine Exports is a small scale industrial (SSI) unit engaged in the business of exporting marine food products. The petitioner, a 100% export oriented establishment purchases fish and other marine products from local market and processes, packs and exports. The petitioner has stated that for the purpose of converting raw marine produce to export worthy final product the raw materials undergo various processes through machines like Filth washing machines, Squid washing machines, Cuttlefish washing machines, Grading machines, Packing machines, Freezing unit and Cold storage which are operated by electrical energy. Considering the nature of

business the Kerala State Electricity Board classified the petitioner as an industrial consumer under HT-I category and an agreement executed in 1992.

1.2 Accordingly the petitioner have been remitting energy bills issued by the Board at the Tariff rate applicable to HT-I Industrial Consumer till December 2004. For the month of January 2005 the petitioner was billed under HT-IV tariff vide invoice dated 7-2-2005.

1.3 The petitioner preferred a statutory appeal before The Chief Engineer (Distribution North) KSEB, Kozhikode. The petitioner also moved the Hon'ble High Court of Kerala by filing W.P No 6058 of 2005. The Writ petition was disposed off by the Hon'ble High Court on 21-02-2005 directing the Chief Engineer (Distribution North),KSEB, Kozhikode to dispose off the above referred appeal within one month and further directing the petitioner to remit energy bill at the rate applicable to HT-1 (Industrial) category, till the disposal of the appeal.

1.4 The Chief Engineer (Distribution North),KSEB, Kozhikode issued an order stating that the change in tariff from HT-I to HT- IV category was legal and proper as per tariff revision orders of 1999, 2001 and 2002. The petitioner filed a review petition for reviewing the order. The review petition was disposed off by the Chief Engineer (Distribution North), Kozhikode vide order No. T83/KZD/2004-05 dated 28-03-2005 reiterating the earlier order.

1.5 After issuance of the order of Chief Engineer (Distribution North) , Kozhikode dated 28-03-2005 petitioner received a bill towards electricity charges for the month of March 2005 at the rate applicable to HT-IV category. The petitioner filed W.P.(C) No. 12745/05 in the Hon. High Court challenging orders of Chief Engineer (Distribution North) and the action of respondents in changing the tariff of the petitioner from HT-I to HT-IV category.

1.6 The writ petition was disposed off by the Hon'ble High Court directing the petitioner to move the Kerala State Electricity Regulatory Commission for redressal of their grievance by filing an appeal within one month from the date of receipt of copy of the judgment with direction to KSERC to consider such appeal after giving adequate opportunity to the petitioner and the Board to place their views.

1.7 The appeal filed by the petitioner was rejected by the Kerala State Electricity Regulatory Commission vide order No KSERC/2/169/2005 dated 5-08-2005. The petitioner was served with an order dated 6-09-2005 issued by the Special Officer revenue directing the petitioner to remit an amount of Rs 25,92.950 being the difference of reassessed electricity charges in HT-IV tariff from 5/99 to 7/05.

1.8 Aggrieved by the order the petitioner filed W.P.(C) No 27153/05 before the Hon. High Court of Kerala. The writ petition was admitted by the High Court on 13-09-2005 and the order dated 6-9-2005 and the revised invoice of KSEB were stayed.

1.9 Considering the facts and circumstances of the case the Hon. High Court was pleased to dispose off the above Writ petition directing KSERC to give an opportunity to the petitioner of being heard.

1.10 Subsequently a petition was filed before the Kerala State Electricity Regulatory Commission on 8-03-06. The Commission considered the appeal from M/s Baby Marine Industries and admitted it as DP.No. 22 Prayers are;

(1) to call for records and to set aside orders T83/K2D/2004-05/4164 dt. 9-03-2005 and T83/KXD/2004-05/4413 dated 28-03-2005 of Chief Engineer (Distribution North), KSEB, Kozhikode and Order No HTB 4/4/409/214 dated 6-09-2005.

(2) to hold that the petitioner is a HT-I (Industrial) consumer and is therefore entitled to HT-I Industrial Tariff

(3) KSE Board has no power to effect change in category of consumer from HT-I Industrial to HT-IV Commercial.

(4) to direct the respondents to treat the petitioner as HT-I (Industrial) consumer and to supply electricity to the petitioner at the rate applicable to HT-I (Industrial) consumers and to issue bills accordingly.

The petition was forwarded by the Commission to the Kerala State Electricity Board, the respondent vide letter No. KSERC/2/169/06 dated 22-03-2006. The reply from the Board was received vide letter No. KSEB/TRAC/COMP (R)/33/05/283 dated 03-05-2006.

1.11 It was stated that KSE Board was constituted under Section 5 of Electricity (Supply) Act, 1948 and is statutorily bound to function as a commercially viable establishment. Section 59 mandated the Board to adjust its tariffs so as to ensure not less than 3% surplus over the net fixed assets of the Board in service at the beginning of a financial year. Section 49 of the Act authorized the Board to fix uniform tariffs for the sale of electricity to consumers and the terms and conditions of supply was subjected to the provisions of the Act and regulations made by the Board under Section 79. Sub Section 3 of Section 49 permits the Board to frame different tariffs for any consumer or consumer groups with due regards to (1) Geographical position of any area (ii) Nature of supply (iii) Purpose for which supply was made viz domestic, industrial, commercial, agriculture, drinking water, charitable institutions and (iv) any other relevant factors. KSE Board has stated that prior to the setting up of the Kerala State Electricity Regulatory Commission, the Board has been determining the tariff with the approval of the Government. The power of the Board to classify the consumer, has been upheld by the Hon. Supreme Court vide *Govinda Prabhu vs KSEB* reported in (1986) 4 SCC at page 198; AIR 1986 SC at page 1999. It is also held in the said decision that as per Section 49(3) read with Section 59 of the Electricity (Supply) Act, 1948, the Board should adjust its tariff in such a way

that after meeting all expenses, an annual surplus of 3% of net fixed assets at the beginning of the year is achieved. At the time of availing service connection, the petitioner was placed under the only one tariff category existing under HT at that time - HT Industrial category. When the petitioner was classified in HT Industrial tariff at the time of agreement, no other tariff existed for such category. But when a tariff category more appropriate for the application was introduced, KSEB categorized the consumer under that group. In the schedule appended to the agreement it was agreed by the petitioner to be classified and billed as per tariff orders issued by Board from time to time. The tariff orders issued by the Board from 1991 to 2002 were upheld by the Hon. High Court of Kerala in its common judgment in OP No 24769 / 2002 and connected OPs. A new category HT-IV Commercial was introduced in the tariff order dated 14-5-99 issued by the KSE Board to include freezing units and cold storage units and they were continued to be billed accordingly. As per the tariff revision order vide B.O.No 1066/99(Plg.Com.3540/98) dated 14-05-1999, the petitioners were under the category of HT-Commercial as their units comprised of freezing units. When a consumer draws energy for consumption categorized under different tariffs, the highest rate will be applicable for the entire energy unless separate connection has been availed by him for such high cost applications. The petitioners are not manufacturing industries. They are not producing any new items. The nature of goods processed are not transformed into new products. Petitioners procure prawn and different types of fishes which are cleaned, graded and packed according to requirements and exported / sold. These are stored in the cold storage for export/ sale. Major portion of electrical energy consumed by petitioner's firm is for cold storage and freezing plant. The activities carried out by the petitioner include purchase of products storing in appropriate conditions and export and sale. It is purely commercial. Based on the usage/application as per previous tariff notifications the cold storages and ice plants have been categorized under LT-IV industrial tariff. KSEB and the Government have assigned the above tariff to LT cold storages and ice plants taking into consideration of various factors such as extend of energy used, socio economic

development, employment generation, viability of the Board etc. Petitioner could not point out any provision of the new Act or any other law, which repeals the provisions of IE Act, 1910 and Electricity (Supply) Act 1948. The findings of the Hon. High Court of Kerala in OP no 24769/02 is that if the special law provides for a machinery, the existence of the machinery is imperative before the provisions of the Act can be enforced. The Hon High Court of Kerala while dismissing a series of OPs filed against tariff revision order dated 24-10-2002 (common judgment in OP No 32773/02 and other OPs) has held categorically that before the formation of the State Electricity Regulatory Commission (SERC), the Board had the authority to determine tariff under the provisions of Electricity (Supply)Act, 1948. The KSERC in its order dated 30-04-2004 in DP No 4 and DP No.8 has upheld the tariff revision order issued by the Board dated 24-10-2002 MFA No 68/2004 filed by M/s Binani Zinc and others against the order of Kerala State Electricity Regulatory Commission has been disposed off by the Hon High Court upholding the tariff revision order of the Board. The Kerala State Electricity Regulatory Commission vide its proceedings No 12/1/KERC/2003 dated 11-08-2004 confirmed its order dated 30-4-2004. In view of the above facts and settled laws, the contention of the petitioner do not have any legal backing and hence not sustainable.

2. Hearing of the matter

2.1 In the pleadings on the public hearing conducted on 24-04-2006 and 4-05-2006 at the Commission's office M/s Baby Marine Exports stated that after coming into force of the Electricity Act, 2003 no authority is conferred on KSEB to revise tariff rates. Facts being so it is no longer open to KSEB to unilaterally increase the tariff rates. As per order HTB4/4/409/214 dated 6-09-2005, KSEB has imposed a huge amount being arrears at the revised tariff rates from 1999 onwards. It is stated that the provisions of the Electricity Act, 2003 does not empower the KSEB to effect change in the category of petitioner from HT-I Industrial to HT-IV Commercial category retrospectively. The business of the petitioner includes a long line of activities from washing of raw material to

packing of final product for export. All these processes are being done using machineries which work on electrical energy. Freezing unit and cold storage units constituted only a portion of the whole process and were used for storing the finished products before shipment. Facts being so there is no reason in including the petitioner in the HT-IV consumer category as if the petitioner's activity is confined purely to freezing units and cold storages. The schedule of agreement for supply of High Tension energy , categorizing the consumer as HT-I (Industrial) is conclusively binding on the Electricity Board as well, to determine tariff of electricity consumed by the petitioner .During the currency of the said agreement and as long as electricity supplied by the Board to the petitioner is as per terms and conditions of the agreement , it is illegal and unauthorized to seek to recover from the petitioner , electricity charges in excess of tariff applicable for HT-I Industries. It is also submitted that a discrimination has been brought about in 1999, 2001 and 2002 tariff orders by including freezing plant and cold storages in the commercial category in so far as HT consumers are concerned while at the same time treating them as industrial consumers in LT category of consumers. The tariff order issued in accordance with Section 49 (2) of the Electricity Supply Act, 1948 states that in fixing uniform tariff, the Board shall have regard to all or any of the factors mentioned in Sub Clause 2(a) to (d). Clause 2(a) of Section 49 of Electricity (Supply) Act, 1948 speaks about the nature and purpose for which electricity supply is required. The nature and purpose for which petitioner require electricity does not undergo a change merely by reasons of the variation of the connected load of the petitioner. Thus, the inclusion of freezing plants and cold storage within the category of Industrial Consumers for LT consumers and categorizing the very same consumers as commercial under the HT-IV is clearly discriminatory, irrational and violative of Article 14 of the Constitution of India

2.2 M/s Geo Seafoods stated that they have registered with Kerala State industries department as a small-scale industry. They are manufacturing unit producing squid and cuttlefish strips and cuttlefish rings or rolls. They also

process cooked or blanched (semi cooked) products with shrimps or fishes marketing in consumer bags. The prawns and fish are processed as per availability of the product and the production of shrimps is below 25% compared to other fishes. Majority of their products after processing is different from original products like cuttle fish /Squid rings, rolls, stripes etc. and cooked or blanched. After introduction of EU Norms quality of the products improved and US and EU markets are now accepting Indian products in ready to eat consumer bags. They are manufacturing ice in their factory for the entire production. Freezing plant is part of processing and they use other machineries like grading machine, cutting machine and steaking machine during manufacturing process. The store is only warehouse and electricity consumed for the store is less. All HT industries are also providing employment and about 80% of the employees are fisherwomen from economically weaker sections of society, thus contributing more to socio economic development and employment generation than LT consumers in seafood industry. Seafood industries having the same type of process are classified under Industrial tariff by KSEB. The prayer is to classify consumers under seafood industry from HT Commercial Category to HT Industrial Category as is done for seafood industries in LT category with retrospective effect from 1999 onwards.

2.3 M/s Bharat Seafoods stated that they have registration with Industries Department as a Small Scale Industry (SSI). In their factory, products are changed from one form to another form , certain items are mixed together to form a new product . For example whole fish like cuttle fish , squid and octopus are peeled ,gutted , cut in to strips or rings or rolled or set in trays with a mixture of pieces of squid, cuttlefish, shrimp etc. Freezing activity is only one of the process and they use other machines like grading machine, cutting machine, steaking machine during the manufacture of fish products. Pre 92 concessional tariff introduced by the Government of Kerala as a policy, and adopted by the Board, available to manufacturing industry which started commercial production during the period 1992 to 1996 was extended to sea food industries also. It is stated that the decision relied by KSE Board, Commissioner of Income Tax vs

Relief Goods, reported in 1999 (2) KLT1(SC) is judgment rendered by the Supreme Court interpreting Section 80 HH of Income Tax Act 1961, where the issue was with regard to exception under Income Tax Act . It is to be noted that here the issue is entirely different from facts and law from what is considered in the decision 1999(2) KLT1 (SC). It may be noted that Shrimp is only one of the item processed by the seafood industries and the volume is less than 25% of other fish items. The agreement is under HT-I Industrial. By tariff revision orders the empowerment is only for enhancement of rate of tariff under the same category and not to change and to charge under a different category. Seafood industry having same type of business in LT is categorized as Industry while under HT it is treated as Commercial category. The consumption of electricity by LT seafood industry and HT Seafood industry are more or less the same and LT is allowed to pay at lower rate and it is a case of discrimination. HT consumers are paying additional 3% transformer loss and they are bearing additional burden of HT installation. So a similar processing unit under HT should get a lesser rate than under the LT category. For achieving this HT Seafood exporters have to be brought under HT-I category. Considering all these they should be considered as industry and categorized under HT-I Industrial Category from 1999 onwards.

2.4 In the reply to the pleadings of Baby Marine Exports on the public hearing conducted on 24/04/2006 and 4/5/2006 at the Commission's office KSEB stated that mere SSI registration will not entitle for tariff categorization under industrial tariff and categorization of any consumer for tariff fixation is done considering the purpose of usage of electricity supplied by the Board. Accordingly, the new category HT-IV Commercial was introduced in 1999to classify such units different from manufacturing industries. There was some system error regarding billing and immediately on detection, it was rectified and demand notice served to them. So it was not a sudden change from HT-I to HT- IV as stated by the petitioner. The petitioner will have to admit the fact that the tariff change was notified in the official Gazette vide Notification No 1577 dated 1st November 2002 and therefore it is evident that the change was effected

with prior information. The contention of the petitioner that tariff change was effected without physical verification is not true. The Chief Engineer (Distribution North) KSEB has reaffirmed the tariff after physical verification based on appeal by the petitioner on 17-02-2005 and the petitioner duly admitted the fact. The petitioner's pleading that serving invoice categorizing them, as HT-IV Commercial was a tariff change effected without the concurrence of Commission is not true. As stated before, the system error in the case of few consumers were cleared by reclassifying them under appropriate tariff category and issuing demand notice at the appropriate tariff. It is clear from the above that the Board has not made any tariff change/revision without the approval of the Commission and was only implementing the prevailing tariff in cases where omission was noticed. The LT-IV Industrial tariff was allowed for a wide range of activities such as sewage pumping, hatcheries, SSI units engaged computerized photo printing, Software Technology Parks. This is on consideration of various factors approved by the Board and Government in view of employment generation, social upliftment, industrial promotion and similar other social objectives of the Government. This is allowed only for LT with a maximum connected load of 150 kVA. As per approved electricity tariff categorization any consumer not under manufacturing industrial segment cannot be billed under HT Industrial Tariff. Also the petitioner cannot prove that the major share of energy consumption is not for freezing or chilling plants. The petitioner has claimed that consumers similar to them are categorized under LT-IV Industrial. The Division Bench of the Supreme Court of India vide CA 3255 of 1995 has pronounced that processed or frozen shrimps and prawns are commercially regarded as the same commodity as raw shrimps and prawns. M/s Baby Marine Exports contended that the Board has made unauthorized retrospective revision of tariff. The change in the tariff was not due to any tariff revision made with retrospective effect as claimed by the petitioner. KSEB has only classified the consumer under appropriate tariff as per the tariff order ruling from time to time. There is no legal order stalling/stopping KSEB from interpreting the classification of the consumers. In the past the Board has been revising tariff orders from time to time. The Board revised tariff in the

years 1999, 2001 and 2002. The Kerala State Electricity Regulatory Commission has approved the existing tariff (2002 Tariff) and allowed to continue. Board has not revised the rates or classification after the KSERC came into existence. While revising the tariff in 1999, a new category of HT consumers was introduced for cold storages, freezing plants, hotels, rest houses etc as HT-IV Commercial. Board has started billing such consumers under HT-IV Commercial who were previously billed under HT-I Industrial Tariff. Certain consumers like M/s Baby Marine Exports who were categorized under HT-IV Commercial has been wrongly issued bills under HT-I Industrial tariff till 2004 due to clerical error. Upon detection of the said mistake, consumer was served with revised bills under HT-IV Commercial Tariff. KSEB has not charged any interest for the accrued arrears as stated by the petitioner. The above action of the Board by serving bills under the appropriate category to the consumer cannot be construed as “unauthorized retrospective revision of tariff” as stated by the consumer. The issuance of the invoice under industrial category was mentioned as “System Error” in the comments offered by the Board after the first hearing. Attempt to compare cashew packing industry with seafood industry cannot be considered as equality and therefore the question of comparison on the basis of similarity does not arise.

2.5 In the reply to the pleadings of Bharat Sea Foods, Alleppey on the public hearing conducted on 24-04-2006 and 4-5-2006 at the Commission’s office KSEB stated that petitioner himself has cited examples of unit rate of energy cost citing average cost of energy for various applications quoting figures from the ARR and ERC for the year 2005-06 of the Board. The above claim itself is self explanatory that the petitioner is aware that different rates are charged for different usages of electricity and there are differences between HT and LT consumers. Prior to 1999 tariff order, HT-1 Industrial Tariff was assigned to the consumer. Until 1999 there was only one tariff, HT-1 for all types of HT consumers irrespective of the purpose for usage either industrial or commercial. It was not exclusive industrial tariff, i.e. not only industries were assigned this

tariff, but other functional areas like sewage pumping, hatcheries were also categorized under the same tariff at that time. LT-IV Industrial tariff is higher than HT-IV (Commercial) rate. So the claim for LT Industrial tariff by the petitioner stating that similar ventures are billed under industrial tariff in LT category is not a reasonable argument since billing under LT-IV tariff for the energy consumed will cause more expenses. Electricity is also a bought out item and it includes blend of energy from multiple sources mixed in a balanced manner to have lowest cost as possible. Any business if incurs loss due to market condition or any other reasons, such loss cannot be passed on to its raw material supplier. So the plea of the petitioner to reduce electricity tariff citing market slump of fisheries products cannot be accepted.

2.6 In the reply to the pleadings of Geo Sea Foods, Alleppey on the public hearing conducted on 24/04/2006 and 4/5/2006 at the Commission's office, KSEB stated that the petitioner claimed that their area of operation is more diversified and under EU specifications . But the petitioner has not presented any proof showing that with the accreditation of EU, they are doing any manufacturing activity to get them categorized as HT-1 Industry. So the Hon Commission may allow the Board to continue the present billing under HT- IV (Commercial) to all Seafood Exporting Companies.

3. Commission's Findings

3.1 The first contention of the petitioner M/s Baby Marine Exports involves the competence of Kerala State Electricity Board to effect any category change of consumers. As per provisions of Electricity Act, 2003, the State Commission shall determine the tariff for generation, supply, transmission and wheeling of electricity, wholesale, bulk or retail as the case may be within the State. Prior to the setting up of the Kerala State Electricity Regulatory Commission, the KSE Board has been determining the tariff with the approval of the Government. The Commission recognizes the right of KSEB in revising the tariff or its categorization in accordance with provision of Sections 49, 59 and 79 of the

Electricity (Supply) Act, 1948 before the formation of Kerala State Electricity Regulatory Commission. Re categorization of cold storage and freezing units under HT-IV Commercial was done by the Board in the tariff revision order of 1999 and continues in 2001 and 2002 orders.

3.2 The second contention is regarding the competency of the KSE Board to demand arrears at the rate applicable to HT-IV Commercial consumers from 5/99 to 7/2005, Petitioner was categorized under HT-I Industry tariff by mistake while the petitioner was under HT-IV Commercial as per Tariff order 1999 of KSEB. Earlier bills have been issued by mistake under category HT-1 and when this mistake was noted in 2005, arrear bill was served with an order dated 6-09-2005 issued by the Special Officer revenue directing the petitioner to remit an amount of Rs 25,92.950 being the difference of reassessed electricity charges in HT-IV tariff from 5/99 to 7/05. The petitioner has consumed electricity with liability for payment of such charges as are due in law. If there is a mistake in the categorization or there is an under billing it is always open to the Board to rectify the mistake and to demand the proper charges from the consumer. The Board was only enforcing the tariff order in force and it is in order.

3.3 The third contention of M/s Baby Marine Exports, along with the contention of M/s Geo Sea Foods and M/s Bharat Sea Foods is regarding the discriminatory treatment meted out to HT and LT marine industries. Based on the average realization as per approved ARR and ERC for 2006-07, the average realization for LT Industrial consumers is Rs 4.09/kWh whereas average realization for HT-IV Commercial is Rs 4.53/kWh, showing a difference of 44 ps. per unit. But if LT-VII Commercial is applied for sea food industries, the rate shall be as high as Rs 6.86 /kWh whereas HT-Commercial tariff rate is Rs 4.53/kWh which results in a huge difference of Rs 2.33/kWh. So the reason for categorizing cold storages and freezing plants under Industrial tariff for LT and Commercial Tariff for HT is that the difference between the rates shall be minimized as the purpose for which electricity is used is the same i.e. cold storage and chilling

plant. To keep the difference in unit rate for LT cold storages and HT cold storages, LT cold storages are assigned LT-IV Industrial Tariff and HT cold storages under HT-IV Commercial category.

3.4 The fourth contention raised by all the three petitioners is that the activities of seafood processing is manufacturing process and hence has to be included under HT-I Industrial tariff retrospectively. Cold storages and freezing plants are primarily used to store fish and other marine products and there is no manufacturing activity. Hence they are to be classified as HT-IV Commercial in the case of consumers under HT and under LT-IV Industry in the case of LT consumers in order to keep the rate difference between HT and LT cold storages to the minimum. None of the petitioners during the time of hearing produced authentic documents to prove that their consumption in the cold storages are negligible compared with the total consumption. The tariff order categorizing the petitioners under HT-IV commercial was issued by the KSEB as early as in 1999.

4. Commission's decision

The Commission after examining the matter in detail, decides to accept the arguments of the Board that since the petitioners were consuming electricity mainly for the purpose of cold storing of seafood items, they were to be classified under HT-IV Commercial and need not be reclassified under HT-1 Industrial Category as requested by the petitioners. Regarding the order dated 6-09-2005 issued by the Special Officer revenue directing the petitioner viz M/s. Baby Marine Exports to remit an amount of Rs.25,92,950 being the difference of reassessed electricity charges in HT-IV commercial tariff from 5/99 to 7/05, as per Sub Clause (5) Clause 24 of Kerala Electricity Supply Code, 2005, if the licensee establishes that it had undercharged the consumer either by review or otherwise, the Licensee may recover the amount undercharged from the consumer by issuing a bill and in such cases at least 30 days shall be given for the consumer to make payment against the bill. Since the arrear bill was issued due to system error as stated by KSEB, no interest shall be charged from

the petitioner, M/s. Baby Marine exports for the delay in payment. Also considering the difficulties of the consumer in remitting the amount in full, if the consumer requests in writing, the KSE Board may sanction suitable instalments without interest to M/s Baby Marine Exports for making payment of the amount being the difference between the reassessed electricity charges in HT-IV and that in the HT - I tariff from 5/99 to 7/05. The Commission orders accordingly.

**Sd/-
M.P.Aiyappan
Member**

**Sd/-
C.Balakrishnan
Chairman**

Authenticated Copy for Issue

Sd/-
Secretary