

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

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

**OP No 12/2021**

In the matter of : Petition under Regulation 77(3)(f) of the KSERC (Terms and Conditions for Determination of Tariff) Regulations 2018 seeking approval for entering into short term power procurement arrangement with GMR Energy Trading Ltd (GMRETL), Adani Enterprises Ltd (AEL) and PTC India Ltd (PTC) through DEEP portal for meeting power shortage during April and May 2021.

Petitioner : Kerala State Electricity Board Limited (KSEB Ltd)

Petitioner represented by : Smt. Latha S.V, Asst : Executive Engineer

Respondents : 1. GMR Energy Trading Ltd (GMRETL),  
2. Adani Enterprises Ltd (AEL)  
3. PTC India Ltd (PTC).

Respondents represented by : 1. Rahul Sehrawat, Manager, PTC, India Ltd  
2. Ravi Kishore, Advocate, PTC  
3. Purna Singh, PTC Counsel  
4. Gurabh Kumar Choudhary, PTC counsel  
5. Ganjan Thakra, Adani Enterprises Ltd  
6. Govind Kumar, GMR

Date of the hearing : 17.03.2021

**Order dated 23.03.2021**

1. KSEB Ltd filed a petition before the Commission, on 16.02.2021, with the prayer to adopt the tariff discovered in accordance with Section 63 of the Electricity Act 2003, and for entering into short term power procurement arrangement with GMR Energy Trading Ltd (GMRETL), Adani Enterprises Ltd (AEL) and PTC India Ltd (PTC), as detailed below.

Table-1. LoA to Adani Enterprises Ltd (AEL)

Period	Duration	Quantum (MW) on Firm basis	Rate at Delivery Point i.e. Kerala Periphery	Source of Power
	Hrs			
01.04.2021 to 30.04.2021	RTC	50	Rs. 3.04/- (Rupees Three and four paise Only) per kWh	Raipur Energen Ltd, Chhattisgarh in the Western Region.
01.05.2021 to 31.05.2021	RTC	50	Rs. 3.04/- (Rupees Three and four paise Only) per kWh	

Table-2. LoA to GMR Energy Trading Ltd (GMRETL)

Period	Duration	Quantum (MW) on Firm basis	Rate at Delivery Point i.e. Kerala Periphery	Source of Power
	Hrs			
01.04.2021 to 30.04.2021	RTC	50	Rs. 3.04/- (Rupees Three and four paise Only) per kWh	DB Power Ltd, Chhattisgarh in the Western Region.
01.05.2021 to 31.05.2021	RTC	50	Rs. 3.04/- (Rupees Three and four paise Only) per kWh	
01.04.2021 to 15.04.2021	14:00 to 24:00 hrs	50	Rs. 3.40/- (Rupees Three and forty paise Only) per kWh	
16.04.2021 to 30.04.2021	14:00 to 24:00 hrs	50	Rs. 3.42/- (Rupees Three and forty two paise Only) per kWh	
01.05.2021 to 31.05.2021	14:00 to 24:00 hrs	50	Rs. 3.47/- (Rupees Three and forty seven paise Only) per kWh	

Table-3. LoA to PTC India Ltd

Period	Duration	Quantum (MW) on Firm basis	Rate at Delivery Point i.e. Kerala Periphery	Source of Power
	Hrs			
01.04.2021 to 15.04.2021	14:00 to 24:00 hrs	50	Rs. 3.41/- (Rupees Three and forty paise Only) per kWh	Jindal Power Ltd, Madhya Pradesh
16.04.2021 to 30.04.2021	14:00 to 24:00 hrs	50	Rs. 3.43/- (Rupees Three and forty two paise Only) per kWh	
01.05.2021 to 31.05.2021	14:00 to 24:00 hrs	50	Rs. 3.48/- (Rupees Three and forty eight paise Only) per kWh	

2. Summary of the petition filed by KSEB Ltd is given below.

- (1) The Load Generation Balance (LGB) for the months of April-2021 and May-2021 under worst scenario with 10% credible outages of CGS and Long term IPPs, and also under best scenario without considering the credible outages of CGS and IPPs, and also expecting full availability of Idukki Stations. The details are given below.

**Worst scenario:**

Apr-21							
Sources	00:00 to 05:00	05:00 to 08:30	08:30 to 14:00	14:00 to 17:00	17:00 to 18:30	18:30 to 22:30	22:30 to 24:00
Hydro	907	678	841	1041	904	1548	1287
CGS @ 10% Credible Outage	1260	1260	1260	1260	1260	1260	1260
LTA @ 10% Credible Outage	990	990	990	990	990	990	990
Wind/Solar	10	45	100	120	50	15	10
Sw ap	50	50	50	50	50	50	50
Total Availability	3217	3023	3241	3461	3254	3863	3597
Demand (Average)	3341	3161	3387	3689	3412	4109	3849
Demand (Max)	3873	3482	3699	3962	3718	4424	4122
Surplus(+)/Deficit(-) w ith Avg Demand	-124	-138	-146	-228	-158	-246	-252
Surplus(+)/Deficit(-) w ith MaxDemand	-656	-459	-458	-501	-464	-561	-525
May-21							
Sources	00:00 to 05:00	05:00 to 08:30	08:30 to 14:00	14:00 to 17:00	17:00 to 18:30	18:30 to 22:30	22:30 to 24:00
Hydro	847	678	799	1032	981	1482	1209
CGS (with 10% C Outage)	1350	1350	1350	1350	1350	1350	1350
LTA (With 10% Cr outage)	990	990	990	990	990	990	990
Wind/Solar	10	45	100	120	50	15	10
Swap	0	0	0	0	0	0	0
Total Availability	3197	3063	3239	3492	3371	3837	3559
Demand(Average)	3327	3214	3412	3683	3502	4114	3907
Demand(Max)	3906	3492	3679	3956	3706	4376	4115
Surplus(+)/Deficit(-) with Avg Demand	-130	-151	-173	-191	-131	-277	-348
Surplus(+)/Deficit(-) with Max Demand	-709	-429	-440	-464	-335	-539	-556

**Best scenario:**

Apr-21							
Sources	00:00 to 05:00	05:00 to 08:30	08:30 to 14:00	14:00 to 17:00	17:00 to 18:30	18:30 to 22:30	22:30 to 24:00
Hydro(Idukki full availability during peak hrs)	907	678	841	1041	904	1678	1287
CGS w ithout 10% Credible Outage	1400	1400	1400	1400	1400	1400	1400
LTA w ithout 10% Credible Outage	1100	1100	1100	1100	1100	1100	1100

Wind/Solar	10	45	100	120	50	15	10
Sw ap	50	50	50	50	50	50	50
Total Availability	3467	3273	3491	3711	3504	4243	3847
Demand(Average)	3341	3161	3387	3689	3412	4109	3849
Demand(Max)	3873	3482	3699	3962	3718	4424	4122
Surplus(+)/Deficit(-) with Avg Demand	126	112	104	22	92	134	-2
Surplus(+)/Deficit(-) with MaxDemand	-406	-209	-208	-251	-214	-181	-275

May-21							
Sources	00:00 to 05:00	05:00 to 08:30	08:30 to 14:00	14:00 to 17:00	17:00 to 18:30	18:30 to 22:30	22:30 to 24:00
Hydro(ldukki full availability during peak hrs)	847	678	799	1032	981	1612	1209
CGS without 10% Credible Outage	1500	1500	1500	1500	1500	1500	1500
LTA without 10% Credible Outage	1100	1100	1100	1100	1100	1100	1100
Wind/Solar	10	45	100	120	50	15	10
Sw ap	0	0	0	0	0	0	0
Total Availability	3457	3323	3499	3752	3631	4227	3819
Demand (Avg)	3327	3214	3412	3683	3502	4114	3907
Demand(Max)	3906	3492	3679	3956	3706	4376	4115
Surplus(+)/Deficit(-) with Avg Demand	130	109	87	69	129	113	-88
Surplus(+)/Deficit(-) with Max Demand	-449	-169	-180	-204	-75	-149	-296

- (2) As per the LGB as detailed above, even under the best scenario, by considering the full availability of CGS & Long term contracts and also the full availability of machines at Idukki Station, KSEB Ltd expects power deficit to the tune 180-440MW round the clock in the months of April and May 2021 (after taking into account the swap arrangements also). But, this ideal scenario is unlikely to happen, due to unanticipated forced outages of CGS/LTA, and internal generation.

Therefore, KSEB Ltd decided to procure 100MW firm power on RTC basis and 100 MW during 14:00 to 24:00 hrs in the months of April 2021 and May 2021, from short term market through DEEP portal. The balance shortage is proposed to be met from power exchanges. The details of the quantum of power decided for purchase from short term market through DEEP portal on firm basis is below:

Requisition No	Period		Required quantity MW	Duration hrs
	From	To		
1	01-04-2021	30-04-2021	100	RTC
2	01-04-2021	30-04-2021	100	14-24
3	01-05-2021	31-05-2021	100	RTC
4	01-05-2021	31-05-2021	100	14-24

Accordingly, tender for short-term power procurement of power was uploaded in DEEP portal on 28-01-2021. The minimum bid quantum for participation was 25 MW and the delivery point was Kerala Periphery. The technical bids were opened on 11-02-2021. The quantum of power offered by the bidders through 11 bids against the requisitions floated by KSEB Ltd is given below:

Bidders (Traders/Generators)	Quantum offered against requisition				
	Apr-21		May-21		
	RTC	14-24	RTC 1 <sup>st</sup> half	RTC 2 <sup>nd</sup> half	14-24
Tata Power Trading Co Ltd (TPTCL- 2 bids)	80		130	130	
PTC India Ltd (PTC- 6 bids)	325	325	425	475	425
GMR Energy Trading Ltd (GMRETL- 1 bid)	100	100	100	100	100
Adani Enterprises Ltd (AEL-2 bids)	100	100	100	100	100
<b>TOTAL (11 bids)</b>	<b>605</b>	<b>525</b>	<b>755</b>	<b>805</b>	<b>625</b>

- (3) The Standing Committee constituted by KSEB Ltd for evaluating short term power procurement through DEEP e-bidding portal, made the following observations on the 11 bids submitted by the bidders. The details are given below.
- All the bidders have accepted the terms and conditions of the RfP dated 28-01-2021 floated by KSEB Ltd.
  - The original BGs against the required EMD were also received from these bidders.
  - The technical bids submitted were in line with terms and conditions of the RfP floated by KSEB Ltd and hence acceptable.
- (4) The Initial Price Offers submitted by the bidders were opened on 12-02-2021, followed by e RA auction.

**eRA Result:**

On completion of the bid process the following rates were discovered through bucket filling, in DEEP portal:

Period		Bid Qtm MW	Duration hrs	Offered Qtm MW	Price discovered Rs/kwh	Trader
From	To					
01-04-2021	15-04-2021	100	RTC	50	3.04	GMRETL
				50	3.04	AEL
01-04-2021	15-04-2021	100	14-24	50	3.40	GMRETL
				50	3.41	PTC
16-04-2021	30-04-2021	100	RTC	50	3.04	GMRETL
				50	3.04	AEL
16-04-2021	30-04-2021	100	14-24	50	3.42	GMRETL

				50	3.43	PTC
01-05-2021	15-05-2021	100	RTC	50	3.04	GMRETL
				50	3.04	AEL
01-05-2021	15-05-2021	100	14-24	50	3.47	GMRETL
				50	3.48	PTC
16-05-2021	31-05-2021	100	RTC	50	3.04	GMRETL
				50	3.04	AEL
16-05-2021	31-05-2021	100	14-24	50	3.47	GMRETL
				50	3.48	PTC

(5) The Standing Committee also evaluated the financial bids and observed the following.

- There is fair participation in the tender and a total of 11 bids were received against the requisitions during April 2021 and May 2021.
- The price derived is very competitive when compared with the rates in the power exchanges (RTC and 14:00 hrs to 24:00 hrs) in April and May of the years 2017 to 2019 (the rate of power in April and May-2020 were not considered on account of low demand due to lock downs in view of Covid-19 Pandemic). The details are given below.

Month	IEX S3 rates					
	RTC power			14-24 hrs		
	2017	2018	2019	2017	2018	2019
April	3.156	3.99	3.456	3.447	4.466	3.921
May	2.964	4.573	3.351	3.319	5.358	3.842

(6) KSEB Ltd further submitted that, in the recent bids invited by APPCC (Andhra Pradesh), PFCL (NMDC periphery) and TANGENCO (Tamil Nadu) in DEEP portal the price discovered for RTC power during April 2021 and May 2021 is ranging from Rs.3.29/kwh to Rs.3.59/kwh. Similarly, the rate of power in the above bids for different time slots is comparatively high.

(7) It is further submitted that, the trend of peak demand during April and May 2021 is expected to be high in view of summer season and upcoming Assembly Elections. Entering into contracts for additional power i.e. 100 MW RTC and 100MW from 14-24 hrs on firm basis through DEEP portal is essential to meet the electricity demand of the State. Hence, procuring firm power on short term basis based on the price discovered in DEEP portal as above will provide more flexibility during summer 2021 in market operations, for meeting the balance power deficit.

(8) KSEB Ltd further submitted that, under above circumstances, since the price discovered for the month of April and May 2021 in DEEP portal are reasonable, when compared to the market rates discovered during these

months in the previous three years and only the portion of the expected power deficit is proposed to be met on firm basis, KSEB Ltd decided to issue Letter of Award (LoA) for short term power procurement arrangement with GMR Energy Trading Ltd (GMRETL), Adani Enterprises Ltd (AEL) and PTC India Ltd (PTC) as detailed under paragraph 1 above.

3. Subsequently KSEB Ltd vide the additional submission dated 09.03.2021, submitted the following.

(1) KSEB Ltd issued LoA to M/s GMR Energy Trading Ltd (GMRETL), Adani Enterprises Ltd (AEL), PTC India Ltd (PTC) on 15.02.2021. before Model Code of Conduct came to existence, subject to approval of the Commission. As per the LoA, bidders were asked to apply for short term open access.

However, PTC have not booked the transmission corridor as the approval of the Commission is yet to be issued for the power procurement. PTC vide letter dated 08.03.2021 pointed out that the validity of the bid is due to expire on 12.03.2021 and requested to expediate the matter of approval the Hon'ble Commission.

(2) Considering the urgency, KSEB Ltd requested for at least provisional permission on the petition filed by KSEB Ltd dated 16.02.2021 for entering into short term power procurement with M/s GMR Energy Trading Ltd (GMRETL), Adani Enterprises Ltd (AEL), PTC India Ltd (PTC) for meeting the power shortages during April and May-2021.

4. The Commission admitted the petition as OP No.12/21. The hearing on the petition was held on 17.03.2021 through video conference. The representatives of KSEB Ltd and the respondents were present during the hearing. Summary of the deliberations during the hearing is given below.

(1) KSEB Ltd submitted that, due to the summer demand and emerging assembly elections, the electricity demand is increasing day by day. KSEB Ltd anticipate an additional power requirement of 180 MW to 440 MW in the coming April and May-2021, after duly considering the availability of power from all sources including internal hydel, CGS and Long term contracts with IPPs. Due to the summer demand and assembly elections, the rates in the power exchanges also expected to be high. Considering the above, KSEB Ltd decided to procure 100 MW RTC power and additional 100 MW from 14:00 hrs to 24:00 hrs, in the coming April and May 2021 through DEEP portal.

Accordingly, short term tender was uploaded in DEEP portal on 28.01.2021. KSEB Ltd received 11 bids against the requisitions floated. The technical bids opened on 11.02.2021 and the financial bids on 12.02.2021 followed by e-RA auction. The standing committee constituted by KSEB Ltd for evaluating short term power requirement recommended to purchase the bid quantum among the bidders.

KSEB Ltd further submitted that, the bids were floated, evaluated and finalised, strictly as per the Guidelines for short-term Procurement of Power by Distribution

Licensees through Tariff based bidding process notified by the MoP, Gol vide the Resolution dated 30.03.2016.

KSEB Ltd also submitted that, before the Model Code of Conduct came into existence, they issued LOA to M/s GMR Energy Trading Ltd (GMRETL), Adani Enterprises Ltd (AEL), PTC India Ltd (PTC) on 15.02.2021, subject to approval of the Commission.

The Commission sought clarification on whether the price is inclusive of transmission charges and losses. KSEB Ltd submitted that, since the short-term purchase was within the LTA of KSEB Ltd, transmission charges and losses are fully exempted and the price quoted is the rate at Kerala periphery.

- (2) All the respondents submitted that, they agree with the submission of KSEB Ltd and no further comments to offer.

### **Analysis and Decision**

5. The Commission has examined in details the petition filed by KSEB Ltd to adopt the tariff discovered in accordance with Section 63 of the Electricity Act 2003, and for entering into short term power procurement arrangement with GMR Energy Trading Ltd (GMRETL), Adani Enterprises Ltd (AEL) and PTC India Ltd (PTC), for meeting the anticipated power deficit in the months of April-May 2021, as per the provisions of the Electricity Act, 2003 and Tariff Regulations, 2018.

6. As per the Section 86(1)(b) of the Electricity Act, 2003 (Central Act 36 of 2003), regulating power purchase and procurement process of distribution licensees including the price at which electricity shall be procured through agreements and supply within the State, is one of the statutory functions of the State Electricity Regulatory Commissions. The relevant Section of the Electricity Act, 2003 is extracted below.

*“86 Functions of the State Commission. - (1) The State Commission shall discharge the following functions, namely:-*

.....  
*(b) regulate electricity purchase and procurement process of distribution licensees including the price at which electricity shall be procured from the generating companies or licensees or from other sources through agreements for purchase of power for distribution and supply within the State;”*

7. The Commission, in exercise of the powers conferred on it under Section 61 read with Section 181 of the Electricity Act, 2003 notified the KSERC (Terms and Conditions for Determination of Tariff) Regulations, 2018 (herein after referred as Tariff Regulations 2018). The Regulation 77 of the Tariff Regulations 2018, with ‘Additional short-term power procurement’ including ‘banking transactions’. The relevant Regulation is extracted below.

*“77. Additional short-term power procurement.-(1) The distribution business/licensee may undertake additional short-term power procurement during the financial year, over*



and above the power procurement plan approved by the Commission, in accordance with this Regulation.

(2) (a) Where there has been a shortfall or failure in the supply of electricity from any approved source of supply during the financial year, the distribution business/licensee may enter into an agreement for additional short-term procurement of power.

(b) If the total power purchase cost for any quarter including such short-term power procurement exceeds by five percent of the power purchase cost approved by the Commission for the respective quarter, the distribution business/licensee shall have to obtain approval of the Commission.

(3) The distribution business/licensee may enter into a short-term power procurement agreement or arrangement under the following circumstances subject to the ceiling tariff approved by the Commission:

(a) where the distribution business/licensee is able to source new short-term source of supply from which power can be procured at a tariff that reduces its approved total power procurement cost;

(b) when faced with emergency conditions that threaten the stability of the distribution system or when directed to do so by the State Load Despatch Centre to prevent grid failure.

(c) where the tariff for power procured under such agreement or arrangement is in accordance with guidelines for short-term procurement of power by distribution licensees through tariff based bidding process issued by the Central Government;

(d) when there is any contingency situation and power purchase price is within such ceiling price;

(e) procurement of short-term power through power-exchange; and

(f) procurement by way of exchange of energy under 'banking' transactions.

Provided that prior approval of the Commission and the ceiling rate shall not be applicable to the short term purchases under sub regulation (b) and (e) above.

(4) The Commission may stipulate the ceiling quantum and ceiling rate for purchase of power from short-term sources.

(5) Within fifteen days from the date of entering into an agreement or arrangement for short-term power procurement for which prior approval has not been obtained, the distribution business/licensee shall obtain the approval of the Commission by submitting full details of such agreement or arrangement, including quantum, tariff calculations, duration, supplier details, method for supplier selection and such other details as the Commission may require to assess that the conditions specified in this Regulation have been complied with."

8. The Ministry of Power, Government of India, under the provisions of Section 63 of the Electricity Act, 2003, notified the 'Guidelines for short-term (i.e. for a period of more than one day to one year) Procurement of Power by Distribution Licensees through Tariff based bidding process' vide notification dated 30.03.2016.
9. The Commission has appraised the petition filed by KSEB Ltd in detail as per the provisions of the Electricity Act, 2003, Tariff Regulations, 2018 and also as per the provisions of the guidelines notified by the Ministry of Power, Gol, and noted the following.

- (i) As extracted under paragraph 7 above, the Regulation 77 of the Tariff Regulations, 2018, the licensee KSEB Ltd can undertake additional short-term power procurement during the financial year, over and above the power procurement plan approved by the Commission.

As per the details submitted, KSEB Ltd expects an additional power demand of 180MW to 440MW in the months of April-2021 and May-2021 in view of the expected increase in demand due to summer and assembly elections scheduled.

- (ii) KSEB Ltd proposed to meet 50% of the anticipated energy shortage from short term power purchase through DEEP portal, as per the bidding guidelines notified by the Ministry of Power, Government of India, under the provisions of Section 63 of the Electricity Act, 2003, 'Guidelines for short-term (i.e. for a period of more than one day to one year) Procurement of Power by Distribution Licensees through Tariff based bidding process' vide notification dated 30.03.2016.
- (iii) Hence in order to meet the anticipated power shortages in the months of April- May-2021, KSEB Ltd was floated short-term tender in DEEP portal on 28.01.2021, as detailed below:

Requisition No	Period		Required quantity MW	Duration hrs
	From	To		
1	01-04-2021	30-04-2021	100	RTC
2	01-04-2021	30-04-2021	100	14-24
3	01-05-2021	31-05-2021	100	RTC
4	01-05-2021	31-05-2021	100	14-24

- (iv) Against the four requisitions floated by KSEB Ltd, 11 offers were received from various bidders. The technical bid was opened on 11.02.2021. The initial price offers submitted by the bidders was opened on 12.02.2021 followed by e- RA auction. The results of the e-RA for the requisite quantum is given below.

Period		Bid Qtm MW	Duration hrs	Offered Qtm MW	Price discovered Rs/kwh	Trader
From	To					
01-04-2021	15-04-2021	100	RTC	50	3.04	GMRETL
				50	3.04	AEL
01-04-2021	15-04-2021	100	14-24	50	3.40	GMRETL
				50	3.41	PTC
16-04-2021	30-04-2021	100	RTC	50	3.04	GMRETL
				50	3.04	AEL
16-04-2021	30-04-2021	100	14-24	50	3.42	GMRETL
				50	3.43	PTC

01-05-2021	15-05-2021	100	RTC	50	3.04	GMRETL
				50	3.04	AEL
01-05-2021	15-05-2021	100	14-24	50	3.47	GMRETL
				50	3.48	PTC
16-05-2021	31-05-2021	100	RTC	50	3.04	GMRETL
				50	3.04	AEL
16-05-2021	31-05-2021	100	14-24	50	3.47	GMRETL
				50	3.48	PTC

As detailed above, the price discovered through e-bidding followed by e-reverse auction, for 100MW RTC power is Rs 3.04/unit for the month of April-2021 and May-2021. The price discovered for 100MW power for 14:00 hrs to 24:00 hrs for the month of April-2021 is Rs 3.40/unit to Rs 3.41/unit and the same for May-2021 is Rs 3.47/unit to Rs 3.48/unit.

- (v) The Commission has also examined the procedure followed by KSEB Ltd for selecting the bidders through DEEP portal for the procurement of power on short-term basis for the month of April-2021 and May-2021. The Ministry of Power, Government of India vide notification dated 30.03.2016, notified the guidelines for short-term Procurement of Power by Distribution Licensees through Tariff based bidding process. The paragraph-5 of the bidding guidelines specifies the tariff structure to be quoted by the bidders, which is extracted below for ready reference.

**“5. Tariff Structure**

*5.1. The Procurer based on its requirement may invite the bids on round the clock (RTC) basis or for different time slots. Procurer may also provide flexibility to the Bidder(s) to bid for a part of the tendered quantity, subject to a given minimum quantity. Bid capacity offered by the Bidder shall have to be constant for the entire contract period.*

*5.2. The Bidder shall quote the single tariff at the Delivery Point upto three (3) decimals which shall include capacity charge, energy charge, trading margin (in case of Bidder being a Trader), applicable Point of Connection (POC) charges upto Delivery Point and all taxes, duties, cess etc. imposed by Central Govt. / State Govt. / Local bodies. Tariffs shall be designated in Indian Rupees only.*

*5.3. For inter-State transmission of power, state/regional periphery of the Procurer to be taken as Delivery Point. For intra-state transmission of power, inter-connection point of seller with STU/ CTU to be taken as Delivery Point.*

*5.4. For avoidance of doubt, Intra-state open access charges, transmission charges and losses along with POC injection charges and loss up to the POC interface are on Seller's account and POC drawl charges and losses along with intra-state open access, transmission charges and losses are on Procurer's account.*

*5.5. The tariff should be constant and there shall be no escalation during the contractual period. If Bids are invited for different time slots then tariff may be different for each time slot.*

*5.6. If the power is being supplied through alternate source, additional charges and losses if any, due to cancellation of existing corridor and booking of new corridor etc., shall be to the account of Bidders.”*

- (vi) The Commission noted that, KSEB Ltd has followed the guidelines notified by the Ministry of Power, Government of India vide notification dated 30.03.2016 for the selection of bidders.
- (vii) The Commission has also examined the price discovered for the RTC power and peak power, with the rate of power in the power exchanges during the same months in the last three years from 2017 to 2019 and also noted that the price discovered is competitive and reasonable when comparing with the recently concluded long term contracts, The Commission also noted that, the arrangements for short-term power purchase as above is for meeting the anticipated power shortages in the months of April 2021 and May 2021, and to avoid power crisis in the State. KSEB Ltd also submitted during the hearing that, the price quoted is the delivery price at Kerala periphery and no additional charges including transmission charges, losses and trading margin is involved in the transactions.

Considering the entire aspects in detail as above, the Commission, approves the short term power procurement made by KSEB Ltd for meeting the power deficit during April-2021 and May-2021, as detailed under paragraph 1 above, subject to the conditions specified in this Order.

### **Order of the Commission**

- 10. The Commission, after examining the petition filed by KSEB Ltd dated 16.02.2021, with provisions of the Electricity Act, 2003, Tariff Regulations, 2018 and other relevant guidelines and procedures, hereby orders the following;
  - (1) Adopt the tariff discovered in accordance with Section 63 of the Electricity Act 2003, as brought out in Para 9 (iv) of this Order and also grant approval for entering into short term power procurement arrangement with GMR Energy Trading Ltd (GMRETL), Adani Enterprises Ltd (AEL) and PTC India Ltd (PTC), selected through DEEP portal for meeting the power deficit of the State during the months of April-2021 and May-2021, as detailed under paragraph-1 above, subject to the terms and conditions stipulated below.
  - (2) The tariff is shall be single part at the delivery point at Kerala periphery and include all charges such as capacity charge, energy charge, trading margin (if applicable), POC and/or transmission charges upto the

delivery point, and all taxes, duties, cess etc. imposed by the Central Government, State Government, Local bodies etc.

- (3) KSEB Ltd shall submit a copy of the signed PPA before the Commission for information and record.

The petition disposed of.

**Sd/-**  
Adv. A.J. Wilson  
Member(Law)

**Sd/-**  
Preman Dinaraj  
Chairman

Approved for issue

C R Satheeshchandran  
Secretary ( i/c)